

DOCTRINE AND DISCIPLINE OF DIVORCE:

By JOHN MILTON.

WITH

References to Events of deep and powerful Interest at the present Crisis ;

INSCRIBED

TO THE EARL OF LIVERPOOL.

BY A CIVILIAN

" Crede mihi, non est parvae fiducia polliceri operi decertantibus, consilium
dubium,

Inimicis coecis, spem dejectis, refrigeriis fessis. Magna quidem haec sunt, si fuerint
tibi ;'

parva, si promittantur," PETRARCH :- De Vita Solitaria.

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TO THE RIGHT HONOURABLE THE

EARL OF LIVERPOOL -

MY LORD,

The name of Milton requires

not the sanction of rank or greatness :

But as the subject of the present volume

must necessarily engage the deep attention

of his Majesty's Government ; and as there

is no other work in which that subject is

so ably and impartially discussed, I have

presumed to inscribe it to your Lordship –

and am, my Lord, with profound respect,

Yoir Lordship's most

Obedient Servant,

THE EDITOR.

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PREFACE

BY

THE EDITOR

Public opinion whether founded in truth or falsehood is uncontrollable* The institutions of religion and the laws of society may oppose formidable barriers to restrain, but they must ultimately yield to its influence. It is the irrevocable law of human nature that the general will consentaneously and firmly expressed shall triumph. Erroneous opinion, the result of ignorance and prejudice, and sanctioned by custom, has ever been mighty for evil, and in the ages that are past has exercised and maintained an almost omnipotent dominion. Against this usurpation of her throne. Truth has modestly ventured to assert her claims ; but her voice has been drowned in the loud clamour of popular indignation, and those who with super-human courage have dared to espouse her cause have been vicariously immolated to appease the daemon invested with her awful and high prerogatives. Many a victim has perished in the gloom

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of a dungeon and expired on the scaffold, and at the stake. The very weapons of truth as well as her advocates have been violently wrested from her defence. It has been deemed high treason against established authority to seek her in the exile to which she has been driven, or to make an appeal

in her behalf through the various mediums of public and accredited instruction. The pulpit, the press, and the intercourse of social life have been placed under the severe interdiction of uttering an expression or a thought that would seem to favour the most trivial of her interests. The world has never been her friend nor the world's law. Whatever she has acquired have been the laurels of dearly purchased victories, achieved by the prowess and sufferings of her champions and martyrs. Like her glorious prototype it has been her lot to be despised and rejected of men. Still, however, in the darkest periods, and amidst the insolent triumphs of her adversaries, a few there have been who have sought her sorrowing, who have paid her the homage of their tears, and who have dared though their lives and estates were the instant forfeiture, to proclaim her the sovereign mistress of their destiny. Chivalrous and brave, they have loved persecution for her sake, and her smile, the smile of immortality has irradiated with glory the disgrace which settled upon

their tomb.

But let it not be imagined that their conflicts and their woes have been wasted in vain attempts to raise a fallen greatness. Not an effort, not a paragon

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has been lost. Error has trembled on her throne and her prophetic soul even now writhes in dread

anticipation of her fate. That throne she must abandon ; -- the rightful majesty so long expelled returns with a crown of insufferable brightness, too dazzling for the misty eye-balls of falsehood, and of her impious train to look upon. The mightiest names are enrolled in her list of worthies. Law she has emancipated from the trammels of feudal barbarism ; science from the restrictions of the schools ; and religion from the manacles of superstition. Self-evident truths, as they were once deemed, are now denounced as exploded puerilities ; and men whose names were synonymous with infamy, Galileo and Milton, and others, are heard with admiration and reverence. The minds, even of the common vulgar, are no longer confined within the narrow prejudices which once seemed to be their sad and perpetual inheritance. Bold and singular opinions walk abroad with fearless independence challenging investigation ; -- the press is compara-

tively free, and nothing but licentiousness, treason,

and blasphemy are prohibited or restrained. The present age, thanks to the achievements of the wise and good, may be considered as the commencement of the Millennium of truth. Ancient and forgotten doctrines which were uttered in unheeding ears, or which were heard only to be reprobated, possessing still the vigour of immortality which obscurity and neglect could never impair, because they were homogenous parts of that truth, every particle of which must live for ever, now venture

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forth, favoured by the spirit of the age, to plead for themselves ; and though their progress is confessedly slow, and they have still to contend with inveterate prejudice, yet every day enlarges the sphere of their influence, and increases the weight of their authority.

It has, also, sometimes happened, in furtherance of the cause of knowledge and consequently of happiness, that the errors and evils which, for centuries, have triumphed over the human mind, and perverted the laws and institutions of society, have at length run themselves out ; or circumstances have arisen to expose their absurdity, or to abrogate their power.

A great vital question involving the interests of morality and religion, and deeply affecting the well being of the community, it is probable will be brought under discussion by the unhappy differences which prevail between the most illustrious personages in the realm, and which agitate, in an unexampled and most alarming degree, the feelings and passions of the whole nation.

It will, perhaps, not be deemed too much to affirm, that if the laws regarding royal marriages had been consonant either with reason or religion, or if the subject of divorce, as it regards the community in general, had been properly understood and embodied, in our canon and civil codes that what we

now so deeply deplore, could not have taken place ; and that the two distinguished individuals who occupy a station of such distressing celebrity.

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could never have been obtruded upon the public, under circumstances so agonizing to their feelings, and so injurious to their dignity.

If, however, from this lamented and partial calamity, general benefit should arise and the public mind should be enlightened to the right

understanding of the nature of the marriage con-

tract, and the limits of the obligation which it imposes, and that public mind so enlightened, should express its will in the high court of Parliament, abrogating every irrational, impolitic, and anti-Christian canon and statute, the domestic misfortunes of the royal family will have a mitigation and relief which will reconcile the illustrious sufferers to the evils which they endure ; because they will enjoy the generous consolation of knowing that these evils can never again be inflicted, either upon the prince or the people.

Alas ! how many thousands, as well as their majesties, are the victims of a barbarism as foreign from the spirit and improvement of the age, as it is repugnant to the mild and equitable requirements of the Christian law-giver. In how many miser-

able families, are the greatest and best ends of marriage altogether frustrated ! Yet, can the injured obtain no redress ; and their wretchedness is aggravated by the bitter reflection, that it can terminate only with life.

The present work of Milton is re-published, because it is the only book on this great and momentous subject, which is at the same time full and

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compendious ; which argues the whole question

with fairness and impartiality, appealing to every principle of reason, and every dictate of scripture ; which is learned, and yet popular ; which cites the best authorities, and refutes the strongest objections ; and which will amply re-pay every reader that sits down to its perusal, if not by making him a convert to its doctrines, yet by enriching his mind with various knowledge, and delighting his imagination with the charms of wit and eloquence.

It was originally addressed to the Parliament of England ; and though it failed in the principal object which its author purposed, yet it was read and approved by philosophers and statesmen. Nor w[^]as it wholly without effect ; there were not a few who embraced the Doctrine, and obeyed the Discipline of Divorce.*

* Dr. Symmons, perhaps the most impartial biographer of Milton, says " On the subject of Divorce, he makes out a strong case, and fights with arguments which cannot be easily repelled. The whole context of the Holy Scriptures, the laws of the first Christian Emperors, the opinions of some of the most eminent reformers, and a projected statute of Edward the Sixth, are adduced by him for the purpose of demonstrating that by the laws of God, and by the inferences of the most virtuous and enlightened men, the power of divorce ought not to be rigidly restricted to those causes, which render the nuptial state unfruitful, or which taint it with a spurious offspring. Regarding

ing mutual support as the principal object of this union, he

contends that whatever defrauds it of these ends, essentially vitiates the contract, and must necessarily justify its dissolution.

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It was violently attacked by the Presbyterian Clergy ; nor can such a writer as Milton, ever prove acceptable to the bigots of any sect.

Whether our senators and the people at large are prepared to meet this great subject, and fearlessly to act upon the dictates of truth and charity ; or whether, devoted to established custom and ancient institutions, they resolve not to change an iota of things as they are ; yet will the present work, if read with attention, abate certain popular prejudices, and assuage certain irritable feelings

which have betrayed a large portion of our people into the expression of something like injustice towards one suffering party, and induced them to give all their sympathy and regret, with an inconsiderate zeal, to the woes and misfortunes of the other.

Without venturing to anticipate the topics which form the basis of the following tracts, and without

Though his arguments failed, and indeed, they could not reasonably hope to produce general conviction, their effect was

far from inconsiderable ; and a party distinguished by the name

of Miltonists, attested the power of his pen, and gave consequence to his pleading for divorce. The legislature however, coinciding evidently with a large majority of the nation, seem to have considered the evil resulting from the indissolubleness of marriage, as not to be weighed against the greater good ; and their wisdom permitted the abilities of Milton to be exerted in vain against that condition of the contract, which provided the most effectually for the interest of the offspring, and which offered the best means of intimately blending the fortunes, the tempers, and the manners of the parents,'*

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offering any very decided opinion as to the practicability of the discipline which the author strenuously recommends, it may be fairly presumed, that the general unhappiness of married life proceeds from some grand and fundamental error in

the laws and canons which respect divorce ; and that this law is perhaps founded on some vital mistake with regard to the institution of marriage itself. Matrimony certainly partakes more of the nature of a civil contract, than of that of a religious obligation ; and is a totally different thing from what either Popish or Protestant Churches in general represent it to be. It is not a necessary and permitted evil, as Popery insinuates ; nor is it an intolerable burthen, and a cleaving curse for life, as some Protestant Churches have decreed, Jeremy

Taylor has beautifully observed, that " the first

blessing God gave to man, was society ; and that society was a marriage ; and that marriage was confederate by God himself, and hallowed by a blessing. It contains in it all sweetness, and all society and felicity, and all prudence, and all wisdom. For there is nothing can please a man without love. And if a man be weary of the wise discourses of the apostles, and of the innocency of an even and a private fortune, or hates peace or a fruitful year, he hath reaped thorns and thistles from the choicest flowers of Paradise ; for nothing can sweeten felicity itself but love. But when a man dwells in love, then the breasts of his wife are pleasant as the droppings

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of the hill of Hermon, her eyes are fair as the light of heaven, she is a fountain sealed, and he

can quench his thirst, and ease his cares, and lay his sorrow down upon her lap, and can retire home, as to his sanctuary and his garden of sweetness and chaste refreshments. But he that loves not his wife and children, feeds a lioness at home, and broods a nest of sorrows, and blessing itself cannot make him happy. So that all the commandments of God enjoining a man to love his wife are nothing but so many necessities and capacities of joy ; she that is loved is safe, and he that loves is joyful.'^ But when in the married state there is

discovered by the parties a total want of congenia-

lity, an absolute incapacity to promote each other's felicity, even the command of Heaven cannot avail to constrain love ; and laws and obligations which make a contract eternal, in which it is impossible for the individuals who have made it to fulfil any of its conditions, can be nothing less than the most odious and oppressive tyranny. A tyranny, which the wise and good governor of the universe could never exercise. Heaven has ordained that they who marry should be a help meet to each other, and Milton, in his immortal Poem, introduces our first parent, thus addressing his Creator.

" Hast thou not made (here thy substitute)

•* And these inferior far beneath (me set)

** Among unequal what society

•* Can sort, what harmony or true delight ?

'• Which must be mutual in (portion due

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" Giv'n and receivM ; hut m disparity

•* The one intense, the other still remiss,

" Cannot well suit with either, but soon prove

" Tedious alike : Of fellowship I speak,

** Such as I seek, fit to participate

*« All rational delight."—

But it is " the unhappy chance of many men, finding (as Taylor quaintly expresses it,) many inconveniencies upon the mountains of a single life to descend into the vallies of marriage to refresh their troubles ; and there they enter into fetters, and are bound to sorrow by the cords of a woman's |)eevishness ; and the worst of the evil is, they have to thank their own folly." But may we not ask, with some degree of indignation, whether justice or humanity can require such an outrageous punishment of mere folly and mistake ? Is it not an infliction that we should deprecate falling on the head of the most atrocious criminal ? And may we not hope, that amidst the rapid improvement in political science and legislation that the counsels of the wise, and the efforts of the benevolent will prepare an effectual remedy for this evil, which, according to present intitutions, is lengthened to the utmost period of the life of man ?

Of Milton himself it is no longer necessary to speak either in the language of censure or applause. He has gained the summit of the immortality to which he knew the justice of mankind would one day advance him. But it is impossible to reflect on his noble struggles in the cause of his country with-

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out admiration. He presents to the imagination one of the most sublime and affecting moral spectacles ever exhibited in human nature. "• My mind/' says Coleridge, (and with this quotation I shall close my observations) "is not capable of forming a more august conception, than arises from the contemplation of this great man in his latter days ; poor, sick, old, blind, slandered, persecuted

** Darkness before, and Danger's voice behind,"

in an age in which he was as little understood by the party for whom, as by that against whom he had contended ; and among men before whom he strode so far as to dwarf himself by the distance ; yet still listening to the music of his own thoughts or if additionally cheered, yet cheered only by the prophetic faith of two or three individuals, he did nevertheless

Argue not

** Against heaven*s hand or will, nor bate a jot
" Of heart or hope ; but still bore up and steer'd
*^ Right onward."

From others only do we derive our knowledge
that Milton in his latter day had his scorners and

detractors ; and even in his day of youth and hope,

that he had enemies would have been unknown to
us, had they not been likewise the enemies of his
country."

TO THE

PARLIAMENT OF ENGLAND,

WITH

THE ASSEMBLY.

If it were seriously asked, (and it would be no untimely question,) renowned parliament, select assembly ! who of all teachers and masters, that have ever taught, hath drawn the most disciples after him, both in religion and in manners ? it might be not untruly answered, Custom. Though virtue be commended for the most persuasive in her theory, and conscience in the plain demonstration of the spirit finds most evincing; yet whether it be the secret of Divine will, or the original blindness we

are born in, so it happens for the most part, that

custom still is silently received for the best instructor. Except it be, because her method is

t TO THK PARLIAMENT OF ENGLAND.

SO glib and easy, in some manner like to that vision of Ezekiel rolling up her sudden book of implicit knowledge, for him that will to take and swallow down at pleasure ; which proving but of bad nourishment in the concoction, as it was heedless in the devouring, puffs up unhealthily a certain big face of pretended learning, mistaken among credulous men for the wholesome habit of soundness and good constitution, but is indeed no other than that swoln visage of counterfeit knowledge and literature, which not only in private mars our education, but also in public is the common climber into every chair, where either religion is preached, or law reported : filling each estate of life and profes-

sion with abject and servile principles, depressing the high and heaven-born spirit of man, far beneath the condition wherein either God created him, or sin hath sunk him.- To pursue the allegory, custom being but a mere face, as echo is a mere voice, rests not in her unaccomplishment, until, by secret inclination, she accorporate herself with error, who, being a blind and serpentine body without a head, wilhngly. accepts what he wants, and supplies what her incompleteness went seeking. Hence it is, that error supports custom – custom countenances error :

and these two between them would persecute and

chase away all truth and solid wisdom out of human life, were.it not that God, rather than man, once in many' ages calls together the prudent and religious counsels of men, deputed to repress the encroachments, and to work off the inveterate blots and

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obscurities wrought upon our minds by the subtle ' insinuator of error and custom ; who, with the numerous and vulgar train of their followers, make it their chief design to envy and cry down the industry of free reasoning, under the terms of humour and innovation ; as if the womb of teeming truth were to be closed up, if she presume to bring forth aught that sorts not with their unchewed notions and suppositions. Against which notorious injury and abuse of man's free soul, to testify and oppose the utmost that study and true labour can attain,

heretofore the incitement of men reputed grave hath .
led me among others ; and now the duty and the
right of an instructed Christian calls me through
the chance of good or evil report, to be the sole
advocate of a discountenanced truth, if a high en-
terprise, lords and commons! a high enterprise
and a hard, and such as evei-y seventh son of a
seventh son does not venture on. Nor have I .
amidst the clamour of so much envy and imperti-
nence whither to appeal^ but to the concourse of so
much piety and wisdom here assembled. Bringing

in my hands an ancient and most necessary,^ most

charitable, and yet most injured statute of Moses ;
not repealed ever by him who only had the au-
thority, but thrown aside with much inconsiderate
neglect, under the rubbish of canonical ignorance ;
as once the whole law was by some such like con-
veyance in Josiah's time. And he who shall en-
deavour the amendment of any old neglected griev-
ance in church or state, or in the daily course of

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if TO THE PARLIAMENT OF ENGLAND.

life, if he be gifted with abilities of mind, that may
raise him to so high an undertaking, I grant he
hath already much whereof not to repent him ; yet
let me aread him, not to be the foreman of any
mis-judged opinion, unless his resolutions be firmly
seated in a square and constant mind, not conscious
to itself of any deserved blame, and regardless of

ungrounded suspicions. For this let him be sure he shall be boarded presently by the ruder sort, but not by discreet and well-nurtured men, with a thousand idle descants and surmises. Who when they cannot confute the least joint or sinew of any passage in the book ; yet God forbid that truth should be truth, because they have a boisterous conceit of some pretences in the writer. But were they not more busy and inquisitive than the apostle commends, they would hear him at least, " rejoicing so the truth be preached, whether of envy or other

pi^etence whatsoever -J* for truth is as impossible

to be soiled by any outward touch as the sun-beam ; though this ill hap wait on her nativity, that she never comes into the world, but like a bastard, to the ignominy of him that brought her forth ; till time, the midwife rather than the mother of truth, have washed and salted the infant, declared her legitimate, and churched the father of his young Minerva, from the needless causes of his purgation. Yourselves can best witness this, worthy patriots ! and better will, no doubt, hereafter: for who among ye of the foremost that have travailed in her behalf to the good of church or state, hath not been often?

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traduced to be the agent of his own by-ends, under pretext of reformation ? So much the more I shall not be unjust to hope, that however infamy or envy may work in other men to do her fretful will

against this discourse, yet that the experience of your own uprightness mis-interpreted will put ye in mind, to give it free audience and generous construction. What though the brood of Belial, the draff of men, to whom no liberty is pleasing, but unbridled and vagabond lust without pale or partition, will laugh broad perhaps, to see so great a strength of scripture mustering up in favour, as they suppose, of their debaucheries ; they will know better when they shall hence learn, that honest liberty is the greatest foe to dishonest licence. And what

though others, out of a waterish and queasy con-

science, because ever crazy and never yet sound, will rail and fancy to themselves that injury and licence is the best of this book ? Did not the distemper of their own stomachs affect them with a dizzy megrim, they would soon tie up their tongues, and discern themselves like that Assyrian blasphemer, all this while reproaching not man, but the Almighty, the Holy One of Israel, whom they do not deny to have belawgiven his own sacred people with this very allowance, which they now call injury and licence, and dare cry shame on, and will do yet a while, till they get a little cordial sobriety to settle their qualming zeal. But this question concerns not us perhaps : indeed man's disposition, though prone to search after vain cu-

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riosities, yet when points of difficulty are to be

discussed, appertaining to the removal of unreasonable wrong and burden from the perplexed life of our brother, it is incredible how cold, how dull, and far from all fellow-feeling we are, without the spur of self-concernment. Yet if the wisdom, the justice, the purity of God be to be cleared from foulest imputations, which are not yet avoided; if charity be not to be degraded and trodden down under a civil ordinance ; if matrimony be not to be advanced like that exalted perdition written of to the Thessalonians, " above all that is called

God,'^ or goodness, nay against them both ; then

I dare affirm, there will be found in the contents of this book that which may concern us all, You it concerns chiefly, worthies in par^liament ! on whom, as on our deliverers, all our grievances and cares, by the merit of your eminence and fortitude, are devolved. Me it concerns next, having with much labour and faithful diligence first found out, or at least with a fearless and communicative candour first published to the manifest good of Christendom, that which, calling to witness every thing mortal and immortal, I believe unfeignedly to be true. Let not other men think their conscience bound to search continually after truth, to pray for enlightening from above, to publish what they think they have so obtained, and debar me from conceiving myself tied by the same duties. Ye have now, doubtless, by the favour and appoiatment of God, ye have now in your hands a

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great and populous nation to reform ; from what corruption, what blindness in religion, ye know well ; in what a degenerate and fallen spirit from the apprehension of native liberty, and true manliness, I am sure ye find ; with what unbounded licence rushing to whoredoms and adulteries^ needs not long inquiry ; insomuch that the fears, which men have of too strict a discipline, perhaps exceed the hopes, that can be in others, of ever introducing

it with any great success. What if I should tell ye

now of dispensations and indulgencies, to give a little the reins, to let them play and nibble with the bait a while ; a people as hard of heart as that Egyptian colony that went to Canaan. This is the common doctrine that adulterous and injurious divorces were not connived at only, but with eye open allowed of old for hardness of heart. But that opinion, I trust, by then this following argument hath been well read, will be left for one of the mysteries of an indulgent Antichrist, to farm out incest by, and those his other tributary pollutions. What middle way can be taken then, may some interrupt, if we must neither turn to the right nor to the left, and that the people hate to be reformed } Mark then, judges and lawgivers, and ye whose office it is to be our teachers, for I will utter now a doctrine, if ever any other, though neglected or not understood, yet of great and powerful importance to the governing of mankind. He who wisely would restrain the reasonable soul of man within due bounds, must first himself know perfectly, how far the territory and

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dominion extends of just and honest liberty. As little must he offer to bind that which God hath loosened, as to loosen that which he hath bound. The ignorance and mistake of this high point hath heaped up one huge half of all the misery, that hath been since Adam. In the gospel we shall read a

supercilious crew of masters, whose holiness, or

rather whose evil eye, grieving that God should be so facile to man, was to set straighter limits to obedience, than God hath set, to enslave the dignity of man, to put a garrison upon his neck of empty and over dignified precepts : and we shall read our Saviour never more grieved and troubled, than to meet with such a peevish madness among men against their own freedom. How can we expect him to be less offended with us, when much of the same folly shall be found yet remaining where it least ought, to the perishing of thousands? The greatest burden in the world is superstition, not only of ceremonies in the church, but of imaginary and scare-crow sins at home. With greater weakening, what more subtle stratagem against our Christian warfare, when besides the gross body of real transgressions to encounter, we shall be terrified by a vain and shadowy menacing of faults that are not : when things indifferent shall be set to overfront us under the banners of sin, what wonder if we be routed, and by this art of our adversary, fall into

the subjection of worst and deadliest offences?

The superstition of the papist is, " touch not, taste not," when God bids both ; and ours is, " part not,

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separate not," when God and charity both permit and command. " Let all your things be done with charity/' saith St. Paul ; and his master saith,

*' She is the fulfilling of the law." Yet now a c . il,

jand indifferent, a sometime dissuaded law of marriage, must be forced upon us to fulfil, not only without charity, but against her. No place in Heaven or earth, except Hell, where charity may not enter : yet marriage, the ordinance of our solace and contentment, the remedy of our loneliness, will not admit now either of charity or mercy, to come in and mediate, or pacify the fierceness of this gentle ordinance, the unremedied loneliness of this remedy. Advise ye well, supreme senate, if charity be thus excluded and expulsed, how ye will defend the untainted honour of your own actions and proceedings. He who marries, intends as little to conspire his own ruin, as he that swears allegiance : and as a whole people is in proportion to an ill government, so is one man to an ill marriage. If they, against any authority, covenant, or statute, may by the sovereign edict of charity, save not only their lives, but honest liberties from unworthy bondage, as well may he against any private covenant, which he never entered to his

mischief, redeem himself from unsupportable disturbances to honest peace, and just contentment : and much the rather, for that to resist the highest magistrate though tyrannizing, God never gave us express allowance, only he gave us reason, charity, nature, and good example to bear us out ; but in

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this economical misfortune thus to demean our-

selves, besides the warrant of those four great directors, which doth as justly belong hither, we have an express law of God, and such a law, as whereof our Saviour with a solemn threat forbid the abrogating. For no effect of tyranny can sit more heavy on the commonwealth, than this household unhappiness on the family. And farewell all hope of true reformation in' the state, while such an evil as this lies undiscerned or unregarded in the house: on the redress whereof depends not only the spiritual and orderly hfe of our grown men, but the willing and careful education of our children. Let this therefore be new examined, this tenure and freehold of mankind, this native and domestic charter given us by a greater lord than that Saxon king the confessor. Let the statutes of God be turned over, be scanned anew, and considered not altogether by the narrow intellectuals of quotationists and common places, but (as was the ancient right of councils) by men of what liberal profession soever, of eminent spirit and breeding, joined with a diffuse and various

knowledge of divine and human things ; able to balance and define good and evil, right and wrong, throughout every state of life ; able to show us the ways of the Lord straight and faithful as they are, not full of cranks and contradictions, and pit-faUing dispenses, but with divine insight and benignity measured out to the proportion of each mind and spirit, each temper and disposition created so different each from other, and yet by the skill of wise

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conducting, all to become uniform in virtue. To expedite these knots, were worthy a learned and memorable synod ; while our enemies expect to see the expectation of the church tired out with dependencies and independencies how they will compound, and in what calends. Doubt not worthy seaators ! to vindicate the sacred honour and judgment of Moses your predecessor, from the shallow commenting of scholastics and canonists. Doubt not after him to reach out your steady hands to the mis-informed and wearied life of man ; to restore this his lost heritage, into the household state ; wherewith be sure that peace and love, the best subsistence of a Christian family, will return home from whence they are now banished : places of prostitution will be less haunted, the neighbour's bed less attempted, the yoke of prudent and manly discipline will be generally submitted to; sober and well ordered living will soon spring up in the

commonwealth. Ye have an author great beyond exception, Moses ; and one yet greater, he who hedged in from abolishing every smallest jot and tittle of precious equity contained in that law, with a more accurate and lasting Masoreth, than either the synagogue of Ezra or the Galilaeen school at Tiberias hath left us. Whatever else ye can enact, will scarce concern a third part of the British name: but the benefit and good of this your magnanimous example, will easily spread far beyond the banks of Tweed and the Norman isles. It would not be

the first or second time, since our ancient. Druids.

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by whom this island was the cathedral of philosophy to France, left off their pagan rites, that England hath had this honour vouchsafed from Heaven, to give out reformation to the world. Who was it but our English Constantine that baptized the Roman empire ? Who but the Northumbrian Willibrode, and Winifride of Devon, with their followers, were the first apostles of Germany ? Who but Alcuin and Wickliff our countrymen opened the eyes of Europe, the one in arts, the other in religion ? Let not England forget her precedence of teaching nations how to live.

Know, worthies ; and exercise the privilege of your honoured country. A greater title I here bring ye, than is either in the power or in the policy of Rome

to give her Monarchs ; this glorious act will style
ye the defenders of Charity. Nor is this yet the
highest inscription that will adorn so religious and
so holy a defence as this : behold here the pure and
sacred law of God and his yet purer and more
sacred name offering themselves to you, first of all
Christian reformers to be acquitted from the long
suffered ungodly attribute of patronizing adultery.
Defer not to wipe off instantly these imputative
blurs and stains cast by rude fancies upon the
throne and beauty itself of inviolable holiness : lest

some other people more devout and wise than we

bereave us this offered immortal glory, our wonted
prerogative, of being the first asserters in every
great vindication. For me, as far as my part leads
me, I have already my greatest gain, assurance and

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inward satisfaction to have done in this nothing
unworthy of an honest life, and studies well em-
ployed. With what event, among the wise and
right understanding handful of men, I am secure.
But how among the drove of custom and prejudice
this will be relished by such whose capacity, since
their youth run a-head into the easy creek of a system
or a medulla, sails there at will under the blown
physiognomy of their unlaboured rudiments ; for
them, what their taste will be, I have also surety
sufficient, from the entire league that hath ever been
between formal ignorance and grave obstinacy.

Yet when I remember the little that our Saviour could prevail about this doctrine of charity against the crabbed textuists of his time, I make no wonder, but rest confident, that whoso prefers either matrimony or other ordinance before the good of man and the plain exigence of charity, let him profess papist, or protestant, or what he will, he is no better than a pharisee, and understands not the gospel : whom as a mis-interpreter of Christ I openly protest against ; and provoke him to the trial of this truth before all the world : and let him bethink him

withal how he will fodder up the shifting flaws of

his ungirt permissions, his venial and unvenial dispenses, wherewith the law of God pardoning and unpardoning hath been shamefully branded for want of heed in glossing, to have eluded and baffled out all faith and chastity from the marriage bed of that holy seed, with politic and judicial adulteries. I seek not to seduce the simple and illiterate ; my

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errand is to find out the choicest and the learnedest, who have this high gift of wisdom to answer sohdly, or to be convinced. I crave it from the piety, the learning, and the prudence . which is housed in this place. It might perhaps more fitly have been written in another tongue : and I had done so* but that the esteem I have of my country's judgment, and the love I bear to my native language to serve it first with what I endeavour, made me speak

it thus, ere I assay the verdict of outlandish readers.
And perhaps also here I might have ended name-
less, but that the address of these lines chiefly to
the Parliament of England might have seemed in-
grateful not to acknowledge by whose religious
care, unwearied watchfulness, courageous and heroic
resolutions, I enjoy the peace and studious leisure
to remain,

The Honourer and Attendant of their noble
Worth and Virtues,

John Milton.

THE

DOCTRINE AND DISCIPLINE

OF

DIVORCE;

RESTORED TO THE GOOD OF BOTH SEXES.

BOOK I.

THE PREFACE.

That man is the occasion of his own miseries in most of those evils which he imputes to God's inflicting. The absurdity of our canonists in their decrees about divorce. The Christian imperial laws framed with more equity. The opinion of Hugo Grotius and Paulus Fagius : And the purpose in general of this discourse.

Many men, whether it be their fate or fond opinion, easily persuade themselves, if God would but be pleased a while to withdraw his just punishments

from us, and to restrain what power either the

devil or any earthly enemy hath to work us wo, that, then man's nature would find immediate rest and releasement from all evils. But verily they who think so, if they be such as have a mind large enough to take into their thoughts a general survey of human things, would soon prove themselves in that opinion far deceived. For though it were granted

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US by Divine indulgence to be exempt from all that can be harmful to us from without, yet the perverseness of our folly is so bent, that we should never lin hammering out of our own hearts, as it were out of a flinty the seeds and sparkles of new misery to ourselves, till all were in a blaze again. And no marvel if out of our own hearts, for they are evil; but even out of those things which God meant us, either for a principal good, or a pure

contentment, we are still hatching and contriving upon ourselves matter of continual sorrow and perplexity. What greater good to man than that revealed rule, whereby God vouchsafes to show us how he would be worshipped ? And yet that not rightly understood became the cause, that once a famous man in Israel could not but oblige his conscience to be the sacrificer ; or if not, the gaoler of his innocent and only daughter : and was the cause oftentimes that armies of valiant men have given up their throats to a heathenish enemy on the sabbath

day ; fondly thinking their defensive resistance to

be as then a work unlawful. What thing more instituted to the solace and delight of man than marriage ? And yet the mis-interpreting of some Scripture, directed mainly against the abusers of the law for divorce given by Moses, hath changed the blessing of matrimony not seldom into a familiar and co-inhabiting mischief; at least into a drooping and disconsolate household captivity, without refuge or redemption. So ungoverned and so wild a race doth superstition run us, from one extreme of abused

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liberty into the otlier of unmerciful restraint. For although God in the first ordaining of marriage taught us to what end he did it, in words expressly implying the apt and cheerful conversation of man with woman, to comfort and refresh him against the evil of solitary life, not mentioning the purpose of

generation till afterwards, as being but a secondary end in dignity, though not in necessity : yet now, if any two be but once handed in the church, and have tasted in any sort the nuptial bed, let them find themselves never so mistaken in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts, and constitutions, they can neither be to one another a remedy against loneliness, nor live in any union or contentment all their days ; yet they shall, so they be but found suitably weaponed

to the least possibility of sensual enjoyment, be

made, spightof antipathy, to fadge together, and combine as they may to their unspeakable wearisomeness, and despair of all social delight in the ordinance which God established to that very end.

What a calamity is this, and as the wise man, if he were alive, would sigh out in his own phrase, what a " sore evil is this under the sun !" All which we can refer justly to no other author than the canon law and her adherents, not consulting with charity, the interpreter and guide of our faith, but resting in the mere element of the text ; doubtless by the policy of the devil to make that gracious ordinance become unsupportable, that what with men not

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daring to venture upon wedlock, and what with men

wearied out of it, all inordinate hence might abound.

It was for many ages that marriage lay in disgrace with most of the ancient doctors, as a work of the flesh, almost a defilement, wholly denied to priests, and the second time dissuaded to all, as he that reads Tertullian or Jerom may see at large. Afterwards it was thought so sacramental, that no adultery or desertion could dissolve it ; and this is the sense of our canon courts in England to this day, but in no other reformed church else : yet there remains in them also a burden on it as heavy as the

other two were disgraceful or superstitious, and of

as much iniquity, crossing a law not only written by Moses, but characted in us by nature, of more antiquity and deeper ground than marriage itself; which law is to force nothing against the faultless proprieties of nature, yet that this may be colourably be done, our Saviour's words touching divorce are, as it were, congealed into a stony rigour, inconsistent both with his doctrine and his office ; and that which he preached only to the conscience is by canonical tyranny snatched into the compulsive censure of a judicial court ; where laws are imposed even against the venerable and secret power of nature's impression, to love, whatever cause be found to loath r which is a heinous barbarism both against the honour of marriage, the dignity of man and his soul, the goodness of Christianity, and all the human respects of civility. Notwithstanding that some the wisest and gravest

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among the Christian emperors, who had about them, to consult with, those of the fathers their living; who for their learning and holiness of life are still with us in great renown, have made their statutes and edicts concerning this debate far more easy and relenting in many necessary easings, wherein the canon is inflexible. And Hugo Grotius, a man of these times, one of the best learned, seems not obscurely to adhere in his persuasion to the

equity of those imperial decrees, in his notes upon

the Evangelists; much allaying the outward roughness of the text, which hath for the most part been too immoderately expounded; and excites the diligence of others to inquire further into this question as containing many points that have not yet been explained. Which ever likely to remain intricate, and hopeless upon the suppositions commonly stuck to, the authority of Paulus Fagius, one so learned and so eminent in England once, if it might persuade, would straight acquaint us with a solution of these differences no less prudent than compendious. He, in his comment on the Pentateuch, doubted not to maintain that divorces might be as lawfully permitted by the magistrate to Christians, as they were to the Jews. But because he is but brief, and these things of great consequence not to be kept obscure, I shall conceive it nothing above my duty, either for the difficulty or the censure that may pass thereon, to communicate such thoughts as I also have had, and do offer them now in this general labour of reformation to the candid

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view both of church and magistrate ; especially because I see it the hope of good men, that those irregular and unspiritual courts have spun their utmost date in this land, and some better course

must now be constituted. This therefore shall be

the task and period of this discourse to prove, First, that other reasons of divorce, besides adultery, were by the law of Moses, and are yet to be allowed by the Christian magistrate as a piece of justice, and that the words of Christ are not hereby contraried. Secondly, that to prohibit absolutely any divorce whatsoever, except those which Moses excepted, is against the reason of law ; – as in due place I shall show out of Fagius with many additions. He therefore who by adventuring, shall be so happy as with success to light the way of such an expedient liberty and truth as this, shall restore the much wronged and over sorrowed state of matrimony, not only to those merciful and life giving remedies of Moses, but as much as may be, to that serene and blissful condition it was in at the beginning, and shall deserve of all apprehensive men, (considering the troubles and distempers, which, for want of this insight have been so oft in kingdoms, in states, and families) shall deserve to be reckoned among the public benefactors of civil and human life, above

the inventors of wine and oil ; for this is a far dearer, far nobler, and more desirable cherishing to man's life, unworthily exposed to sadness and mistake, which he shall vindicate. Not that licence, and levily, and unconsented breach of faith should

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herein be countenanced, but that some conscionable

and tender pity might be had of those who have

unwarily, in a thing they never practised before, made themselves the bondmen of a luckless and helpless matrimony. In which argument, he whose courage can serve him to give the first onset, must look for two several oppositions ; the one from those who having sworn themselves to long custom, and the letter of the text, will not go out of the road ; the other from those whose gross and vulgar apprehensions conceit but low t)f matrimonial purposes, and in the work of male and female think they have all. Nevertheless, it shall be here sought by due ways to be made appear, that those words of God in the institution, promising a meet help against loneliness, and those words of Christ, " that his yoke is easy, and his burden light,^* were not spoken in vain ; for if the knot of marriage may in no case be dissolved but for adultery, all the burdens and services of the law are not so intolerable. This only is desired of them who are minded to judge hardly of thus maintaining, that they would be still, and hear all out, nor think it equal

to answer deliberate reason with sudden heat and noise ; remembering this, that many truths now of reverend esteem and credit, had their birth and beginning once from singular and private thoughts, while the most of men were otherwise possessed ; and had the fate at first to be generally exploded and exclaimed on by many violent opposers : yet I may err perhaps in soothing myself, that this

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present truth revived will deserve on all hands to be not sinisterly received, in that it undertakes the cure of an inveterate disease crept into the best part of human society ; and to do this v[^]ith no smarting corrosive, but with a smooth and pleasing lesson, which received hath the virtue to soften and dispel rooted and knotty sorrows, and without enchantment, if that be feared, or spell used, hath regard at once both to serious pity and upright honesty ; that tends to the redeeming and restoring of none but such as are the object of compassion, having in an ill hour hampered themselves, to the utter dispatch of all their most beloved comforts and repose for this life's term. But if we shall obstinately dislike this new overture of unexpected ease and recovery, what remains but to deplore the frowardness of our hopeless condition, which neither can endure the estate we are in, nor admit of remedy either sharp or sweet. Sharp we ourselves distaste; and sweet, under whose hands we are, is scrupled

and suspected as too luscious. In such a posture Christ found the Jews, who were neither won with the austerity of John the Baptist, and thought it too much licence to follow freely the charming pipe of him who sounded and proclaimed liberty and relief to all distresses ; yet truth in some age or other will find her witness, and shall be justified at last by her own children o

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CHAP. I.

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The position proved by the law of Moses. That law expounded and asserted to a moral and charitable use, first by Paulus Fagius, next with other additions.

To remove therefore, if it be possible, this great and sad oppression, which through the strictness of a literal interpreting hath invaded and disturbed the dearest and most peaceable estate of household society, to the overburdening, if not the overwhelming of many christians better worth than to be deserted of the church's considerate care, this position shall be laid down, first proving, then answering what may be objected either from scripture or light of reason.

" That indisposition, unfitness, or contrariety of mind, arising from a cause in nature unchangeable, hindering, and ever likely to hinder, the main benefits of conjugal society, which are solace and peace ; is a greater reason of divorce than natural frigidity, especially if there be no children, and that there be mutual consent."

This is gathered from the law in Deut. xxiv. 1.

' When a man hath taken a wife and married her,

and it come to pass that she find no favour in his

eyes, because he hath found some uncleanness in her, let him write her a bill of divorcement, and

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give it in her hand, and send her out of his house/ &c. This law, if the words of Christ may be admitted into our belief, shall never while the world stands, for him be abrogated. First therefore I here set down what learned Fagius hath observed on this law ; " the law of God," saith he, " permitted divorce for the help of human weakness. For every one that of necessity separates, cannot live single. That Christ denied divorce to his own, hinders not ; for what is that to the unregenerate, who hath not attained such perfection ? Let not the remedy be despised, which was given to weakness. And when Christ saith, who marries the divorced commits adultery, it is to be understood

if he had any plot in the divorce.^* The rest I reserve until it be disputed, how the magistrate is to do herein. From hence we may plainly discern a twofold consideration in this law : first, the end of the law-giver, and the proper act of the law, to command or to allow something just and honest, or indifferent. Secondly, his sufferance from some accidental result of evil by this allowance, which the law cannot remedy. For if this law have no other end or act but only the allowance of sin though never to so good intention, that law is no

law, but sin muffled in the robe of law, or law dis-

guised in the loose garment of sin. Both which are too foul hypotheses, to save the phaenomenon of our Saviour's answer to the Pharisees about this

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matter. And I trust anon by the help of an infallible guide, to perfect such Prutenic tables, as shall mend the astronomy of our wide expositors.

The cause of divorce mentioned in the law is translated " some uncleanness,^^ but in the Hebrew it sounds " nakedness of aught, or any real nakedness : " which by all the learned interpreters is referred to the mind as well as to the body. And what greater nakedness or unfitness of mind than that which hinders ever the solace and peaceful society of the married couple ; and what hinders that more than the unfitness and defectiveness of an

unconjugal mind ? The cause therefore of divorce expressed in the position cannot but agree with that described in the best and equallest sense of Moses's law. Which, being a matter of pure charity, is plainly moral, and more now in force than ever ; therefore surely lawful. For if under the law such was God's gracious indulgence, as not to suffer the ordinance of his goodness and favour through any error to be feared and stigmatized upon his servants to their misery and thralldom; much less will he suffer it now under the covenant of

grace, by abrogating his former grant of remedy and

relief. But the first institution will be objected to have ordained marriage inseparable. To that a little patience until this first part have amply discoursed the grave and pious reasons of this divorcive law ; and then I doubt not but with one gentle stroke to wipe away ten thousand tears out of the life of man. Yet thus much I shall now insist on, that

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whatever the institution were, it could not be so enormous, nor so rebellious against both nature and reason, as to exalt itself above the end and person for whom it was instituted.

CHAP. II

The first reason of this law grounded on the prime reason of matrimony. That no covenant whatsoever obliges against the main end both of itself, and of the parties covenanting.

For all sense and equity reclaims, that any law or covenant, how solemn or straight soever, either between God and man, or man and man, though of God's joining, should stand against a prime and principal scope of its own institution, and of both or either party covenanting : neither can it be of force to engage a blameless creature to his own per-

petual sorrow, mistaken for his expected solace,

without suffering charity to step in and do a confessed good work of parting those, whom nothing holds together but this of God's joining, falsely supposed against the express end of his own ordinance. And what his chief end was of creating woman to be joined with man, his own instituting words declare, and are infallible to inform us what is marriage, and what is no marriage ; unless we can think them set there to no purpose : ' it is not good,' saith he, ' that man should be alone, I will make him a help meet for him.' From which

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words, so plain, less cannot be concluded, nor is by any learned interpreter, than that in God's intention a meet and happy conversation is the chiefest and the noblest end of marriage : for we find here no expression so necessarily implying carnal knowledge,

as this prevention of loneliness to the mind and spirit of man. To this, Fagius, Calvin, Parens, Rivetns, as willingly and largely assent as can be wished. And indeed it is a greater blessing from God, more worthy so excellent a creature as man is, and a higher end to honour and sanctify the league of marriage, whenas the solace and satisfaction of the mind is regarded and provided for before the sensitive pleasing of the body. And with all generous persons married thus it is, that where the mind and person pleases aptly, there some unaccomplish-

ment of the body's delight may be better borne

with, than when the mind hangs off in an unclosing disproportion, though the body be as it ought ; for there all corporeal delight will soon become unsavoury and contemptible. And the solitariness of man, which God had namely and principally ordered to prevent by marriage, hath no remedy, but lies under a worse condition than the loneliest single life : for in single life the absence and remoteness of a helper might enure him to expect his own comforts out of himself, or to seek with hope ; but here the continual sight of his deluded thoughts, without cure, must needs be to him, if especially his complexion incline him to melancholy, a daily trouble and pain of loss, in some degree like that

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which reprobates feel. Lest therefore so noble a creature as man should be shut up incurably under a worse evil by an easy mistake in that ordinance which God gave him to remedy a less evil, reaping to himself sorrow while he went to rid away solitariness, it cannot avoid to be concluded, that if the woman be naturally so of disposition, as will not help to remove, but help to increase that same God-forsaken loneliness, which will in time draw on with it a general discomfort and dejection of mind, not beseeeming either Christian profession or moral

conversation, unprofitable and dangerous to the

commonwealth, when the household estate, out of which must flourish forth the vigour and spirit of all public enterprises, is so ill-contented and procured at home, and cannot be supported ; such a marriage can be no marriage, whereto the most honest end is wanting : and the aggrieved person shall do more manly, to be extraordinary and singular in claiming the due right whereof he is frustrated, than to piece up his lost contentment by visiting the stews, or stepping to his neighbour's bed ; which is the common shift in this misfortune : or else by suffering his useful life to waste away, and be lost under a secret affliction of an unconscionable size to human strength. Against all which evils the mercy of this Mosaic law was graciously exhibited.

CHAP. III.

The ignorance and iniquity of canon law, providing for the right of the body in marriage, but nothing for the wrongs and grievances of the mind. An objection, that the mind should be better looked to before contract, answered.

How vain therefore is it, and how preposterous

in the canon law, to have made such careful provision against the impediment of carnal performance, and to have had no care about the unconvincing inability of mind so defective to the purest and most sacred end of matrimony ; and that the vessel of voluptuous enjoyment must be made good to him that has taken it upon trust, without any caution ; whenas the mind, from whence must flow the acts of peace and love, a far more precious mixture than the quintessence of an excrement, though it be found never so deficient and unable to perform the best duty of marriage in a cheerful and agreeable conversation, shall be thought good enough, however flat and melancholious it be, and must serve, though to the eternal disturbance and languishing of him that complains ! Yet wisdom and charity, weighing God's own institution, would think that the pining of a sad spirit wedded to loneliness should deserve to be freed, as well as the impatience of a sensual desire so providently relieved. It is read to us in the Liturgy, that " we must not marry

to satisfy the fleshly appetite, like brute beasts, that

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have no understanding : " but the canon so runs, as if it dreamed of no other matter than such an appetite to be satisfied ; for if it happen that nature hath stopped or extinguished the veins of sensuality, that marriage is annulled. But though all the faculties

of the understanding and conversing part after trial

appear to be so ill and so aversely met through nature's unalterable working, as that neither peace, nor any sociable contentment can follow, it is as nothing ; the contract shall stand as firm as ever, betide what will. What is this but secretly to instruct us, that however many grave reasons are pretended to the married life, yet that nothing indeed is thought worth regard therein, but the prescribed satisfaction of an irrational heat ? Which cannot be but ignominious to the state of marriage, dishonourable to the undervalued soul of man, and even to christian doctrine itself: while it seems more moved at the disappointing of an impetuous nerve, than at the ingenuous grievance of a mind unreasonably yoked ; and to place more of marriage in the channel of concupiscence, than in the pure influence of peace and love whereof the soul's lawful contentment is the only fountain.

But some are ready to object, that the disposition ought seriously to be considered before. But let

them know again, that for all the wariness can be used, it may yet befall a discreet man to be mistaken in his choice, and we have plenty of examples. The soberest and best governed men are least prejudiced in these affairs ; and who knows not that

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the bashful muteness of a virgin may oftentimes hide

all the unliveliness and natural sloth which is

really unfit for conversation ; nor is there that freedom of access granted or presumed, as may suffice to a perfect discerning till too late ; and where any indisposition is suspected, what more usual than the persuasion of friends, that acquaintance, as it increases, will amend all ? And lastly, it is not strange though many, who have spent their youth chastely, are in some things not so quick-sighted, while they haste too eagerly to light the nuptial torch ; nor is it therefore that for a modest error a man should forfeit so great a happiness, and no charitable means to release him ; since they who have lived most loosely, by reason of their bold accustoming, prove most successful in their matches, because their wild affections unsettling at will, have been as so many divorces to teach them experience. When, as the sober man honouring the appearance of modesty, and hoping well of every social virtue under that veil, may easily chance to meet, if not with a body impenetrable, yet often with a mind to all other due conversation inaccessible, and

to all the more estimable and superior purposes of matrimony useless and almost lifeless ; and what a solace, what a fit help such a consort would be through the whole life of a man, is less pain to conjecture than to have experience.

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CHAP. IV.

The second reason of this law, because without it[^] marriage at it happens oft is not a remedy of that which it promises, as any rational creature would expect* That marriage, if we pattern from the beginning, as our Saviour bids, was not properly the remedy of lust, but the fulfilling of conjugal love and helpfulness.

And that we may further see what a violent cruel thing it is to force the continuing of those together, whom God and nature in the gentlest end of marriage never joined ; divers evils and extremities, that follow upon such a compulsion, shall here be set in view. Of evils, the first and greatest is, that hereby a most absurd and rash imputation is fixed upon God and his holy laws, of conniving and dispensing with open and common adultery among his chosen people ; a thing which the rankest politician would think it shame and disworship that his laws should countenance : how and in what manner that comes

to pass I shall reserve till the course of method brings on the unfolding of many scriptures. Next, the law and gospel are hereby made liable to more than one contradiction, which I refer also thither. Lastly, the supreme dictate of charity is hereby many ways neglected and violated ; which I shall forthwith address to prove. First, we know St. Paul saith. It is better to marry than to burn. Marriage therefore was given as a remedy of that trouble ; but what might this burning mean ? Certainly not the mere motion of carnal lust, not the mere goad of

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a sensitive desire : God does not principally take care for such cattle. What is it then but that desire which God put into Adam in Paradise, before he knew the sin of incontinence ; that desire which God saw it was not good that man should be left alone to burn in, the desire and longing to put off an unkindly solitariness by uniting another body, but not without a fit soul to his, in the cheerful society of wedlock ? Which if it were so needful before the fall, when man was much more perfect in himself, how much more is it needful now against all the sorrows and casualties of this life, to have an intimate and speaking help, a ready and reviving associate in marriage ? Whereof who misses, by chancing on a mute and spiritless mate, remains more alone than before, and in a burning less to be contained than that which is fleshly, and

more to be considered ; as being more deeply rooted even in the faithless innocence of nature. As for that other burning, which is but as it were the venom of a lusty and over-abounding concoction, strict life and labour, with the abatement of a full diet, may keep that low and obedient enough : but this pure and more inbred desire of joining to itself in conjugal fellowship a fit conversing soul (which desire is properly called love) " is stronger than death/' as the spouse of Christ thought ; " many waters cannot quench it, neither can the floods drown

it." This is that rational burning that marriage is

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to remedy, not to be allayed with fasting, nor with any penance to be subdued : which how can he assuage who by mishap hath met the most unmeet and unsuitable mind ? Who hath the power to struggle with an intelligible flame, not in Paradise to be resisted, become now more ardent by being failed of what in reason it looked for ; and even then most unquenched, when the importunity of a provender burning is well enough appeased ; and yet the soul hath obtained nothing of what it justly desires. Certainly such a one forbidden to divorce, is in effect forbidden to marry, and compelled to greater difficulties than in a single life ; for if there be not a more humane burning which marriage

must satisfy, or else may be dissolved, than that of copulation, marriage cannot be honourable for the meet reducing and terminating lust between two : seeing many beasts in voluntary and chosen couples live together as unadulterously, and are as truly married in that respect. But all ingenuous men will see that the dignity and blessing of marriage is placed rather in the mutual enjoyment of that which the wanting soul needfully seeks, than of that which the plenteous body would joyfully give away. Hence it is that Plato, in his festival dis-

course, brings in Socrates relating what he feigned

to have learned from the prophetess Diotima, how Love was the son of Penury, begot of Plenty, in the garden of Jupiter. Which divinely sorts with

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that which in effect Moses tells us, that Love was the son of Loneliness, begot in Paradise by that sociable and helpful aptitude which God implanted between man and woman toward each other. The same also is that burning mentioned by St. Paul, whereof marriage ought to be the remedy : the flesh hath other mutual and easy curbs, which are in the

power of any temperate man. When therefore this original and sinless penury, or loneliness of the soul, cannot lay itself down by the side of such a meet and acceptable union as God ordained in marriage, at least in some proportion, it cannot conceive and bring forth love, but remains utterly unmarried under a formal wedlock, and still burns in the proper meaning of St. Paul. Then enters Hate, not that hate that sins, but that which only is natural dissatisfaction, and the turning aside from a mistaken object : if that mistake have done injury, it fails

not to dismiss with recompence ; for to retain still,

and not be able to love, is to heap up more injury. Thence this wise and pious law of dismissal now defended, took beginning : he therefore who lacking of his due in the most native and humane end of marriage, thinks it better to part than to live sadly and injuriously to that cheerful covenant (for not to be beloved, and yet retained, is the greatest injury to a gentle spirit,) he, I say, who therefore seeks to part, is one who highly honours the married life and would not stain it : and the reasons which

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now move him to divorce, are equal to the best of those that could first warrant him to marry ; for, as was plainly shown, both the hate which now diverts him, and the loneliness which leads him

still powerfully to seek a fit help, hath not the least grain of a sin in it, if he be worthy to understand himself.

CHAP. V.

The third reason of this law, because without it, he who hath happened where he finds nothing but remediless offences and discontents, is in more and greater temptations than ever

before.

Thirdly ; Yet it is next to be feared, if he must be still bound without reason by a deaf rigour that when he perceives the just expectance of his mind defeated, he will begin even against law to cast about where he may find his satisfaction more complete, unless he be a thing heroically virtuous ; and that are not the common lump of men, for whom chiefly the laws ought to be made ; though not to their sins, yet to their unsinning weaknesses, it being above their strength to endure the lonely estate, which while they shunned they are fallen into. And yet there follows upon this a worse temptation : for if he be such as hath spent his youth unblameably, and laid up his chiefest earthier comforts in the enjoyments of a contented

marriage, nor did neglect that furtherance which was to be obtained therein by constant prayers; when he shall find himself bound fast to an un-complying discord of nature, or, as it oft happens, to an image of earth and phlegm, with whom he looked to be the co-partner of a sweet and gladsome society, and sees withal that his bondage is now inevitable ; though he be almost the strongest christian, he will be ready to despair in virtue, and mutiny against Divine Providence : and this doubtless is the reason of those lapses, and that melan-

choly despair, which we see in many wedded per-

sons, though they understand it not, or pretend other causes, because they know no remedy, and is of extreme danger : therefore when human frailty surcharged is at such a loss, charity ought to venture much, and use bold physic, lest an overtossed faith endanger to shipwreck.

CHAP. VI.

The fourth renton of this latOy that God regards, hve and peace in the family , more than a compulsive performance of marriage, which is more broke by a grievous continuance, than by a needful divorce.

Fourthly; Marriage is a covenant, the very being whereof consists not in a forced cohabitation, and counterfeit performance of duties, but in unfeigned love and peace : and of matrimonial love,

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no doubt but that was chiefly meant, which by the ancient sages was thus parabled ; that Love,, if he be not twin-born yet hath a brother wondrous like him, called Anteros ; whom while he seeks all about, his chance is to meet with many false and feigning desires, that wander singly up and down in his likeness ; by them in their bar.?

, rowed garb, Love, though not wholly blind, as poets

wrong him, yet having but one eye, as being born an archer aiming, and that eye not the quickest in this dark region here below, which is not Love's proper sphere, partly out of the simplicity and CFe-duhty which is native to him, often deceived, embraces and consorts him with these obvious and suborned striplings, as if they were his mother's own sons ; for so he thinks them, while they subtly keep themselves most on his blind side. But after a while, as his manner, when soaring up into the high tower of his Apogaeum, above the shadow of the earth, he darts out of the direct rays of his then most piercing eye-sight upon the impostures, and trim disguises, that were used with him, and discerns that this is not his genuine brother as he imagined; he has no longer the power to hold fellowship with such a personated mate; for straight his arrows lose their golden heads, and shed their purple feathers, his silken braids untwine, and slip their knots, and that original and fiery virtue given him by fate all on a sudden goes out, and leaves

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him undeified and despoiled of all his force ; till finding Anteros at last, he kindles and repairs the almost faded ammunition of his deity by the reflection of a co-equal and homogeneal fire. Thus mine author sung it to me : and by the leave of those who would be counted the only grave ones, this is

no mere amatorious novel, (though to be wise and

skilful in these matters men heretofore of greatest name in virtue have esteemed it one of the highest arcs that human contemplation circling upwards can make from the globy sea whereon she stands :) but this is a deep and serious verity, showing us that love in marriage cannot live nor subsist unless it be mutual ; and where love cannot be, there can be left of wedlock nothing but the empty husk of an outside matrimony, as undelightful and displeasing to God as any other kind of hypocrisy. So far is his command from tying men to the observance of duties which there is no help for, but they must be dissembled . I f Solomon's advice be not over-frolic, " live joyfully," saith he, " with the wife whom thou lovest, all thy days, for that is thy portion."^ How then, where we find it impossible to rejoice or to love, can we obey this precept ? How miserably do we . defraud ourselves of that comfortable portion, which God gives us, by striving vainly to glue an error together, which God and nature will not join, adding but more vexation and violence to that bhssful so-

ciety by our importunate superstition, that will not

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hearken to St. Paul, I Cor.vii. who, speaking of marriage and divorce, determines plain enough in general, that God therein " hath called us to peace, and not to bondage." Yea, God himself commands in his law more than once, and by his Prophet Malachi, as

Calvin and the best translations read, that " he who

hates, let him divorce,'^ that is, he who cannot love. Hence it is that the rabbins, and Maimonides famous among the rest in a book of his set forth by Buxtorfius, tells us, that " divorce was permitted by Moses to preserve peace in marriage, and quiet in the family." Surely the Jews had their saving peace about them as well as we, yet care was taken that this wholesome provision for household peace should also be allowed them : and this must be denied to christians ? O perverseness ! that the law should be made more provident of peace-making than the gospel I that the gospel should be put to beg a most necessary help of mercy from the law, but must not have it ; and that to grind in the mill of an undelighted and servile copulation, must be the only forced work of a christian marriage, oft times with such a yoke-fellow, from whom both love and peace, both nature and religion mourns to be separated. I cannot therefore be so diffident, as not securely to conclude, that he who can receive nothing of the most important helps in marriage, being thereby

disenabled to return that duty which is his, with a clear and hearty countenance, and thus continues

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to grieve whom he would not, and is no less grieved ; that man ought even for love's sake and peace to move divorce upon good and liberal conditions to the divorced. And it is less a breach

of wedlock to part with wise and quiet consent

betimes, than still to foil and prophane that mystery of joy and union with a polluting sadness and perpetual distemper : for it is not the outward continuing of marriage that keeps whole that covenant, but whatsoever does most according to peace and love, whether in marriage or in divorce, he it is that breaks marriage least ; it being so often written, that " Love only is the fulfilling of every commandment."

CHAP. VII.

The fifth reason, that nothing more hinders and disturbs the whole life of a christian^ than a matrimony found to be incurably unfit, and doth the same in effect that an idolatrous match.

Fifthly ; As those priests of old were not to be long in sorrow, or if they were, they could not rightly execute their function ; so every true christian in a higher order of priesthood is a person dedicate to joy and peace, offering himself a lively sacrifice of praise and thanksgiving, and there is no christian duty that is not to be seasoned and set off with cheerfulness ; which in a thousand outward

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and intermitting crosses may yet be done well, as in this vale of tears : but in such a bosom affliction as this, crushing the very foundation of his inmost nature, when he shall be forced to love against a possibility, and to use a dissimulation against his soul in the perpetual and ceaseless duties of a husband ; doubtless his whole duty of serving God must needs be blurred and tainted with a sad unpreparedness and dejection of spirit wherein God has no delight. Who sees not therefore how much more Christianity it would be to break by divorce, that which is more broken by undue and forcible keeping, rather than " to cover the altar of the Lord with continual tears, so that he regardeth not the offering any more,^^ rather than that the whole worship of a christian man's life should languish and fade away beneath the weight of an immeasurable grief and discouragement ? And because some think the children of a second matrimony succeeding a divorce would not be a holy seed, it hindered

not the Jews from being so ; and why should we not think them more holy than the offspring of a former ill-twisted wedlock, begotten only out of a bestial necessity, without any true love or contentment, or joy to their parents? So that in some sense we may call them the " children of wrath" and anguish, which will as little conduce to their sanctifying, as if they had been bastards : for nothing more than disturbance of mind suspends us from approaching to God ; such a disturbance especially, as both assaults our feith and trust i^

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God's providence, and ends, if there be not a miracle of virtue on either side, not only in bitterness and wrath, the canker of devotion, but in a desperate and vicious carelessness, when he sees himself, without fault of his, trained by a deceitful bait into a snare of misery^ betrayed by an alluring ordinance, and then made the thrall of heaviness and discomfort by an undivorcing law of God, as he erroneously thinks, but of man's iniquity, as the truth is : for that God prefers the free and cheerful worship of a christian, before the grievance and exacted observance of an unhappy marriage, besides that the general maxims of religion assure us, will be more manifest by drawing a parallel argument from the ground of divorcing an idolatress, which was, lest he should alienate his heart from the true worship of God : and what difference is^

there whether she pervert him to superstition by her enticing sorcery, or disable him in the whole service of God through the disturbance of her unhelpful and unfit society ; and so drive him at last, through murmuring and despair, to thoughts' of atheism ? Neither doth it lessen the cause of separating, in that the one wilhngly allures him from the faiths the other perhaps unwillingly drives him ; for in the account of God it comes all to one, that the wife loosea him a servant : and therefore by all the united force of the Decalogue she ought

to be disbanded, unless we must set marriage above

God and Charity, which is the doctrine of devils, no less than forbidding to marry. i

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CHAP. VIII.

That an idolatrous heretic ought to he divorced, after a coit' venient space given to hope of conversion. That place of 1 Cor. vii. restored from a twofold erroneous exposition; and that the common expositors flatly contradict the moral law.

And here by the way, to illustrate the whole question of divorce, ere this treatise end, I shall not be loth to spend a few lines in hope to give a full resolve of that which is yet so much controverted ; whether an idolatrous heretic ought to be divorced. To the resolving whereof we must first know, that

the Jews were commanded to divorce an unbelieving Gentile for two causes : First, because all other nations, especially the Canaanites, were to them unclean. Secondly, to avoid seducement. That other nations were to the Jews impure, even to the separating of marriage, will appear out of Exod. xxxiv. 16. Deut. vii. 3, (), compared with Ezra ix. 2. also chap. X. 10, II. Nehem. xiii. 30. This was the ground of that doubt raised among the Corinthians by some of the circumscion ; whether an unbeliever were not still to be counted an unclean thing, so as

that they ought to divorce from such a person. This

doubt of theirs, St. Paul removes by an evangelical reason, having respect to that vision of St. Peter, wherein the distinction of clean an unclean being abolished, all living creatures were sanctified to a pure and Christian use, and mankind especially,

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now invited by a general call to the covenant of grace. Therefore saith St. Paul, " The unbelieving wife is sanctified by the husband ;" that is, made pure and lawful to his use, so that he need not put her away for fear lest her unbelief should defile him ; but that if he found her love still towards him, he might rather hope to win her. The second reason of that divorce was to avoid seducement, as is proved by comparing those two places of the law to that which Ezra and Nehemiah did by divine warrant in compelling the Jews to forego their wives. And

this reason is moral and perpetual in the rule of Christian faith without evasion ; therefore saith the apostle, 2 Cor. vi. "Misyoke not together with infidels,"* which is interpreted of marriage in the first place. And although the former legal pollution be now done off, yet there is a spiritual contagion in idolatry as much to be shunned ; and though seducement were not to be feared, yet where there is no hope of converting, there always ought to be a certain religious aversation and abhorring, which can no way sort with marriage : Therefore saith St. Paul,

*' What fellowship hath righteousness with unrighte-

ousness ? What communion hath light with darkness ? What concord hath Christ with Belial ? What part hath he that believeth with an infidel ?" And in the next verse but one he moralizes, and makes us liable to that command of Isaiah ; " Wherefore, come out from among them, and be ye separate, saith the Lord ; touch not the unclean thing, and I will receive ye." And this command thus gospel-

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lized to us, hath the same force with that whereon Ezra grounded the pious necessity of divorcing. Neither had he other commission for what he did, than such a general command in Deut. as this, nay not so direct ; for he is bid there not to marry, but not bid to divorce, and yet we see with what a zeal and confidence he was the author of a general divorce between the faithful and unfaithful seed. The gos-

pel is more plainly on his side, according to three of the Evangelists, than the words of the law; for where the case of divorce is handled with such severity, as was fittest to aggravate the fault of unbounded licence ; yet still in the same chapter, when it comes into question afterwards, whether any civil respect, or natural relation which is dearest, may be our plea to divide, or hinder or but delay our duty to religion, we hear it determined that father, and mother, and wife also, is not only to be hated, but forsaken, if we mean to inherit the great reward there promised.

Nor will it suffice to be put off by saying we must

forsake them only by not consenting or not complying with them, for that were to be done, and roundly too, though being of the same faith they should but seek out of a fleshly tenderness to weaken our Christian fortitude with worldly persuasions, or but to unsettle our constancy with timorous and softening suggestions ; as we may read with what a vehemence Job, the patientest of men rejected the desperate counsels of his wife ; and Moses, the meekest, being thoroughly offended with the prophane speeches of Zippora, sent her back to her

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father. But if they shall perpetually, at our elbow, seduce us from the true worship of God, or defile and daily scandalize our conscience by their hopeless continuance in misbelief; then even in the due progress of reason, and that ever equal proportion

which justice proceeds by, it cannot be imagined that this cited place commands less than a total and final separation from such an adherent ; at least that no force should be used to keep them together: while we remember that God commanded Abraham to send away his irreligious wife and her son for the offences which they gave in a pious family. And it may be guessed that David for the like cause disposed of Michal in such a sort, as little differed from a dismissal. Therefore against reiterated scandals and seducements, which never cease,

much more can no other remedy or retirement be

found but absolute departure. For what kind of matrimony can that remain to be, what one duty between such can be performed as it should be from the heart, when their thoughts and spirits fly asunder as far as Heaven from Hell ; especially if the time that Hope should send forth her expected blossoms, be past in vain ? It will easily be true, that a father or a brother may be hated zealously, and loved civilly or naturally ; for those duties may be performed at distance, and do admit of any long absence : biit how the peace and perpetual co-habitation of marriage can be kept, how that bene-

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volent and intimate communion of body can be held with one that must be hated with a most operative hatred, must be forsaken and yet continually dwelt with and accompanied ; he who can distin-

guish, hath the gift of an affection very oddly divided and contrived : while others both just and wise, and Solomon among the rest, if they may not hate and forsake as Moses enjoins, and the gospel imports, will find it impossible not to love otherwise than will sort with the love of God, whose jealousy brooks no corrival. And whether is more likely, that Christ bidding to forsake wife for religion, meant it by divorce as Moses meant it, whose law, grounded on moral reason, was both his office and his essence to maintain ; or that he should bring

a new morality into religion, not only new, but con-

trary to an unchangeable command, and dangerously derogating from our love and worship of God ? As if when Moses had bid divorce absolutely, and Christ had said, hate and forsake, and his Apostle had said, no communication with Christ and Belial ; yet that Christ after all this could be understood to say, divorce not, no not for religion, seduce, or seduce not. What mighty and invisible remora is this in matrimony, able to demur and to contemn all the divorcive engines in Heaven or earth ! both which may now pass away, if this be true, for more than many jots or tittles, a whole moral law is abolished. But if we dare believe it is not, then in

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the tnetliod of religion, aod to save the honour and dignity of our faith, we are to retreat and gather up ourselves from the observance of an inferior and civil

ordinance to the strict maintaining of a general and religious command, which is written, ' Thou shalt make no covenant with them,' Deut. vii. 2, 3 : and that covenant which cannot be lawfully made, we have directions and examples lawfully to dissolve. Also 2 Chron. ii. 19, ' Shouldest thou love them that hate the Lord V No, doutless : for there is a certain scale of duties, there is a certain hierarchy of upper and lower commands, which for want of studying in right order, all the world is in confusion.

Upon these principles I answer, that a right be-

liever ought to divorce an idolatrous heretic, unless upon better hopes ; however, that it is in the be* liever's choice to divorce or not.

The former part will be manifest thus first, that an apostate idolater, whether husband or wife seducing, was to die by the decree of God, Deut. xiii; 6, 9 ; that marriage therefore God himself disjoins : for others born idolaters, the moral reason of their dangerous keeping, and the incommunicable antagony that is between Christ and Belial, will be sufficient to enforce the commandment of those two inspired reformers Ezra and Nehemiah, to put an idolater away as well under the gospel.

The latter part, that although there be no seduce-* ment feared, yet if there be no hope given, the

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divorce is lawful, will appear by this ; that idolatrous marriage is still hateful to God, therefore still it may be divorced by the pattern of that warrant that Ezra had, and by the same everlasting reason : Neither can any man give an account wherefore, if those whom God joins no man can separate, it should not follow, that whom he joins not, but hates to join, those men ought to separate. But saith the lawyer,

" That which ought not to have been done, once

done, avails/^ I answer, " this is but a crotchet of the law, but that brought against it is plain Scripture." As for what Christ spake concerning divorce, it is confessed by all knowing men, he meant only between them of the same faith. But what shall we say then to St. Paul, who seems to bid us not divorce an infidel willing to stay ? We may safely say thus, that wrong collections have been hitherto made out of those words by modern divines. His drift, as was heard before, is plain ; not to command our stay in marriage with an infidel, that had been a flat renouncing of the religious and moral law ; but to inform the Corinthians, that the body of an unbeliever was not defiling, if his desire to live in Christian wedlock showed any likelihood that his heart was opening to the faith ; and therefore advises to forbear departure so long till nothing have been neglected to set forward a conversion : this I say he advises, and that with certain cautions, not commands, if we can take up so much credit for him, as to get him

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believed upon Iiis own word : for what is this else but his counsel in a thing indifferent, " to the rest speak I, not the Lord ?'^ for though it be true, that tlie Lord never spake it, yet from St. Paul's mouth we should have took it as a command, had not himself forewarned us, and disclaimed ; which notwithstanding if we shall still avouch to be a command,

he palpably denying it, this is not to expound St.

Paul, but to outface him. Neither doth it follow, that the Apostle may interpose his judgment in a case of Christian liberty, without the guilt of adding to God^s word. How do we know marriage or single life to be of choice, but by such like words as these, *'I speak this by permission, not of commandment ; I have no command of the Lord, yet I give ttiy judgment." Why shall not the like words here leave to signify a freedom in this our present question, though Beza deny? Neither is the Scripture hereby less inspired, because St. Paul confesses to have written there in what he bad not of command ! for we grant that the spirit of God led him thus to express himself to Christian prudence, in a matter which God thought best to leave uncommanded. Beza therefore must be warily read, when he taxes St. Austin of blasphemy, for holding that St. Paul spake here as of a thing indifferent. But if it must be a command, I shall yet the more evince it to be a command that we should herein be left free ; and that out of the Greek word used in tlie

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12 ver. which instructs us plainly, there must be s
joint assent and good liking on both sides : he that
will not deprave the text must thus render it ; " If
a brother have an unbelieving wife, and she join

in consent to dwelt with him ^^ (which cannot utter

less to us than a mutual agreement) let him not
put her away from the mere surmise of judaical un-
cleanness : and the reason follows, for the body of
an infidel is not polluted, neither to benevolence,
nor to procreation. Moreover, this note of mutual
complacency forbids all offer of seducement, which
to a person of zeal cannot be attempted without
o^reat offence : if therefore seducement be feared,
this place hinders not divorce. Another caution
was put in this supposed command, of not bringing
the believer into ' bondage ' hereby, which doubt-
less might prove extreme, if Christian liberty and
conscience were left to the humour of a pagan
slaying at pleasure to play with, and to vex and
wound with a thousand scandals and burdens,
above strength to bear : If therefore the conceived
hope of gaining a soul come to nothing, the.n
charity commands that the believer be not wearied
out with endless waiting under many grievances
sore to his spirit ; but that respect be had rather to
' the present suffering of a true Christian, than the

uncertain winning of an obdurate heretic. The counsel we have from St. Paul to hope, cannot countermand the moral and evangelic charge we

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have from God to fear seducement, to separate from the misbeliever, the unclean, the obdurate. The Apostle wisheth us to hope, but does not send us a

wool-gathering after vain hope ; he saith, *' How

knowest thou, O man, whether thou shalt save thy wife ?" that is, till he try all due means, and set some reasonable time to himself, after which he may give over washing an Ethiop, if he will hear the advice of the gospel ; " Cast not pearls before swine/' saith Christ himself. " Let him be to thee as a heathen. Shake the dust off thy feet." If this be not enough, " hate and forsake" what relation soever. And this also that follows must appertain to the precept, " Let every man wherein he is called, therein abide with God," v. 24, that is, so walking in his inferior calling of marriage, as not by dangerous subjection to that ordinance to hinder and disturb the higher calling of his Christianity. Last, and never too oft remembered, whether this be a command, or an advice, we must look that it be so understood as not to contradict the least point of moral religion that God hath formerly commanded ; otherwise what do we but set the moral law and the gospel at civil war together ? and who then shall be able to serve these

two masters !

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€HAP. IX.

That adultery is- not the greatest breach of matrimony : that there may be other violations as great.

Now whether idolatry or adultery be the greatest

violation of marriage, if a man would let him then consider ; that among Christian writers touching matrimony, there be three chief ends thereof agreed on : godly society ; next civil ; and thirdly, that of the marriage bed. Of these the first is name to be the highest and most excellent, no baptized man can deny, nor that idolatry smites directly against this prime end ; nor that such as the violated end is, such is the violation ; but he who affirms adultery to be the highest breach, affirms the bed to be the highest of marriage, which is in truth a gross and foolish opinion, how common soever ; as for the countenance of Scripture, as from the light of all clean philosophy or civil nature. And out of question the cheerful help that may be in marriage toward sanctity of life, is the purest, and so the noblest end of that contract : but if the particular of each person be considered, then of those three ends which God appointed, that to him is greatest which is most necessary ; and marriage is then most broken to him, when he utterly wants

the fruition of that which he most sought therein,
whether it were religious, civil, or corporal society,

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Of which wants to do him right by divorce only
for the last and meanest is a perverse injury, and
the pretended reason of it as frigid as frigidity
itself, which the code and canon are only sensible

of. Thus much of this controversy. I now return

to the former argument. And having shown that
disproportion, contrariety, or numbness of mind
may justly be divorced by proving already the pro-
hibition thereof opposes the express end of God's
institution, suffers not marriage to satisfy that
intellectual and innocent desire which God himself
kindled in man to be the bond of wedlock, but
only to remedy a sublunary and bestial burning,
which frugal diet, without marriage, would easily
chasten. Next, that it drives many to transgress
the conjugal bed, while the soul wanders after that
satisfaction which it had hope to find at home, but
hath missed ; or else it sits repining, even to
atheism, finding itself hardly dealt with, but mis-
deeming the cause to be in God's law, which is in
man's unrighteous ignorance. I have shown also
how it unties the inward knot of marriage, which
is peace and love (if that can be untied which was
never knit) while it aims to keep fast the outward
formality : how it lets perish the Christian man, to .
compel impossibly the married man.

CHAP. X.

The sixth reason of this law ; that to prohibit divorce sought for natural cases, is against nature.

The sixth place declares this prohibition to be as disrespectful of human nature, as it is of religion, and therefore is not of God. Hp teaches, that an unlawful marriage may be lawfully divorced : and that those who have thoroughly discerned each other's disposition, which oftentimes cannot be till after matrimony, shall then find a powerful reluctance and recoil of nature on either side, blasting all the content of their mutual society, that such persons are not lawfully married, (to use the apostle's words) " Say I these things as a man, or saith not the law also the same ? For it is written, Deut, xxii. Thou shalt not sow thy vineyard with different seeds, lest thou defile both. Thou shalt not plough with an ox and an ass together ;" and the like. I follow the pattern of St. Paul's reasoning ; " Doth God care for asses and oxen," how ill they yoke together, " or is it not said altogether for our sakes ? for our sakes no doubt this is written.'" Yea the apostle himself, in the forecited 2 Cor. vi. 14, alludes from that place of Deut. to forbid misyoking mar-

riage, as by the Greek word is evident ; though he instance but in one example of mismatching with an infidel yet next to that, what can be a fouler incongruity, a greater violence to the reverend secret of

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nature, than to force a mixture of minds that cannot unite, and to sow the sorrow of man's nativity

with seed of two incoherent and incombining dispo-

sitions ? which act being kindly and voluntary, as it ought, the apostle, in the language he wrote, called *eiinoia*, and the Latins, benevolence, intimating the original thereof to be in the understanding, and the will ; if not, surely there is nothing which might more properly be called a malevolence rather ; and is the most injurious and unnatural tribute that can be extorted from a person endued with reason, to be made pay out the best substance of his body, and of his soul too, as some think, when either for just and powerful causes he cannot like, or from unequal causes finds not recompense. And that there is a hidden efficacy of love and hatred in man, as well as in other kinds, not moral but natural, which though not always in the choice, yet in the success of marriage will ever be most predominant ; besides daily experience, the author of Ecclesiasticus, whose wisdom hath set him next the Bible, acknowledges, xiii. 16, "A man, saith he, will cleave to his hke." But what might be the cause, whether each one's allotted genius or proper star, or whether the super-

nal • influence of schemes and angular aspects, or this elemental crisis here below ; whether all these jointly or singly meeting friendly, or unfriendly in either party, I dare not, with the men I am like to

◆ The first edition has supernatural.

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ehsk, appear so much a philosopher as to conjecture. The ancient proverb in Homer less abstruse, entitles this work of leading each like person to his like, peculiarly to God himself: which is plain enough also by his naming of a meet or like help in the first espousal instituted ; and that every woman is meet for every man, none so absurd as to affirm. Seeing then there is a two-fold seminary, or stock in nature, from whence are derived the issues of love and hatred, distinctly flowing through the whole mass of created things, and that God's doing ever is to bring the due likenesses and harmonies of his works together, except when out of two contraries met to their own destruction, he moulds a third existence ; and that it is error, or some evil angel which either blindly or maliciously hath drawn together, in two persons ill embarked in wedlock, the sleeping discords and enmities of nature, lulled on purpose with some false bait, that they may wake to agony and strife, later than prevention could have

wished, if from the bent of just and honest intentions beginning what was begun and so continuing, all that is equal, all that is fair and possible hath been tried, and no accommodation likely to succeed ; what folly is it still to stand combating and battering against invincible causes and effects, with evil upon evil, till either the best of our days be lingered out, or ended with some speeding sorrow ? The wise Ecclesiasticus advises rather, xxxvii. 27, ' My son prove thy soul in thy life, see what is evil for it, and give not that unto it.' Reason he had

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to say so ; for if the noisomeness or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuse itself into all the faculties and acts of the body, to render them invalid^ unkindly, and even unholy against the fundamental law book of nature, which Moses never thwarts, but reverences : therefore he commands us to force nothing against sympathy or natural order, no not upon the most abject creatures ; to shew that such an indignity cannot be offered to man without an impious crime. And certainly those divine meditating words of finding out a meet and like help to man, have in them a consideration of more than the indefinite likeness of womanhood ; nor are they to be made waste paper on, for the dulness of canon divinity : no, nor those other allegoric precepts of

beneficence fetched out of the closet of nature, to teach us goodness and compassion in not compelling together unmatchable societies ; or if they meet through mischance, by all consequence to disjoin them, as God and nature signifies, and lectures to us not only by those recited decrees, but even by the first and last of all his visible works ; when by his divorcing command the world first rose out of chaos, nor can be renewed again out of confusion, but by the separating of unmeet consorts.

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CHAP. XI.

The seventh reason that sometimes continuance in marriage may be evidently the shortening or endangering of life to either party ; both law and divinity concluding[^] that life is to be preferred before marriage[^] the intended solace of life.

Seventhly ; the canon law and divines consent, that if either party be found contriving against another's life, they may be severed by divorce : for a sin against the life of marriage, is greater than a sin against the bed ; the one destroys, the other but defiles. The same may be said touching those persons, who, being of a pensive nature and course of life, have summed up all their solace in that free and lightsome conversation which God and man intends

in marriage ; whereof when they see themselves deprived by meeting an unsociable consort, they oft-times resent one another's mistake so deeply, that long it is not ere grief end one of them. When therefore this danger is foreseen, that the life is in peril by living together, what matter is it whether helpless grief or wilful practice be the cause ? This is certain, that the preservation of life is more worth than the compulsory keeping of marriage ; and it is no less than cruelty to force a man to remain in that state as the solace of his life, which he and his

friends know will be either the undoing or the dis-

heartening of his life. And what is life without the vigour and spiritual exercise of life ? How can it

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be useful either to private or public employment ? Shall it therefore be quite dejected, though never so valuable, and left to moulder away in heaviness, for the superstitious and impossible performance of an ill-driven bargain ? Nothing more inviolable than vows made to God ; yet we read in Numbers, that if a wife had made such a vow, the mere will and authority of her husband might break it : how much more then may he break the error of his own bonds with an unfit and mistaken wife, to the saving of his welfare, his life, yea his faith and virtue, from the hazard of overstrong temptation ? For if man be lord of the Sabbath, to the curing of a fever, can he be less than lord of marriage in such important

causes as these ?

CHAP. XII

The eighth reason^ It is probable, or rather certain, that every one who happens to marry, hath not the calling ; and there-
fore upon unfitness found and considered, force ought not to

be used.

Eighthly ; It is most sure that some even of those who are not plainly defective in body, yet are destitute of all other marriageable gifts, and consequently have not the calling to marry, unless nothing be requisite thereto but a mere instrumental body ; which to affirm, is to that unanimous covenant a

let THfi DOCTRINE AND

re^woah : yet it is as sure that many siach, not (d
l^ieir own desire, but by the persuasion of friends,
or not knowing themselves, do often entet into wed-
lock ; where finding the difference at length between
tfee duties of a married life, and the gifts of a sin-
gle life, what unfitness of mind^ what wearisome^
ness, scruples and doubts to an incredible offence
and displeasure are like to follow between, may be
soon imagined ; whom thus to shut up, and immure,

and shut up together, the one with a mischosen mate, the other in a mistaken calling, is not a course that Christian wisdom and tenderness ought to use. As for the custom that some parents and guardians have of forcing marriages, it will be better to say nothing of such a savage inhumanity, but only thus ; that the law which gives not all freedom of divorce to any creature endued with reason so assassinated, is next in cruelty.

CHAP. XIII

The ninth reason ; because marriage is not a mere carnal coition but a human society : where that cannot reasonably be had, there can be no true matrimony. Marriage compared with all other covenants and vows warrantably broken for the good of man. Marriage the Papists sacrament, and unfit marriage the Protestants idol.

Ninthly; I suppose it will be allowed us that marriage is a human society, and that all human society must proceed from the mind rather than the

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body, else it would be but a kind of animal or beastish meeting : if the mind therefore cannot have that

due company by marriage that it may reasonably and humanly desire, that marriage can be no human society, but a certain formality ; or gilding over of little better than a brutish congress, and so in very wisdom and pureness to be dissolved.

But marriage is more than human, " the covenant of God, '^ Prov. ii. 17, therefore man cannot dissolve it. I answer, if it be more than human, so much the more it argues the chief society thereof to be in the soul rather than in the body, and the

greatest breach thereof to be unfitness of mind ra-

ther than defect of body : for the body can have least affinity in a covenant more than human, so that the reason of dissolving holds good the rather. Again, I answer, that the Sabbath is a higher institution, a command of the first table, for the breach whereof Grod hath far more and oftener testified his anger than for divorces, which from Moses to Malachi he never took displeasure at, nor then neither if we mark the text ; and yet, as oft as the good of man is concerned, he not only permits, but commands to break the Sabbath. What covenant more contracted with God and less in man's power, than the vow which hath once passed his lips ? yet if it be found rash, if offensive, if unfruitful either to God's glory or the good of man, our doctrine forces not error and unwillingness irksomely to keep it, but counsels wisdom and better thoughts boldly to break

it ; therefore to enjoin the indissoluble keeping of a marriage found unfit against the good of man both soul and body, as hath been evidenced, is to make an idol of marriage, to advance it above the worship of God and the good of man, to make it a transcendent command, above both the second and first table ; w^hich is a most prodigious doctrine.

Next whereas they cite out of the Proverbs, that it is the covenant of God, and therefore more than

human, that consequence is manifestly false : for

so the covenant which Zedekiah made with the infidel king of Babel, is called the Covenant of God, Ezek. xvii. 19, which w^ould be strange to hear counted more than a human covenant. So every covenant between man and man, bound by oath, may be called the covenant of God, because God therein is attested. So of marriage he is the author and the witness ; yet hence will not follow any divine astringency more than what is subordinate to the glory of God, and the main good of either party : for as the glory of God and their esteemed fitness one for the other, was the motive which led them both at first to think without other revelation that God had joined them together ; so when it shall be found by their apparent unfitness, that their continuing to be man and wife is against the glory of God and their mutual happiness, it may assure them that God never joined them; who hath revealed his gracious will not to set the ordinance above the man for whom it was ordained ;

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not to canonize marriage either as a tyrannous or a
odious over the enfranchised life and soul of man ;

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for wherein can God delight, wherein be wor-
shipped, wherein be glorified by the forcible con-

tinuing of an improper and ill-yoking couple ? He

that loved not to see the disparity of several cattle
at the plough, cannot be pleased with vast unmeet-
ness in marriage. Where can be the peace and
love which must invite God to such a house ? May
it not be feared that the not divorcing of such a
helpless disagreement will be the divorcing of God
finally from such a place ? But it is a trial of our
patience, say they : I grant it ; but which of Job's
afflictions were sent him with that law, that he
might not use means to remove any of them if he
could ? And what if it subvert our patience and
our faith too ? Who shall answer for the perishing
of all those souls, perishing by stubborn exposi-
tions of particular and inferior precepts against the
general and supreme rule of charity ? They dare
not affirm that marriage is either a sacrament or a
mystery, though all those sacred things give place
to man ; and yet they invest it with such an
awful sanctity, and give it such adamant chains
to bind with, as if it were to be worshipped like
some Indian deity, when it can confer no blessing

upon us, but works more and more to our misery.
To such teachers the saying of St.' Peter at the
council of Jerusalem will do well to be applied :
" Why tempt ye God to put a yoke upon the necks

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of" christian men, which neither the Jews, God's
ancient people, " nor we are able to bear ;" and

nothing but unwary expounding hath brought

upon us ?

CHAP. XIV.

Considerations concerning Familismy Antinomianism ; and
why it may be thought that such opinions may proceed from
the undue restraint of some just liberty, than which no greater
causae to contemn discipline.

To these considerations this also may be added
as no improbable conjecture, seeing that sort of
men who follow Anabaptism, Familism, Antino-
mianism, and other fanatic dreams (if we under-
stand them not amiss) be such most commonly as
are by nature addicted to religion, of life also not
debauched, and that their opinions having full
swing, do end in satisfaction of the flesh ; it may

be come with reason into the thoughts of a wise man, whether all this proceed not partly, if not chiefly, from the restraint of some lawful liberty, which ought to be given men, and is denied them ? As by physic we learn in menstruous bodies, where nature's current hath been stopped, that the suffocation and upward forcing of some lower part affects the head and inward sense with dotage

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and idle fancies. And on the other hand, whether the rest of vulgar men not so religiously professing, do not give themselves much the more to whoredom and adulteries, loving the corrupt and venial discipline of clei^y-courts, but hating to hear of perfect reformation ; when as ti^ey foresee that then fornication shall be austerely censured, adultery punished ; and marriage the appointed refuge of nature, though it hap to be never so incongruous and displeasing, must yet of force be worn out, when it can be to no other purpose but of strife and hatred, a thing odious to God ? This may be worth the study of skilful men in theology, and the reason of things. And lastly, to examine whether some undue and ill-grounded strictness upon the blameless nature of man, be not the cause in those places where already reformation is, that the discipline of the Church, so often, and so unavoidably broken, is brought into contempt and derision ? And if it be thus, let those who are still bent to hold this ob-

stinate literality, so prepare themselves, as to share in the account for all these transgressions, when it shall be demanded at the last day, by one who will scan and sift things with more than a literal wisdom of equity : for if these reasons be duly pondered, and that the gospel is more jealous of laying on excessive burdens than ever the law was, lest the soul of a Christian, which is inestimable, should be overtempted and cast away ; considering also that many

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properties of nature, which the power of regeneration itself never alters, may cause dislike of conversing, even between the most sanctified ; which continually grating in harsh tune together, may breed some jar and discord, and that end in rancour and strife, a thing so opposite both to marriage and to Christianity, it would perhaps be less scandal to divorce a natural disparity, than to link violently together an unchristian dissention, committing two insnared souls inevitably to kindle one another, not with the fire of love, but with a hatred irreconcilable ; who, were they dissevered, would be straight friends in any other relation. But if an alphabetical servility must be still urged, it may so fall out, that the true church may unwittingly use as much cruelty in forbidding to divorce, as the church of Antichrist doth wilfully in forbidding to marry.

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BOOK II

CHAP. I

The ordinance of sabbath and marriage compared. Hyperbole no unjrequent figure in the gospel. Excess cured by contrary excess, Christ neither did nor could abrogate the law of divorce, but only reprieve the abuse thereof.

Hitherto the position undertaken has been declared, and proved by a law of God, that law proved to be moral, and unabolishable, for many reasons equal, honest, charitable, just, annexed thereto. It follows now, that those places of scripture, which have a seeming to revoke the prudence of Moses, or rather that merciful decree of God, be

forthwith explained and reconciled. For what are all these reasonings worth, will some reply, whenas the words of Christ are plainly against all divorce, " except in case of fornication ?*' to whom he whose mind were to answer no more but this, " except also in case of charity,*' might safely appeal to the more plain words of Christ in defence of so excepting. *^Thou shalt do no manner of work,"

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saith the commandment of the sabbath. Yes, saith Christ, works of charity. And shall we be more severe in paraphrasing the considerate and tender gospel, than he was in expounding the rigid and peremptory law ? What was ever in all appearance less made for man, and more for God alone, than the sabbath ? yet when the good of man comes into the scales, we hear that voice of infinite goodness and benignity, that '* sabbath was made for man, not man for sabbath.*' What thing ever was more made for man alone, and less for God, than marriage ? And shall we load it with a cruel and senseless bondage utterly against both the good of man, and the glory of God ? Let whoso will now listen, I want neither pall nor mitre, I stay neither for ordination nor induction ; but in the firm faith of a knowing christian, which is the best and truest endowment of the keys, I pronounce, the man, who shall bind so cruelly a good and gracious ordinance of God, hath not in that the spirit of Christ.

Yet that every text of scripture seeming opposite may be attended with a due exposition, this other part ensues, and makes account to find no slender arguments for this assertion, out of those very scriptures, which are commonly urged against it.

First therefore let us remember, as a thing not to be denied, that all places of scripture, wherein just reason of doubt arises from thje letter, are to be expounded by considering upon what occasion

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every thing is set down, and by comparing other texts. The occasion, which induced our Saviour to speak of divorce, was either to convince the extravagance of the pharisees in that point, or to give a sharp and vehement answer to a tempting question. And in such cases, that we are not to repose all upon the literal terms of so many words, many instances will teach us: wherein we may plainly discover how Christ meant not to be taken word for word, but like a wise physician, administering one excess against another, to reduce us to a permiss ; where they were too remiss, he saw it needful to seem most severe : in one place he censures an unchaste look to be adultery already committed^ another time he passes over actual adultery with less reproof than for an unchaste look ; not so heavily condemning secret weakness, as open malice : 90 here he may be justly thought to have

givⁿ this rigid sentence against divorce, not to cut off all remedy from a good man, who finds himself consuming away in a disconsolate and uninjoined matrimony, but to lay a bridle upon the bold abuses of those overweening rabbies ; which he could not more effectually do, than by a counters way of restraint curbing their wild exorbitance almost in the other extreme ; as when we bow things the contrary way, to make them come to their natural straightness. And this was the only intention of Christ is most evident, if we attend but to his own

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words and protestation made in the same sermon, not many verses before he treats of divorcing, that he came not to abrogate from the law 'one jot or tittle,' and denounces against them that shall so teach.

But St. Luke, the verse immediately foregoing that of divorce, inserts the same caveat, as if the latter could not be understood without the former ; and as a witness to produce against this our wilful mistake of abrogating, which must needs confirm us, that whatever else in the political law of more special relation to the Jews might cease to us ; yet that of those precepts concerning divorce, not one of them was repealed by the doctrine of Christ/ unless we have vowed not to believe his own cautious and immediate profession ; for if these our Saviour's words inveigh against all divorce, and

condemn it as adultery, except it be for adultery, and be not rather understood against the abuse of those divorces permitted in the law, then is that law of Moses, Deut. xxiv. 1, not only repealed and wholly annulled against the promise of Christ, and his known profession not to meddle in matters judicial ; but that which is more strange, the very substance and purpose of that law is contradicted, and convinced both of injustice and impurity, as having authorized and maintained legal adultery by statute. Moses also cannot scape to be guilty of unequal

and unwise decrees, punishing one act of secret

adultery by death, and permitting a whole life of

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open adultery by law. And albeit lawyers write, that some political edicts, though not approved, are yet allowed to the scum of the people, and the necessity of the times ; these excuses have but a weak pulse : for first, we read, not that the scoundrel people, but the choicest, the wisest, the holiest of that nation have frequently Used these laws, or such as these, in the best and holiest times. Secondly, be it yielded, that in matters not very bad or impure, a human law-giver may slacken something of that which is exactly good, to the disposition of the people and the times: but if the perfect, the pure, the righteous law of God, (for so are all his statutes and his judgments,) be found to have allowed smoothly, without any certain reprehension, that

which Christ afterward declares to be adultery, how can we free this law from the horrible indictment of being both impure, unjust, and fallacious ?

CHAP. II.

How divorce was permitted for hardness of hearty cannot be understood by the common exposition. That the law cannot permit, much less enact a permission of sin»

Neither will it serve to say this was permitted for the hardness of their hearts, in that sense as it is Visually explained : for the law were then but a cor-

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rupt and erroneous schoolmaster, teaching us to dash against a vital maxim of religion, by doing foul evil in hope of some certain good.

This only text is not to be matched again through[^] out the v[^]hole scripture, whereby God in his perfect law should seem to have granted to the hard hearts of his holy people, under his own hand, a civil immunity and free charter to live and die in a long successive adultery, under a covenant of works, till the Messiah, and then that indulgent permission to be strictly denied by a covenant of grace ; besides, the incoherence of such a doctrine cannot,

must not be thus interpreted, to the raising of a paradox never known till then, only hanging by the twined thread of one doubtful scripture, against so many other rules and leading principles of religion, of justice, and purity of life. For what could be granted more either to the fear, or to the lust of any tyrant or politician, than this authority of Moses thus expounded ; which opens him a way at will to dam up justice, and not only to admit of any Romish or Austrian dispenses, but to enact a statute of that which he dares not seem to approve,

even to legitimate vice, to make sin itself, the ever

alien and vassal sin, a free citizen of the commonwealth, pretending only these or similar plausible reasons ? And well he might, all the while that Moses shall be alledged to have done as much without showing any reason at all. Yet this could not

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enter into the heart of David, Psal. xciv. 20, how any such authority, as endeavours to ' fashion wickedness by a law,* should derive itself from God. And Isaiah says ' woe unto them that decree unlighteous decree,^ chap. x. 1. Now which of these two is the better law-giver, and which deserves most a wo, he that gives out an edict singly unjust, or he that confirms to generations a fixed and unmolested impunity of that which is not only held to be unjust, but also unclean, and both in a high degree ; not only as they themselves affirm,

an injurious expulsion of one wife, but also an unclean freedom by more than a patent to wed another adulterously ? How can we therefore with safety thus dangerously confine the free simplicity of our Saviour's meaning to that which merely amounts from so many letters, whenas it can consist neither with its former and cautionary words, nor with other more pure and holy principles, nor finally with a scope of charity, commanding by his express commission in a higher strain ? But all rather of necessity must be understood as only

against the abuse of that wise and ingenuous liberty,

which Moses gave, and to terrify a roving conscience from sinning under that pretext.

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%nB <^HAP. III.

That to allow sin by law, is against the nature of law, the end of the law-giver, and the good of the people. Impossible therefore in the law of God, That it makes God the author of sin more than any thing objected by the Jesuits or Arminians against predestination.

But let us yet further examine upon what consideration a law of licence could be thus given to a holy people for the hardness of heart. I suppose all will answer, that for some good end or other.

But here the contrary shall be proved. First, that many ill effects, but no good end of such a suff*er-
ance can be shewn ; next, that a thing unlawful can for no good end whatever, be either done or allowed by a positive law. If there were any good end aimed at, that end was then good either to the law or to the law-giver licensing ; or as to the person licensed. That it could not be the end of the law, whether moral or judicial, to licence a sin, I prove easily out of Rom. v. 20: * The law entered, that the offence might abound,^ that is, that sin.

might be made abundantly manifest to be heinous

and displeasing to God, that so his offered grace might be the more esteemed. Now if the law, instead of aggravating and terrifying sin, shall give out licence, it foils itself, and turns recreant from its

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own end ; it forestalls the pure grace of Christ, which is through righteousness, with impure indulgencies, which are through sin. And instead of discovering sin, for ' by the law is the knowledge thereof,' saith St. Paul ; and that by certain and true light for men to walk in safety, it holds out false and dazzling fires to stumble men ; or, like those miserable flies, to run into with delight and be burnt : for how many souls might easily think that to be lawful which the law and magistrate allowed them ? Again, we read, 1 Tim. i. 5, ' The end of the commandment is charity out of a pure heart, and

of a good conscience, and of faith unfeigned.* But never could that be charity, to allow a people what they could not use with a pure heart, but with conscience and faith both deceived, or else despised. The more particular end of the judicial law is set forth to us clearly, Rom. xiii. That God hath given to that law, ' a sword not in vain, but to be a terror to evil works, a revenge to execute wrath upon him that doth evil.* If this terrible commission should but forbear to punish wickedness, where it other to be accounted than partial and unjust ? but if it

begin to write indulgence to vulgar uncleanness, can

it do more to corrupt and shame the end of its own being ? Lastly, if the law allow sin, it enters into a kind of covenant with sin; and if it do, there is not a greater sinner in the world than the law itself. The law, to use an allegory something different

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from that in PhiloJudaeus concerning Amalek^ though haply more significant, the law ia the Israelite, and hath this absolute charge given it, Deut. XXV. ' To blot out the memory of sin, the Amalekite, from under heaven, not to forget it.^ Again the law is the Israelite, and hath this express repeated command ' to make no covenant with sin, the Canaanite,' but to expel him lest he prove a snare. And to say truth, it were too rigid and reasonless to proclaim such an enmity between man and man, were it not the type of a greater enmity

between law and sin. I speak even now, as if sin were condemned in a perpetual villanage never to be free by law, never to be manumitted : but sure sin can have no tenure by law at all, but is rather an eternal out-law, and in hostility with law past all atonement: both diagonal contraries, as much allowing one another, as day and night together in one hemisphere. Or if it be possible, that sin with his darkness may come to composition, it cannot be without a foul eclipse and twilight to the law, whose brightness ought to surpass the noon. Thus we see

how this unclean permittance defeats the sacred

and glorious end both of the moral and judicial law.

As little good can the law-giver propose to equity by such a lavish remissness as this : if to remedy hardness of heart, Paraeus and other divines confess it more increases by this liberty, than is lessened : and

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how is it probable, that their hearts were more hard in this, that it should be yielded to, than in any other crime ? Their hearts were set upon usury, and are to this day, no nation more ; yet that which was the endamaging only of their estates was narrowly forbid ; this which is thought the extreme injury and dishonour of their wives and daughters, with the defilement also of themselves, is bounteously allowed. Their hearts were as hard under their

best kings to offer in high places, though to the true God : yet that, but a small thing, is strictly fore-warned ; this, accounted a high offence against one of the greatest moral duties, is calmly permitted and established. How can it be evaded, but that the heavy censure of Christ should fall worse upon this law-giver of theirs, than upon all the Scribes and Pharisees ? For they did but omit judgment and mercy to trifle in mint and cummin, yet all according to law ; but this their law-giver, altogether as punctual in such niceties, goes marching on to adulte-

ries, through the violence of divorce by law against

law. If it were such a cursed act of Pilate a subordinate judge to Caesar, overruled by those hard hearts, with much ado to suffer one transgression of law but once, what is it then with less ado to publish a law of transgression for many ages > Did God for this come down and cover the mount of Sinai with his glory, uttering in thunder those his sacred ordinances out of the bottomless treasures

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of his wisdom and infinite pureness, to patch up an ulcerous and rotten commonwealth with strict and stern injunctions, to wash the skin and garments for every unclean touch ; and such easy permission given to pollute the soul with adulteries by public authority, without disgrace or question ? No, it had been better that man had never known law or matrimony, than that such foul iniquity should be

fastened upon the holy one of Israel, the judge of all the earth ; and such a piece of folly as Belzebub would not commit, to divide against himself, and prevent his own ends : or if he, to compass more certain mischief, might yield perhaps to feign some good deed, yet that God should enact a licence of certain evil for uncertain good against his own glory and pureness, is abominable to conceive. And as it is destructive to the end of law, and blasphemous to the honour of the law-giver licensing, so is it as pernicious to the person licensed. If a private

friend admonish not, the scripture saith, ' he hates

his brother, and lets him perish ;' but if he soothe him and allow him in his faults, the Proverbs teach us, ' he spreads a net for his neighbour's feet, and worketh ruin.^ If the magistrate or prince forget to administer due justice, and restrain not sin ; Eli himself could say, ' it made the Lord's people to transgress.* But if he countenance them against law by his own example, what havoc it makes both in religion and virtue among the people may be

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guessed, by the anger it brought upon Hophni and Phineas not to be appeased ' with sacrifice nor offering for ever.' If the law be silent to declare sin, the people must needs generally go astray, for the apostle himself saith, ' he had not known lust but by the law ;' and surely such a nation seems not to be under the illuminating guidance of God's law,

but under the horrible doom rather of such as despise the Gospel ; ' he that is filthy, let him be filthy still/ But where the law itself gives a warrant for sin, I know not what condition of misery to imagine miserable enough for such a people, unless that portion of the wicked, or rather the damned on whom God threatens, in Psalm, xi. ' to rain snares; but that questionless cannot be by any law, which the apostle saith is ' a ministry ordained of God for our good,* and not so many ways and in so high a degree to our destruction, as we have

now been graduating. And this is all the good

can come to the person licensed in his hardness of heart.

I am next to mention that, which because it is a ground in divinity, Rom. iii. will save the labour of demonstrating, unless her given axioms be more doubted than in other hearts (although it be no less firm in the precepts of philosophy) that a thing unlawful can for no good whatsoever be done, much less allowed by a positive law. And this is the matter why interpreters upon that passage in Hosea will not consent it to be a true story, that the prophet took a harlot to wife : because God, being a

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pure spirit, could not command a thing repugnant to

his own nature, no not for so good an end as to exhibit more to the life a wholesome and perhaps a converting parable to many an Israelite. Yet that he commanded the allowance of adulterous and injurious divorces for hardness of heart, a reason obscure and in a wrong sense, they can very favourably persuade themselves ; so tenacious is the leaven of an old conceit. But they shift it ; he permitted only. Yet silence in the law is consent, and consent is accessory : why then is not the law being silent, or not active against a crime, accessory to its

own conviction, itself judging ? For though we

should grant, that it approves not, yet it mils ; and the lawyers maxim is, that ' the will compelled is yet the will.* And though Aristotle in his ethics calls this a ' mixed action,^ yet he concludes it to be voluntary and inexcusable, if it be evil. How justly then might human law and philosophy rise up against the righteousness of Moses, if this be true which our vulgar divinity fathers upon him, yea, upon God himself, not silently, and only negatively to permit, but in his law to divulge a written and general privilege to commit and persist in unlawful divorces with a high hand, with security and no ill fame ? for this is more than permitting and contriving, this is maintaining : this is warranting, this is protecting, yea this is doing evil, and such an evil as that reprobate law-giver did, whose lasting infamy is engraven upon him like a surname, ' he who made Israel to sin/ This is the lowest pitch con-

trary to God that public fraud and injustice can
<lescend.

M il^ be affirmed, that God, as being Lord, may
do \i^at he will, yet we must know, that God hath
not two wills, but one will, nmch less two contrary.
If he once willed adultery should be sinful, and to
be punished with death, all his omnipotence will
not allow him, to will the allowance that his holiest

people might as it were by his own antinomy, or

counter-statute, live un reproved in the same fact as
he himself esteemed it, according to our common
explainers. The hidden ways of his providence we
adore and search not, but the law is his revealed
will, his complete, his evident and certain will :
herein he appears to us as it were in human shape,
entetSf into covenant with uis, swears to keep it,
binds himself like a just law-giver to his own pre-
scriptions, gives himself to be understood by men,
judges and is judged, measures and is commensu-
rate to right reason ; cannot require less of us in
one cantle of his law than in another, his legal jus-
tice cannot be so fickle and so variable, sometimes
like a devouring fire, and by and by connivent in
the embers, or, if I may so say, oscitant and supine.
The vigour of his law could no more remit, than
the hallowed fire upon his altar could be let go out.
The lamps that burned before him might need
tnuffing, but the light of his law never. Of this

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also more beneath, in discussing a solution of Rivetus. ^,

The Jesuits, and that sect among us which is named of Arminius, are wont to charge us of making God the author of sin, in two degrees especially,

not to speak of his permission : 1. because we hold,

that he hath decreed some to damnation, and consequently to sin, say they ; next, because those means, which are of saving knowledge to others, he makes to them an occasion of greater sin. Yet considering the perfection wherein man was created, and might have stood, no degree necessitating his free will, but subsequent, though not in time, yet in order to causes, which were in his own power ; they might methinks be persuaded to absolve both God and us. When as the doctrine of Plato and Chrysippus, with their followers, the Academics and the Stoics, who knew not what a consummate and most adorned Pandora was bestowed upon Adam, to be the nurse and guide of his arbitrary happiness and perseverance, I mean his native innocence and perfection, which might have kept him from being our true Epimetheus ; and though they taught of virtue and vice to be both the gift of divine destiny, they could yet give reasons not invalid, to justify the councils of God and fate frpm the insulstiy of mortal tongues: that man^s

own free will self-corrupted, is the adequate and

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sufficient cause of his disobedience besides fate ; as
Homer also wanted not to express, both in his
Iliad and Odyssey. And Manilius the poet, al-
though in his fourth book he tells of some " created
^th to sin and punishment;'^ yet without mur-

muring, and with an industrious cheerfulness he

acquits the deity. They were not ignorant in their
heathen lore, that it is most godlike to punish those
who of his creatures became his enemies with the
greatest punishment ; and they could attain also to
think, that the greatest, when God himself throws
a man farthest from him ; which then they held he
did, when he blinded, hardened, and stirred up his
offenders, to finish and pile up their desperate work
since they had undertaken it. To banish for ever
into a local hell, whether in the air or in the centre,
or in that uttermost and bottomless gulf of Chaos,
deeper from holy bliss than the world's diameter
multiplied ; they thought not a punishing so pro-
per and proportionate for God to inflict, as to punish
sin with sin. Thus were the common sort of Gen-
tiles wont to think, without any wry thoughts cast
upon divine governance. And therefore Cicero,
not in his Tusculan or Campanian retirements
among the learned wits of that age, but even in the
senate to a mixed auditory, (though he were spar-
ing otherwise to broach his philosophy among

statists and lawyers) yet as to this point, both in his oration against Piso, and in that which is about

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the answers of this soothsayers against Clodius, he declares it publicly as no paradox to common ears, that God cannot p̄niſh man more, nor make him more miserable, j̄than still by making him more sin-

ful. Thus we see how in this controversy the jus-

tice of God stood upright even among heathen disputers. But if any one be truly, and not pretend- edly zealous for God's honour, here I call him forth before men and angels, to use his best and most advised skill, lest God more unavoidably than ever yet, and in the guiltiest manner, be made the author of sin : if he shall not only deliver over and incite his enemies by rebuke to sin as a punishment, but shall by patent under his own broad seal allow his friends whom he would sanctify and save, whom he would unite to himself and not disjoin, whom he would correct by wholesome chastening, and not punish as he doth the damned by lewd sin- ning ; if he shall allow these in his law, the perfect rule of his own purest will, and our most edified conscience, the perpetrating of an odious and manifold sin without the least contesting. It is wondered how there can be in God a secret and revealed will ; and yet what wonder, if there be in man two answerable causes. But here there must be two revealed wills grapjing in a fraternal war

with one another without any reasonable cause apprehended. This cannot be less, than to ingraft sin into the substance of the law, which law is to

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provoke sin by crossing and forbidding, not by complying with it. Nay this is, vehich I tremble in uttering, to incarnate sin into the unpunishing and

well-pleased will of God. To avoid these dreadful

consequences, that tread upon the heels of those allowances to sin, will be a task of far more difficulty, than to appease those minds, which perhaps out of a vigilant and wary conscience except against predestination. Thus finally we may conclude, that a law wholly giving licence cannot upon any good consideration be given to a holy people, fco* hardness of heart in the vulgar sense.

CHAP. IV.

That if divorce be no command, no more is marriage. That divorce could be no dispensation, if it were sinful. The solution of Rivetus, that God dispensed by some unknown way, ought not to satisfy a christian mind.

Others think to evade the matter by not granting any law of divorce, but only a dispensation, which is contrary to the words of Christ, who him-

self calls it a ' Law,' Mark x. 5: or if we speak of a command in the strictest definition, then marriage itself is no more a command than divorce, but only a free permission to him who cannot

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contain. But as to dispensation I affirm the same

as before of the law, that it can never be given to the allowance of sin : God cannot give it, neither in respect of himself, nor in respect of man ; not in respect of himself, being a most pure essence, the just avenger of sin ; neither can he make that cease to be a sin^ which is in itself unjust and impure, as all divorces they say were, which were not for adultery. Not in respect of man, for then it must be either to his good, or to his evil. Not to his good ; for how can that be imagined any good to a sinner, whom nothing but rebuke and due correction can save, to hear the determinate oracle of divine law louder than any reproof dispensing and providing for the impunity, and convenience of sin ; to make that doubtful, or rather lawful, which the end of the law was to make most evidently hateful ? Nor to the evil of man can a dispense be given ; for if ' the law were ordained unto life,' Rom. vii. 10, how can the same God publish dispenses against that law, which must needs be unto death ? Absurd and monstrous

would that dispense be, if any judge or law should give it a man to cut his own throat, or to damn himself. Dispense therefore pre-supposes full pardon, or else it is not a dispense, but a most baneful and bloody snare. And why should God enter covenant with a people to be holy, as ' the command is holy and just, and good,' Rom. vii. 12, and yet

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suffer an impure and treacherous dispense, to mislead and betray them under the vizard of law to a legitimate practice of uncleanness ? God is no covenant-breaker ; he cannot do this.

Rivetus, a diligent and learned writer, having well weighed what hath been written by those founders of dispense, and finding the small agreement among them, would fain work himself aloof these rocks and quicksands, and thinks it best to conclude, that God certainly did dispense, but by «orae way to us unknown, and so to leave it. But to this I oppose, that a christian by no means ought to rest himself in such an ignorance ; whereby so many absurdities will straight reflect both against the purity, justice, and wisdom of God, the end also both of law and gospel, and the comparison of them both together. God indeed in some ways of his providence is high and secret, past finding out : but in the delivery and execution of his law, especially in the managing of a duty so daily and so fami-

liar as this is whereof we reason, hath plainly enough revealed himself, and requires the observance thereof not otherwise, than to the law of nature and equity imprinted in us seems correspondent. And he hath taught us to love and extol his laws, not only as they are his, but as they are just and good to every wise and sober understanding. Therefore Abraham, even to the face of God himself, seemed to doubt of divine justice, if it should swerve from

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the irradiation wherewith it had enlightened the mind of man, and bound itself to observe its own rule ; ' wilt thou destroy the righteous with the wicked ? that be far from thee ; shall not the judge of the earth do right ? Thereby declaring, that God hath created a righteousness in right itself, against which he cannot do. So David, Psalm cxix. ' the testimonies which thou hast commanded are righteous and very faithful ; thy word is very pure, therefore thy servant loveth it/ Not only then for the author's sake, but for its own purity. ' He is faithful,' saith St. Paul, * he cannot deny himself;' that is, cannot deny his own promises, cannot but be true to his own rules. He often pleads with men the uprightness of his ways by their own principles. How should we imitate him else, to ' be perfect as he is perfect ?' If at pleasure he can dispense with golden poetic ages of such pleasing licence, as in the fabled reign of old Saturn, and

this perhaps before the law might have some covert ; but under such an undispensing covenant as Moses made with them, and not to tell us why and wherefore, indulgence cannot give quiet to the breast of an intelligent man ? We must be resolved how the law can be pure and perspicuous, and yet throw a polluted skirt over these Eleusinian mysteries, that no man can utter what they mean : worse in this than the worst obscenities of heathen superstition ; for Their filthiness was hid, but the mystic reason thereof

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known to their sages. But this Jewish imputed filthiness was daily and open, but the reason of it is not known to our divines. We know of no design the gospel can have to impose new righteousness upon works, but to remit the old by faith without works, if we mean justifying works : we know no mystery our Saviour could have to lay new bonds upon marriage in the covenant of grace which himself had loosed to the severity of law. So that Rivetus may pardon us, if we cannot be contented with his non-solution, to remain in such a peck of uncertainties and doubts, so dangerous and ghastly to the fundamentals of our faith.

CHAP, V.

What a dispensation is.

Therefore to get some better satisfaction, we must proceed to inquire as diligently as we can what a dispensation is, which I find to be either properly so called, or improperly. Improperly so called, is rather a particular and exceptive law, absolving and disobliging from a more general command for some just and reasonable cause. As

Numb. ix. they who were unclean, or in a journey,

had leave to keep the passover in the second month, but otherwise ever in the first. As for that in Leviticus of marrying the brother's wife, it was a penal

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statute rather than a dispense ; and commands nothing injurious or in itself unclean, only prefers a special reason of charity before an institutive decency, and perhaps is meant for life-time only, as is expressed beneath in the prohibition of taking two sisters. What other edict of Moses, carrying but the semblance of a law in any other kind, may bear the name of a dispense, I have not readily to instance. But a dispensation most properly is some particular accident rarely happening, and therefore not specified in the law, but left to the decision of charity, even under the bondage of Jewish rites, much more under the liberty of the gospel. Thus

did ' David enter into the house of God, and did eat the showbread, he and his followers, which was' ceremonially ' unlawful.' Of such dispenses as these it was that Verdune the French divine so gravely disputed in the council of Trent against friar Adrian, who held that the pope might dispense with any thing. " It is a fond persuasion," saith Verdune, " that dispensing is a favour ; nay, it is as good distributive justice as what is most, and the priest sins if he gives it not, for it is nothing else but a right interpretation of law." Thus far that 1

can learn touching this matter wholesomely decreed.

But that God, who is the giver of every good and perfect gift, Jam. 1, should give out a rule and directory to sin by, should enact a dispensation as long-lived as a law, whereby to live in privileged adultery for hardness of heart ; (and this obdurate disease cannot be conceived how it was the more

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amended by this unclean remedy,) is the most deadly and scorpion-like gift, that the enemy of mankind could have given to any miserable sinner, and is rather such a dispense as that was, which the serpent gave to our first parents. Grod gave quails in his wrath, and kings in his wrath, yet neither of these things evil in themselves : but that he whose eyes cannot behold impurity, should in the book of his holy covenant, his most unpassionate law, give licence and statute for uncontrolled adultery, al-

though it go for the received opinion, I shall ever dissuade my soul from such a creed, such an indulgence as the shop of Antichrist never forged a baser.

CHAP. VI.

That the Jew had no more right to this supposed dispense than the Christian hath, and rather not so much.

But if we must needs dispense, let us for a while so far dispense with truth, as to grant that sin may be dispensed ; yet there will be copious reason found to prove, that the Jew had no more right to such a supposed indulgence than the Christian ; whether we look at the clear knowledge wherein he lived, or the strict performance of works whereto he was bound. Besides visions and prophecies, they had

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the law of God, which in the Psalms and Proverbs' is chiefly praised for sureness and certainty, both easy and perfect to the enlightening of the simple. How could it be so obscure then, or they so sottishly blind in this plain^ morale and household duty? They had the same precepts about marriage ; Christ added nothing to their clearness, for that had argued them imperfect ; he opens not the law, but removes

the pharisaic mists raised between the law and the people's eyes : the only sentence which he adds, * What God hath joined let no man put asunder,^ is as obscure as any clause fetched out of Genesis, and hath increased a yet undecided controversy of clandestine marriages. If we examine over all his sayings, we shall find him not so much interpreting the law with his words, as referring his own words to be interpreted by the law, and oftener obscures his mind in short, and vehement, and compact sentences, to blind and puzzle them the more, who would not

understand the law. The Jews therefore were as

little to be dispensed with for lack of moral knowledge as we.

Next, none I think will deny, but that they were as much bound to perform the law as any Christian. That severe and rigorous knife not sparing the tender foreskin of any male infant, to carve upon his flesh the mark of that strict and pure covenant whereinto he entered, might give us to understand enough against the fancy of dispensing. St. Paul

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testifies, that every ' circumcised man is a debtor to the whole law,' Gal. v. or else 'circumcision is in vain/ Rom. ii. 25. How vain then, and how preposterous must it needs be to exact a circumcision of the flesh from an infant into an outward sign of purity, and to dispense an uncircumcision in the

soul of a grown man to an inward and real impurity ? How vain again was that law, to impose tedious expiations for every slight sin of ignorance and error, and to privilege without penance or disturbance an odious crime whether of ignorance or obstinacy ? How unjust also inflicting death and extirpation for the mark of circumstantial pureness omitted, and proclaiming all honest and liberal indemnity to the act of a substantial impureness committed, making void the covenant that was made against it ? Thus if we consider the tenour of the

law, to be circumcised and to perform all, not par-

doning so much as the scapes of error and ignorance, and compare this with the condition of the gospel, 'believe and be baptized,' I suppose it cannot be long ere we grant, that the Jew was bound as strictly to the performance of every duty, as was possible : and therefore could not be dispensed with more than the Christian, perhaps not so much.

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CHAP. VII.

That the Gospel is apter to dispense than the Laiv. Farceur answered.

If then the law will afford no reason, why the Jew should be more gently dealt with than the

Christian, then surely the gospel can afford as little[^] why the Christian should be less gently dealt with than the Jew. The gospel indeed exhorts to highest perfection, but bears with weakest infirmity more than the law. Hence those indulgencies, ' all cannot receive this saying, every man hath his proper gift,* with express charges not to ' lay on yokes, which our fathers could not bear.' The nature of man still is as weak, and yet as hard ; and that weakness and hardness as unfit and as un teachable to be harshly used as ever. Ay but, saith Paraeus, there is a

greater portion of spirit poured upon the gospel y

which requires from us perfecter obedience. I answer, this does not prove, that the law might give allowance to sin more than the gospel ; and if it were no sin, we know it were the work of the spirit to 'mortify our corrupt desires and evil concupiscence ;' but not to root up our natural affections and disaffections, moving to and fro even in wisest men upon just and necessary reasons, which were the

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true ground of that Mosaic dispense, and is the utmost extent of our pleading. What is more or less perfect we dispute not, but what is sin or no sin. And in that I still affirm, the law required as perfect obedience as the gospel : besides that the prime end of the gospel is not so much to exact our obedience, as to reveal grace, and the satisfaction of our disobedience. What is now exacted from us, it is the

accusing law that does itj even yet under the gospel ; but cannot be more extreme to us now than to the Jews of old ; for the law ever was of works, and the gospel ever was of grace.

Either then the law by harmless and needful dispenses, which the gospel is now made to deny, must have anticipated and exceeded the grace of the gospelj or else must be found to have given politic and superficial graces without real pardon, saying in general 'do this and live/ and yet

deceiving and damning underhand with unsound

and hollow permissions ; which is utterly abhorring from the end of all law, as hath been showed. But if those indulgencies were safe and sinless, out of tenderness and compassion, as indeed they were, and yet shall be abrogated by the gospel ; then the law, whose end is by rigour to magnify grace, shall itself give grace, and pluck a feir plume from the gospel ; instead of hastening us thither, alluring us from it. And whereas the terror

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^8 THE DOCTRINE AND

of the law was a servant to amplify and illustrate the mildness of grace ; now the unmildness of evangelic grace shall turn servant, to declare the grace and mildness of the rigorous law. The law was harsh to extol the grace of the gospel, and now the gos-

pel, by a new affected strictness of her own, shall extenuate the grace which herself offers. If by exacting a duty which the law dispensed, if we perform it, then is grace diminished, by how much performance advances, unless the apostle argue wrong : if we perform it not, and perish for not performing, then are the conditions of grace harder than those of rigour. If through faith and repentance we perish not, yet grace still remains the less, by requiring that which rigour did not require, or at least not so strictly. Thus much therefore to Pa-

iraeus ; that if the gospel require perfecter obedience

than the law as a duty, it exalts the law, and debases itself, which is dishonourable to the work of our redemption. Seeing therefore that all the causes of any allowance, that the Jews might have, remain as well to the Christians ; this is a certain rule, that so long as the causes remain, the allowance ought. And having thus at length inquired the truth concerning law and dispense, their ends, their uses, their limits, and in what manner both Jew and Christian stand liable to the one, or capable of the other ; we may safely conclude, that, to affirm

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the giving of any law, or law-like dispense to sin for hardness of heart, is a doctrine of that extravagance from the sage principles of piety^ that whoso considers thoroughly, cannot but admire how this hath been digested all the whiles

CHAP. VIIL

^he true sense how Moses suffered divorce /or hardness of heart.

What may we do then to salve this seeming inconsistency ? .1 mu3t not dissemble, that I am confident it can be done no other way than this :

Moses, Deut. xxiv. 1 , established a grave and prudent law, full of moral equity, full of due consideration towards nature, that cannot be resisted, a law consenting with the laws of wisest men and civillest nations ; that when a man hath married a wife, if it come to pass that he cannot love her, by reason of some displeasing natural quality or unfitness in her, let him write her a bill pf divorce. The intent of which law undoubtedly was this, that if any good ^d peaceable man should discover some helpless disagreement or dislike either of mind or body, whereby he could not cheerfully perform the duty of a husband without the perpetual dissembling of of-
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fence and disturbance to his spirit ; rather than to live uncomfortably and unhappily both to himself

and to his wife ; rather than to continue undertaking a duty, which he could not possibly discharge, he might dismiss her whom he could not tolerably and so not conscionably retain. And this law the Spirit of God by the mouth of Solomon, Prov. xxx. 21, 23, testifies to be a good and a necessary law, by granting it that ' a hated woman' (for so the Hebrew word signifies rather than ' odious,' though it come all to onej that ' a hated woman, when she is married, is a thing that the earth cannot bear.' What follows then, but that the charitable law must re-

medy what nature cannot undergo? Now that

'many licentious and hard-hearted men took hold of this law to cloke their bad purposes, is nothing strange to believe. And these were they, not for whom Moses made the law, fGod forbid !) but whose hardness of heart taking ill-advantage by this law he held it better to suffer as by accident, where it could not be detected, rather than good men should lose their just and lawful privilege of remedy; Christ therefore having to answer these tempting Pharisees, according as his custom was, not meaning to inform* their proud ignorance what Moses did in the true intent of the law, which they had ill-cited, suppressing the true cause for which Moses gave it, and extending it to every slight matter, tells them their own, what Moses was forced to suffer by their abuse

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of his law. Which is yet more plain, if we mark

that our Saviour, in Matt. v. cites not the law of Moses, but the pharisaical tradition falsely grounded upon that law. And in those other places, chap. xix. and Mark x. the Pharisees cite the law, but conceal the wise and humane reason there expressed ; which our Saviour corrects not in them, whose pride deserved not his instruction, only returns them what is proper to them : ' Moses for the hardness of your heart suffered you,* that is such as you, ' to put away your wives ; and to you he wrote this precept for that cause,' which (' to you') must be read with an

impression, and understood limitedly of such as

covered ill-purposes under that law : for it was seasonable, that they should hear their own unbounded licence rebuked, but not seasonable for them to hear a good man's requisite libe^y explained. But us he hath taught better, if we have ears to hear. He himself acknowledged it to be a law, Mark x. and being a law of God, it must have an undoubted *' end of charity, which may be used with a pure heart, a good conscience, and faith unfeigned,^* as was heard : it cannot allow sin, but is purposely to resist sin, as by the same chapter to Timothy appears. There we learn also, '' that the law is good, if a man use it lawfully." Out of doubt then there must be a certain good in this law, which Moses willingly allowed, and there might be an unlawful use made thereof by hypocrites ; and that was it

lii[^] fTrfE tJOCTRINE iNii

which was unwillingly suffered, foreseeing it in general, but not able to discern it in particulars. Christ therefore mentions not here what Moses and the law intended ; for good men might know that by other rules : and the scornful Pharisees were not fit to be told, until they could employ that knowledge they had less abusively. Only he acquaints them with what Moses by the law was put to suffer,

CHAP. IX,

The Words of the Institution to be understood; continued of our Saviour's answer to his Disciples.

And to entertain a little their overweening arrogance as best befitted, and to amaze them yet further, because they thought it no hard matter to fulfil the law, he draws them up to that unseparable institution, which God ordained in the beginning before the fall, when man and woman were both perfect, and could have no cause to separate : just as in the same chapter he stands not to contend with the arrogant young man, who boasted his observance of the whole law, whether he had indeed kept it or not, but screws him up higher to a task of that perfection, which no man is bound to imitate. And in like manner, that pattern of the first institution he sets before the opinionative

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Pharisees, to dazzle them, and not to bind us.

For this is a solid rule, that every command, given with a reason, binds our obedience no otherwise than that reason holds. Of this sort was that command in Eden ; ' therefore shall a man cleave to his wife, and they shall be one flesh ;^ which we see is no absolute command, but with an inference ' therefore :* the reason then must first be considered, that our obedience be not disobedience. The first

is, for it is not single, because the wife is to the

husband ' flesh of his flesh,* as in the verse going before. But this reason cannot be sufficient of itself ; for why then should he for his wife leave his father and mother, with whom he is far more
* flesh of flesh, and bone of bone,' as being made of their substance ? and besides, it can be but a
3pry and ignoble society of life, whose inseparable
ipjunction depends merely upon flesh and bone.
Therefore we must look higher, since Christ himself recalls us to the beginning, and we shall find, that the primitive reason of never divorcing was that sacred and not vain promise of God to remedy man's loneliness by ' making him a meet help for him,' though not now in perfection, as at first ; yet still in proportion as things now are. And this is repeated, verse 20, when all other creatures were fitly associated and brought to Adam, as if th^
Divine Power had been in some care and deep thought, because * there was not yet found any

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helpmeet for man/ And can we so slightly depress the all-wise purpose of a deliberating God, as if his consultation had produced no other good for man, but to join him with an accidental companion of propagation, which his sudden word had already made for every beast ? nay a far less good to man, it will be found, if she must at all adventures be fastened upon him individually. And therefore

even plain sense and equity, and, which is above

them both, the all-interpreting voice of charity herself cries aloud, that this primitive reason, this consulted promise of God, ' to make a meet help,' is the only cause that gives authority to this command of not divorcing to be a command. And it might be further added, that if the true definition of a wife were asked at good earnest, this clause of being ' a meet help' would show itself so necessary and so essential, in that demonstrative argument, that it might be logically concluded : therefore she who naturally and perpetually is no ' meet help,' can be no wife; which clearly takes away the difficulty of dismissing such a one. If this be not thought enough, I answer yet further, that marriage, unless it mean a fit and tolerable marriage, is not inseparable neither by nature nor institution. Not by nature, for then Mosaic divorces had been against nature, if separable and inseparable be contraries, as who doubts they be f^ and what is against nature is against law, if soundest philosOr»

phy abuse us not : by this reckoning Moses should be most unmosaic, that is most illegal, not to say most unnatural. Nor is it inseparable by the first institution : for then no second institution of the same law for so many causes could dissolve it ; it being most unworthy a human, (as Plato's judgment is in the fourth book of his laws) much more

a divine law-giver, to write two several decrees

upon the same thing. But what would Plato have deemed, if one of these were good and the other evil to be done ? Lastly, suppose it to be inseparable by institution, yet in competition with higher things, as religion and charity in mainest matters, and when the chief end is frustrate for which it was ordained as hath been shown ; if still it must remain inseparable, it holds a strange and lawless propriety from all other works of God under Heaven. From these many considerations, we may safely gather, that so much of the first institution as our Saviour mentions, for he mentions not all, was but to quell and put to non-plus the tempting Pharisees, and to lay open their ignorance and shallow understanding of the scriptures. For, saith he, ' have ye not read that he which made them at the beginning, made them male and female, and said, for this cause shall a man cleave to his wife ?' which these blind usurpers of Moses's chair could not gainsay : as if this single respect of male and female were sufficient against a thousand inconve-

niences and mischiefs, to clog a rational creature to his endless sorrow unrelinquishably, under the

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guileful superscription of his intended solace and comfort. What if they had thus answered ? master, if thou mean to make wedlock as inseparable as it was from the beginning, let it be made also a

fit society, as God meant it, which we shall soon

understand it ought to be, if thou recite the whole reason of the law. Doubtless our Saviour had applauded their just answer. For then they had expounded his command of Paradise, even as Moses himself expounds it by the laws of divorce, that is, with due and wise regard to the premises and reasons of the first command ; according to which, without unclean and temporizing permissions, he instructs us in this imperfect state what we may lawfully do about divorce.

But if it be thought, that the disciples, offended at the rigour of Christ's answer, could yet obtain no mitigation of the former sentence pronounced to the Pharisees, it may be fully answered, that our Saviour continues the same reply to his disciples, as men leavened with the same customary licence which the Pharisees maintained, and displeas'd at the removing of a traditional abuse, whereto they had so long not unwillingly been used : it was no time then to contend with their slow and prejudi-

cial belief in a thing wherein an ordinary measure of light in scripture, with some attention, might afterwards inform them well enough. And yet ere Christ had finished this argument, they might have picked out of his own concluding words an answer more to their minds, and in effect the same'^with

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that which hath been all this while intreating audi-

ence : ' all men,' saith he, ' cannot receive this saying, save they to whom it is given ; he that is able to receive it, let him receive it/ What saying is this which is left to a man^s choice to receive, or not receive ? what but the married life ? Was our Saviour so mild and so favourable to the weakness of a single man, and is he turned on the sudden so rigorous and inexorable, to the distresses and extremities of an ill-wedded man ? Did he so graciously give leave to change the better single life for the worse married life ? Did he open so to us this hazardous and accidental door of marriage, to shut upon us like the gate of death, without retracting or returning, without permitting to change the worst, most insupportable, most unchristian mischance of marriage, for all the mischiefs and sorrows that can ensue, being an ordinance which was especially given as a cordial and exhilarating cup of solace, the better to bear out other crosses and affliction^ ? Questionless this^ was a hard-heartedness of divorcing, worse than that in the Jews, which they

say extorted the allowance from Moses, and is utterly dissonant from all the doctrine of our Saviour. After these considerations therefore, to take a law out of Paradise given in time of original perfection, and to take it barely without those just and equal inferences and reasons which mainly establish it, nor so much as admitting those needful and safe allowances, wherewith Moses himself interprets it to the fallen condition of man ; argues nothing in us but rash-

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ness and contempt of those means that God left us in his pure and chaste law, without which it will not be possible for us to perform the strict imposition of this command : or if we strive beyond our strength, we shall strive to obey it otherwise than God commands it. And lamented experience daily teaches the bitter and vain fruits of this our presumption, forcing men in a thing wherein we are not able to judge either of their strength or their sufferance. Whom neither one voice nor other by natural addiction, but only marriage ruins, which doubtless is not the fault of that ordinance, for God gave it as a blessing, nor always of man's mis-choosing, it being an error above wisdom to prevent, as examples of wisest men so mistaken manifest : it is the fault therefore of a perverse opinion, that will have it continued in despite of nature and reason, when indeed it was never so truly joined. All those expositors upon the fifth of Matthew confess the law of

Moses to be the law of the Lord, wherein no addition or diminution hath place ; yet coming to the point of divorce, as if they feared not to be called least in the kingdom of Heaven, any slight evasion will content them, to reconcile those contradictions, which they make between Christ and Moses, between Christ and Christ.

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CHAP. X,

The vain shift of those who make the law of Divorce to be only the premises of a succeeding law.

Some will have it no law, but the granted premises of another law following, contrary to the words of Christ, Mark x. 5, and all other translations of gravest authority, who render it in form of a law, agreeably to Mai. ii. 16, as it is most anciently and modernly expounded. Besides, the bill of divorce, and the particular occasion therein mentioned, declares it to be orderly and legal.

And what avails this to make the matter more righteous, if such an adulterous condition shall be mentioned to build a law upon without either punishment or so much as forbidding ? They pre-

tend it is implicitly reprov'd in these words, Deut. xxiv. 4, ' after she is defiled ;* but who sees not that this defilement is only in respect of returning ' to her former husband after an intermixed marriage ? ' else why was not the defiling condition first forbidden, which would have saved the labour of this after-law ? Nor is it seemly or piously attributed to ' the justice of God and his known hatred of sin, that such a heinous fault as this through all the law should be only wiped with an implicit and oblique touch, (which yet is falsely supposed) and that his

peculiar people should be let wallow in adulterous

marriages almost two thousand years, for want of a

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direct law to prohibit them ; it is rather to be confidently assumed, that this was granted to apparent necessities, as being of unquestionable right and reason in the law of nature^ in that it still passes without inhibition, even when the greatest cause is given to us to expect it should be directly forbidden.

CHAP. XL

The other shift of saying Divorce was permitted by law^ hut not approved. More of the institution »

But it was not approved. So much the worse that it was allowed ; as if sin had over-mastered the word of God, to conform her steady and straight rule to sin's crookedness, which is impossible* Be-
iSideSj what needed a positive grant of that which was not approved ? It restrained no liberty to him that could but use a little fraud ; it had been better silenced, unless it were approved in some case or other. But still it was not approved. Miserable excusers ! he who doth evil, that good may come thereby, approves not what he doth ; and yet the

grand rule forbids him, and counts his damnation

just if he do it. The sorceress Medea did npt approve her own evil doings, yet looked not to be excused for that : and it is the constant opinion of I;lato in Protagoras, and other of his dialogues?

DISCtPLINE OF DIVORCE. Hi

agreeing with that proverbial sentence among the Greeks, * that no man is wicked willingly.' Which also the Peripatetics do rather distinguish than deny. What great thank then if any man, reputed wise and constant, will neither do, nor permit others under his charge to do that which he approves not, especially in matter of sin ? but for a judge, but for a magistrate, the shepherd of his people, to surrender up his approbation against law, and his own judgment, to the obstinacy of his herd ; what more unjudge-hke, unmagistrate-like, and in war more uncommander-like ? Twice in a short time it was

the undoing of the Roman state, first when Pompey, next when Marcus Brutus, had not magnanimity enough but to make so poor a resignation of what they approved, to what the boisterous tribunes and soldiers bawled for. Twice it was the saving of two of the greatest commonwealths in the world, of Athens by Themistocles at the sea-fight of Salamis, of Rome by Fabius Maximus in the Punic war ; for that these two matchless generals had the fortitude at home against the rashness and the clamours of their own captains and confederates, to withstand

the doing or permitting of what they could not. ap-

prove in their duty of their great command. Thus far of civil prudence. But when we speak of ⁱⁿ, let us look again upon the old reverend Eli ; who in his heavy punishment found «o difference between the doing and permitting of what he did not approve. If hardness of heart in the people may be an excuse, why then is Pilate branded through all me-

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mory ? He approved not what he did, he openly protested, he washed his hands, and laboured not a little ere he would yield to the hard hearts of a whole people, both princes and plebians, importuning and tumulting even to the fear of a revolt. Yet is there any will undertake his cause? If therefore Pilate for suffering but one act of cruelty - against law, though with much unwillingness testified, at the violent demand of a whole nation,

shall stand so black upon record to all posterity ;
alas for Moses ! what shall we say for him, while
we are taught to believe he suffered not one act
.only both of cruelty and uncleanliness in one di-
.vorce, but made it a plain and lasting law against
law, whereby ten thousand acts accounted both
cruel and unclean might be daily committed, and
this without the least suit or petition of the people,
that we can read of?

And can we conceive without vile thoughts, that

the majesty and holiness of God could endure so

many ages to gratify a stubborn people in the prac-
tice of a foul polluting sin ? and could he expect
they should abstain, he not signifying his mind in a
plain command, at such time especially when he
was framing their laws and them to all possible
perfection ? But they were to look back to the
first institution ; nay rather why was not that indi-
vidual institution brought out of Paradise, as was
that of the sabbath, and repeated in the body of the
law, that men might have understood it to be a
command ? For that any sentence that bears the

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resemblance of a precept, set tliere so out of
place in another world, at such a distance from
the whole law, and not once mentioned there,
should be an obliging command to us, is very dis-
putable ; and perhaps it might be denied to be a

command without further dispute: however, it commands not absolutely, as hath been cleared, but only with reference to that precedent promise of God, which is the very ground of his institution : if that appear not in some tolerable sort, how can we affirm such a matrimony to be the same which God instituted ? in such an accident it will best behove our soberness to follow rather what moral Sinai prescribes equal to our strength, than fondly to think within our strength all that lost Paradise relates.

CHAP. XII.

The third shifi of them who esteem it a mere judicial law* Proved again to be a law of moral equity.

Another while it shall suffice them, that it was not a moral but a judicial law^ and so was abrogated 2 nay rather not abrogated because judicial ; which law the ministry of Christ came not to deal with. And who put it in man's power to exempt, where Christ speaks in general of not abrogating 'the least jot or tittle,' and in special not that of divorce, because it follows among those laws which he pro-

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mised expressly not to abrogate, but tp vindicate from abusive traditions ? which is most evidently

to be seen in the 16th of Luke, where this caution of not abrogating is inserted immediately, and not otherwise than purposely, when no other point of the law is touched but that of divorce. And if we mark the 31st verse of Matt. v. he there cites not the law of Moses, but the licentious gloss which traduced the law ; that therefore which he cited, that he abrogated, and not only abrogated, but disallowed and flatly condemned ; which could not be the law of Moses, for that had been foully to the rebuke of his great servant. To abrogate a law

made with God's allowance, had been, to tell us

only that such a law was now to cease : but to refute it with an ignominious note of civilizing adultery, casts the reproof, which was meant only to the Pharisees, even upon him that made the law. But yet, if that be judicial, which belongs to a civil court, this law is less judicial than nine of the ten commandments : for antiquaries affirm, that divorces proceeded among the Jews without knowledge of the magistrate, only with hands and seals under the testimony of some rabbies to be then present. Perkins, 'in a Treatise of Conscience,' grants, that what in the judicial law is of common equity binds also the Christian: and how to judge of this, prescribes two ways : if wise nations have enacted the like decree : or if it maintain the good of family, church, or commonwealth. This therefore is a pure moral economical law, too hastily imputed of table^

rating sin ; being rather so clear in nature and reason, that it was left to a man's own arbitrament to be determined between God and his own conscience ; not only among the Jews, but in every wise nation : the restraint whereof, Vvho is not too thick-sighted, may see how hurtful and distractive it is to the house, the church, and commonwealth. And that power which Christ never took from the master of a family, but rectified only to a right and wary use at home ; that power the undi seeming

canonist hath improperly usurped in his court-leet,

and describbled with a thousand trifling impertinences, which yet have filled the lite of man with serious trouble and calamity. Yet grant it were of old a judicial law, it need not be the less moral for that, being conversant as it is about virtue or vice. And our Saviour disputes not here the judicature, for that was not his office, but the morality of divorce, whether it be adultery or no ; if therefore he touch the law of Moses at all, he touches the moral part thereof, which is absurd to imagine, that the covenant of grace should reform the exact and perfect law of works, eternal and immutable ; or if he touch not the law at all, then is not the allowance thereof disallowed to us.

CHAP. XIII.

The ridiculous opinion, that divorce was permitted from the custom in Egypt. That Moses gave not this law unwillingly, Perkins confesses this law was not abrogated.

Others are so ridiculous as to allege, that this

licence of divorcing was given them because they

were so accustomed in Egypt. As if an ill custom were to be kept to all posterity ; for the dispensation is both universal and of time unlimited, and so indeed no dispensation at all : for the over-dated dispensation of a thing unlawful, serves for nothing but to increase hardness of heart, and makes men but wax more incorrigible ; which were a great reproach to be said of any law or allowance that God should give us. In these opinions it would be more religion to advise well, lest we make ourselves juster than God, by censuring rashly' that for sin, which his unspotted law without rebuke allows, and his people without being conscious of displeasing him have used : and if we can think so of Moses, as that the Jewish obstinacy could compel him to write such impure permissions against the word of God and his own judgment ; doubtless it was his part to have protested publicly what straits he was driven to, and to have declared his conscience when he gave any law against his mind : for the law is the touchstone of sin and of conscience, and must not

be intermixed with corrupt indulgencies ; for then

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tt loses the greatest praise it has of being certain; and infallible, not leading into error as the Jews were led by this connivance of Moses, if it were a connivance. But still they flyback to the primitive institution, and would have us re-enter Paradise

against the sword that guards it. Whom I again

thus reply to, that the place in Genesis contains the description of a fit and perfect marriage, with an interdict of ever divorcing such a union : but where nature is discovered to have never joined indeed, but vehemently seeks to part, it cannot be there conceived that God forbids it ; nay, he commands it both in the law and in the prophet Malachi, which is to be our rule. And Perkins upon this chapter of Matthew deals plainly, that our Saviour here confutes not Moses' law, but the false glosses that depraved the law ; which being true, Perkins must needs grant, that something then is left to that law which Christ found no fault with ; and what can that be but the conscionable use of such liberty, as the plain words import ? So that by his own inference, Christ did not absolutely intend to restrain all divorces to the only cause of adultery. This therefore is the true scope of our Saviour's will, that he who looks upon the law concerning divorce, should also look back upon the institution, that he may endeavour what is perfectest : and he

that looks upon the institution, shall not refuse as sinful and unlawful those allowances, which God affords him in his following law, lest he make himself purer than his maker, and presuming above

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Strength, slip into temptations irrecoverably. For this is wonderful, that in all those decrees concern-

ing marriage, God should never once mention the

prime institution to dissuade them from divorcing, and that he should forbid smaller sins as opposite to the hardness of their hearts, and let this adulterous matter of divorce pass ever unreproved.

This is also to be marvelled, that seeing Christ did not condemn whatever it was that Moses suffered, and that thereupon the Christian magistrate permits usury and open stews, and here with us adultery to be so slightly punished, which was punished by death to these hard-hearted Jews ; why we should strain thus at the matter of divorce, which may stand so much with charity to permit, and make no scruple to allow usury esteemed to be so much against charity ? But this it is to embroil ourselves against the righteous and all-wise judgments and statutes of God ; which are not variable and contrarious as we would make them, one while permitting, and another while forbidding, but are most constant and most harmonious each to other. For how can the uncorrupt and majestic law of God, bearing in her

hand the wages of life and death, harbour such a repugnance within herself, as to require an unexempted and impartial obedience to all her decrees, either from us or from our Mediator, and yet debase herself to faulter so many ages with circumcised adulteries by unclean and slubbering permissions ?

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CHAP. XIV,

That Beza's opinion of regulating sin by apostolic lata cannot be found.

Yet Beza's opinion is, that a politic law, (but what politic law, I know not, unless one of Machiavel's) may regulate sin ; may bear indeed, I grant, with imperfection for a time, as those canons of the apostles did in ceremonial things : but as for sin, the essence of it cannot consist with rule ; and if the law fail to regulate sin, and not to take it utterly away, it necessarily confirms and establishes sin. To make a regularity of sin by law, either the law must straighten sin into no sin, or sin must crook the law into no law. The judicial law can serve to no other end than to be the protector and champion of religion and honest civility, as is set down plainly Rom.

xiii. and is but the arm of moral law, which can no more be separate from justice, than justice from virtue. Their office also, in a different manner, steers the same course ; the one teaches what is good by precept, the other unteaches what is bad by punishment. But if we give way to politic dispensations of lewd uncleanness, the first good consequence of such a relax will be the justifying of papal stews, joined with a toleration of epidemic whoredom. Justice must revolt from the end of her authority, and

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become the patron of that whereof she was created the punisher. The example of usury, which is commonly alledged, makes against the allegation which it brings, as I touched before. Besides that usury, so much as is permitted by the magistrate, and demanded with common equity, is neither against the word of God nor the rule of charity ; as hath been often discussed by men of eminent learning and judgment. There must be therefore some other example found out to shew us wherein civil policy may with warrant from God settle wickedness by law, and make that lawful which is lawless. Although I doubt not but upon deeper consideration, that which is true in physic will be found as true in policy, that as of bad pulses those that beat most in order, are much worse than those that keep the most inordinate circuit ; so of popular vices those that may be committed legally will be more pernicious,

than those that are left to their own course at peril, not under a stinted privilege to sin orderly and regularly, which is an implicit contradiction, but under due and fearless execution of punishment.

The political law, since it cannot regulate vice, is to restrain it by using all means to root it out. But if it suffer the weed to grow up to any pleasure-able or contented height upon what pretext soever, it fastens the root, it prunes and dresses vice, as if it were a good plant. Let no man doubt therefore

to affirm that it is not so hurtful or dishonourable

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to a commonwealth, nor so much to the hardening of hearts, when those worse faults pretended to be feared are committed, by who so dares under strict and executed penalty, as when those less faults tolerated for fear of greater harden their faces, not their hearts only, under the protection of public authority. For what less indignity were this, than as if justice herself, the queen of virtues (descending from her sceptred royalty), instead of conquering, should compound and treat with sin, her eternal adversary and rebel, upon ignoble terms? or as if the judicial law were like that untrusty steward in the gospel, and instead of calling in the debts of his moral master, should give out subtle and sly acquittances to keep himself from begging } or let us person him like some wretched itinerary judge, who to gratify his

delinquents before him, would let them basely break his head, lest they should pull him from the bench, and throw him over the bar. Unless we had rather think both moral and judicial, full of malice and deadly purpose, conspired to let the debtor Israelite, the seed of Abraham, run on upon a bankrupt score, flattered with insufficient and ensnaring discharges, that so he might be hailed to a more cruel forfeit for all the indulgent arrears, which those judicial acquittances had engaged him in. No, no, this cannot be, that the law, whose integrity and faith-

fulness is next to God, should be either the shame-

less broker of our impunities, or the intended instrument of our destruction. The method of holy correction, such as became the commonwealth of

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Israel, i^ not to bribe sin with sin, to capitulate and hire out one crime with another ; but with more noble and graceful severity than Pompilius the Roman legate used with Antiochus, to limit and level x)ut the direct way from vice to virtue, with straightest and exactest lines on either side, not winding or indenting so much as to the right hand of fair pretences. Violence indeed and insurrection may force the law to suffer what it cannot mend ; but to write a decree in allowance of sin, as soon can the hand of justice rot off. Let this be ever concluded as a truth that will out-live the faith of those that seek to bear it down.

CHAP. XV.

That divorce is not given for wives only, as Beza, and Parceus write, More of" the Institution.

Lastly ; if divorce were granted, as Beza and others say, not for men, but to release afflicted wives ; certainly, it is not only a dispensation, but a most

merciful law ; and why it should not yet be in

force, being wholly as needful, I know not what can be in cause but senseless cruelty. But yet to say, divorce was granted for relief of wives rather than of husbands, is but weakly conjectured, and is manifestly the extreme shift of a huddled exposition. Whenas it could not be found how hardness of heart should be lessened by liberty of divorce, a

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fancy was devised to hide the flaw, by commenting that divorce was permitted only for the help of
•wives. Palpably uxorious ! who can be ignorant, that woman was created for man, and not man for woman, and that a husband may be injured as insufferably in marriage as a wife ? What an injury is it after wedlock not to be beloved ? what to be slighted ? what to be contended with in point of house-rule who shall be the head ; not for any parity

of wisdom, for that were something reasonable, but out of a female pride ? ' I suffer not,' saith St. Paul, ' the woman to usurp authority over the man/ If the apostle could not suffer it, into what mould is he mortified that can ? Solomon saith, * that a bad wife is to her husband as rottenness to his bones, a continual dropping. Better dwell in the corner of a house-top, or in the wilderness,' than with such a one. ' Whoso hideth her, hideth the wind, and one of the four mischiefs which the earth cannot bear.* If the spirit of God wrote such aggravations as these,

and (as may be guessed by these similitudes) coun-

sels the man rather to divorce than to live with such a colleague ; and yet on the other side expresses nothing of the wife's suffering with a bad husband : is it not most likely that God in his law had more pity towards man thus wedlocked, than towards the woman that was created for another ? The same spirit relates to us the course, which the Medes and Persians took by occasion of Vashti, whose mere denial to come at her husband's sending, lost her the being queen any longer, and set up a whole-

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some law, " that every man should bear rule in his own house." And the divine relater shews us not the least sign of disliking what was done ; how should he, if Moses long before was nothing less mindful of the honour and pre-eminence due to man ? So that to say divorce was granted for woman rather

than man, was but fondly invented. Esteeming therefore to have asserted thus an injured law of Moses, from the unwarranted and guilty name of a dispensation, to be again a most equal and requisite law, we have the word of Christ himself, that he came not to alter the least tittle of it ; and signifies no small displeasure against him that shall teach to do so. On which relying, I shall not much waver to affirm, that those words, which are made to intimate as if they forbid all divorce, but for adultery, (though Moses have constituted otherwise)

those words taken circumspectly, without regard to

any precedent law of Moses, or attestation of Christ himself, or without care to preserve those his fundamental and superior laws of nature and charity, to which all other ordinances give up their seal, are as much against plain equity and the mercy of religion, as those words of ' Take, eat, this is my body,^ elementally understood, are against nature and sense.

And surely the restoring of this degraded law hath well recompensed the diligence was used by enlightening us further to find out wherefore Christ took off the Pharisees from alleging the law, and referred them to the first institution ; not condemning, altering, or abolishing this precept of divorce,

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which is plainly moral, for that were against his truth, his promise, and his prophetic office ; but

knowing how fallaciously they had cited and concealed the particular and natural reason of the law, that they might justify any froward reason of their own, he lets go that sophistry unconvinced ; for that had been to teach them else, which his purpose was not. And since they had taken a liberty which the law gave not, he amuses and repels their tempting pride with a perfection of Paradise, which the law required not ; not whereby to oblige our performance to that whereto the law never enjoined the fallen estate of man: for if the first institution

must make wedlock, whatever happen, inseparable

to us, it must make it also as perfect, as meetly helpful, and as comfortable as God promised it should be, at least in some degree ; otherwise it is not equal or proportionable to the strength of man, that he should be reduced into such indissoluble bonds to his assured misery, if all the other conditions of that covenant be manifestly altered.

CHAP. XVI

How to be understood, that they must be one flesh ; and how that those whom God hath joined, Man should not sunder.

Next he saith, * they must be one flesh;* which, when all conjecturing is done, will be found to import no more but to make legitimate and good the

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carnal act, which else might seem to have something of pollution in it ; and infers thus much over, that the fit union of their souls be such as may even incorporate them to love and amity : but that can never be vi^here no correspondence is of the mind ; nay, instead of being one flesh, they will be rather two carcasses chained unnaturally together ; or, as

it may happen, a living soul bound to a dead corpse;

a punishment too like that inflicted by the tyrant Mezentius, so little worthy to be received as that Femyedof loneliness, which God meant us. Since we know it is not the joining of another body will remove loneliness, but the uniting of another compliable mind ; and that it is no blessing but a torment, nay a base and brutish condition to be one flesh, unless^ where nature can in some measure fix a unity of disposition. The meaning therefore of these words, ' For this cause shall a man leave his father and his mother, and shall cleave to his wife,* was first to shew us the dear affection which naturally grows in every. not unnatural marriage, even to the leaving of parents, or other familiarity whatsoever. Next, it justifies a man in so doing, that nothing is done undutifully to father or mother. But he that should be here sternly commanded to cleave to his error, a disposition which to his he finds will never cement, a quotidian of sorrow and discontent in his house ; let us be excused to pause a little, and bethink us every way round ere we lay such a flat solecism

upon the gracious, and certainly not inexorable,
not ruthless and flinty ordinance of marriage. Fw

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if the meaning of these words must be thus blocked
up within their own letters from all equity and fair de-
duction, they will serve then well indeed their turn,
who affirm divorce to have been granted only for

wives: whenas we see no word of this text binds

women, but men only, what it binds. No marvel
then if Salomith (sister to Herod) sent a writ of
case to Costobarus her husband, which (as Josephus
there attests) was lawful only to men. No marvel
though Placidia, the sister of Honorius, threatened
the like to earl Constantius for a trivial cause, as
Photius relates from Olympiodorus. No marvel
any thing, if letters must be turned into palisadoes,
to stake out all requisite sense from entering to their
due enlargement.

Lastly, Christ himself tells who should not be
put asunder, namely, those whom God hathjoined.
A plain solution of this great controversy, if men
would but use their eyes ; for when is it that God
may be said to join ? when the parties and their
firiends consent ? No surely, for that may concur
to lewdest ends. Or is it when church rites are
finished ? Neither ; for the efficacy of those de-
pends upon the pre- supposed fitness pfTeither party.
Perhaps after carnal knowledge : leaist of all ; for

that may join persons whom neither law nor nature dares join. It is left, that only then when the minds are fitly disposed and enabled to maintain a cheerful conversation, to the solace and love of each other, according as God intended and promised in the very first foimdaton of matrimony, ' I will

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make him a helpmeet for him ;' for surely what

God intended and promised, that only can be thought to be his joining, and not the contrary. Sa likewise the apostle witnesseth, I Cor. vii. 16, that in marriage ' God hath called us to peace.* And doubtless in what respect he hath called us to marriage, in that also he hath joined us. The rest, whom either disproportion or deadness of spirit, or something distasteful and averse in the immutable bent of nature renders conjugal, error may have joined, but God never joined against the meaning of his own ordinance. And if he joined them not, then is there no power above their own consent to hinder them from unjoining, when they cannot reap the soberest ends of being together in any tolerable sort. Neither can it be said properly that such twain were ever divorced, but only parted from each other, as two persons unconjunctive are unmarriable together. But if, whom God hath made a fit help, frowardness or private injuries hath made unfit, that being the secret of marriage, God can better judge than man, neither is man indeed fit or able to decide

this matter : however it be, undoubtedly a peaceful divorce is a less evil, and less in scandal than hateful, hard-hearted, and destructive continuance of marriage in the judgment of Moses and of Christ, that justifies him in choosing the less evil ; which if it were an honest and civil prudence in the law, what is there in the gospel forbidding such a kind of legal wisdom, though we should admit the common expositors ?

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CHAP. XVII.

The sentence of Christ concerning divorce how to be expounded*
What Grotius hath observed. Other Additions.

Having thus unfolded those ambiguous reasons, wherewith Christ (as his wont was) gave to the Pharisees that came to sound him, such an answer as they deserved, it will not be uneasy to explain the sentence itself that now follows ; ' Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery.'

First therefore I will set down what is observed by Grotius upon this point, a man of general learning. Next, I produce what mine own thoughts gave me before I had seen his annotations. Origen, saith he, notes that Christ named adultery rather as one

example of other like cases, than as one only exception ; and that is frequent not only in human but in divine laws, to express one kind of fact, whereby other causes of like nature may have the like plea, as Exod. xxi. 18, 19, 20, 26; Deut. xix. 5. And from the maxims of civil law he shews, that even in sharpest penal laws the same reason hath the same right ; and in gentler laws, that from like causes to like the law interprets rightly. But it may be objected, saith he, that nothing destroys the end of wedlock so much as adultery. To which

he answers, that marriage was not ordained only for

copulation, but for mutual help and comfort of life :

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and if we mark diligently the nature of our Saviour's commands, we shall find that both their beginning and their end consists in charity ; whose will is, that we should so be good to others, as that we be not cruel to ourselves : and hence it appears why Mark and Luke, and St. Paul to the Corinthians, mentioning this precept of Christ, add no exception, because exceptions that arise from natural equity are included silently under general terms : it would be considered therefore, whether the same equity may not have place in other cases less frequent. Thus far he. From hence is what I add : First, that this saying of Christ, as it is usually expounded, can be no law at all, that a man for no cause should separate but for adultery, except it be

a supernatural law, not binding us as we now are ; had it been the law of nature, either the Jews, or some other wise and civil nation would have pressed it: or let it be so, yet that law, Deut. xxiv. 1, whereby a man hath leave to part, whenas for just and natural cause discovered he cannot love, is a law ancients and deeper engraven in blameless nature than the other : therefore the inspired law-giver Moses took care, that this should be specified and allowed; the other he let vanish in silence, not once repeated in the volume of his law, even as the

reason of it vanished with Paradise. Secondly, this

can be no new command, for the gospel enjoins no new morality, save only the infinite enlargement of charity, which in this respect is called the new commandment by St. John, as being the accom-

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plishment of every command. Thirdly^ it is no command of perfection further than it partakes of charity, which is, ' the bond of perfection.' Those commands therefore, which compel us to self-cruelty above our strength, so hardly will help forward to perfection, that they hinder and set backward in all the common rudiments of Christianity, as was proved. It being thus clear, that the words of Christ can be no kind of command as they are vulgarly taken, we shall now see in what sense they may be a command, and that an excellent one, the same with that of Moses, and no other. Moses had

granted, that only for a natural annoyance, defect, or dislike, whether in body or mind, (for so the Hebrew word plainly notes) which a man could not force himself to live with, he might give a bill of divorce, thereby forbidding any other cause, wherein amendment or reconciliation might have place. This law the Pharisees depraving extended to any slight contentious cause whatsoever. Christ therefore seeing where they halted, urges the negative part of the law, which is necessarily understood (for the determinate permission of Moses binds them

from further licence) and checking their supercilious

drift, declares that no accidental, temporary, or reconcilable offence (except fornication) can justify a divorce. He touches not here those natural and perpetual hinderances of society, whether in body or mind, which are not to be removed ; for such as they are aptest to cause an unchangeable offence, so ar^ they not capable of reconcilment, because

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not of amendment ; they do not break indeed, but. they annihilate the bands of marriage more than adultery. For that fault committed argues not always a hatred either natural or incidental against whom it is committed ; neither does it infer a disability of all future helpfulness, or loyalty, or loving agreement, being once past and pardoned, where it

can be pardoned : but that which naturally distastes, and 'finds no favour in the eyes' of matrimony, can never be concealed, never appeased, never intermitted, but proves a perpetual nullity of love and contentment, a solitude and dead vacation of all acceptable conversing. Moses therefore permits divorce, but in cases only that have no hands to join, and more need separating than adultery. Christ forbids it, but in matter only that may accord, and those less than fornication. Thus is Moses' law here plainly confirmed, and those

causes which he permitted not a jot gainsaid. And

that this is the true meaning of this place, I prove by no less an author than St. Paul himself, 1 Cor. vii. 10, 11; upon which text interpreters agree, the apostle only repeats the precept of Christ : where while he speaks of the ' wife's reconcilment to her husband,' he puts it out of controversy, that our Saviour meant chiefly matters of strife and reconcilment ; of which sought he would not that any difference should be the occasion of divorce, except fornication. And that we may learn better how to value a grave and prudent law of Moses, and, how unadvisedly we smatter with our lips, when

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we talk of Christ's abolishing any judicial law of his great Father, except in some circumstances which are judaical rather than judicial, and need no abolishing, but cease of themselves ; I say again,

that this recited law of Moses contains a cause of divorce greater beyond compare than that for adultery; and whoso cannot so conceive it, errs and wrongs 'exceedingly a law of deep wisdom for want of well fathoming. For let him mark, no man urges the just divorcing of adultery as it is a sin, but as it is an injury to marriage ; and though it be but once committed, and 'that without malice, whether through importunity or opportunity, the gospel does not therefore dissuade him who would therefore divorce ; but that natural hatred whenever it

arises, is a greater evil in marriage than the acci-

dent of adultery, a greater defrauding, a greater injustice, and yet not blamable, he who understands not after all this representing, I doubt his will like a hard spleen draws faster than his understanding can well sanguify ; nor did that man ever know or feel what it is to love truly, nor ever yet comprehend in his thoughts what the tru^ intent of marriage is And this also will be somewhat above his reach, but yet no less a truth for lack of his perspective, that as no man apprehends what vice is so well as he who is truly virtuous, no man knows Hell like him who converses most in Heaven ; so there is none that can estimate the evil and the affliction of a natural hatred in matrimony, unless he have a soul

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gentle enough and spacious enough to contemplate what is true love..

And the reason why men so dis-esteem this wise-judging law of God, and count hate, or ' the not finding of favour,* as it is there termed, a humorous, a dishonest, and slight cause of divorce, is because themselves apprehend so little of what true concord means : for if they did, they would be juster in their balancing between natural hatred and casual adultery ; this being but a transient injury, and soon amended, I mean as to the party against whom the trespass is : but that other being an unspeakable

and unremitting sorrow and offence, whereof no

amends can be made, no cure, no ceasing but by divorce, which like a divine touch in one moment heals all, and (like the word of God) in one instant hushes outrageous tempests into a sudden stillness and peaceful calm. Yet all this so great a good of God's own enlarging to us is, by the hard reins of them that sit us, wholly diverted and embezzled from us. Malign ers of mankind ! But who hath taught you to mangle thus, and make more gashes in the miseries of a blameless creature,with the leaden daggers of your literal decrees, to whose ease you cannot add the tithe of one small atom, but by letting; alone your unhelpful surgery. As for such as thinly wandering concupiscence to be here newly and more precisely forbidden than it was before ; if the apostle can convince them, we know that we are to * know lust by the law,' and not by ^ny new discovery of the gospel. The law of Moses knew

what it permitted, and the gospel knew what it forbids ; he that under a peevish conceit of debarring concupiscence, shall go about to make a novice of MoSes, (not to say a worse thing, for reverence sake) and such a one of God himself, as is a horror to think, to bind our Saviour in the default of a downright promise-breaking ; and to bind the disunions of complaining nature in chains together; and curb them with a carion bit ; it is he that com-

mits all the whoredom and adultery which himself

adjudges, besides the former guilt so manifold that lies upon him. And if none of these considerations, with all their weight and gravity, can avail to the dispossessing him of his precious literalism, let some one or other entreat him but to read on in the same 19th of Matth. till he come to that place that says, ' some make themselves eunuchs for the kingdom of Heaven's sake.' And if then he please to make tide of Origen's knife, he may do well to be his own carver.

CHAP. XVIII.

Whether the words of our Saviour be rightly expounded only of actual fornication to be the cause of Divorce, The opinion of Grotius, with other reasons.

But because we know that Christ never gave a judicial law, and that the word Fornication is variously significant in scripture, it will be much right done to our Saviour's words, to consider diligently whether it be meant here, that nothing but actual

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fornication proved by witness can warrant a divorce :/

for so our canon law judges. Nevertheless, as t

find that Grotius on this place hath observed the Christian emperors, Theodosius the Second and Justinian, men of high wisdom and reputed piety, decreed it to be a divorcive fornication, if the wife attempted either against the knowledge, or obstinately against the will of her husband, such things as gave open suspicion of adulterizing, as the wilful haunting of feasts, and invitations with men not of her near kindred, the lying forth of her house, without probable cause, the frequenting of theatres against her husband's mind, her endeavour to prevent or destroy conception. Hence that of Jerom, ' where fornication is suspected, the wife may lawfully be divorced :' not that every motion of a jealous mind should be regarded, but that it should not be exacted to prove all things by the visibility of law witnessing, or else to hoodwink the mind : for the law is not able to judge of these things but by the rule of equity, and by permitting a wise man to walk the middle way of prudent circumspection, neither wretchedly jealous, nor stupidly

and tamely patient. To this purpose hath Grotius in his notes. He shews also, that fornication is taken in scripture for such a continual headstrong behaviour, as tends to plain contempt of the husband, and proves it out of Judges xix. 2, where the Levite's wife is said to have played the whore against him ; which Josephus and the Septuagint, with the Chaldean, interpret only of stubborn ness'

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and rebellion against her husband : and to this I add, that Kimchi, and the two other rabbies who gloss the text, are in the same opinion. Ben Gersom reasons, that had it been whoredom, a Jew and a Levite would have disdained to fetch her again. And this I shall contribute, that had it been whoredom, she would have chosen any other place to run to than to her father's house, it being so infamous for a Hebrew woman to play the harlot, and so opprobrious to the parents. Fornication then in this place of the Judges is understood for stubborn disobedience against the husband, and not for adultery. A sin of that sudden activity, as to be already committed when no more is done, but only looked unchastely : which yet I should be loth to judge worthy a divorce, though in our Saviour's language it be called adultery. Nevertheless when palpable and frequent signs are given, the law of God, Numb. v. so far gave way to the jealousy of a man, as that the woman, set before the sanctuary with her head

uncovered, was adjured by the priest to swear whether she were false or no, and constrained to drink that ' bitter water,' with an undoubted ' curse of rottenness and tympany' to follow, unless she were innocent. And the jealous man had not been guiltless before God, as seems by the last verse, if having such a suspicion in his head, he should neglect his trial ; which if to this day it be not to be used, or be thought as uncertain of effect as our antiquated law of Ordalium, yet all equity will judge^ that many adulterous demeanours^ which are.

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of lewd suspicion and example^ may he held suM*
cient to incur a divorce, though the act itself hath not been proved. And seeing th^ generosity of our nation is so, as to account no reproach more abominable than to be nick-named the husband of an adultress ; that our law should not be as ample as the law of God, to vindicate a man from that ignoble sujBTerance, is our barbarous unskilfulness, not considering that the law should be exasperated according to our estimation of the injury. And if it must be suffered till the act be visibly proved, Solomon himself, whose judgment will be granted to surpass the acuteness of any canonist, confesses, Prov. XXX. 19, 20, that for the act of adultery it is as difficult to be found as the ' track of an eagle in the air, or the way of a ship in the sea ;^ so that a man may be put to unmanly indignities ere it be

found out. This therefore may be enough to inform us that divorcive adultery is not limited by our Saviour to the utmost act, and that to be attested always by eye-witness but may be extended also to divers obvious actions, which either plainly lead to adultery, or give such presumption whereby sensible men may suspect the deed to be already done. And this may rather be thought, in that our Saviour chose to use the word Fornication, which word is found to signify other matrimonial transgressions of main breach to that covenant be-

sides actual adultery. For that sin needed not the

riddance of divorce, but of death by the law, which was active even till then by the example of

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the woman taken in adultery ; or if the law had been dormant, our Saviour was more likely to have told them of their neglect, than to have let a capital crime silently scape into a divorce : or if it be said, his business was not to tell them what was criminal in the civil courts, but what was sinful at the bar of conscience, how dare they then, having no other ground than these our Saviour's words, draw that into the trial of law, which both by Moses and our Saviour was left to the jurisdiction of conscience ? But we take from our Saviour, say they, only that it was adultery, and our law of itself applies the punishment. But by their leave that so argue, the great Law-giver of all the world, who knew best

>what was adultery, both to the Jew and to the Gen-
tile, appointed no such applying, and never likes
whei) mortal men will be vainly presuming to out-
strip his Justice.

CHAP. XIX.

Christ's manner of teaching. St, Paul adds to this matter of

divorce without command, to show the matter to be of equity^
not of rigour. Thai the bondage of a Christian may be as
much, and his peace as little, in some other marriages besides
idolatrous. If those arguments therefore be good in that
one case, why not in those other. Therefore the Apostle
himself adds It roTq toibtok*

Thus at length we see both by this and other
places, that there is scarce any one saying in the

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gospel but must be read with limitations and dis-
tinctions to be rightly understood ; for Christ gives
no full comments or continued discourses, but (as
Demetrius the rhetorician phrases it) speaks oft in
monosyllables, like a master scattering the heavenly
grain of his doctrine like pearls here and there,
which requires a skilful and laborious gatherer, who

must compare the words he finds with other precepts, with the end of every ordinance, and with the general analogy of evangelic doctrine: otherwise many particular sayings would be but strange repugnant riddles, and the Church would offend in granting divorce for frigidity, which is not here excepted with adultery, but by them added. And this was it undoubtedly, which gave reason to St. Paul of his own authority, as he professes, and without command from the Lord, to enlarge the seeming construction of those places in the gospel, by add-

ing a case wherein a person deserted, (which is

something less than divorced) may lawfully marry again. And having declared his opinion in one case, he leaves a further liberty for Christian prudence to determine in cases of like importance, using words so plain as not to be shifted off, ' that a brother or a sister is not under bondage in such cases ;* adding also, that ' God hath called us to peace' in marriage.

Now if it be plain, that a christian may be brought into unworthy bondage, and his religious peace not only interrupted now and then, but perpetually and finally hindered in wedlock, by mis-yoking with a

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diversity of nature as well as of religion, the reasons of St. Paul cannot be made special to that one case of infidelity, but are of equal moment to a

divorce, vi^herever Christian liberty and peace are without fault equally obstructed : that the ordinance which God gave to our comfort may not be pinned upon us to our undisturbed thraldom, to be cooped up, as it were in mockery of wedlock, to a perpetual betrothed loneliness and discontent, if nothing-worse ensue. There being nought else of marriage left between such, but a displeasing and forced remedy against the sting of a brute desire : which fleshly accustoming without the souPs union and commixture of intellectual delight, as it is rather a

soiling than a fulfilling of marriage rites, so is it

enough to abase the mettle of a generous spirit, and sinks him to a low and vulgar pitch of endeavour in all his actions ; or, (which is worse) leaves him in a despairing plight of abject and hardened thoughts : which condition rather than a good man should fall into, a man useful in the service of God and mankind, Christ himself hath taught us to dispense with the most sacred ordinance of his worship, even for a bodily healing to dispense with that holy and speculative rest of sabbath, much more then with the erroneous observance of an ill-knotted marriage, for the sustaining of an overcharged faith and perseverance.

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GHAP. XX,

The meaning of St, Paul, that • charity believeih all things.*

What is to be said to the licence which is vainly feared will grow hereby. What to those who never have done prescribing patience in this case. The Papist most severe against divorce, yet most easy to all licence. Of all the miseries in marriage God is to be cleared, and the faults to be laid on >wa»** unjust laws

And though bad causes? would take h'ence by this pretext, if that cannot be remedied, upon their conscience be it who shall so do. This was that hardness of heart, and abuse of a good law, which

Moses was content to suffer, rather than good men

should not have it at all to use needfully. And he who to run after one lost sheep left ninety-nine of his own flock at random in the wilderness, would little perplex his thoughts for the obduring of nine hundred and ninety such as will daily take worse liberties, whether they have permission or not. To conclude, as without charity God hath given no commandment to men, so without it neither can men rightly believe any commandment given. For every act of true faith, as well that whereby we believe the law, is wrought in us by charity, according to that in the divine hymn of St. Paul, 1 Cor. xiii. ' Charity believeth all things ;' not as if she were so credulous, which is the exposition hitherto current, for that were a trivial praise, but to teach us that charity is the high governess of our

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belief, and that we cannot safely assent to any precept written in the Bible, but as charity commends it to us. Which agrees with that of the same Apostle to the Eph. iv. 14, 15, where he tells us, that the way to get a sure undoubted knowledge of things, is to hold that for truth which accords most with charity. Whose unerring guidance and conduct having followed as a load-star, with all diligence and fidelity, in this question ; I trust (through the help of that illuminating spirit which hath favoured me) to have done no every day's work, in:

asserting, after many the words of Christ, with

other scriptures of great concernment, from burdensome and remorseless obscurity, tangled with manifold repugnances, to their native lustre and consent between each other ; hereby also dissolving tedious and Gordian difficulties, which have hitherto molested the Church of God, and are now decided not with the sword of Alexander, but with the immaculate hands of charity, to the unspeakable good of Christendom. And let the extreme literalist sit down now, and revolve whether this in all necessity be not the due result of our Saviour's words, or if he persist to be otherwise opinioned, let him well advise, lest thinking to gripe fast the gospel, he be found instead with the canon law in his fist : whose boisterous edicts tyrannizing the blessed ordinance of marriage into the quality of a most unnatural and unchristianly yoke, hath given the flesh thia, advantage to hate it, and turn aside, ofttimeg unwillingly, to all disa^olute uncleannessy eveniititt

punishment itself is weary of and overcome by the incredible frequency of trading lust and uncontrolled adulteries. Yet men whose creed is custom, I doubt riot will be still endeavouring to hide the sloth of their own timorous capacities with this pretext, that for all this it is better to endure with patience and silence this affliction which God hath sent. And I agree it is true, if this be exhorted

and not enjoined ; but withal it will be wisely done

to be as sure as may be, that what man's iniquity hath laid on be not imputed to God's sending, lest under the colour of an affected patience we detain ourselves at the gulf's mouth of many hideous temptations, not to be withstood without proper gifts, which (as Perkin well notes) God gives not ordinarily, no not to most earnest prayers. Therefore we pray, ' Lead us not into temptation ; ' a vain prayer, if, having led ourselves thither we love to stay in that perilous condition. God sends remedies as well as evils, under which he who lies and groans, that may lawfully acquit himself, is accessory to his own ruin ; nor will it excuse him though he suffer through a sluggish fearfulness to search thoroughly what is lawful, for fear of disquieting the secure falsity of an old opinion. Who doubts not but that it may be piously said, to him who would dismiss his frigidity, bear your trial take it as if God would have you Hve this life of continence ? if he exhort this, I hear him as an angel, though he speak without warrant ; but if he

would compel me, I know him for S[^]tan. Ta

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him who divorces an adulteress, piety might say,
pardon her; you may show much mercy, you may
win a soul : yet the law both of God and man
leaves it freely to him : for God loves not to plough
out the heart of our endeavours with overhard and

sad tasks. God delights not to make a drudge of

virtue, whose actions must be all elective and unconstrained. Forced virtue is as a bolt over-shot, it goes neither forward nor backward, and does no good as it stands. Seeing therefore that neither Scripture nor reason hath laid this unjust austerity upon divorce, we may resolve that nothing else hath wrought it but that letter-bound servility of the canon doctors, supposing marriage to be a sacrament, and out of the art they have to lay unnecessary burdens upon all men, to make a fair show in the fleshy observance of matrimony, though peace and love with all other conjugal respects fare never so ill. And indeed the papists, who are the strictest forbidders of divorce, are the easiest libertines to admit of grossest uncleannes* ; as if they had a design by making wedlock a supportless yoke, to violate it most, under colour of preserving it most inviolable ; and withal delighting (as their mystery is) to make men the day labourers of their own afflictions, as if there were such a scarcity of miseries from abroad, that we should be made to

melt our choicest home blessings, and coin them into crosses, for want whereby to hold commerce with patience. If any therefore who shall hap to read this discourse, bath been through misadventure

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ill-engaged in this contracted evil here complained

of, and finds the fits and workings of a high impatience frequently upon him ; of all those wild words which men in misery think to ease themselves by uttering, let him not open his lips against the providence of Heaven, or tax the ways of God and his divine truth : for they are equal, easy, and not burdensome: nor do they ever cross the just and reasonable desires of men, nor involve this our portion of mortal life into a necessity of sadness and male-content, by laws commanding over the unreducible antipathies of nature, sooner or later found, but allow us to remedy and shake off those evils into which human error hath led us through the midst of our best intentions, and to support our incident extremities by that authentic precept of sovereign charity, whose grand commission is to do and to dispose over all the ordinances of God to man, that love and truth may advance each other to everlasting. While we, literally superstitious, through customary faintness of heart, not venturing to pierce with our free thoughts into the full latitude of

nature and religion, abandon ourselves to serve under the tyranny of usurped opinions ; suffering those ordinances which were allotted to our solace and reviving, to trample over us, and hale us into a multitude of sorrows, which God never meant us. And where he sets us in a fair allowance of way, with honest liberty and prudence to our guard, we ever leave subtilizing and casuisting till we have straightened and pared that liberal path into a

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edge to walk on ; between a precipice of unnecessary mischief on either side, and starting at every false alarm, we do not know which way to set a foot forward with manly confidence and Christian resolution, through the confused ringing in our ears of panic scruples and amazements.

CHAP. XXI

That the matter of divorce is not to be tried by law, but by conscience as many other sins are. The magistrate can only see that the condition of the divorce be just and equal. The opinion of Fagius, and the reasons of this assertion,

no other act of papal encroachment it was, to

pluck the power and arbitrement of divorce from the master of the family, into whose hands God and the law of all nations had put it, and Christ so left it, preaching only to the conscience, and not authorizing a judicial court to toss about and divulge the unaccountable and secret reason of disaffection between man and wife, as a thing most improperly answerable to any such kind of trial. But the popes of Rome, perceiving the great revenue and high authority it would give them even over princes, to have the judging and deciding of such a main con-

sequence in the life of man as was divorce; wrought

so upon the superstition of those ages, as to divest them of that right, which God from the beginning had entrusted to the husband: by which means

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they subjected that ancient and naturally domestic prerogative to an external and unbefitting judicature. For although differences in divorce about dowries, jointures, and the like, besides the punishing of adultery, ought not to pass without referring, if need be, to the magistrate ; yet that the absolute and final hindering of divorce cannot belong to any civil or earthly power, against the will and consent of both parties, or of the husband alone, some reasons will be here urged as shall not need to decline the touch. But first I shall recite what

hath been already yielded by others in favour of this opinion. Grotius and many more agree, that notwithstanding what Christ spake therein to the Conscience, the magistrate is not thereby enjoined aught against the preservation of civil peace, of equity, and of convenience. And among these Fagius is most remarkable, and gives the same liberty of pronouncing divorce to the Christian magistrate as the Mosaic had. ' For whatever, saith he, Christ spake to the regenerate, the judge hath to deal with the vulgar : if therefore any through

hardness of heart will not be a tolerable wife to her

husband, it will be lawful as well now as of old to pass the bill of divorce, not by private but by public authority. Nor doth man separate them then, but God by his law of divorce given by Moses. What can hinder the magistrate from so doing, to whose government all outward things are subject, to separate and remove from perpetual vexation, and no small danger, those bodies whose minds are already

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separate; it being his office to procure peaceable and convenient living in the commonwealth ; and being as certain also, that they so necessarily separated cannot all receive a single life ?' And this I observe, that our divines do generally condemn separation of bed and board, without the liberty of second choice : if that therefore in some cases be most purely necessary, (as who so blockish to deny ?)

then is this also as needful. Thus far by others is already well stepped, to inform us that divorce is not a matter of law, but of charity : if there remain a furlong yet to end the question, these following reasons may serve to gain it with any apprehension not too unlearned or too wayward. First, because oftentimes the causes of seeking divorce reside so deeply in the radical and innocent affections of nature, as is not within the diocese of law to tamper with. Other relations may aptly enough be held together by a civil and virtuous love : but the duties

of man and wife are such as are chiefly conversant

in that love, which is most ancient and merely natural, whose two prime statutes are to join itself to that which is good, and acceptable, and friendly: and to turn aside and depart from what is disagreeable, displeasing, and unlike : of the two this latter is the strongest, and most equal to be regarded : for although a man may often be unjust in seeking that which he loves, yet he can never be unjust or blamable in retiring from his endless trouble and distaste, when as his tarrying can redound to no true content on either side. Hate is of all thiogs

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the mightiest divider, nay is division itself. To couple hatred therefore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fetters of law, it does but seek to twist a rope of sand, wjiich was a task they say that

posed the devil: and that sluggish fiend in hell, Ocnus, whom the poems tell of, brought his idle cordage to as good effect, which never served to bind with, but to feed the ass that stood at his elbow. And that the restrictive law against divorce attains as little to bind any thing truly in a disjointed marriage, or to keep it bound, but serves only to feed the ignorance and definitive impertinence of a doltish canon, wer® no absurd allusion. To hinder therefore those deep and serious regresses of nature in a reasonable soul, parting from that mistaken

help, which he justly seeks in a person created for

him, recollecting himself from an unmeet help which was never meant, and to detain him by compulsion in such an unpredestined misery as this, is in diameter against both nature and institution : but to interpose a jurisdictional power over the inward and irremediable disposition of man, to command love and sympathy, to forbid dislike against the guiltless instinct of nature, is not within the province of any law to reach ; and were indeed an uncommodious rudeness, not a just power : for that law may bandy with nature, and traverse her sage motions, was an error in Callicles the rhetorician, whom Socrates from high principles confutes in Plato's Gorgias. If therefore divorce may be sq

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natural, and that law and nature are not to go contrary ; then to forbid divorce compulsively, is not

only against nature, but against law.

Next, it must be remembered, that all law is for some good, that may be frequently attained without the admixture of a worse inconvenience ; and therefore many gross faults, as ingratitude and the like, which are too far within the soul to be cured by constraint of law, are left only to be wrought on by conscience and persuasion. Which made Aristotle, in the 10th of his Ethics to Nicomachus, aim at a kind of division of law into private or persuasive, and pub-

lic or compulsive. Hence it is, that the law forbid-

ing divorce never attains to any good end of such prohibition, but rather multiplies evil. For if nature's resistless sway in love or hate be once compelled, it grows careless of itself, vicious, useless to friends, unserviceable and spiritless to the commonwealth. Which Moses rightly foresaw, and all wise law-givers that ever knew man, what kind of creature he was. The parliament also and clergy of England were not ignorant of this, when they consented that Harry the VIII. might put away his queen Anne of Cleve, whom he could not like after he had been wedded half a-year ; unless it were that, contrary to the proverb, they made a necessity of that which might have been a virtue in them to do : for even the freedom and eminence of man's creation gives him to be a law in this matter to himself, being the head of the other sex which was made for him ; whom therefore though he ought not to injure, yet

neither should he be forced to retain in society to his own overthrow, nor to hear any judge therein above himself. It being also an unseemly affront to the sequestered and veiled modesty of that sex, to have her unpleasings and other concealments bandied up and down, and aggravated in open court by those hired masters of tongue-fence. Such uncomely exigencies it befell no less a majesty than Henry the VIII. to be reduced to, who, finding just

l^eason in his conscience to forego his brother's wife,

after many indignities of being deluded, and made a boy of by those his two cardinal judges, was constrained at last, for want of other proof, that she had been carnally known by prince Arthur, even to uncover the nakedness of that virtuous lady, and to recite openly the obscene evidence of his brother's chamberlain. Yet it pleased God to make him see all the tyranny of Rome, by discovering this which they exercised over divorce, and to make him the beginner of a reformation to this whole kingdom, by iirst asserting into his familiary power the right of just divorce. // is true, an adulteress cannot be ashamed enough by any public proceeding ; but the woman whose honor is not appeached is less injured by a silent dismissal, being otherwise not illiberally dealt with, than to endure a clamouring debate of utterless things, in a business of that civil secrecy and difficult discerning, as not to be over-much questioned by nearest friends. Which drew that answer from the greatest and worthiest Roman of his time, J^aulus Emilus, being demanded why he would put

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xway his wife for no visible reason ? ' This shoe/
«aid he, and held it out on his foot, ' is a neat shoe,
-a new shoe, and yet none of you know where it
wrings me :* much less by the unfamiliar cognizance
of a feed gamester can such a private difference be
examined, neither ought it.

Again, if law aim at the firm establishment and
preservation of matrimonial faith, we know that
cannot thrive under violent means, but is the more
violated. It is not when two unfortunately met
are by the canon forced to draw in that yoke an un-
merciful day's work of sorrow till death unharness
them, that then the law keeps marriage most unvio-
lated and unbroken ; but when the law takes order
that marriage be accountant and responsible to per-
form that society, whether it be religious, civil or
corporal, which may be conscionably required and
claimed therein, or else to be dissolved if it cannot
be undergone. This is to make marriage most in-
dissoluble, by making it a just and equal dealer, a
performer of those due helps, which instituted the
covenant ; being otherwise a most unjust contract,
and no more to be maintained under tuition of law,
than the vilest fraud, or cheat, or theft that may be
committed. But because this is such a secret kind of
fraud or theft, as cannot be discerned by law but
only by the plaintiff himself ; therefore to divorce

was never counted a political or civil offence neither to Jew nor Gentile, nor by any judicial intendment of Christ, further than could be discerned to transgress the allowance of Moses, which was of neces[^]

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sity SO large, that it doth all one as if it sent back the matter undeterminable at law, and intractable

by rough dealing, to have instructions and admonitions

bestowed about it by them whose spiritual office is to adjure and to denounce, and so left to the conscience. The law can only appoint the just and equal conditions of divorce, and is to look how it is an injury to the divorced, which in truth it can be none, as a mere separation ; for if she consent, wherein has the law to right her ? or consent not, then is it either just, and so deserved ; or if unjust, such in all likelihood was the divorcer : and to part from an unjust man is a happiness, and no injury to be lamented. But suppose it to be an injury, the law is not able to amend it, unless she think it other than a miserable redress, to return back from whence she was expelled, or but intreated to be gone, or else to live apart still married without marriage, a married widow. Last, if it be to chasten the divorcer, what law punishes a deed which is not moral but natural, a deed which cannot certainly be found to be an injury ? or how can it be punished by prohibiting the divorce, but that the innocent must equally partake both in the shame and in the smart .[^] So

that which way soever we look, the law can to no rational purpose forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we see the trial of law, how impertinent it is to this question of divorce, how helpless next, and then how hurtful.

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CHAP. XXII

The last reason why divorce is not to be restrained by law, it being against the law of nature and of nations. The larger proof whereof referred to Mr, Selden's book, * De Jure Naturali ^ Gentium,* An objection of Parceus answered» How it ought to be ordered by the church. That this will not breed any worse inconvenience, nor so bad as is now suffered.

Therefore the last reason, why it should not be, is the example we have, not only from the noblest and wisest commonwealths, guided by the clearest light of human knowledge, but also from the divine testimonies of God himself, lawgiving in person to a sanctified people. That all this is true^ whoso desires to know at large with least pains, and expects not here overlong rehearsals of that which

is by others already so judiciously gathered ; let him hasten to be acquainted with that noble volume written by our learned Selden, " Of the Law of Nature and of Nations," a work more useful and more worthy to be perused by whosoever studies to be a great man in wisdom, equity, and justice, than all those ' decretals and sumless sums,^ which the pontifical clerks have doted on, ever since that unfortunate mother famously sinned thrice, and died impenitent of her bringing into the world those two misbegotten infants, and for ever infants, Lombard

and Gratian, him the compilei- of canon iniquity,

the other the Tubalcain of scholastic sophistry,

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whose overspreading barbarism hath not only infused their own bastardy upon the fruitfullest part of human learning, not only dissipated and dejected the clear light of nature in us, and of nations, but hath tainted also the fountains of divine doctrine, and rendered the pure and solid law of God unbeneficial to us by their calumnious dunceries. Yet this law, which their unskilfulness hath made liable to all ignominy, the purity and wisdom of this law shall be the buckler of our dispute. Liberty of divorce we claim not, we think not but from this law ; the dignity, the faith, the authority thereof, is now grown among Christians, O astonishment I a labour of no mean difficulty and envy to defend. That it should not be counted a faltering dispense,

a flattering permission of sin, the bill of adultery, a snare, is the expense of all this apology. And all that we solicit is, that it may be suffered to stand in the place where God set it, amidst the firmament of his holy laws, to shine, as it was wont, upon the weaknesses and errors of men, perishing else in the sincerity of their honest purposes : for certain there is no memory of whoredoms and adulteries left among us now, when this warranted freedom of God's own giving is mad, dangerous, and discarded for a scroll of licence. It must be

your suffrages and votes, O Englishmen, that this

exploded decree of God and Moses may scape and come off fair, without the censure of a shameful abrogating : which, if yonder sun ride sure, and means not to break word with us to-morrow, was

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never yet abrogated by our Saviour. Give sentence if you please, that the frivolous canon may reverse the infallible judgment of Moses and his great director. Or if it be the reformed writers, whose doctrine[^] persuades this rather, their reasons I dare affirm are all silenced, unless it be only this. Paraeus on the Corinthians would prove, that hardness of heart in divorce is no more now to be permitted, but to be amerced with fine and imprisonment. I am not willing to discover the forgettings of reverend men, yet here I must : what article or clause of the whole new covenant can Paraeus bring, to exas-

perate the judicial law upon any infirmity under the gospel ? I say infirmity, for if it were the high hand of sin, the law as little would have endured it as the gospel ; it would not stretch to the dividing of an inheritance ; it refused to condemn adultery, not that these things should not be done at law, but to shew that the gospel hath not the least influence upon judicial courts, much less to make them sharper and more heavy, least of all to arraign before a temporal judge that which the law without summons acquitted. ' But,^ saith he, ' the

law was the time of youth, under violent affections ;

the gospel in us is mature age, and ought to subdue affections.' True, and so ought the law too, if they be found inordinate, and not merely natural and blameless. Next I distinguish, that the time of the law is compared to youth and pupilage in respect to the ceremonial part, which led the Jews as children through corporal and garish rudiments, until the ful-

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ness of time should reveal to them the higher lessons of faith and redemption. This is not meant of the moral part, therein it soberly concerned them not to be babies, but to be men in good earnest : the sad and awful majesty of that law was not to be jested with : to bring a bearded nonage with lascivious dispensations before that throne, had been a lewd affront, as it is now a gross mistake. But what discipline is this, Paraeus, to nourish violent

affections in youth, by cockering and wanton indulgencies, and to chastise them in mature age with a boyish rod of correction ? How much more coherent is it to Scripture, that the law as a strict schoolmaster should have punished every trespass without indulgence so baneful to youth, and that the gospel should now correct that by admonition and reproof only, in free and mature age, which was punished with stripes in the childhood and bondage of the law? What therefore it allowed then so fairly, much less is to be whipped now,

especially in penal courts : and if it ought now

to trouble the conscience, why did that angry accuser and condemner law relieve it ? So then, neither from Moses nor from Christ hath the magistrate any authority to proceed against it. But what, shall then the disposal of that power return again to the master of a family ? Wherefore not, since God there put it, and the presumptuous canon thence bereft it ? This only must be provided, that the ancient manner be observed in the presence of the minister and other grave selected

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elders, who, after they shall have admonished and pressed upon him the words of our Saviour, and he shall have protested in the faith of the eternal gospel, and the hope he has of happy resurrection, that otherwise than thus he cannot do, and thinks himself and this his case not contained in that prohibi-

tion of divorce which Christ pronounced, the matter not being of malice, but of nature, and so not capable of reconciling ; to constrain him further were to unchristen him, to unman him, to throw the mountain of Sinai upon him, with the weight of the whole law to boot, flat against the liberty and essence of the gospel ; and yet nothing available either to the sanctity of marriage, the good of husband, wife, or children, nothing profitable either to church or commonwealth, but hurtful and pernicious in all these respects. But this will bring in confu-

sion : yet these cautious mis-trusters might consider,

that what they thus object lights not upon this book, but upon that which I engage against them, the book of God and Moses, with all the wisdom and providence which had forecast the worst of confusion that could succeed, and yet thought fit of such a permission. But let them be of good cheer, it wrought so little disorder among the Jews, that from Moses till after the captivity, not one of the prophets thought it worth the rebuking ; for that of Malachi well looked into will appear to be not against divorcing, but rather against keeping strange concubines, to the vexation of their Hebrew wives. If therefore we Christians may be thought as good

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and tractable as the Jews were, (and certainly the prohibitors of divorce presume us to be better,) then less confusion is to be feared for this among us than

was among them. If we be worse, or but as bad, which lamentable examples confirm we are, then have we more, or at least as much, need of this^ permitted law, as they to whom God therefore gave it (as they say) under a harsher covenant. Let not therefore the frailty of man go on thus inventing needless troubles to itself, to groan under the false imagination of a strictness never imposed from above ; enjoining that for duty, which is an impossible and vain supererogating: ' Be not righteous overmuch,' is the counsel of Ecclesiastes ; ' why shouldst thou

destroy thyself?' Let us not be thus over curious

to strain at atoms, and yet to stop every vent and cranny of permissive liberty, lest nature wanting those needful pores and breathing-places, which God hath not debarred our weakness, either suddenly break out into some wide rupture of open vice and frantic heresy, or else inwardly fester with repining and blasphemous thoughts, under an unreasonable and fruitless rigour of unwarranted law. Against which evils nothing can more beseem the religion of the church, or the wisdom of the state, than to consider timely and provide. And in so doing let them not doubt but they shall vindicate the mis-reputed honour of God and his great law-giver, by suffering him to give his own laws according to the condition of man's nature best known to him, without the unsufferable imputation of dispensing legally

with many ages of ratified adultery. They shall recover the mis-attended words of Christ to the sincerity of their true sense from manifold contradictions, and shall open them with the key of charity. Many helpless Christians they shall raise from the depth of sadness and distress, utterly unfitted as they are to serve God and man : many they shall reclaim from obscure and giddy sects, many regain from dissolute and brutish licence, many from desperate hardness, if ever that were justly pleaded. They shall set free many daughters of Israel, not

wanting much of her sad plight whom ' Satan had

bound eighteen years.* Man they shall restore to his just dignity and prerogative in nature, preferring the soul's free peace before the promiscuous draining of a carnal rage. Marriage, from a perilous hazard and snare, they shall reduce to be a more certain haven and retirement of happy society; when they shall judge according to God and Moses (and how not then according to Christ) when they shall judge it more wisdom and goodness to break that covenant seemingly, and keep it really, than by compulsion of law to keep it seemingly, and by compulsion of blameless nature to break it really, at least if it were ever truly joined. The vigour of discipline they may then turn with better success upon the prostitute looseness of the times, when men, finding in themselves the infirmities of former ages, shall not be constrained above the gift of God in them to unprofitable and impossible observances, never required from the civilest, the wisest, the ho-

liest nations, whose other excellencies in moral virtue they never yet could equal. Last of all, to those whose mind is still to maintain textual restrictions, whereof the bare sound cannot consist sometimes with humanity, much less with charity ; I would ever answer, by putting them in remembrance of a command above all commands, which they seem to have forgot, and who spake it : in

comparison whereof, this w^hich they so exalt is but

a petty and subordinate precept. ' Let them go' therefore with whom I am loth to couple them, yet they will needs run into the same blindness with the Pharisees ; ' let them go therefore/ and consider well what this lesson means, ' I will have mercy and not sacrifice ;' for on that ' saying all the law and prophets depend,^ much more the gospel, whose end and excellence is mercy and peace. Or if they cannot learn that, how will they hear this ? which yet I shall not doubt to leave with them as a conclusion. That God the Son hath put all other things under his own feet, but his commandments he hath left all under the feet of charity.

THE JUDGMENT OF MARTIN BUCER,

CONCERNING

DIVORCE;

WRITTEN TO EDWARD THE SIXTH, IN HIS SECOND BOOK OF
THE KINGDOM OF CHRIST I AND NOW ENGLISHED.

WHEREIN A LATE BOOK,

Restoring the ' Doctrine and Discipline of Divorce^ is
here confirmed and justified by the authority of

MARTIN BUCER.

TO THE PARLIAMENT OF ENGLAND.

' Art thou a Teacher of Israel, and knowest not these things ?' – John Hi. 10.

PUBLISHED BY AUTHORITY.

Testimonies of the high approbation which learned men have
giveji of Martin Bucer.

Simon GrincBus, 1533,

Among all the Germans, I give the palm to Bucer, for excellence in the scriptures. Melancthon in human learning is wonderous fluent ; but greater knowledge in the scripture I attribute to Bucer, and speak it unfeignedly.

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John Calvin[^] 1539.

Martin Bucer, a most faithful doctor of the church of Christ, besides his rare learning, and copious knowledge of many things, besides his clearness of wit, much reading, and other many and various virtues, wherein he is almost by none now living excelled, hath few equals, and excels most ; hath this praise peculiar to himself, that none in this age hath used exacter diligence in the exposition of scripture.

And a little beneath,

Bucer is more large than to be read by overbusied men, and too high to be easily understood by unattentive men, and of a low capacity.

Sir John Cheek, Tutor to King Edward VI. \55'\,

We have lost our master, than whom the world

scarce held a greater, whether we consider his knowledge of true religion, or his integrity and innocence of life, or his incessant study of holy things, or his matchless labour of promoting piety, or his authority and amplitude of teaching, or whatever else was praise-worthy and glorious in him. Script, Anglican, pag. 864.

John Sturmius of Strashurgh,

No man can be ignorant what a great and con-

stant opinion and estimation of Bucer there is in

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Italy, France, and England. Whence the saying of Quintilian hath oft come to my mind, that he hath well profited in eloquence whom Cicero pleases. The same say I of Bucer, that he hath made no small progress in divinity, whom Bucer pleases ; for in his volumes, which he wrote very many, there is the plain impression to be discerned of many great virtues, of diligence, of charity, of truth, of acuteness, of judgment, of learning. Wherein he hath a certain proper kind of writing, whereby he doth not only teach the reader, but affects him with the sweetness of his sentences, and with the manner of his arguing, which is so teaching, and so logical, that it may be perceived how learnedly he separates probable reasons from necessary, how forcibly he confirms what he has to prove, how subtilely he re»

futes, not with sharpness but with truth.

Theodore Beza, on the Portraiture of M. Bucer,

This is that countenance of Bucer, the mirror of mildness tempered with gravity ; to whom the city of Strasburgh owes the reformation of her church. Whose singular learning, and eminent zeal, joined with excellent wisdom, both his learned books, and public disputations in the general diets of the empire, shall witness to all ages. Him the German

persecution drove into England ; where honourably

entertained by Edward VI. he was for two years chief professor of divinity in Cambridge, with great

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est frequency and applause of all learned and pious men until his death, 1551. Bezae Icones,

Mr, Fox's Book of Martyrs^ Vol. iii. p. 7^3.

Bucer, what by writing, but chiefly by reading and preaching openly, wherein being painful in the word of God, he never spared himself, nor regarded his health, brought all men into such an admiration of him, that neither his friends could sufficiently praise him, nor his enemies in any point find fault with his singular life, and sincere doctrine. A most certain token whereof may be his sumptuous burial at Cambridge, solemnized with so great an assist-

ance of all the university, that it was not possible to devise more to the setting out and amplifying of the same.

Dr. Pern, the Popish Vice-Chancellor of Cambridge, his Adversary.

Cardinal Pool, about the fourth year of Queen Mary, intending to reduce the university of Cambridge to popery again, thought no way so effectual, as to cause the bones of Martin Bucer and Paulus

Fagius, which had been four years in the grave, to

be taken up and burnt openly with their books, as knowing that those two worthy men had been of greatest moment to the reformation of that place from popery, and had left such powerful seeds of their doctrine behind them, as would never die, unless the men

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themselves were digged up, and openly condemned for heretics by the university itself. This was put in execution, and Doctor Pern, vice-chancellor, appointed to preach against Bucer : who, among other things, laid to his charge the opinions, which he held of the marriage of priests, of divorcement, and of usury. But immediately after his sermon, or somewhat before, as the Book of Martyrs for a truth relates. Vol. iii. p. 770, the said Doctor Pern smiting himself on the breast, and in manner weeping, wished with all his heart, that God would grant his

soul might then presently depart, and remain with Bucer's ; for he knew his life was such, that if any man's soul were worthy of Heaven, he thought Bucer's in special to be most worthy. *Histor. de Combust. Bucerii & Fagii.*

Acworth^ the University Orator.

' Soon after that Queen Elizabeth came to the crown, this condemnation of Bucer and Fagius by the cardinal and his doctors was solemnly repealed

by the university ; and the memory of those two

famous men celebrated in oration by Ac worth, the university orator, which is yet extant in the *Book of Martyrs*, Vol. iii. p. 773, and in Latin, *Scripta Anglicana*, p. 936.

Nicholas Carre, a learned man ; Walter Haddon, master of the requests to Queen Elizabeth ; Matthew Parker, afterwards primate of England, with

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Other eminent men, in their funeral orations and sermons, express abundantly how great a man Martin Bucer was ; what an incredible loss England sustained in his death ; and that with him died the hope of a perfect reformation for that age. *Ibid.*

Jacobus Verheiden of Grave^ in his *Elogies of Famous Divines*,

Though the name of Martin Luther be famous,
yet thou Martin Bucer for piety, learning, labour,
care, vigilance, and writing, art not to be held in-
ferior to Luther. Bucer was a singular instrument
of God, so was Luther. By the death of this most
learned and most faithful man, the church of Christ
sustained a heavy loss, as Calvin witnesseth ; and
they who are studious of Calvin are not ignorant
how much he ascribes to Bucer ; for thus he writes
in a letter to Viretus : " What a manifold loss befel

the church of God in the death of Bucer, as oft

as I call to mind, I feel my heart almost rent
asunder.^ ^

Peter Martyr Epist. to Conradus Hubertus,

He is dead, who hath overcome in many battles
of the Lord. God lent us for a time this our fa-
ther, and our teacher, never enough praised. Death
hath divided me from a most unanimous friend, one
truly according to mine own heart. My mind is
overpressed with grief, insomuch that I have not

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power to write more. I bid thee in Christ farewell,
and wish thou mayest be able to bear the loss of
Bucer, better than I can bear it.

Testimonies given by learned men to Paulus Fagius,

who held the same opinion with Martin Bucer concerning divorce.

Paulus Fagius, born in the Palatinate, became most skilful in the Hebrew tongue. Being called to the ministry at Isna, he published many ancient and profitable Hebrew books, being aided in the expenses by a senator of that city, as Origen sometime was by a certain rich man called Ambrosius. At length invited to Strasburgh, he there famously discharged the office of a teacher ; until the same

persecution drove him and Bucer into England,

where he was preferred to a professor's place in Cambridge, and soon after died. Bezae Icones.

Melchior Anamus writes his life among the famous German divines.

Sleidan and Thuanus mention him with honour in their history : and Verheiden in his elegies.

TO THE PARLIAMENT.

The book which, among other great and high points of reformation, contains as a principal part thereof, this treatise here presented, supreme court of parliament ! was, by the famous author Martin Bucer, dedicated to Edward Vf. whose incomparable youth doubtless had brought forth to the

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church of England such a glorious manhood, had his hfe reached it, as would have left in the affairs of religion nothing without an excellent pattern for us now to follow. But since the secret purpose of Divine appointment hath reserved no less perhaps than the just half of such a sacred work to be accomplished in this age, and principally, as we trust, by your successful wisdom and authority, religious lords and commons ! what wonder if I seek no other, to whose exactest judgment and review I

may commend these last and worthiest labours of

this renowned teacher ; whom living all the pious nobility of those reforming times, your truest and best-imitated ancestors, revered and admired. Nor was he wanting to a recompense as great as was himself; when both at many times before, and especially among his last sighs and prayers, testifying his dear and fatherly affection to the church and realm of England, he sincerely wished in the hearing of many devout men, *' that what he had in his last book written to King Edward concerning discipline might have place in this kingdom. His hope was then, that no calamity, no confusion, or deformity would happen to the commonwealth ; but otherwise he feared, lest in the midst of all this ardency to know God, yet by the neglect of discipline, our good endeavours would not succeed."* These remarkable words of so godly and so emi-

◆ Wicol, Car. de obitu Buceri.

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nent a man at his death, as they are related by a sufficient and well-known witness, who heard them, and inserted by Thuanus into his grave and serious history ; so ought they to be chiefly considered by that nation, for whose sake they were uttered, and more especially by that general council, which represents the body of that nation. If therefore the book or this part thereof for necessary causes,

be now revived and recommended to the use of this

undisciplined age; it hence appears, that these reasons have not erred in the choice of a fit patronage for a discourse of such importance. But why the whole tractate is not here brought entire, but this matter of divorcement selected in particular, to prevent the full speed of some mis-interpreter, I hasten to disclose. First, it will be soon manifest to them who know what wise men should know, that the constitution and reformation of a commonwealth, if Ezra and Nehemiah did not mis-reform, is, like a building, to begin orderly from the foundation thereof, which is marriage and the family, to set right first whatever is amiss therein. How can there else grow up a race of warrantable men, while the house and home that breeds them is troubled and disquieted under a bondage not of God*s constraining with a natureless constraint (if his most righteous judgments may be our rule) but laid upon us imperiously in the worst and weakest ages of knowledge, by a canonical tyranny of stupid and malicious monks ? who having rashly vowed them-

selves to a single life, which they could not undergo,

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invented new fetters to throw on matrimony, that the world thereby waxing more dissolute, they also in a general looseness might sin with more favour. Next, there being yet among many such a strange iniquity and perverseness against all necessary

divorce, while they will needs expound the words

of our Saviour, not duly by comparing other places, as they must do in the resolving of a hundred other scriptures, but by persisting deafly in the abrupt and papistical way of a literal apprehension against the direct analogy of sense, reason, law, and gospel ; it therefore may well seem more than time, to apply the sound and holy persuasions of this apostolic man to that part in us, which is not yet fully dispossessed of an error as absurd, as most that we deplore in our blindest adversaries ; and to let his authority and unanswerable reasons be vulgarly known, that either his name, or the force of his doctrine, may work a wholesome effect. Lastly, I find it clear to be the author's intention, that this point of divorcement should be held and received as a most necessary and prime part of discipline in every Christian government. And therefore having reduced his model of reformation to fourteen heads, he bestows almost as much time about this one point of divorce, as about all the rest ; which also was the judgment of his heirs and learned friends in Ger-

many, best acquainted with his meaning ; who first published this his book by Oporinus at Basil, (a city for learning and constancy in the true faith honourable among the first) added a special note in the title,

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** that there the reader should find the doctrine of divorce handled so solidly, and so fully, as scarce the

like in any writer of that age : " and with this par-

ticular commendation they doubted not to dedicate the book, as a most profitable and exquisite discourse, to Christian III. a worthy and pious king of Denmark, as the author himself had done before to our Edward VI. Yet did not Bucer in that volume only declare what his constant opinion was herein, but also in his comment upon Matthew, written at Strasburgh divers years before, he treats distinctly and copiously the same argument in three several places, touches it also upon the 7th to the Romans, and promises the same solution more largely upon the first to the Corinthians, omitting no occasion to weed out this last and deepest mischief of the canon-law, sown into the opinion of modern men, against the laws and practice both of God's chosen people, and the best primitive times. Wherein his faithfulness and powerful evidence prevailed so far with all the church of Strasburgh, that they published this doctrine of divorce as an article of their confession, after they had taught so eight and twenty years, through all those

times, when that city flourished, and excelled most, both in religion, learning, and government, under those first restorers of the gospel there, Zelius, Herodius, Capito, Fagius, and those who incomparably then governed the commonwealth, Farrerus and

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Sturmius. If therefore God in the former age

found out a servant, and by whom he had converted

and reformed many a city, by him thought good to restore the most needful doctrine of divorce from rigorous and harmful mistakes on the right hand ; it can be no strange thing, if in this age he stir up by whatsoever means whom it pleases him, to take in hand and maintain the same assertion. Certainly if it be in man's discerning to sever providence from chance, I could allege many instances, wherein there would appear cause to esteem of me no other than a passive instrument under some powe'- and counsel higher and better than can be human, working to a general good in the whole course of this matter. For that I owe no hght, or leading received from any man in the discovery of this truth, what time I first undertook it in ' the Doctrine and Discipline of Divorce,* and had only the infallible grounds of scripture to be my guide ; he who tries the inmost heart, and saw with what severe industry and examination of myself I set down every period, will be my witness. When I had almost finished the first edition, I chanced to read in the notes of

Hugo Grotius upon the 5th. of Matthew, whom I straight understood inchning to reasonable terms in this controversy : and something he whispered rather than disputed about the law of charity, and the true end of wedlock. Glad therefore of such an able assistant, however at much distance, I resolved

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at length to put off into this wild and calumnious

world. For God, it seems, intended to prove me, whether I durst alone take up a rightful cause against a world of dis-esteem, and found I durst. My name I did not publish, as not willing it should sway the reader either for me or against me. But when I was told that the style, which what it ails to be so soon distinguishable, I cannot tell, was known by most men, and that some of the clergy began to inveigh and exclaim on what I was credibly informed they had not read ; I took it then for my proper season, both to show them a name that could easily condemn such an indiscreet kind of censure, and to re-inforce the question with a more accurate diligence : that if any of them would be so good as to leave railing, and to let us hear so much of his learning and christian wisdom, as will be strictly demanded of him in his answering to this problem, care was had he should not spend his preparations against a nameless pamphlet. By this time I had learned that Paulus Fagius, one of the chief divines in Germany, sent for by Frederic the Palatine, to

reform his dominion, and after that invited hither in King Edward's days, to be a professor of divinity in Cambridge, was of the same opinion touching divorce, which these men so lavishly traduced in me. What I found, I inserted where fittest place was, thinking sure they would respect so grave an author, at least to the moderating of their odious

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inferences. And having now perfected a second edition, I referred the judging thereof to your high and impartial sentence, honoured lords and commons ! For I was confident, if any thing generous any thing noble, and above the multitude, were left yet in the spirit of England ; it could be no where sooner found, and no where sooner understood, than in that house of justice and true liberty, where ye sit in council. Nor doth the event hitherto, for some reasons which I shall not here deliver, fail me of what I conceived so highly. Nevertheless, being far otherwise dealt with by some, of whose profession and supposed knowledge I had better hope, and esteemed the deviser of a new and pernicious paradox ; I felt no difference within me from that peace and firmness of mind, which is of nearest kin to patience and contentment : both for that I knew I had divulged a truth linked inseparably with the most fundamental rules of Christianity, to stand or fall together, and was not uninformed, that divers learned and judicious men testified their daily ap-

probation of the book. Yet at length it hath pleased God, who had already given me satisfaction in myself, to afford me now a means whereby I may be fully justified also in the eyes of men. When the book had been now the second time set forth well-nigh three months, as I best remember, I then first came to hear that Martin Bucer had written much concerning divorce : whom earnestly turning over.

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I soon perceived, but not without amazement; in the same opinion, confirmed with the same reasons which in that published book, without the help or imitation of any precedent writer, I had laboured out, and laid together. Not but that there is some difference in the handling, in the order, and the number of arguments, but still agreeing in the same conclusion* So as I may justly gratulate mine own mind with due acknowledgment of assistance from above, which led me, not as a learner, but as a collateral teacher, to a sympathy of judgment with no less a man than Martin Bucer. And he, if our things here below arrive him where he is, does not repent him to see that point of knowledge, which he first and with an unchecked freedom preached to those more knowing times of England, now found so necessary, though what he admonished, were lost out of our memory ; yet that God doth now again create the same doctrine in another unwritten table, and raises it up immediately out of

his pure oracle to the convincement of a perverse age, eager in the reformation of names and ceremonies, but in realities as traditional and as ignorant as their forefathers. I would ask now the foremost of my profound accusers, whether they dare affirm that to be licentious, new, and dangerous, which Martin Bucer so often, and so urgently avouched to be most lawful, most necessary, and most christian, without the least blemish to his good name, among

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all the worthy men of that age, and since, who testify so highly of him ? If they dare, they must then set up an arrogance of their own against all those churches and saints who honoured him without this exception : if they dare not, how can they now make that licentious doctrine in another, which was never blamed or confuted in Bucer, or in Fagius ? The truth is, there will be due to them for this their unadvised rashness the best donative that can be given them; I mean, a round reproof; now that where they thought to be most magisterial, they have displayed their own want, both of readings and of judgment. First, to be so unacquainted in the writings of Bucer, which are so obvious and so useful in their own faculty ; next, to be so caught in a prejudicating weakness, as to condemn that for lewd, which (whether they knew or not) these elect

servants of Christ commended for lawful ; and for new, that which was taught by these almost the first and greatest authors of reformation, who were never taxed for so teaching ; and dedicated without scruple to a royal pair of the first reforming kings in Christendom, and confessed in the public confession of a most orthodoxical church and state in Germany. This is also another fault which I must tell them ; that they have stood now almost this whole year clamouring afar off, while the book hath been twice printed, twice brought up, and

never once vouchsafed a friendly conference with

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the autlior, who would be glad and thankful to be shown an error, either by private dispute, or public answer, and could retract, as well as wise men before him ; might also be worth the gaining, as one who heretofore hath done good service to the church by their own confession. Or if he be obstinate, their confutation would have rendered him without excuse, and reclaimed others of no mean parts, who incline to his opinion. But now their work is more than doubled ; and how they will hold up their heads against the sudden aspect of these two great and reverend saints, whom they have defamed, how they will make good the censuring of that, for a novelty of licence, which Bucer constantly taught to be a pure and holy law of Christ's kingdom, let them advise. For against these my adversaries, who,

before the examining of El propounded truth in a fit time of reformation, have had the conscience to oppose nought else but their blind reproaches and surmises, that a single innocence might not be oppressed and overborne by a crew of mouths, for the restoring of a law and doctrine falsely and unlearnedly reputed new and scandalous ; God, that I may ever magnify and record this his goodness, hath unexpectedly raised up as it were from the dead more than one famous light of the • first reformation, to bear witness with me, and to

do me honour in that very thing, wherein these

men thought to have blotted me ; and hath given

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them the proof of a capacity, which they despised, running equal, and authentic with some of their chiefest masters unthought of, and in a point of sagest moment. However, if we know at all when to ascribe the occurrences of this life to the work of a Special Providence, as nothing is more usual in the talk of good men, what can be more like to a special Providence of God, that in the first reformation of England, that this question of divorce, as a main thing to be restored to just freedom, was written, and seriously commended to Edward the Vlth, by a man called from another country to be the instructor of our nation ; and now in this pre-

sent renewing of the church and commonwealth,
which we pray may be more lasting, that the same
question should be again treated and presented to
this parliament, by one enabled to use the same rea-
sons without the least sight or knowledge of what
was done before ? It were no trespass, lords and
commons ! though something of less note were
attributed to the ordering of a heavenly power ; this
question therefore of such prime concernment both
to x^hristian and civil welfare, in such an extraordi-
nary manner, not recovered, but plainly twice borne

to these latter ages, as from a divine hand I tender to

your acceptance, and most considerate thoughts.

Think not that God raised up in vain a man of
greatest authority in the church, to tell a trivial and
licentious tale in the ears of that good prince, and

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to bequeath it as his last will and testament, nay
rather as the testament and royal law of Christ to
this nation ; or that it should of itself, after so many
years, as it were in a new field where it was never
sown, grow up again as a vicious plant in the mind
of another, who had spoke honestest things to the
nation ; though he knew not that what his youth
then reasoned without a pattern had been heard
already, and well allowed from the gravity and worth
of Martin Bucer : till meeting with the envy of men
ignorant in their own undertaken caUing, God di-
rected him to the forgotten writing of this faithful

evangelist, to be his defence and warrant against the gross imputation of broaching licence. Ye are now in the glorious way to high virtue, and matchless deeds, trusted with a most inestimable trust, the asserting of our just liberties. Ye have a nation that expects now, and from mighty sufferings aspires to be the example of all Christendom to a perfectest reforming. Dare to be as great, as ample, and as eminent in the fair progress of your noble designs, as the full and goodly stature of truth and excellence itself; as unlimited by petty pre-

cedents and copies, as your unquestionable calling

from Heaven gives ye power to be. What are all our public immunities and privileges worth, and how shall it be judged, that we fight for them with minds worthy to enjoy them, if we suffer ourselves in the mean while not to understand the most im»

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portant freedom, that God and nature hath given us in the family ; which no wise nation ever wanted, till the popery and superstition of some former ages attempted to remove and alter divine and most prudent laws for human and most imprudent canons: whereby good men in the best portion of their lives, and in that ordinance of God, which entitles them from the beginning to most just and requisite contentments, are compelled to civil indignities, which by the law of Moses bad men were not compelled to ? Be not bound about, and straitened in the

spacious wisdom of your free spirits, by the scanty and unadequate and inconsistent principles of such as condemn others for adhering to traditions, and are themselves the prostrate worshippers of custom ; and of such a tradition as they can deduce from no antiquity, but from the rudest and thickest barbarism of antichristian times. But why do I anticipate the more acceptable and prevailing voice of learned Bucer himself, the pastor of nations ? And O that I could set him living before ye in that doctoral chair, where once the learnedest of Eng-

land thought it no disparagement to sit at his feet !

He would be such a pilot, and such a father to ye, as ye would soon find the difference of his hand and skill upon the helm of reformation. Nor do I forget that faithful associate of his labours, Paulus Fagius ; for these their great names and merits, how precious soever, God hath now joined with me

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wecessarily, in the good or evil report of this doctrine, which I leave for you. It was written to a religious king of this land ; written earnestly, as a main matter wherein this kingdom needed a reform, if it purposed to be the kingdom of Christ : written by him, who if any, since the days of Luther, merits to be counted the Apostle of our Church : whose unwearied pains and watching for our sakes, as they spent him quickly here among us, so did they, during the shortness of his life, incredibly

promote the gospel throughout this realm. The authority, the learning, the godliness of this man consulted with, is able to out-balance all that the lightness of a vulgar opposition can bring to counterpoise. I leave him also as my complete surety and testimonial, if truth be not the best witness to itself, that what I formerly presented to your reading on this subject was good, and just, and honest, not licentious. Not that I have now more confidence by the addition of these great authors to my party: for what I wrote was not my opinion, but

my knowledge ; even then when I could trace no

footstep in the way I went : nor that I think to win upon your apprehensions with numbers and with names, rather than with reasons ; yet certainly the worst of my detractors will not except against so good bail of my integrity and judgment, as now appears for me. They must else put in the fame of Bucer

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and of Fagius, as my accomplices and confederates, into the same indictment; they must dig up the good name of these prime worthies (if their names could be ever buried) they must dig them up and brand them as the papists did their bodies; and those their pure unblamable spirits, which live not only in Heaven, but in their writings, they must attain with new attainures, which no protestant ever before aspersed them with. Or if perhaps we may obtain to get our appeachment new drawn a

writ of error, not of libertinism, that those two principal leaders of reformation may not now come to be sued in a bill of licence, to the scandal of our church ; the brief result will be, that for the error, if their own works be not thought sufficient to defend them, their lives yet, who will be ready, in a fair and christianly discussive way, to debate and sift this matter to the utmost ounce of learning and religion, in him that shall lay it as an error, either upon Martin Bucer, or any other of his opinion. If this be not enough to qualify my traducers, and

that they think it more for the wisdom of their viru-

lence, not to recant the injuries they have bespoke me, I shall not, for much more disturbance than they can bring me, intermit the prosecution of those thoughts, which may render me best serviceable, either to this age or if it so happen, to posterity; following the fair path, which your illustrious ex-

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ploits, honoured lords and commons ! against the breast of tyranny have opened ; and depending so on your happy successes in the hopes that I have conceived either of myself, or of the nation, as must needs conclude me one who most affectionately wishes and awaits the prosperous issue of your jjoble and valorous counsels,

John Milton,

THE

JUDGIVIENT OF MARTIN BUCER,

TOUCHING

DIVORCE:

Taken out of the Second Book, entitled, " Of the

Kingdom of Christ;" written by Martin Bucer to

Edward the Sixth, King of England.

CHAP. XV.

The seventh law of the sanctifying and ordering of marriage.

That the ordering of marriage belongs to the civil power.

That the Popes have evaded by fraud and force the ordering of marriage.

Besides these things, Christ our king, and his churches require from your sacred majesty, that you would take upon you the just care of marriages.

For it is unspeakable how many good consciences are hereby entangled, afflicted, and in danger, because there are no just laws, no speedy way constituted according to God's word, touching this holy society and fountain of mankind. For seeing matrimony is a civil thing, men, that they may rightly contract, inviolably keep, and not without extreme

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necessity dissolve marriage, are not only to be taught by the doctrine and discipline of the church, but also are to be acquitted, aided and compelled by laws and judicature of the commonwealth.

Which thing pious, emperors acknowledging, and therein framing themselves to the law of nations,

gave laws both of contracting and preserving, and

also where an unhappy need required, of divorcing marriages. As may be seen in the Code of Justinian, the 5th book, from the beginning through twenty-four titles. And in the authentic of Justinian the 22d, and some others.

But the Antichrist of Rome, to get the imperial power into their own hands, first by fraudulent persuasion, afterwards by force drew to themselves the whole authority of determining and judging as well in matrimonial causes as in most other matters. Therefore it has been long believed, that the care and government thereof doth not belong to the civil magistrate.. Yet where the gospel of Christ is received, the laws of Antichrist should be rejected. If therefore kings and governors take not this care, by the power of law and justice to provide that marriages be piously contracted, religiously kept, and lawfully dissolved, if need require, who sees not what confusion and trouble is brought upon this holy society : and what a rack is prepared, even for

many of the best consciences, while they have no certain laws to follow, no justice to implore, if any

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intolerable thing happen ? And how much it concerns the honour and safety of the commonwealth^ that marriages according to the will of Christ, be made, maintained, and not without just cause dis-

solved, who understands not ? For unless that first

and holiest society of man and woman be purely constituted, that household discipline may be upheld by them according to God's law, how can we expect a race of good men ? Let your majesty therefore know, that this is your duty, and in the first place, to re-assume to yourself the just ordering of matrimony, and by firm laws to establish and defend the religion of this first and divine society among men, as all wise law-givers of old, and christian emperors have carefully done.

The two next chapters^ because they chiefly treat about the degrees of consanguinity and affinity ^ I omit; only setting down a passage or two concerning the judicial laws of Moses how fit they be for Christians to imitate rather than any other.

CHAP. XVIII.

Towards the end.

I CONFESS that we, being free in Christ, are not bound to the civil laws of Moses in every circumstance; yet seeing no laws can be more

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honest, just, and wholesome, than those which God himself gave, who is eternal wisdom and goodness, I see not why Christians, in things which no less appertain to them, ought not to follow the laws of God, rather than of any men. We are not to use circumcision, sacrifice, and those bodily washings prescribed to the Jews; yet by these things we may rightly learn, with what purity and devotion both baptism and the Lord's Supper should be administered and received. How much more is it our duty to observe diligently what the Lord hath commanded, and taught by the examples of his people concerning marriage, whereof we have the use no less than they ?

And because this same worthy author hath another passage to this purpose, in his comment upon Matthew, chap. v. 19, I here insert it from p. 46.

Since we have need of civil laws, and the power

of punishing, it will be wisest not to condemn those given by Moses; but seriously rather to consider what the meaning of God was in them, what he chiefly required, and how much it might be to the good of every nation, if they would borrow thence their manner of governing the commonwealth ; yet

freely all things and with the spirit of Christ. For what Solon, or Plato, or Aristotle, what lawyers or Caesars could make better laws than God ? And it is no light argument, that many magistrates at this day do not enough acknowledge the kingdom of

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Christ, though they would seem most Christian, in that they govern their states by laws so diverse from those of Moses.

The 18th chapter I only mention^{as} determining a thing not here in question, that marriage without consent of parents ought not to be held good ; yet

with this qualification fit to be known.

That if parents admit not the honest desires of their children, but shall persist to abuse the power they have over them ; they are to be mollified by admonitions, entreaties, and persuasions, first of their friends and kindred, next of the church-elders.

Whom if still the hard parents refuse to hear, then ought the magistrate to interpose his power: lest any by the evil mind of their parents be detained from marriage longer than is meet, or forced to an

untimely match : in which case the Roman laws

also provided. C. de Nupt. 1. 11, 13, 26.

CHAP. XIX.

Whether it may be permitted to revoke the promise of marriage.

Here ariseth another question concerning contracts, when they ought to be unchangeable ? for religious emperors decreed, that the contract was not indissoluble, until the spouse were brought

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home, and the solemnities performed. They thought it a thing unworthy of divine and human equity, and the due consideration of man's infirmity in de-

liberating and determining, when space is given to renounce other contracts of much less moment, which are not yet confirmed before the magistrate, to deny that to the most weighty contract of marriage, which requires the greatest care and consultation. Yet lest such a covenant should be broken for no just cause, and to the injury of that person to whom marriage was promised, they decreed a fine, that he who denied marriage to whom he had promised, and for some cause not approved by the judges, should pay the double of that pledge which

was given at making sure, or as much as the judge

should pronounce might satisfy the damage, or the hinderance of either party. It being most certain, that oftentimes after contract just and honest causes of departing from promise come to be known and found out, it cannot be other than the duty of pious princes, to give men the same liberty of unpromising in these cases, as pious emperors granted: especially where there is only a promise, and not carnal knowledge. And as there is no true marriage between them, who agree not in true consent of mind ; so it will be the part of godly magistrates, to procure that no matrimony be among their subjects, but what is knit with love and consent. And though your majesty be not bound to the imperial

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laws, yet it is the duty of a Christian king, to embrace and follow whatever he knows to be any

where piously and justly constituted, and to be honest, just, and well-pleasing to his people. But why in God's law, and the examples of his saints^ nothing hereof is read, no marvel ; seeing his ancient people had power, yea a precept, that whoso could not bend his mind to the true love of his wife, should give her a bill of divorce, and send her from him, though after carnal knowledge and long dwelling together. This is enough to authorize a godly prince in that indulgence, which he gives to the changing of a contract ; both because it is cer-

tainly the invention of Antichrist, that the promise

of marriage de p^resenti, as they call it, should be indissoluble, and because it should be a prince's care, that matrimony be so joined, as God ordained ; which is, that every one should love his wife with such a love as Adam expressed to Eve : so as we may hope, that they who marry may become one flesh, and one also in the Lord.

CHAP. XX.

Concerns only the celebration of marriage.

Discipline of divorce. 193

CHAP. XXf.

The means of preserving marriage holy and pure.

Now since there ought not to be less care, that marriage be religiously kept, than that it be piously and deliberately contracted, it will be meet, that to every church be ordained certain grave and godly men, who may have this care upon them, to observe whether the husband bear himself wisely to-

ward the wife, loving, and inciting her to all piety,

and the other duties of this life ; and whether the wife be subject to her husband, and study to be truly a meet help to him, as first to all godliness, so to every other use of life. And if they shall find each to other failing of their duty, or the one long absent from the other without just and urgent cause, or giving suspicion of irreligious and impure life, or of living in manifest wickedness^ let it be admonished them in time. And if th[^]ir authority be contemned, let the names of such contemners be brought to the magistrate, who may use punishment to compel such violators of marriage to their duty, that they may abstain from all probable suspicion of transgressing ; and if they admit of suspected company, the magistrate* is to forbid them; whom they not therein obeying, are to be punished as adulterers, according to the law of Justinian, Au-

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thent. 1 17. For if holy wedlock, the fountain and seminary of good subjects, be not vigilently preserved from all blots and disturbances, what can be hoped, as I said before, of the springing up of good men, and a right reformation of the commonwealth? We know it is not enough for Christians to abstain from foul deeds, but from the appearance and suspicion thereof.

CHAP. XXII.

Of lawful divorce, what the ancient churches have thought.

Now we shall speak about that dissolving of matrimony, which may be approved in the sight of God, if any grievous necessity require. In which thing the Roman Antichrists have knit many a pernicious entanglement to distressed consciences : for that they might here also exalt themselves above God, as if they would be wiser and chaster than God himself is ; for no cause, honest or necessary, will they permit a final divorce : in the meanwhile, whoredoms and adulteries, and worse things than these, not only tolerating in themselves and others, but cherishing and throwing men headlong into these evils. For although they also disjoin married persons from board and bed, that is, from all conjugal society and communion, and this not only for

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adultery, but for ill-usage, and matrimonial duties denied ; yet they forbid those thus parted, to join in wedlock with others : but, as I said before, any dishonest associating they permit. And they pronounce the bond of marriage to remain between those whom they have thus separated* As if the

bond of marriage, God so teaching and pronounc-

ing, were not such a league as binds the married couple to all society of life, and communion in divine and human things ; and so associated keeps them. Something indeed out of the later fathers they may pretend for this their tyranny, especially out of Austria and some others, who were much taken with a preposterous admiration of single life; yet though these fathers, from the words of Christ not rightly understood, taught that it was unlawful to marry again, while the former life lived, whatever cause there had been either of desertion or divorce ; yet if we mark the custom of the church, and the common judgment which both in their times and afterward prevailed, we shall perceive, that neither these fathers did ever cast out of the church any one for marrying after a divorce, approved by the imperial laws.

Nor only the first Christian emperors, but the latter also, even to Justinian and after him, did grant for certain causes approved by judges, to make a

true divorce ; which made and confirmed by law,
it might be lawful to marry again ; which if it

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could not have been done without displeasing Christ
and his church, surely it would not have been

granted by Christian emperors, nor had the fathers

then winked at those doings in the emperors. Hence
ye may see that Jerome also, though zealous of
single life more than enough, and such a condemner
of second marriage, though after the death of either
party, yet forced by plain equity, defended Fabiola,
a noble matron of Rome, who, having refused her
husband for just causes, was married to another.
For that the sending of a divorce to her husband
was not blame-worthy, he affirms because the man
was heinously vicious ; and that if an adulterous
wife may be discarded, an adulterous husband is not
to be kept. But that she married again, while yet
her husband was alive ; he defends in that the apos-
tle hath said, * It is better to marry than to burn ;'
and that young widows should marry, for such was
Fabiola, and could not remain in widowhood.

But some one will object, that Jerome there add&,
" Neither did she know the rigour of the gospel,
wherein all cause of marrying is debarred from wo-
men, while their husbands live ; and again, while

she avoided many wounds of Satan, she received one ere she was aware." But let the equal reader mind also what went before ; " Because," saith he, soon after the beginning, " there is a rock and storm of slanderers opposed before her, I will not praise her converted, unless I first absolve her guilty." For

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"vrhy does he call them slanderers, who accused Fa-

biola of marrying again, if he tJid not judge it a matter of Christian equity and charity, to pass by and pardon that fact, though in his own opinion he held it a fault ? And what can this mean, " I will not praise her, unless I first absolve her ?" For how could he absolve her, but by proving that Fabiola, neither in rejecting her vicious husband, nor in marrying another, had committed such a sin, as could foe justly condemned ? Nay, he proves both by evident reason, and clear testimonies of scripture, that she avoided sin.

This is also hence understood, that Jerome by the rigour of the gospel, meant that height and perfection of our Saviour's precept, which might be re-tiritted to those that burn ; for he adds, " But if she be accused in that she remained not unmarried, I shall confess the fault, so I may relate the necessity/* If then he acknowledged a necessity, as he did, because she was young, and could not live in widowhood, certainly he could not impute her

second marriage to her much blame : but when he excuses her out of the word of God, does he not openly declare his thoughts, that the second marriage of Fabiola was permitted her by the Holy Ghost himself, for the necessity which he suffered, and to shun the danger of fornication, though she went somewhat aside from the rigour of the gospel ? But if any urge, that Fabiola did public penance

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for her second marriage, which, was not imposed but for great faults ; it is answered, she was not enjoined to this penance, but did it of her own accord, " and not till after her second husband's death. '^ As in the time of Cyprian, we read that many were wont to do voluntary penance for small faults, which were not liable to excommunication.

CHAP. XXIII.

That marriage was granted by the ancient fathers, even after the vow of single life,

I omit his testimonies out of Cyprian, Gelasius, Epiphanius, contented only to relate what he thence collects to the present purpose.

Some will say perhaps, wherefore all this concerning marriage after vow of single life, whenas the question was of marriage after divorce ? For this reason, that they whom it so much moves, because some of the fathers thought marriage after any kind of divorce to be condemned of our Saviour, may see that this conclusion follows not. The fathers thought all marriage after divorce to be forbidden of our Saviour, therefore they thought such marriage was not to be tolerated in a Christian. For the same

fathers judged it forbidden to marry after vow ; yet

such marriages they neither dissolved nor excom-

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municated : for these words of our Saviour, and of the Holy Ghost, stood in their way ; " All cannot receive this saying, but they to whom it is given. Every one hath his proper gift from God, one after this manner another after that. It is better to marry than to burn. I will that younger widows marry ;" and the like.

So there are many canons and laws extant, whereby priests, if they married, were removed from their office, yet is it not read that their marriage was dissolved, as the papists now-a-days do, or that they were excommunicated, nay expressly they might communicate as laymen. If the consideration of human infirmity, and those testimonies

of divine scripture which grant marriage to every one that wants it, persuaded those fathers to bear themselves so humanely toward them who had married with breach of vow to God, as they beheved, and with divorce of that marriage wherein they were in a manner joined to God ; who doubts, but that the same fathers held the like humanity was to be afforded to those, who after divorce and faith broken with men, as they thought, entered into a second marriage ? For among such are also found no less weak, and no less burning.

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CHAP. XXIV.

Who of the ancient fathers have granted marriage after divorce.

This is clear both by what hath been said, and by that which Origen relates of certain bishops in his time, Homil. 7. in Matth. " I know some," saith he, " which are over churches, who without scripture have permitted the wife to marry while her former husband lived. And did this against scripture, which saith, the wife is bound to her husband so long as he lives ; and she shall be called

an adulteress, if, her husband living, she take another man ; yet did they not permit this without cause, perhaps for the infirmity of such as had not continence, they permitted evil to avoid worse.^' Ye see Origen and the doctors of his age, not without all cause, permitted women after divorce to marry, though their former husbands were living ; yet writes that they permitted against scripture. But what cause could they have to do so, unless they thought our Saviour in his precepts of divorce had so forbidden, as willing to remit such perfec-

tion to his weaker ones, cast into danger of worse

faults ?

The same thought Leo, bishop of Rome, Ep. 85. to the African bishops of Mauritania Caesariensis, wherein complaining of a certain priest, who divorc-

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ing his wife, or being divorced by her, as other copies have it, had married another, neither dissolves the matrimony, nor excommunicates him, only unpriests him. The fathers therefore, as we see, did not simply and wholly condemn marriage after divorce.

But as for me, this remitting of our Saviour's precepts, which these ancients allow to the infirm in marrying after vow and divorce, I can in no ways admit ; for whatsoever plainly consents not with the

commandment, cannot, I am certain, be permitted, or suffered in a Christian : for heaven and earth shall pass away, but not a tittle from the commands of God among them who expect life eternal. Let us therefore consider, and weigh the words of our Lord concerning marriage and divorce, which he pronounced both by himself, and by his apostle, and let us compare them with other oracles of God; for whatsoever is contrary to these, I shall not persuade the least tolerating thereof. But if it can be taught to agree with the word of God, yea to be

commanded, that most men may have permission

given them to divorce and marry again, I must prefer the authority of God's word before the opinion of fathers and doctors, as they themselves teach.

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CHAP. XXV.

The words of our Lord, and of the Holy Ghost, by the Apostle Paul concerning divorce, are explained. The first Axiom, that Christ could not condemn of adultery, that which he once commanded.

But the words of our Lord, and of the Holy

Ghost, out of which Austin and some others of the fathers think it concluded, that our Saviour forbids marriage after any divorce, are these ; Matt. v. 31, 32. ' It hath been said,^ &c. : and Matt. xix. 7, ' They say unto him, why did Moses then command,' &c.: and Mark x. and Luke xvi. Rom. vii. 1, 2, 3. 1 Cor. vii. 10, 11. Hence therefore they conclude, that all marriage after divorce is called adultery ; which to commit, being no ways to be tolerated in any Christian, they think it follows, that second marriage is in no case to be permitted

either to the divorcer, or to the divorced.

But that it may be more fully and plainly perceived what force is in this kind of reasoning, it will be the best course, to lay down certain grounds whereof no Christian can doubt the truth. First, it is a wickedness to suspect,- that our Saviour branded that for adultery, which himself, in his own law which he came to fulfil, and not to dissolve, did not only permit, but also com-

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mand; for by him, the only mediator, was the whole law of God given. But that by this law of God marriage was permitted after any divorce, is certain by Deut. xxiv. 1.

CHAP. XXVI.

That God in his law did not only grant, but also command divorce to certain men,

Deut. xxiv. 1. ' When a man hath taken a wife,' &c. But in Mai. ii. 15, 16, is read the Lord's command to put her away whom a man hates, in these words : ' Take heed to your spirit,

and let none deal injuriously against the wife of his

youth. If he hate, let him put away, saith the Lord God of Israel. And he shall hide thy violence with his garment,' that marries her divorced by thee, ' saith the Lord of Hosts ; but take heed to your spirit, and do no injury.' By these testimonies of the divine law, we see, that the Lord did not only permit, but also expressly and earnestly commanded his people, by whom he would that all holiness and faith of marriage covenant should be observed, that he, who could not induce his mind to love his wife with a true conjugal love, might dismiss her, that she might marry to another.

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CHAP. XXVII.

That what the Lord permitted and commanded to his ancient people concerning divorce belongs also to Christians.

Now what the Lord permitted to his first-born people, that certainly he could not forbid to his own among the Gentiles, whom he made co-heirs, and into one body with his people ; nor could he ever permit, much less command aught that was not good for them, at least so used as he commanded. For being God, he is not changed as man. Which thing who seriously considers, how can he

imagine, that God would make that wicked to them

that believe, and serve him under grace, which he granted and commanded to them that served him under the law ? Whenas the same causes require the same permission. And who that knows but human matters, and loves the truth, will deny that many marriages hang as ill together now, as ever they did among the Jews ? So that such marriages are liker to torments than true marriages. As therefore the Lord doth always succour and help the oppressed, so he would ever have it provided for injured husbands and wives, that under pretence of the marriage bond, they be not sold to perpetual vexations, instead of the loving and comfortable marriage duties. And lastly, as God doth always detest hypocrisy and fraud, so neither doth he

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approve that among his people, that should be

counted marriage, wherein none of those duties remain, whereby the league of wedlock is chiefly preserved. What inconsiderate neglect then of God's law is this, that I may not call it worse, to hold that Christ our Lord would not grant the same remedies both of divorce and second marriage to weak, or to the evil, if they will needs have it so, but especially to the innocent and wronged; whenas the same urgent causes remain as before, when the discipline of the church and magistrate hath tried what may be tried ?

CHAP. XXVIII.

That our Lord Christ intended not to make new laws of marriage and divorce, or of any civil matters. Axiom 2.

It is agreed by all who determine of the kingdom and offices of Christ by the holy scriptures, as all godly men ought to do, that our Saviour upon earth took not on him either to give new laws in civil affairs, or to change the old. But it is certain, that matrimony and divorce are civil things. Which the christian emperors knowing, gave conjugal laws, and reserved the administration of them to their own courts ; which no true ancient bishop ever condemned.

Our Saviour came to preach repentance and re-

mission : seeing theretbre those, who put away their

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wives without any just cause, were not touchefd
with conscience of the sin, through misunderstand-
ing of the law, he re-called them to a right interpre-
tation, and taught, that the woman in the beginning
was so joined to the man, that there should be a

perpetual union both in body and spirit : where this

is not, the matrimony is already broke, before there
be yet any divorce made, or second marriage.

CHAP. XXIX,

That it is wicked to strain the words of Christ beyond their
purpose.

This is his third Axiom, whereof there needs no
explication here.

CHAP. XXX.

That all places of Scripture about the same thing are to be joined and compared, to prevent contradictions. Axiom 4.

This he demonstrates at large out of sundry places in the gospel, and principally by that precept against swearing,* which, compared with many places of the law and prophets, is a flat contradiction of them all, if we follow superstitiously the letter. Then having repeated briefly his four axioms, he thus proceeds :

These things thus pre-admonished, let us inquire

what the undoubted meaning is of our Saviour's

◆ Matthew v. 34.

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words, and inquire according to the rule which is observed by all learned and good men in their expositions ; that praying first to God, who is the only opener of our hearts, we may first with fear and reverence consider well the words of our Saviour touching this question. Next, that we may compare them with all other places of scripture treating of this matter, to see how they consent with our Saviour's words, and those of his apostle.

CHAP. XXXI.

This Chapter disputes against Austin and the papists, who deny second marriage even to them who divorce in case of adultery ; which because it is not controverted among true protestants, but that the innocent person is easily allowed to marry, I spare the translating.

CHAP. xxxn.

That a manifest adulteress ought to be divorced[^] and cannot lawfully be retained in marriage by any true Christian.

This though he prove sufficiently, yet I let pass, because this question was not handled in the Doctrine and Discipline of Divorce ; to which book I bring 90 much of this treatise as runs parallel.

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CHAP, xxxni.

That adultery is to be punished with death.

This Chapter also I omit for the reason last alleged.

CHAP. XXXIV.

That it is lawful /or a wife to leave an adulterer, and to marry
. another husband.

This is generally granted, and therefore excuses

me the writing out.

CHAP. XXXV.

Places in the writings of the apostle Paul, touching divorce,
explained.

Let us consider the answers of the Lord given
by the apostle severally. Concerning the first,
which is Rom. vii. 1, ' Know ye not, brethren, for
I speak to them that know the law,' &c. Ver. 2,
' The woman is bound by the law to her husband so
long as he liveth.' Here it is certain, that the Holy
Ghost had no purpose to determine aught of mar-
riage, or divorce, but only to bring an example from
the common and ordinary law of wedlock, to show,
that as no covenant holds either party being dead^

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SO now that we are not bound to the law, but to Christ our Lord ; seeing that through him we are dead to sin, and to the law ; and so joined to Christ, that we may bring forth fruit in him from a willing godliness, and not by the compulsion of law, whereby our sins are more excited, and become more violent. What therefore the holy spirit here speaks

of matrimony, cannot be extended beyond the

general rule.

Besides it is manifest, that the apostle did allege the law of wedlock, as it was delivered to the Jews ; for, saith he, ' I speak* to them that know the law.' They knew no law of God, but that by Moses, - which plainly grants divorce for several reasons. It cannot therefore be said, that the apostle cited this general example out of the law, to abolish the several exceptions of that law, which God himself granted by giving authority to divorce.

Next, when the apostle brings an example out of God's law concerning man and wife, it must be necessary, that we understand such for man and wife, as arise so indeed according to the same law of God ; that is, who are so disposed, as that they are both willing and able to perform the necessary duties of marriage ; not those who, under a false title of marriage, keep themselves mutually bound to injuries and disgraces ; for such twain are nothing

less than lawful man and wife.

The like answer is to be given to all the other places both of the gospel and the apostle, that whatever exception may be proved out of God's law, be

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not excluded from those places. For the spirit of God doth not condemn things formerly granted and allowed, where there is like cause and reason. Hence Ambrose, upon that place, 1 Cor. vii. 15, ' A brother or a sister is not under bondage in such cases, ^ thus expounds ; ' The reverence of marriage is not due to him who abhors the anchor of marriage ; nor is that marriage ratified, which is without devotion to God : he sins not therefore, who is put away for God's cause, though he join himself to another. For the dishonour of the Creator dissolves the right of matrimony to him who is deserted, that he be not accused, though marrying to another. The faith of wedlock is not to be kept with him who departs, that he might not hear the God of Christians to be the author of wedlock. For if Ezra caused the misbelieving wives and husbands to be divorced, that God might be appeased, and not offended, though they took others of their own faith, how much more shall it be free, if the misbeliever depart, to marry one of our own reli-

gion. For this is not to be counted matrimony,
which is against the law of God/

Two things are here to be observed toward the
following discourse, which truth itself and the force
of God*s word hath drawn from this holy man.

For those words are very large, ' Matrimony is not
ratified, without devotion to God.' And ' the dis-
honour of the Creator dissolves the right of matri-
mony.' For devotion is far off, and dishonour is
done to God by all who persist in any wickedness

and heinous crime.

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CHAP. XXXVL

That although it seem in the Gospel, as if our Saviour granted
divorce only for adultery, yet in very deed he granted it for
other causes also.

Now is to be dealt with this question, whether
it be lawful to divorce and marry again for other
causes besides adultery, since our Saviour expressed
that only ? To this question, if we retain our prin-
ciples already laid, and must acknowledge it to be a
cursed blasphemy, if we say that the words of God

do contradict one another, of necessity we must confess, that our Lord did grant divorce, and marriage after that, for other causes besides adultery, notwithstanding what he said in Matthew. For first, they who consider but only that place, 1 Cor. vii. which treats of believers and misbelievers matched together, must of force confess. That our Lord granted just divorce, and second marriage in the cause of desertion, which is other than the cause of fornication. And if there be one other cause found lawful, then is it most true, that divorce was

granted not only for fornication.

Next, it cannot be doubted, as I showed before, by them to whom it is given to know God and his judgments out of his own word, but that, what means of peace and safety God ever granted and ordained to his elected people, the same he grants and ordains to men of all ages, who have equally need of the same remedies. And who, that is but

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a knowing man, dares say there be not husbands and wives now to be found in such a hardness of heart, that they will not perform either conjugal affection, or any requisite duty thereof, though it be most deserved at their hands ?

Neither can any one defer to confess, but that God, whose property it is to judge the cause of them that suffer injury, hath provided for innocent and honest persons wedded, how they might free themselves by lawful means of divorce, from the bondage and iniquity of those who are falsely termed their husbands or their wives. This is clear out of Deut. xxiv. 1 ; Malach. ii. ; Matth. xix. 1 ; 1 Cor. vii. ; and out of those principles, which the scripture every where teaches, that God changes not his mind, dissents not from himself, is no acceptor of

persons ; but allows the same remedies to all men

oppressed with the same necessities and infirmities ; yea, requires that we should use them. This he will easily perceive, who considers these things in the spirit of the Lord.

Lastly, it is most certain, that the Lord hath commanded us to obey the civil laws, every one of his own commonwealth, if they be not against the laws of God.

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CHAP. XXXVII.

For tohai causes divorce is permitted by the civil law, ex I,

Consensu Codic, de Repudiis.

It is also manifest, that the law of Theodosus and Valentinian, which begins " Consensu," &c. touching divorce, and many other decrees of pious emperors agreeing herewith, are not contrary to the word of God : and therefore may be re-called into use by any christian prince or commonwealth ; nay, ought to be with due respect had to every nation : for whatsoever is equal and just, that in every thing is to be sought and used by Christians.

Hence it is plain, that divorce is granted by divine

approbation, both to husbands and to wives, if either party can convict the other of these following offences before the magistrate.

If the husband can prove the wife to be an adulteress or a murderess ; to have bought or sold to slavery any one free-born, to have violated sepulchres, committed sacrilege, favoured thieves and robbers, desirous of feasting with strangers, the husband not knowing, or not wiUing ; if she lodge forth without a just and probable cause, or frequent theatres and sights, he forbidding ; if she be privy with those that plot against the state, or if she deal falsely, or offer blows. And if the wife can prove her husband guilty of any those fore-named crimes, and frequent the company of lewd women in her sight ; or if he beat her, she had the like liberty to

quit herself; with this difference, that the man after divorce might forthwith marry again ; the woman not till a year after, lest she might chance to have conceived.

CHAP. XXXVIII

An exposition of those places wherein God declares the nature of holy wedlock.

Now to the end it may be seen, that this agrees with the divine law, the first institution of marriage is to be considered, and those texts in which God established the joining of male and female, and described the duties of them both. When God had determined to make woman, and gave her as a wife to man, he spake thus. Gen. ii. 18, 'It is not good for man to be alone, I will make him a helpmeet for him. And Adam said,* but in the spirit of God, V. 23, 24, ' This is now bone of my bone, and flesh of my flesh : Therefore shall a man leave his father and mother, and shall cleave to his wife, and they shall be one flesh.'

To this first institution did Christ re-call his own ; when answering the Pharisees, he condemned the licence of unlawful divorce. He taught therefore by his example, that we, according to this first insti-

tution, and what God hath spoken thereof, ought to determine what kind of covenant marriage is, how to be kept, and how far ; and lastly, for what

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causes to be dissolved. To which decrees of God these also are to be joined, which the Holy Ghost hath taught by his apostle, that neither the husband

nor the wife hath power of their own body, but

mutually each of cither's.^ That 'the husband shall love the wife as his own body, yea as Christ loves his church ; and that the wife ought to be subject to her husband, as the church is to Christ.* By these things the nature of holy wedlock is certainly known ; whereof if only one be wanting in both or either party, and that either by obstinate malevolence, or too deep inbred weakness of mind, or lastly, through incurable impotence of body, it cannot then be said, that the covenant of matrimony holds good between such ; if we mean that covenant, which God instituted and called marriage, and that whereof only it must be understood that our Saviour said, ' Those whom God hath joined, let no man separate.'

And hence it is concluded, that matrimony requires continual cohabitation and living together, unless the calling of God be otherwise evident ; which union if the parties themselves disjoin either by mutual consent, or one against the other's will

depart, the marriage is then broken. Wherein the papists, as in other things, oppose themselves against God : while they separate for many causes from bed and board, and yet will have the bond of matrimony remain, as if this covenant could be other than the conjunction and communion not only of bed and board, but of all other loving and helpful

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duties. This we may see in these words ; ' I will make him a helpmeet for him; bone of his bone, and flesh of his flesh : for this cause shall he leave father and mother, and cleave to his wife, and they twain shall be one flesh/ By which words who discerns not, that God requires of them both so to live together, and to be united not only in body but iii mind also, with such an affection as none may be dearer and more ardent among all the relations of mankind, nor of more efficacy to the mutual offices of love and loyalty? They must communicate and consent in all things both divine and human, which have any moment to well and happy living. The wife must honour and obey her husband, as the church honours and obeys Christ her head. The husband must love and cherish his wife, as Christ his church. Thus they must be to each other, if they will be true man and wife in the sight of God, whom certainly the churches ought to follow in their judgment, Now the proper and ultimate end of marriage is not copulation, or chil-

dren, for then there was not true matrimony between Joseph and Mary the mother of Christ, nor between many holy persons more ; but the full and proper and main end of marriage is the communicating of all duties, both divine and human, each to other with utmost benevolence and affection.

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CHAP. XXXIX,

The properties of a true and christian marriage more distinctly repeated.

By which definition we may know, that God esteems and reckons upon these four necessary properties to be in every true marriage. 1. That they should live together, unless the calling of God require otherwise for a time. 2. That they should love one another to the height of dearness, and that in the Lord, and in the communion of true religion. 3. That the husband bear himself as the head and preserver of his wife ; instructing her to all godliness and integrity of life : that the wife also be to her husband a help, according to her place, especially furthering him in the true worship of God, and next in all the occasions of civil life. And 4. That they defraud not each other of conjugal benevolence, as the apostle commands, 1. Cor. vii. Hence it follows, according to the sentence of God, which all Christians ought to be ruled by, that between those, who either through obstinacy, or helpless inability, cannot or

will not perform these repeated duties, between those there can be no true matrimony, nor ought they to be counted man and wife.

CHAP. XL.

Whether those crimes recited chap. xxxvii out of the civil law, dissolve matrimony in God's account.

Now if a husband or wife be found guilty of any

of those crimes, which by the law "consensu" are made causes of divorce, it is manifest, that such a man cannot be the head and preserver of his wife,

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nor such a woman be a meet help to her husband, as the divine law in true wedlock requires ; for these faults are punished either by death, or deportation, or extreme infamy, which are directly opposite to the covenant of marriage. If they deserve death, as adultery and the like, doubtless God would not that any should live in wedlock with them whom he would not have to live aJ: all. Or if it be not death, but the incurring of notorious infamy, certain it is neither just, nor expedient, nor meet, that an honest man should be coupled with an infamous woman, nor an honest matron with an infamous man. The wise Roman princes had so great a regard to the

equal honour of either wedded person, that they counted those marriages of no force, which were made between the one of good repute, and the other of evil note. How much more will all honest regard of christian expedience and comeliness beseem and concern those who are set free and dignified in Christ, than it could the Roman senate, or their sons for whom that law was provided ?

And this all godly men will soon apprehend, that he who ought to be the head and preserver not only

of his wife, but also of his children and family, as

Christ is of his church, had need be one of honest name : so likewise the wife, which is to be the meet help of an honest and good man, the mother of an honest offspring and family, the glory of the man, even as the man is the glory of Christ, should not be tainted with ignominy ; as neither of them can avoid to be, having been justly appeached of those fore-named crimes ; and therefore cannot be worthy to hold their place in a christian family: yea, they

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themselves turn out themselves and dissolve that holy covenant. And they who are true brethren and sisters in the Lord are no more in bondage to such violators of marriage.

But here the patrons of wickedness and dissolvers of christian disciphne will object, that it is the part of

man and wife to bear one another's cross, whether in calamity or infamy, that they might gain each other, if not to a good name, yet to repentance and amendment. But they who thus object, seek the impunity of wickedness, and favour wicked men, not the duties of true charity ; which prefers public honesty before private interest, and had rather the remedies of wholesome punishment appointed by God should be in use, than that by remissness the licence of evil doing should increase. For if they whp, by committing such offences, have made void

the only knot of marriage, be capable of repentance

they will be sooner moved when due punishment is executed on them, than when it is remitted.

We must ever beware, lest, in contriving what will be best for the soul's health of delinquents, we make ourselves wiser and discreeter than God. He that religiously weighs his oracles concerning marriage, cannot doubt, that they, who have committed the foresaid transgressions, have lost the right of matrimony, and are unworthy to hold their dignity in an honest and christian family.

But if any husband or wife see such signs of repentance in their transgressor, as that they doubt not to regain them by continuing with them, and partaking of their miseries and attainures, they maybe left to their own hopes^ and their own mind ; saving

ever the right of church and commonwealth, that it receive no scandal by the neglect of due severity, and their children no harm by this invitation to licence, and vi^ant of good education.

From all these considerations, if they be thought on, as in the presence of God, and out of his w^ord, and one may perceive, w^ho desires to determine of these things by the scripture, that those causes of lawful divorce, which the most religious emperors

Theodosius and Valentinian set forth in the fore-cited

place, are according to the law of God, and the prime institution of marriage ; and were still more and more straitened, as the church and state of the empire still more and more corrupted and degenerated. Therefore pious princes and commonwealths both may and ought to establish them again, if they have a mind to restore the honour, sanctity, and religion of holy wedlock to their people, and disentangle many consciences from a miserable and perilous condition to a chaste and honest life.

To those recited causes wherefore a wife might send a divorce to her husband, Justinian added four more, Constit. 117; and four more, for which a man might put away his wife. Three other causes were added in the Code '* de repudiis, 1. Jubemus.^{^^} All which causes are so clearly contrary to the first intent of marriage, that they plainly dissolve it. 1 set them not down, being easy to be found in the body of the civil law.

It was permitted also by christian emperors, that they who would divorce by mutual consent, might without impediment. Or if there were any difficulty-at all in it, the law expresses the reason, that

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it was only in favour of the children ; so that if there were none, the law of those godly emperors

made no other difficulty of a divorce by consent.

Or if any were minded without consent of the other to divorce, and without those causes which have been named, the christian emperors laid no other punishment upon them, than that the husband wrongfully divorcing his wife should give back her dowry, and the use of that which was called " Donatio propter nuptias ;^' or if there were no dowry nor no donation, that he should then give her the fourth part of his goods. The like penalty was inflicted on the wife departing without just cause. But that they who were once married should be compelled to remain so ever against their wills, was not exacted. Wherein those pious princes followed the law of God in Deut. xxiv. 1, and his express charge by the prophet Malachi, to dismiss from him the wife whom he hates. For God never meant in marriage to give to man a perpetual torment instead of a meet help. Neither can God approve, that to the violation of this holy league (which is violated as soon as true affection ceases and is lost) should be added murder, which is already com-

mitted by either of them who resolvedly hates the other, as 1 showed out of 1 John xv. « Whoso hateth his brother, is a murderer.*

CHAP. XLI.

Whether the husband or wife deserted may marry to another.

The wife's desertion of her husband the christian

emperors plainly decreed to be a just cause of

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divorce, whenas they granted him the right thereof, if she had but lain out one night against his will without probable cause. But of the man deserting his wife they did not so determine : yet if we look into the word of God, we shall find, that he who though but for a year without just cause forsakes his wife, and neither provides for her maintenance nor signifies his purpose of returning, and good will towards her, whenas he may, hath forfeited his right in her so forsaken. For the spirit of God speaks plainly, that both man and wife have such power over one another's person, as that they cannot deprive each other of living together, but by consent, and for a time.

Hither may be added, that the holy spirit grants

desertion to be a cause of divorce, in those answers given to the Corinthians concerning a brother or sister deserted by a misbeliever. " If he depart, let him depart, a brother or a sister is not under bondage in such cases/' In which words, who sees not that the Holy Ghost openly pronounced, that the party without cause deserted is not bound for another's wilful desertion, to abstain from marriage^ if he have need thereof ?

But some will say, that this is spoken of a misbe-

liever departing. But I beseech ye, doth not he

reject the faith of Christ in his deeds, who rashly breaks the holy covenant of wedlock instituted by God ? And besides this the holy spirit does not make the misbelieving of him who departs, but the parting of him who disbelieves, to be the just cau^^e of freedom to the brother or sister.

Since therefore it will be agreed among Christians,

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that they who depart from wedlock without just cause, do not only deny the faith of matrimony, but of Christ also, whatever they profess with their mouths ; it is but reason to conclude, that the party deserted is not bound in case of causeless desertion, but that he may lawfully seek another consort, if it be needful to him, toward a pure and blameless conversation.

CHAP. XLII.

The impotence of body, leprosy, madness, ifc, are just causeg
pf divorce.

Of this, because it was not disputed in the Doc-

trine and Discipline of Divorce, him that would

know further I commend to the Latin original.

CHAP. XLIII.

That to grant divorce for all the causes which have hee^e
hitherto brought, disagrees not from the words of Christy
naming only the cause of adultery.

Now we must see how these things can stand
with the words of our Saviour, who seems directly
to forbid all divorce except it be for adultery. To
the understanding whereof, we must ever remember
tliis : That in the words of our Saviour there can
be no contrariety ; That his words and answers
are not to be stretched beyond the question proposed ;
That our Saviour did not there purpose to treat
of all the causes for which it might be lawful to di-

orce and marry again ; for then that in the Corin^
thians of marrying again without guilt of adultery

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could not be added. That it is not good for tba^
man to be alone, who hath not the special gift front
above. That it is good for every such one to be
married, that he may shun fornication.

With regard to these principals, let us see w^hat
our Lord answered to the tempting Pharisees about
divorce, and second marriage, and how far his an*'
swer doth extend.

First, no man who is not very contentious will
deny, that the Pharisees asked our Lord whether
it were lawful to put away such a wife, as was truly,
and according to God's law, to be counted a wife ;
that is, such a one as would dwell with her husband,
and both would and could perform the necessary
duties of wedlock tolerably. But she who will not
dwell with her husband is not put away by him,
but goes of herself: and she who denies to be a meet
help, or to be so hath made herself unfit by open
misdemeanors, or through incurable impotencies
cannot be able, is not by the law of . God to be
esteemed a wife ; as hath been shewn both from the
first institution, and other places of scripture. Nei-
ther certainly would the Pharisees propound a ques-
tion concerning such an unconjugal wife ; for their

depravation of the law had brought them to that pass, as to think a man had right to put away his wife for any cause, though never so shght. Since therefore it is manifest, that Christ answered the Pharisees concerning a fit and meet wife according to the law of God, whom he forbad to divorce for any cause but fornication ; who sees not that it is a wickedness so to wrest and extend that answer of his, as if it forbad to divorce her who hath already for-

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saken, or hath left the place and dignity of ^ wife, by deserved infamy, or hath undertaken to be that which she hath not natural ability to be ?

This truth is so powerful, that it hath moved the papists to grant their kind of divorce for other causes besides adultery, as for ill usage, and the not performing of conjugal duty ; and to separate from bed and board for these causes, which is as much divorce as they grant for adultery.

But some perhaps will object, that though it be yielded that our Lord granted divorce not only for adultery, yet it is not certain, that he permitted marriage after' divorce, unless for that only cause. I answer, first, that the sentence of divorce and second marriage is one and the same. So that when the right of divorce is evinced to belong not only to the cause of fornication, the power of second

marriage is also proved to be not limited to that cause only ; and that most evidently whenas the Holy Ghost; 1 Cor. vii. so frees the deserted party from bondage, as that he may not only send a just divorce in case of desertion, but may seek another marriage.

Lastly, seeing God will not that any should live in danger of fornication and utter ruin for the default of another, and hath commanded the husband to send away with a bill of divorce her whom he could

not love ; it is impossible that the charge of adul-

tery should belong to him who for lawful causes divorces and marries, or to her who marries after she hath been unjustly rejected, or to him who receives her without all fraud to the former wedlock. For this were a horrid blasphemy against

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God, SO to interpret his words, as to make him dissent from himself; for who sees not a flat contradiction in this, to enthrall blameless men and women to miseries and injuries, under a false and soothing title of marriage, and yet to declare by his apostle, that a brother or sister is not under bondage in such cases ? No less do these two things conflict with themselves, to enforce the innocent and faultless to endure the pain and misery of another's per-

verseness, or else to live in unavoidable temptation ;
and to affirm elsewhere that he lays on no man the
burden of another man's sin, nor doth constrain any
man to the endangering of his soul.

CHAP. XLIV.

That to those also ivho are justly divorcedy second marriage

ought to be permitted*

Thus although it be well proved, yet because it
concerns only the offender, I leave him to search
out his own charter himself in the author.

CHAP. XLV.

That some persons are so ordained to marriage, as that they
cannot obtain the gift of continence, no not by earnest
prayer ; and that therein every one is to be left to his own
judgment and conscience, and not to have a burden laid upon
him by any other.

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CHAP. XLVI

The words of the Apostle concerning the praise of single life unfolded.

These two chapters not so immediately debating the right of divorce, I choose rather not to insert.

CHAP. XLVII.

The conclusion of this treatise.

These things, most renowned king, I have brought together, both to explain for what causes the unhappy but sometimes most necessary help of divorce ought to be granted according to God's word, by princes and rulers ; as also to explain how the words of Christ do consent with such a grant. I have been large indeed both in handling those oracles of God, and in laying down those certain principles, which he who will know what the mind of God is in this matter, must ever think on and remember. But if we consider what mist and obscurity hath been poured out by Antichrist upon this question, and how deep this pernicious contempt of wedlock, and admiration of single life, even in those who are not called thereto, hath sunk into

many men's persuasions : I fear lest all that hath been said be hardly enough to persuade such, that* they would cease at length to make themselves wiser and holier than God himself, in being to

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severe to grant lawful marriage, and so easy to con-

nive at all, not only whoredoms but deflowerings and adulteries : whenas, among the people of God, no whoredom was to be tolerated.

Our Lord Jesus Christ, who came to destroy the works of Satan, sent down his spirit upon all Christians, and principally upon christian governors both in church and commonwealth (for of the clear judgment of your royal majesty I nothing doubt, revolving the scripture so often as ye do) that they may acknowledge how much they provoke the anger of God against tis, whenas all kind of unchastity is tolerated, fornications and adulteries winked at ; but holy and honourable wedlock is oft withheld by the mere persuasion of Antichrist, from such as without this remedy cannot preserve themselves from damnation ! For none who hath but a spark of honesty will deny, that princes and states ought to use diligence toward the maintaining of pure and honest life among all men, without which all justice, all fear of God, and true religion decays,

And who knows not, that chastity and pureness of life can never be restored, or continued in the commonwealth, unless it be first established in private houses, from whence the whole breed of men js to come forth ? To effect this, no wise man can doubt, that it is necessary for princes and magistrates first with severity to punish whoredom and adultery; next to see that marriages, be lawfully contracted, and in the Lord ; then that they be faithfully kept ; and lastly, when that unhappiness

urges, that they be lawfully dissolved, and other

piarriage granted j according as the law of God, and

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of nature, and the constitutions of pious princes have decreed : as I have shewn both by evident authorities of scripture, together with the writings of the ancient fathers, and other testimonies. Only the Lord grant that we may learn to prefer his ever just and saving word, before the comments of Anti> christ, too deeply rooted in many, and the false and blasphemous exposition of our Saviour's words* Amen.

A Postscript.

Thus far Martin Bucer* whom, were I might without injury to either part of the cause, I deny not to have epitomized ; in the rest observing a

well-warranted rule, not to give an inventory of so many words, but to weigh their force, I could have added that eloquent and right christian discourse, written by Erasmus on this argument, not disagreeing in effect from Bucer. But this, I hope, will be enough to excuse me with the mere Englishman, to be no forger of new and loose opinions^ Others may read him in his own phrase on the first to the Corinthians, and ease me who never could delight in long citations, much less in whole translations ; whether it be natural disposition or edu-

cation in me, or that my mother bore me a speaker

of what God made mine own, and not a translator. There be others also whom I could reckon up, of no mean account in the church (and Peter Martyr among the first) who are more than half our own in this controversy. But this is a providence not to

1^30. THE DOCTRINE AND

be slighted, that as Bucer wrote this tractate of divorce in England and for England, so Erasmus professes he begun here among us the same subject, especially out of compassion, for the need he saw this nation had of some charitable redress herein ; and seriously exhorts others to use their best industry in the clearing of this point, wherein custom hath a greater sway than verity. That therefore which came into the mind of these two admired strangers to do for England, and in a touch of highest prudence, which they took to be- not yet recovered

from monastic superstition, if I a native am found to have done for mine own country, altogether suitably and conformably to their so large and clear understanding, yet without the least help of theirs ; I suppose that henceforward among conscionable and judicious persons it will no more be thought to my discredit, or at all to this nation^s dishonour. And if these their books the one shall be printed often with best allowance in most religious cities, the other with express authority of Leo the Tenth, a pope, shall, for the propagating of truth, be pub-

lished and re-published, though against the received

opinion of that church, and mine containing but the same thing, shall in a time of reformation, a time of free speaking, free writing, not find a permission to the press ; , I refer me to wisest men, whether truth be suffered to be truth, or liberty to be liberty now among us, and be not again in danger of new fetters and captivity after all our hopes and labours lost: and whether learning be not (which our enemies too jirophetically feared) in the way to be trodden

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down again by ignorance. Whereof while time is, out of the faith owing to God and my country, I bid this kingdom beware ; and doubt not but God who hath dignified this parhament already to so many glorious degrees, will also give them (which is a singular blessing) to inform themselves rightly in the' midst of an unprincipled age, and to prevent

this working mystery of ignorance and ecclesiastical
thralldom, which under new shapes and disguises
begins afresh to grow upon us.

TETRACHORDON:

EXPOSITIONS

UP05J

The four chief places in Scripture which treat of Marj
riagCf or Nullities in Marriage.

Gen. i. 27, 28, c oift pared and explained by

Gen. ii. 18, 23, 24.

Deut. xxiv. 1, 2.

On \ Matt. v. 31, 32, with Matt. xix. from ver.

3 to 11.

1 Cor. vii. from ver. 10 to 16.

Wherein the Doctrine and Discipline of Divorce, as was
lately published, is confirmed by explanation of scrip-
ture, by testimony of ancient fathers, of civil laws in
the primitive church, of famousest reformed divines ;
and lastly by an intended act of the parliament and
church of England in the last year of Edward the
Sixth.

Tan ^' a,v ^qxhvtuv tl^eva^ n woixtAoy,

Kpiao"0"tfv vo/ucicrSsis £" woXtJ, At"ffl-po5 (pavrt,

Euripid. Medea.

TO THE PARLIAMENT.

That which I knew to be the part of a good
magistrate, aiming at true liberty through the right
information of religious and civil life, and that

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which I saw, and was partaker of, your vows
and solemn covenants, parliament of England !
your actions also manifestly tending to exak the
truth, and to depress the tyranny of error and ill
custom, with more constancy and prowess than ever
yet any since that parliament which put the first
sceptre of this kingdom into his hand whom God
and extraordinary virtue made their monarch ; were
the causes that moved me, one else not placing
much in the eminence of a dedication, to present
your high notice with a discourse, conscious to
itself of nothing more than of diligence, and firm
affection to the public good. And that ye took it
so as wise and impartial men, obtaining so great
power and dignity, are wont to accept, in matters
both doubtful and important what they think offered
them well meant, and from a rational ability, I had
no less than to persuade me. And on that persua-
sion am returned as to a famous and free port, my-

self also bound by more than a maritime law to expose as freely what fraughtage I conceive to bring of no trifles. For although it be generally known, how and by whom ye have been instigated to a hard censure of that former book, entitled, *' The Doctrine and Discipline of Divorce," an opinion held by some of the best among reformed writers without scandal or confutement, though now thought new and dangerous by some of our severe Gnostics, whose little reading and less meditating, holds ever with hardest obstinacy that which it took up with

easiest credulity ; I do not find yet that aught, for

the furious incitements which have been used, hath issued by your appointment, that might give lie

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least interruption or disrepute either to the author/ or to the book. Which he who will be better advised than to call your neglect or connivance at a thing imagined so perilous, can attribute it to nothing more justly, than to the deep and quiet stream of your direct and calm deliberations, that gave not way either to the fervent rashness, or the immaterial gravity of those who ceased not to exasperate without cause. For which uprightness and incorrupt refusal of what ye were incensed to, lords and commons I (though it were done to justice, not to me, and was a peculiar demonstration how far your ways are different from the rash vulgar) besides those allegiances of oath and duty, which are my public

debt to your public labours, I have yet a store of gratitude laid up, which cannot be exhausted ; and such thanks perhaps they may live to be, as shall more than whisper to the next ages. Yet that the author may be known to ground himself upon his own innocence, and the merit of his cause, not upon the favour of a diversion, or a delay to any just censure, but wishes rather he might see those his detractors at any fair meeting, as learned debatements are privileged with a due freedom under equal moderators ; I shall here briefly single one of them (be-

cause he hath obliged me to it) who I persuade me

having scarce read the book, nor knowing him who writ it, or at least feigning the latter, hath not forborn to scandalize him, unconferred with, unadmonished, undealt with by any pastorly or brotherly convinceitient, in the most open and invective manner, and at the most bitter opportunity that drift or set design could have invented. And this, when as

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the canon law, though commonly most favouring the boldness of their priests, punishes the naming or traducing of any person in the pulpit, was by him made no scruple. If I shall therefore take license by the right of nature, and that liberty wherein I was born, to defend myself publicly against a printed calumny, and do willingly appeal to those judges to whom I am accused, it can be no immoderate or unallowable course^of seeking so just and needful reparations.

Which I had done long since, had not those employments, which are now visible, deferred me. It was preached before ye, lords and commons! in August last upon a special day of humiliation, that " there was a wicked book abroad," and ye were taxed of sin that it was yet ' ' uncensured, the book deserving to be burnt ;" and " impudence*^ also was charged upon the author, who durst " set his name to it, and dedicate it to yourselves !*' First, lords and commons ! I pray to that God, before whom ye then were prostrate, so to forgive ye those omis-

sions and trespasses, which ye desire most should

find forgiveness, as I shall soon show to the world how easily ye absolve yourselves of that which this man calls your sin, and is indeed your wisdom, and your nobleness, whereof to this day ye have done well not to repent. He terms it " a wicked book,' ' and why but " for allowing other causes of divorce, than Christ and his apostles mention ?'' and with the same censure condemns of wickedness not only Martin Bucer, that elect instrument of reformation, highly honoured, and had in reverence by Edward the Sixth, and his whole parliament, whom also I had published in English by a good pro-

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vidence, about a week before this calumnious digression was preached ; so that if he knew not Bucer then, as he ought to have known, he might at least have known, him some months after, ere the sermon came

in print ; wherein notwithstanding he persists in his former sentence, and condemns again of wickedness, either ignorantly or wilfully, not only Martin Bucer, and all the choicest and holiest of our reformers, but the whole parliament and church of England in those best and purest times of Edward the Sixth. All which I shall prove with good evidence, at the end of these explanations. And then let it be judged and seriously considered with what hope the affairs of our religion are committed to one among others, who hath now only left him

which of the twain he will choose, whether this

shall be his palpable ignorance, or the same wickedness of his own book, which he so lavishly inoimutes to the writings of other men : and whether this of his, that thus peremptorily defames and at^ taints of wickedness unspotted churches, unblemished parliaments, and the most eminent restorer^ of christian doctrine, deserve not to be burnt first. And if his heat had burst out only against the opinion, his wonted passion had no doubt been silently borne with wonted patience. But since, against the charity of that solemn place and meeting, it served him further to inveigh opprobriously against the person, branding him with no less than^ impudence, only for setting his name to what he had written ; I must be excused not to be so wanting to the defence of an honest name, or to the reputation of those good men who afford me their

society, but to be sensible of such a foul endeavoured disgrace : not knowing aught either in mine own deserts, or the laws of this land, why I should be subject, in such a notorious and illegal manner, to the intemperances of this man's preaching choler. And indeed to be so prompt and ready in the midst of his humbleness, to toss reproaches of this bulk and size, argues as if they were the weapons of his exercise, I am sure not of his ministry, or of that day's work. Certainly to subscribe my name at

what I was to own, was what the state had ordered

and requires. And he who lists not to be malicious, would call it ingenuity, clear conscience, willingness to avouch what might be questioned, or to be better instructed. And if God were so displeased with those, Isa. Iviii. who " on the solemn fast were wont to smite with the fist of wickedness," ^ it could be no sign of his own humiliation accepted, which disposed him to smite so keenly with a reviling tongue. But if only to have writ my name must be counted " impudence," how doth this but justify another, who might affirm with as good warrant, that the late discourse of " Scripture and Reason," ^ which is certain to be chiefly his own draught, was published without a name, out of base fear, and the sly avoidance of what might follow to his detrim^{nt}, if the party at court should hap to reach him ? And I, to have set my name, where he accuses me to have set it, am so far from recanting, that I offer my hand also if need be, to make good the same opinion which I there maintain, by inevitable consequences drawn parallel from his own

principal arguments in that of " Scripture and

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Reason : " which I shall pardon him if he can den}^
without shaking his own composition to pieces.

The " impudence" therefore, since he weighed so
hittle what a gross revile that was to give his equal,
I send him back again for a phylactery to stitch

upon his arrogance, that censures not only before

conviction, so bitterly without so much as one
reason given, but censures the congregation of his
governors to their faces, for not being so hasty as
himself to censure.

And whereas my other crime is, that I addressed
the dedication of what I had studied to the parlia-
ment ; how could I better declare the loyalty which
I owe to that supreme and majestic tribunal, and
the opinion which I have of the high entrusted
judgment, and personal worth assembled in that
place ? With the same affections therefore, and the
same addicted fidelity, parliament of England ! I here
again have brought to your perusal on the same
argument these following expositions of scripture.

The former book, as pleased some to think, who
were thought judicious, had of reason in it to a suf-
ficiency ; what they required was, that the scriptures
there alleged might be discussed more fully. To
their desires thus much further hath been laboured
in the scriptures. Another sort also, who wanted

more authorities and citations, have not been here unthought of. If all this attain not to satisfy them, as I am confident that none of those our great controversies at this day hath had a more demonstrative explaining, I must confess to admire what it is : for doubtless it is not reason now-a-days that satisfies or suborns the common credence of men, to, yield

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SO easily, and grow so vehement in matters much more disputable, and far less conducing to the daily good and peace of life. Some whose necessary shifts have lonser enured them to cloak the defects of their unstudied years, and hatred now to learn, under the appearance of a grave solidity (which estimation they have gained among weak perceivers,) find the ease of slighting what they cannot refute, and are determined, as* I hear, to hold it not worth the answering. In which number I must be forced to reckon that doctor, who in a late equivocating treatise plausibly set afloat against the Dippers, diving the while himself with a more deep prelatical malignance against the present state and church-government, mentions with ignominy " The Tractate of Divorce ;'* yet answers nothing, but instead thereof (for which I do not commend his marshaling) sets Moses also among the crew of his Anabaptists ; as one who to a holy nation ; the commonwealth of Israel, gave laws " breaking the bonds of marriage to inordinate lusts.^' These are

no mean surges of blasphemy, not only dipping Moses the divine law-giver, but dashing with a high hand against the justice and purity of God himself: as these ensuing scriptures plainly and freely handled shall verify, to the Jaunching of that old apostemated error. Him therefore I leave now to his repentance.

Others, which is their courtesy, confess that wit and parts may do much to make that seem true which is not ; as was objected to Socrates by

them who could not resist his efficacy, that he ever

made the worst cause seem ihe belter; and thus

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thinking themselves discharged of the difficulty, love not to wade further into the fear of a conviction. These will be their excuses to decline the full examining of this serious point. So much the more I press it and repeat it, lords and commons ! that ye beware while time is, ere this grand secret, and only art of ignorance affecting tyranny, grow powerful, and rule among us. For if sound argument and reason shall be thus put off, either by an undervaluing silence, or the masterly censure of a railing word or two in the pulpit, or by rejecting the force of truth, as the mere cunning of eloquence and sophistry ; what can be the end of this, but that all good learning and knowledge will suddenly decay ? Ignorance, and illiterate presumption, which

is yet but our disease, will turn at length into our very constitution, and prove the hectic evil of this age : worse to be feared, if it get once to reign over us, than any fifth monarchy. If this shall be the course, that what was wont to be a chief commendation, and the ground of other men's confidence in an author, his diligence, his learning, his elocution whether by right, or by ill meaning granted him, shall be turned now to a disadvantage and suspicion against him, that what he writes, though unconfuted, must therefore be mistrusted, therefore

not received for the industry, the exactness, the la-

bour in it, confessed to be more than ordinary ; as if wisdom had now forsaken the thirsty and laborious inquirer to dwell against her nature with the arrogant and shallow babbler ; to what purpose all those pains and that continual searching required of us by Solomon to the attainment of understanding ?

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Why are men bred up with such care and expense to a life of perpetual studies ? Why do yourselves with such endeavour seek to wipe off the imputation of intending to discourage the progress and advance of learning ? He therefore, whose heart can bear him to the high pitch of your noble enterprises, may easily assure himself, that the prudence and far-judging circumspectness of so grave a magistracy sitting in parliament, who have before them the prepared and purposed act of their most religi-

ous predecessors to imitate in this question, cannot reject the clearness of these reasons, and these allegations both here and formerly offered them ; nor can overlook the necessity of ordaining more wholesomely and more humanely in the casualties of divorce, than our laws have yet established, if, the most urgent and excessive grievances happening in domestic life be worth the laying to heart; which, unless charity be far from us, cannot be neglected. And that these things both in the right constitution, and in the right reformation of a commonwealth

call for speediest redress, and ought to be the first

considered, enough was urged in what was prefaced to that monument of Bucer, which I brought to your remembrance, and the other time before. Henceforth, except new cause be given, I shall say less and less. For if the law make not timely provision, let the law, as reason is, bear the censure of those consequences, which her own default now more evidently produces. And if men want manliness to expostulate the right of their due ransom, and to second their own occasions, they may sit hereafter and bemoan themselves to have neglected

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through faintness the only remedy of their suffering which a seasonable and well-grounded speaking might have purchased them. And perhaps in time to come, others will know how to esteem what is not every day put into their hands, when they have

marked events, and better weighed how hurtful and unwise it is, to hide a secret and pernicious rupture under the ill counsel of a bashful silence. But who would distrust aught, or not be ample in his hopes of your wise and Christian determinations ? who have the prudence to consider, and should have the goodness, like gods, as ye are called, to find out readily, and by just law to administer those redresses, which have of old, not without God ordaining, been granted to the adversities of mankind, ere they who needed, were put to ask. Certainly, if any other have en-

larged his thoughts to expect from this government,

so justly undertaken, and by frequent assistances from heaven so apparently upheld, glorious changes and renovations both in church and state, he among the foremost might be named, who prays that the fate of England may tarry for no other deliverers.

John Milton.

TETRACHORDON:

EXPOSITIONS

UPON

The four chief places in Scripture which treat of Marriage[^]
or Nullities in Marriage,

Genesis i. 27.

So God created man in his own lineage, in the image
of God created he him ; male and female cre[^]
ated he them,

28. And God blessed them, and God said unto
them. Be fruitful, &c.

Gen, ii. 18.

And the Lord God said. It is not good that man
should he alone, I will make him a helpmeet for
him.

23. And Adam said, this is now hone of my bone,
and flesh of my flesh ; she shall be called woman[^]
because she was taken out of man,

24, Therefore shall a man leave his father and his
mother, and shall cleave unto his wife, and they
shall be one flesh.

Gen, i. 27-

*' So God created man in his own image.**[^] To
be informed aright in the whole history of marriage,
that we may know for certain, not by a forced yoke,
but by an impartial definition, what marriage is,
and what is not marriage : it will undoubtedly be

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safest, fairest and most with our obedience to inquire, as our Saviour's direction is, how it was in the beginning. And that we begin so high as man created after God's own image, there want not earnest causes. For nothing now-a-days is more degenerately forgotten, than the true dignity of man, almost in every respect, but especially in this prime institution of matrimony, wherein his native pre-eminence ought most to shine. Although if we consider that just and natural privileges men neither

can rightly seek, nor dare fully claim, unless they

be allied to inward goodness and stedfast knowledge, and that the want of this quells them to a servile sense of their own conscious unworthiness ; it may save the wondering why in this age many are so opposite both to human and to Christian liberty, either while they understand not, or enry others that do ; contenting, or rather priding themselves in a specious humility and strictness bred out of low ignorance, that never yet conceived the freedom of the gospel ; and is therefore by the apostle to the Colossians ranked with no better company than will worship and the mere show of wisdom. And how injurious herein they are, if not to themselves, yet to their neighbours, and not to them only, but to the all-wise and bounteous grace offered us in our redemption, will orderly appear.

** In the image of God created he /iz'm."] It is enough determined, that this image of God, wherein man was created, is meant wisdom, purity, justice, and rule over all creatures. All which, being lost

in Adam, was recovered with gain by the merits of Christ. For albeit our first parent had lordship over

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€ea, and land, and air, yet there was a law without him, as a guard set over him. But Christ having cancelled the hand writing of ordinances which was against us, Coloss. ii. 14, and interpreted the ful-

filling of all through charity, hath in that respect

set us over law, in the free custody of his love, and left us victorious under the guidance of his living Spirit, not under the dead letter ; to follow that which most edifies, most aids and furthers a religious life, makes us holiest and likest to his immortal image^ not that which makes us most conformable and captive to civil and subordinate precepts : whereof the strictest observance may oftentimes prove the destruction not only of many innocent persons and families, but of whole nations. Although indeed no ordinance human or from heaven can bind against the good of man ; so that to keep them strictly against that end, is all one with to break them. Men of most renowned virtue have sometimes by transgressing most truly kept the law; and wisest magistrates have permitted and dispensed it ; while they looked not peevishly at the letter, but with a greater spirit at the good of mankind, if always not written in the characters of law, yet engraven in the heart of man by a divine impression. This Heathens could see, as the well-read in story can recount of Solon and Epaminon-

das, whom Cicero in his first book of " Invention** nobly defends. " All law," saith he, '^ we ought to refer to the common good, and interpret by that, not by the scroll of letters. No man observes law for law's sake, but for the good of them for whom it was made." The rest might serve well to lecture these timi?8, deluded through belly doctrines into a

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devout slavery. The Script lire also affords us David in the show-bread, Hezekiah in the pass-over, sound and safe transgressors of the literal command, which also dispensed not seldom with itself ; and taught us on what just occasions to do so : until our Saviour, for whom that great and god-like work was reserved, redeemed us to a state above prescriptions, by dissolving the whole law into charity And have we not the soul to understand this, and must we against this glory of God's transcendent love towards us be still the servants of a literal indictment ?

" Created he him**'] It might be doubted why he saith, '' In the image of God created he him," not them^ as well as " male and female" them ; especially since that image might be common to them both, but male and female could not, however the Jews fable, and please themselves with the accidental conc*urrence of Plato's wit, as if man at first had been created hermaphrodite : but then it

must have been male and female created he him.
So had the image of God been equally common to them both, it had no doubt been said, in the image of God created he them. But St. Paul ends the controversy, by explaining, that the woman is not primarily and immediately the image of God, but in reference to the man, " The head of the woman," saith he, 1 Cor. xi. " is the man : " " he the image and glory of God, she the glory of the man ;" he not for her, but she for him. Therefore his precept is, " wives be subject to your husbands as is fit in

the Lord," Coloss. iii. 18 ; " In every thing,"

Eph, V. 24. Nevertheless man is not to hold her

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as a servant, but receives her into a part of that empire, which God proclaims him to, though not equally, yet largely, as his own image and glory: for it is no small glory to him, that a creature so like him should be made subject to him. Not but that particular exceptions may have place, if she exceed her husband in prudence and dexterity, and he contentedly yield : for then a superior and more natural law comes in, that the wiser should govern the less wise, whether male or female. But that which far more easily and obediently follows from this verse is, that, seeing woman was purposely made for man, and he her head, it cannot stand before the breadth of this divine utterance, that man the protraiture of God, joining to himself for his in-

tended good and solace an inferior sex, should so become her thrall, whose wilfulness or inability to be a wife frustrates the occasional end of her creation ; but that he may acquit himself to freedom by his natural birthright, and that indelible character of priority, which God crowned him with. If it be urged, that sin hath lost him this, the answer is not far to seek, that from her the sin first proceeded, which keeps her justly in the same proportion still beneath. She is not to gain by being first in the transgression, that man should further lose to her,

because already he hath lost by her means. Oft it

happens, that in this matter he is without fault ; so that his punishment herein is causeless : and God hath the praise in our speeches of him, to sort his punishment in the same kind with the offence, Suppose he erred ; it is not the intent of God or man, to hunt an error so to the death with a revenge

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beyond all measure and proportion. But if we argue thus, this affliction is befallen him for his sin, therefore he must bear it, without seeking the only remedy: first, it will be false, that all affliction comes for sin, as in the case of Job, and of the man born blind, John ix, 3. was evident : next, by that reason, all miseries coming for sin, we must let them all lie upon us like the vermin of an Indian Catharist, which his fond religion forbids him to molest. Were it a particular punishment inflicted through

the anger of God upon a person, or upon a land, no law hinders us in that regard, no law but bids us remove it if we can ; much more if it be a dangerous temptation withal ; much more yet, if it be certainly a temptation, and not certainly a punishment, though a pain. As for what they say we must bear with patience ; to bear with patience, and to seek effectual remedies, implies no contradiction i
It may no less be for our disobedience, our unfaithfulness, and other sins against God, that wives become adulterous to the bed ; and questionless we

ought to take the affliction as patiently as Chris-

tian prudence would wish : yet hereby is not lost the right of divorcing for adultery. No, you say, because our Saviour excepted that only. But why, if he were so bent to punish our sins, and try our patience in binding on us a disastrous marriage, why did he except adultery ? Certainly to have been bound from divorce in that case also had been as plentiful a punishment to our sins, and not too little work for the patientest. Nay, perhaps, they will say it was too great a sufferance ; and with as slight a reason, for no wise man but would sooner

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^rdo« the act of adultery once and again committed by a person worth pity and forgiveness, than to lead a wearisome life of unloving and unquiet conversation with one who neither affects nor is affected, much less with one who exercises all bit-

terness, and would commit adultery too, but for envy lest the persecuted should thereby get the benefit of his freedom. It is plain therefore, that God enjoins not this supposed strictness of not divorcing either to punish us, or to try our patience.

Moreover, if man be the image of God, which consists in holiness, and woman ought in the same respect to be the image and companion of man, in such wise to be loved as the church is beloved of

Christ ; and if, as God is the head of Christ, and

Christ the head of man, so man is the head of woman ; I cannot see by this golden dependance of headship and subjection, but that piety and religion is the main tie of Christian matrimony: so as if there be found between the pair a notorious disparity either of wickedness or heresy, the husband by all manner of right is disengaged from a creature, not made and inflicted on him to the vexation of his righteousness : the wife also, as her subjection is terminated in the Lord, being herself the redeemed of Christ, is not still bound to be the vassal of him, who is the bond-slave of Satan : she being now neither the image nor the glory of such a person* nor made for him, nor left in bondage to him ; but hath recourse to the wing of charity, and protection of the church, unless there be a hope on either side : yet such a hope must be meant, as may be a

rational hope, and not an endless servitude. Of which hereafter.

But usually it is objected, that if it be thus, then there can be no true marriage between misbelievers and irreligious persons. I might answer, let them see to that who are such ; the church hath no commission to judge those without, 1 Cor. v. But this they will say perhaps, is but penuriously to resolve a doubt. I answer therefore, that where they are

both irreligious, the marriage may be yet true

enough to them in a civil relation. For there are left some remains of God's image in man, as he is merely man ; which reason God gives against the shedding of man's blood. Gen. ix. as being made in God's image, without expressing whether he were a good man or a bad, to exempt the slayer from punishment. So that in those marriages where the parties are alike void of religion, the wife owes a civil homage and subjection, the husband owes a civil loyalty. But where the yoke is mis-yoked, heretic with faithful, godly with ungodly, to the grievance and manifest endangering of a brother or sister, reasons of a higher strain than matrimonial bear sway ; unless the gospel, instead of freeing us, debase itself to make us bond-men, and suffer evil to controul good.

" Male and female created he them.^~\ This contains another end of matching man and woman, being the right and lawfulness of the marriage-bed ; though much inferior to the former end of her being

his image and help in religious society. And who of weakest insight may not see, that this creating of them male and female cannot in any order of

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reason, or Christianity, be of such moment against the better and higher purposes of their creation^ : as to enthrall husband or wife to duties or to sufferings,

unworthy and unbecoming the image of God in

them ? Now whenas not only men, but good men, do stand upon their right, their estimation, their dignity, in all other actions and deportments, with warrant enough and good conscience, as having the image of God in them, it will not be difficult to determine what is unworthy and unseemly for a man to do or suffer in wedlock : and the like proportionally may be found for woman, if we love not to stand disputing below the principles of humanity. He that said, " Male and female created he them," immediately before that said also in the same verse, " in the image of God created he him," and redoubled it, that our thoughts might not be so full of dregs as to urge this poor consideration of male and female, without remembering the nobleness of that former repetition ; lest when God sends a wise eye to examine our trivial glosses, they be found extremely to creep upon the ground : especially since they confess, that what here concerns marriage is but a brief touch, only preparative to the institution which follows more expressly in the

next chapter; and that Christ so took it, as desiring to be briefest with them who came to tempt him, account shall be given in due place.

Ver. 28. " And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, &c.

This declares another end of matrimony, the propagation of mankind ; and is again repeated to

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Noah and his sons. Many things might be noted on this place not ordinary, nor unworthy the noting ; but I undertook not a general comment. Hence therefore we see the desire of children is honest and pious ; if we be not less zealous in our Christianity than Plato was in his heathenism ; who in the sixth of his laws, counts offspring therefore desirable, that we may leave in our stead sons of our sons, continual servants of God : a religious and prudent desire, if people knew as well what were required to breeding as to begetting ; which desire perhaps was a cause, why the Jews hardly could endure a barren wedlock : and Philo, in his book of special laws, esteems him only worth pardon, that sends not barrenness away. Carvilius, the first recorded in Rome to have sought divorce, had it granted him for the barrenness of his wife, upon his oath that he married to the end he might have children ; as Dionysius and Gellius are authors. But

to dismiss a wife only for barrenness, is hard : and yet in some the desire of children is so great, and so just, yea sometime so necessary, that to condemn such a one to a childless age, the fault apparently not being in him, might seem perhaps more strict than needed. Sometimes inheritances, crowns, and dignities are so interested and annexed in their common peace and good to such or such lineal descent, that it may prove of great moment both in the affairs of men and of religion, to consider thoroughly what might be done herein, notwithstanding the

waywardness of our school doctors.

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Gen, ii. 18.

" And the Lord said, it is not good that man

should he alone, I will make him a helpmeet for

him"

Ver. 23. " And Adam said, '' &c. Ver. 24,

" Therefore shall a man leave, '' &c.

This second chapter is granted to be a commentary on the first, and these verses granted to be an exposition of that former verse, " Male and female created he them :" and yet when this male and female is by the explicit words of God himself here declared to be not meant other than a fit help, and meet society ; some, who would engross to them-

selves the whole trade of interpreting, will not suffer the clear text of God to do the office of explaining itself.

" And the Lord God said, it is not good'\ A man would think, that the consideration of who spake should raise up the intention of our minds to inquire better, and obey the purpose of so great a speaker : for as we order the business of marriage, that which he here speaks is all made vain ; and in the decision of matrimony, or not matrimony,

nothing at all regarded. Our presumption hath

utterly changed the state and condition of this ordinance : God ordained it in love and helpfulness to be indissoluble, and we in outward act and formality to be a forced bondage ; so that being subject to a thousand errors in the best men, if it prove a blessing to any, it is of mere accident, as man's law hath handled it, and not of institution.

" It is not good for man to be alone."~\ Hitherto all things that have been named, were approved of

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God to be very good : loneliness is the first things which God*s eye named not good : whether it be a thing, or the want of something, I labour not ; let it be their tendance, who have the art to be industriously idle. And here " alone" is meant alone without woman ; otherwise Adam had the com-

pany of God himself, and angels to converse with ;
all creatures to delight him seriously, or to make
him sport. God could have created him out of the
same mould a thousand friends and brother Adams
to have been his consorts ; yet for all this, till Eve
was given him, God reckoned him to be alone.

" It is not goodJ'^'] God here presents himself
like to a man deliberating ; both to show us that
the matter is of high consequence, and that he in-
tended to found it according to natural reason, not

impulsive command ; but that the duty should

arise from the reason of it, not the reason be swal-
lowed up in a reasonless duty. " Not good,** was
as much to Adam before his fall, as not pleasing,
not expedient ; but since the coming of sin into the
world, to him who hath not received the conti-
nence, it is not only not expedient to be alone, but
plainly sinful. And therefore he who wilfully abstains
from marriage, not being supernaturally gifted, and
he who by making the yoke of marriage unjust and
intolerable, causes men to abhor it, are both in a
diabolical sin, equal to that of Antichrist, who for-
bids to marry. For what difference at all whether
he abstain men from marrying, or restrain them in
a marriage happening totally discommodious, dis-
tasteful, dishonest, and pernicious to him, without
the appearance of his fault ? For God does not

here precisely say, I make a female to this male, as he did before ; but expounding himself here on purpose, he saith, because it is not good for man to be alone, I make him therefore a meethelp. God supplies the privation of not good, with the perfect gift of a real and positive good : it is man's perverse cooking, who hath turned this bounty of God into a scorpion, either by weak and shallow constructions, or by proud arrogance and cruelty to them who neither in their purposes nor in their actions have offended against the due honour of wedlock.

" Now whereas the Apostle speaking in the spirit, 1 Cor. vii. pronounces quite contrary to this word of God, " It is good for man not to touch a woman," and God cannot contradict himself; it instructs us, that his commands and words, especially such as bear the manifest title of some good to man, are not to be so strictly wrung, as to command without regard to the most natural and miserable necessities of mankind. Therefore the Apostle adds a limitation in the 26th verse of that chapter, for the present necessity it is good ; which he gives us doubtless as a pattern how to reconcile other places by the general rule of charity.

" For man to be alone. Some would have the sense hereof to be in respect of procreation only : and Austin contests that manly friendship in all other regards had been a more becoming solace for Adam, than to spend so many secret years in an empty world with one woman. But our writers deservedly reject this crabbed opinion ; and defend

that there is a peculiar comfort in the married state beside the genial bed, which no other society

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affords. No mortal nature can endure either in the actions of religion, or study of wisdom, without sometime slackening the cords of intense thought and labour : which lest we should think faulty, God him-

self conceals us not his own recreations before the

world was built ; " I was," saith the eternal wisdom, "daily his delight, playing always before him." And to him indeed wisdom is as a high tower of pleasure, but to us a steep hill, and we toiling ever about the bottom: he executes with ease the exploits of his omnipotence, as easy as with us it is to will ; but no worthy enterprise can be done by us without continual plodding and wearisomeness to our faint and sensitive abilities. We cannot therefore always be contemplative, or pragmatical abroad, but have need of some delightful intermissions, wherein the enlarged soul may leave off a while her severe schooling ; and, like a glad youth in wandering vacancy, may keep her holidays to joy and harmless pastime : which as she cannot well do without company, so in no company so well as where the different sex in most resembling unlikeness, and most unlike resemblance, cannot but please best, and be pleased in the aptitude of that variety. Whereof lest we should be too timorous, in the awe that our flat sages would form us

and dress us, wisest Solomon among his gravest Proverbs countenances a kind of ravishment and erring fondness in the entertainment of wedded pleasures ; and in the Song of Songs, which is generally believed even in the jolliest expressions, to figure the spousals of the Church with Christ, sings of a thousand raptures between those two lovely ones

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far on the hitlier side of carnal enjoyment. By these instances, and more which might be brought, we may imagine how indulgently God provided against man's loneliness ; that he approved it not, as by himself declared not good ; that he approved the remedy thereof, as of his own ordaining, consequently good : and as he ordained it, so doubtless proportionably to our fallen estate he gives it ; else were his ordinance at least in vain, and we for all his gifts still empty handed. Nay, such an unbounteous giver we should make him, as in the fables Jupiter was to Ixion, giving him a cloud instead of Juno, giving him a monstrous issue by her, the breed of Centaurs, a neglected and unloved race, the fruits of a delusive marriage ; and lastly, giving him her with a damnation to that wheel in Hell, from a life thrown into the midst of temptations and disorders. But God is no deceitful giver, to bestow that on us for a remedy of loneliness, which if it bring not a sociable mind, as well as a conjunctive body, leaves us no less alone than before ; and

if it bring a mind perpetually averse and disagreeable, betrays us to a worse condition than the most deserted loneliness. God cannot in the justice of his own promise and institution so unexpectedly mock us, by forcing that upon us as the remedy of solitude, which wraps us in a misery worse than any wilderness, as the spirit of God himself judges, Prov. xix. especially knowing that the best and wisest men amidst the sincere and most cordial designs of their heart, do daily err in choosing. We may conclude therefore, seeing orthodoxal expositors

confess to our hands, that by loneliness is not only

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meant the want of copulation, and that man is not less alone by turning in a body to him, unless there be within it a mind answerable ; that it is a work more worthy the care and consultation of God to provide for the worthiest part of man, which is his mind, and not unnaturally to set it beneath the formalities and respects of the body, to make it a servant of its own vassal : I say, we may conclude that such a marriage, wherein the mind is so disgraced and vilified below the body's interest, and can have no just or tolerable contentment, is not of God's institution, and therefore no marriage. Nay, in concluding this, I say we conclude no more than what the common expositors themselves give us,

both in that which I have recited, and much more hereafter. But the truth is, they give us, in such, a manner, as they who leave their own mature positions like the eggs of an ostrich in the dust ; I do but lay them in the sun ; their own pregnancies hatch the truth ; and I am taxed of novelties and strange productions, while they, like that inconsiderate bird, know not that these are their own natural breed.

" twill mahe him an helpmeet for Afm.^] Here

the heavenly institutor, as if he laboured not to be

mistaken by the supercilious hypocrisy of those that love to master their brethren, and to make us sure that he gave us not now a servile yoke, but an amiable knot, contents not himself to say, I will make him a wife ; but resolving to give us first the meaning before the name of a wife, saith graciously, " I will make him a helpmeet for him.*' And here again, as before, I do not require more full and fair

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deductions than the whole consent of our divines usually raise from this text, that in matrimony there must be first a mutual help to piety, next to civil fellowship of love and amity, then to generation, so to household affairs, lastly the remedy of incontinence. And commonly they reckon them in such order, as leaves generation and incontinence to be last considered. This I amaze me at, that though

all the superior and nobler ends both of marriage and of the married persons be absolutely frustrate, the matrimony stirs not, looses no hold, remains as rooted as the centre : but if the body bring but in a complaint of frigidity, by that cold application only this adamantine Alp of wedlock has leave to dissolve ; which else all the machinations of religious or civil reason at the suit of a distressed mind, either for divine worship or human conversation vidated, cannot unfasten. What courts of concupiscence are these, wherein fleshly appetite is heard

before right reason, lust before love or devotion ?

They may be pious christians together, they may be loving and friendly, they may be helpful to each other in the family, but they cannot couple ; that shall divorce them, though either party would not. They can neither serve God together, nor one be at peace with the other, nor be good in the family one to other, but live as they were dead, or live as they were deadly enemies in a cage together ; it is all one, they can couple, they shall not divorce till death, uo though this sentence be their death. What is this besides tyranny, but to turn nature upside down, to make both religion, and the mind of man wait upon tlu^ slavish errands of the body, and not

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the bod}^ to follow either the sanctity, or the sove-

reignty of the mind, unspeakably wronged, and with all equity complaining ? What is this but to abuse the sacred and mysterious bed of marriage to be the compulsive stye of an ingrateful and malignant lust, stirred up only from a carnal acrimony, without either love or peace, or regard to any other thing holy or human ? This I admire how possibly it should inhabit thus long in the sense of so many disputing theologians, unless it be the lowest lees of a canonical infection livergrown to their sides ; which perhaps will never uncling, without the strong

abstersive of some heroic magistrate, whose mind,

equal to his high office, dares lead him both to know and to do without their frivolous case-putting. For certain he shall have God and this institution plainly on his side. And if it be true both in divinity and law, that consent alone, though copulation never follow, makes a marriage ; how can they dissolve it for the want of that which made it not, and not dissolve it for that not continuing which made it and should preserve it in love and reason, and difference it from a brute conjugality ?

" Meet for him.^1 The original here is more expressive than other languages word for word can render it ; but all agree effectual corfformity of disposition and affection to be hereby signified ; which God as it were, not satisfied with the naming of a help, goes on describing another self, a second self, a very self itself. Yet now there is nothing in the life of man, through our mis-construction, made more uncertain, more hazardous and full of chance than this divine blessing with such favourable signi-

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ficance here conferred upon us ; which if we do but err in our choice, the most unblamable error that can be, err but one minute, one moment after those mighty syllables pronounced, which take upon them to join Heaven and Hell together unpardonably till death pardon : this divine blessing that looked but

now with such a humane smile upon us, and spoke

such gentle reason, straight vanishes like a fair sky, and brings on such a scene of cloud and tempest, as turns all to shipwreck without haven or shore, but to a ransomless captivity. And then they tell us it is our sin : but let them be told again, that sin through the mercy of God hath not made such waste upon us, as to make utterly void to our use any temporal benefit, much less any so much availing to a peaceful and sanctified life, merely for a most incident error, which no wariness can certainly shun. And wherefore serves our happy redemption, and the liberty we have in Christ, but to deliver us from calamitous yokes, not to be lived under without the endangerment of our souls, and to restore us in some competent measure to a right in every good thing both of this life, and the other ? Thus we see how treatably and distinctly God hath here taught us what the prime ends of marriage are ; mutual solace and help. That we are now, upon the most irreprehensible mistake in choosing, defeated and defrauded of all this original benignity, was begun first through

the snare of anti-christian canons long since obr
truded upon the Church of Rome, and not yet
scoured off by reformation, out of a lingering vain-
glory that abides among us to make fair shows in
formal ordinances, and to enjoin continence and

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bearing of crosses in such a garb as no Scripture

binds us, under the thickest arrows of temptation,

where we need not stand. Now we shall see with
what acknowledgment and assent Adam received
this new associate which God brought him.

Ver. 23. " And Adam said, This is now bone of
"iny bones, andjiesh of my flesh ; she shall be
called woman, because she was taken out of
man"

That there was a nearer alliance between Adam
and Eve, than could be ever after between man and
wife, is visible to any. For no other woman was
ever moulded out of her husband's rib, but of mere
strangers for the most part they come to have that
consanguinity, which they have by wedlock. And
if we look nearly upon the matter, though marriage
be most agreeable to holiness, to purity, and justice,
yet is it not a natural, but a civil and ordained rela-
tion. For if it w^ere in nature, no law or crime
could disannul it, to make a wife, or husband,
otherwise than still a wife or husband, but only

death ; as nothing but that can make a father no father, or a son no son. But divorce for adultery or desertion, as all our churches agree but England, not only separates, but nullifies, and extinguishes the relation itself of matrimony, so that they are no more man and wife ; otherwise the innocent party could not marry elsewhere, without the guilt of adultery. Next, were it merely natural, why was it here ordained more than the rest of moral law to man in his original rectitude, in whose breast all

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that was natural or moral was engraven without external constitutions and edicts ? Adam therefore in these words does not establish an indissoluble bond of marriage in the carnal ligaments of flesh and bones ; for if he did, it would belong only to himself in the literal sense, every one of us being nearer in flesh of flesh, and bone of bones, to our parents than to a wife ; they therefore were not to be left for her in that respect. But Adam, who had the wisdom given him to know all creatures, and to name them according to their properties, no doubt but had the gift to discern perfectly that which concerned him much more ; and to apprehend at first sight the true fitness of that consort which God provided him. And therefore spake in reference to those words which God pronounced before ; as if he had said, this is she by whose meet help and society I shall no more be alone ; this is she who

was made my image, even as I the image of God ;
not so much in body, as in unity of mind and heart.
And he might as easily know what were the words
of God, as he knew so readily what had been done
with his rib, while he slept so soundly. IJe might
well know, if God took a rib out of his inside to
form of it a double good to him, he would far sooner
disjoin it from his outside, to prevent a treble mis-
chief to him ; and far sooner cut it quite off from
all relation for his undoubted ease, than nail it into
his body again, to stick for ever there a thorn in his

heart. Whenas nature teaches us to divide any

limb from the body to the saving of its fellows^
though it be the maiming and deformity of the
whole ; how much more is it her doctrine to sever:

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by incision, not a true limb so much, though that
be lawful, but an adherent, a sore, the gangrene of
a limb, to the recovery of a whole man ? But if in
these words we shall make Adam to erect a new
establishment of marriage in the mere flesh, which
God so lately had instituted, and founded in the
sweet and mild familiarity of love and solace, and
mutual fitness ; what do we but use the mouth of
our general parent, the first time it opens, to an
arrogant opposition and correcting of God's wiser
ordinance ? These words therefore cannot import
any thing new in marriage, but either that which
belongs to Adam only, or to us in reference only to

the instituting words of God,' which made a meet help against loneliness. Adam spake like Adam the words of flesh and bones, the shell and rind of matrimony ; but God spake like God, of love, and solace, and meet help, the soul both of Adam's words and of matrimony,

Ver. 24. " Therefore shall a man leave his father and his mother^ and shall cleave unto his wife^ and they shall be one flesh'^

This verse, as our common herd expounds it, is

the great knot-tie, which hath undone by tying, and by tangling, millions of guiltless consciences : this is that grisly porter, who having drawn men and wisest men by subtle allurements within the train of an unhappy matrimony, claps the dungeon-gate upon them, as irrecoverable as the grave. But if we view him well, and hear him with not too hasty and prejudicial ears, we shall find no such terror in

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him. For first, it is not here said absolutely without all reason he shall cleave to his wife, be it to his weal or to his destruction as it happens, but he shall do this upon the premises and considerations of that meet help and society before mentioned. 'Therefore he shall cleave to his wife,' no otherwise a wife than a fit help. He is not bid to leave the dear cohabitation of his father, mother, brothers, and sisters,

to link himself inseparably with the mere carcass of a marriage, perhaps an enemy. This joining particle, " Therefore*' is in all equity, nay in all necessity of construction, to comprehend first and most principally what God spake concerning the inward essence of marriage in his institution, that we may learn how far to attend what Adam spake of the outward materials thereof in his approbation. For if we shall bind these words of Adam only to a corporal meaning, and that the force of this injunction upon all us his sons, to live individually with any

woman which hath befallen us in the most mistaken

wedlock, shall consist not in those moral and relative causes of Eve's creation, but in the mere anatomy of a rib, and that Adam's insight concerning wedlock reached no further, we shall make him as very an idiot as the Socinians make him ; which would not be reverently done of us. Let us be content to allow our great forefather so much wisdom, as to take the instituting words of God along with him into this sentence, which if they be well minded, will assure us that flesh and ribs are but of a weak, and dead efficacy to keep marriage united •where there is no other fitness. The rib of marriage, to all since Adam, is -a relation much rather than a

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bone ; the nerves and sinews thereof are love and meet help, they knit not every couple that marries, »nd where they knit they seldom break ; but where

they break, which for the most part is where they never truly joined, to such at the same instant both flesh and rib cease to be in common : so that here they argue nothing to the continuance of a false or violated marriage, but must be led back again to receive their meaning from those institutive words of God, which give them all the life and vigour they have.

*' Therefore shall a man leave his father,^^ &c.]
What to a man's thinking more plain by this ap-

pointment, that the fatherly power should give place

to conjugal prerogative? Yet it is generally held by reformed writers against the papist, that though in persons at discretion the marriage in itself be never so fit, though it be fully accomplished with benediction, board, and bed, yet the father not con^senting, his main will without dispute shall dissolve all. And this they affirm only from collective reason, not any direct law ; for that in Exod. xxii. 17, which is most particular, speaks that a father may refuse to marry his daughter to one who hath deflowered her, not that he may take her away from one who hath soberly married her. Yet because the general honour due to parents is great, they hold he may, and perhaps hold not amiss. But again, when the question is of harsh and rugged parents, whci defer to bestow their children seasonably, they agree jointly^, that the church or magistrate may bestow them, though without the father's consent ; and for this they have no express authority in scripture. So

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that they may see by their own handling of this very place, that it is not the stubborn letter must govern us, but the divine and softening breath of charity, which turns and winds the dictate of every positive command, and shapes it to the good of mankind.

Shall the outward accessory of a father's will wanting rend the fittest and most affectionate marriage in twain, after all nuptial consummations ; and shall

not the want of love and the privation of all civil

and religious concord, which is the inward essence of wedlock, do as much to part those who were never truly wedded ? Shall a father have this power to vindicate his own wilful honour and authority to the utter breach of a most dearly united marriage, and shall not a man in his own power have the permission to free his soul, his life, and all his comfort of life from the disaster of a no-marriage ? Shall fatherhood, which is but man, for his own pleasure dissolve matrimony ; and shall not matrimony, which is God's ordinance, for its own honour and better conservation dissolve itself when it is wrong and not fitted to any of the chief ends which it owes us ?

" And they shall be one flesh **^ These words also infer, that there ought to be an individuality in marriage ; but without all question pre-suppose the joining causes. Not a rule yet that we have met with, so universal in this whole institution, but hath admitted limitations and conditions according to

human necessity. The very foundation of matrimony, though God laid it deliberately, ' that it is not good for man to be alone,^ holds not always, if the apostle can secure us. Soon after we are bid

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leave father and mother, and cleave to a wife, but must understand the father's consent withal, else

not. " Cleave to a wife,^ but let her be a wife,

let her be a meet help, a solace, not a nothing, not an adversary, not a desertrice ; can any law or command be so unreasonable, as to make men cleave to calamity, to ruin, to perdition ? In like manner here ' they shall be one flesh ;' but let the causes hold and be made really good, which only have the possibility to make them one flesh. We know that flesh can neither join, nor keep together two bodies of itself; what is it then must make them one flesh, but likeness, but fitness of mind and disposition, which may breed the spirit of concord, and union between them ? If that be not in the nature of either, and that there has been a remediless mistake, as vain we go about to compel them into one flesh, as if we undertook to weave a garment of dry sand. It were more easy to compel the vegetable and nutritive power of nature to assimilations and mixtures, which are not alterable each by other ; or force the concoctive stomach to turn that into flesh, which is so totally unlike that substance, as not to be wrought on. For as the union

of mind is greater than the union of bodies, so doubtless is the dissimilitude greater and more dual, as that which makes between bodies all difference and distinction. Especially whenas besides the singular and substantial differences of every soul, there is an intimate quality of good or evil, through the whole progeny of Adam, which like a radical heat, or mortal chillness, joins them or disjoins them irresistably. In whom therefore either the will, or

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the faculty is found to have never joined, or now not to continue so, it is not to say, they shall be one flesh, for they cannot be one flesh. God commands not impossibilities ; and all the ecclesiastical glue, that liturgy or laymen can compound, is not able to sodder up two such incongruous natures into the one flesh of a true beseeeming marriage. Why did Moses then set down their uniting into one flesh ? And I again ask, why the gospel so oft repeats the eating of our Saviour's flesh, the drinking of his blood? 'That we are one body with him, the members of his body, flesh of his flesh, and bone of his bone.* Ephes. v. Yet lest we should be Capernaitans, as we are told there, that the flesh profiteth nothing ; so we are told here, if we be not as deaf as adders, that this union of the flesh proceeds from the union of a fit help and solace. We know that there was never a more spiritual mystery than this gospel taught us under the terms of body and

flesh ; yet nothing less intended than that we should stick there. What a stupidity then is it, that in marriage, which is the nearest resemblance of our union with Christ, we should deject ourselves to such a sluggish and underfoot philosophy, as to esteem the validity of marriage merely by the flesh, though never so broken and disjointed from love and peace, which only can give a human qualification to that act of the flesh, and distinguish it from bestial? The text therefore uses this phrase, that * they shall be one flesh,* to justify and make legi-

itimate the rites of marriage-bed ; which was not

unnecessary, if for all this warrant they were suspected of pollution by some sects of philosophy, and reli-

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gions of old, and latelier among the papists, and other heretics elder than they. Some think there is a high mystery in those words, from that which Paul saith of them, Ephes. v. ' This is a great mystery, but I speak of Christ and the church : ' and thence they would conclude marriage to be inseparable. For me I dispute not now whether matrimony be a mystery or no; if it be of Christ and his church, certainly it is not meant of every ungodly and mis-wedded marriage, but then only mysterious, when it is a holy, happy, and peaceful match. But when a saint is joined with a reprobate, or both alike wicked with wicked, fool with fool, a he-drunkard with a she ; when the bed hath been nothing else

for twenty years or more, but an old haunt of lust and malice mixed together, no love, no goodness, no loyalty, but counterplotting, and secret wishing one another's dissolution ; this is to me the greatest mystery in the world, if such a marriage as this can be the mystery of aught, unless it be the mystery of iniquity : according to that which Paraeus cites out of Chrysostom, that a bad wife is a help for the devil, and the like may be said of a bad husband. Since therefore none but a fit and pious matrimony can signify the union of Christ and his church,

there cannot hence be any hindrance of divorce to

that wedlock wherein there can be no good mystery. Rather it might to a Christian conscience be matter of finding itself so much less satisfied than before, in the continuance of an unhappy yoke, wherein there can be no representation either of Christ, or of his church.

Thus having considered the institution how it was

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in the beginning, both from the 1st chap, of Gen. where it was only mentioned in part, and from the second, where it was plainly and evidently instituted ; and having attended each clause and word necessary with a diligence not drowsy, we shall now fix with some advantage, and by a short view backward gather up the ground we have gone, and sum up the strength we have, into one argumentative

head, with that organic force that logic proffers us. AH arts acknowledge, that then only we know certainly, when we can define ; for definition is that which refines the pure essence of things from the circumstance. If therefore we can attain in this our controversy to define exactly what marriage is, we shall soon learn when there is a nullity thereof, and when a divorce.

The part therefore of this chapter, which hath been here treated, doth orderly and readily resolve

itself into a definition of marriage, and a conseqtary

from therrce. To the definition these words chiefly contribute t * It is not good,' &c. * I will make,* &c. Where the conseqtary begins this connection, ' Therefore^ informs us, ' Tlierefore shall a man,^ tec. Definition is decreed by logicians to consist only of causes constituting the essence of a thing. What is not therefore amons: the causes constituting marriage, most not stay in the definition. Those causes are concluded to be matter, and, as the artist calls it. Form. But inasmuch as the same thing may be a cause more ways than one, and that in relations and institutions which have no corporal subsistence, but only a respective being, the Form, by which the thiwg is what it is, is oft so slender

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and undistinguishable, that it would soon confuse, were it not sustained by the efficient and final

causes, which concur to make up the form invahd otherwise of itself, it will be needful to take in all the four causes into the definition. First therefore the material cause of matrimony is man and woman ; the author and efficient, God and their consent ; the internal Form and Soul of this relation is conjugal love arising from a mutual fitness to the final causes of wedlock, help and society in religious, civil, and domestic conversation, which includes as an inferior end the fulfilling of natural desire, and specifical increase ; these are the final

causes both moving the Efficient, and perfecting the

Form. And although copulation be considered among the ends of marriage, yet the act thereof in a right esteem can no longer be matrimonial, than it is an effect of conjugal love. When love finds itself utterly unmatched, and justly vanishes, nay rather cannot but vanish, the fleshly act indeed may continue, but not holy, not pure, not beseeming the sacred bond of marriage ; being at best but an animal excretion, but more truly worse and more ignoble than that mute kindness among the herds and flocks : in that proceeding as it ought from intellectual principles, it participates of nothing rational, but that which the field and the fold equals. For in human actions the soul is the agent, the body in a manner passive. If then the body do out of sensitive force, what the soul complies not with, how can man, and not rather something beneath man, be thought the doer ?

But to proceed in the pursuit of an accurate

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definition, it will avail us something, and whet our thoughts, to examine what fabric hereof others have already reared. Paraeus on Gen. defines marriage to be " an indissoluble conjunction of one man and one woman to an individual and intimate conversation, and mutual benevolence," &c. Wherein is to be marked his placing of intimate conversation before

bodily benevolence ; for bodily is meant, though

indeed "benevolence" rather sounds will than body. Why then shall divorce be granted for want of bodily performance, and not for want of fitness to intimate conversation, whenas corporal benevolence cannot in any human fashion be without this? Thus his definition places the ends of marriage in one order, and esteems them in another. His tautology also of indissoluble and individual is not to be imitated ; especially since neither indissoluble nor individual hath ought to do in the exact definition, being but a consequtory flowing from thence, as appears by plain scripture, " Therefore shall a man leave," &c. For marriage is not true marriage by being individual, but therefore individual, if it be true marriage. No argument but causes enter the definition : a consequtory is but the effect of those causes. Besides, that marriage is indissoluble, is not catholically true ; we know it dissoluble for adultery and for desertion by the verdict of all reformed churches. Dr. Ames defines it " an individual conjunction of one man and one woman,

to communion of body and mutual society of life :"
but this perverts the order of God, who in the in-
stitution places meet help and society of life before
communion of body. And vulgar estimation un-

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dervalues beyond comparison all society of life and

communion of mind beneath the communion of
body ; granting no divorce, but to the want or mis-
communicating of that. Hemingius, an approved
author, Melancthon's scholar, and who, next to
Bucer and Erasmus, writes of divorce most like a
divine, thus comprises, " Marriage is a conjunction
of one man and one woman lawfully consenting,
into one flesh, for mutual help's sake, ordained of
God." And in his explanation stands punctually
upon the conditions of consent, that it be not in any
main matter deluded, as being the life of wedlock,
and no true marriage without a true consent.

" Into one flesh" he expounds into one mind, as
well as one body, and makes it the formal cause •*
herein only missing, while he puts the effect into
his definition instead of the cause which the text
affords him. .For " one flesh" is not the formal
essence of wedlock, but one end, or one effect of a
'* a meet help : " the end ofttimes being the effect
and fruit of the form, as logic teaches : else many
aged and holy matrimonies, and more eminently

that of Joseph and Mary, would be no true marriage. And that maxim generally received, would be false, that " consent alone, though copulation never follow, makes the marriage.^' Therefore to consent lawfully into one flesh, is not the formal cause of matrimony, but only one of the effects* The civil lawyers, and first Justinian or Tribonian defines matrimony a " conjunction of man and woman containing individual accustom of life." Wherein first, individual is not so bad as indissoluble put in by others : and although much cavil

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might be made in the distinguishing between indivisible and individual, yet the one taken for |K)ssible, the other for actual, neither the one nor the other can belong to the essence of marriage ; especially when a civilian defines, by which law marriage is actually divorced for many causes, and with good leave, by mutual consent. Therefore where " conjunction" is said, they who comment the Institutes agree, that conjunction of mind is by the law meant, not necessarily conjunction of body. That law then had good reason attending to its own definition, that divorce should be granted for the breaking of that conjunction which "it holds necessary, sooner than for the want of that conjunction which it holds not necessary. And whereas Tuningus a famous lawyer, excuses individual as the purpose of marriage, not al-

ways the success, it suffices not. Purpose is not able to constitute the essence of a thing. Nature herself, the universal mother, intends nothing but her own perfection and preservation ; yet is not the more indissoluble for that. The Pandects out of Modestinus, though they do not define, yet well describe marriage " the conjunction of male and female, the society of all life, the communion of divine and human right :" which Bucer always imitates on the fifth to the Ephesians. But it seems rather to comprehend the several ends of marriage than to con-

tain the more constituting cause that makes it what

it is.

That I therefore among others (for who sings not Hylas?) may give as well as take matter to be judged on, it will be looked I should produce another definition than these which have not stood the

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trial. Thus then I suppose that marriage by the natural and plain order of God's institution in the text may be more demonstratively and essentially defined. " Marriage is a divine institution, joining man and woman in a love fitly disposed to the helps and comforts of domestic life/' " A divine .institution." This contains the prime efficient cause of marriage : as for consent of parents and guardians, it seems rather a concurrence than a cause ; for as

many that marry are in their own power as not ;
.and where they are not their own, yet are they not
.subjected beyond reason. Now though efficient
.causes are not requisite in a definition, yet divine
institution hath such influence upon the Form, and
is so a conserving cause of it, that without it the
Form is not sufficient to distinguish matrimony
from other conjunctions of male and female, which
tire not to be counted marriage. " Joining man and
woman in a love," &c. This brings in the parties
consent ; until which be, the marriage hath no true

being. When I say " consent," I mean not error,

for error is not properly consent : and why should
not consent be here understood with equity and
good to either part, as in all other friendly cove-
nants, and not be strained and cruelly urged to
the mischief and destruction of both ? Neither do
I mean that singular act of consent which made the
contract, for that may remain, and yet the marriage
not true nor lawful ; and that may cease, and yet
the marriage both true and lawful, to their sin that
break it. So that either as no efficient at all, or
but a transitory, it comes not into the definition.
That consent I mean, which is a love fitly disposed
to mutual help and comfort of life: this is that

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tiappy Form of Marriage naturally arising from the
very heart of divine institution in the text, in all
the former definitions either obscurely, and untje^

^li^taken terms expressed, or not at all. This gives marriage all her due, all her benefits, all her being, all her distinct and proper being. This makes a marriage not a bondage, a blessing not a curse, a gift of God not a snare, Unless there be a love, and that love born of fitness, how can it last ? unless it last, how can the best and sweetest purposes of marriage be attained ? And they not attained, which are the chief ends, and with a lawful love constitute the formal cause itself of marriage, how can the essence thereof subsist ? How

can it be indeed what it goes for ? Conclude there-

fore by all the power of reason, that where this essence of marriage is not, there can be no true marriage ; and the parties, either one of them or both, are free, and without fault, rather by a nullity than by a divorce, may betake them to a second choice, if their present condition be not tolerable to them. If any shall ask, why " domestic" in the definition ? I answer, that because both in the scriptures, and in the gravest poets and philosophers, I find the properties and excellencies of a wife set out only from domestic virtues ; if they extend further, it difflTuses them into the motion of some more common duty than matrimonial.

Thus far of the definition ; the conseqtary which flows from thence, altogether depends thereon, is manifestly brought in by this connexive particle " therefore ;" and branches itself into a double consequence ; first individual society, ' therefore shall

a man leave father and mother:* secondly, conjugal benevolence, ' and they shall be one flesh.^ Which, as was shown, is not without cause here mentioned, to prevent and to abolish the suspect of pollution in that natural and undefiled act. These consequences therefore cannot either in religion, law, or reason, be bound, and posted upon a man to his sorrow and misery, but receive what force they have from

the meetness of help and solace, which is the formal

cause and end of that definition that sustains them. And although it be not for the majesty of scripture, to humble herself in artificial theorems, and definitions, corolaries, like a professor in the schools, but looks to be analysed, and interpreted by the logical industry of her disciples and followers, and to be reduced by them, as oft as need is, into those scientific rules, which are the implements of instruction ; yet Moses, as if foreseeing the miserable work that man's ignorance and pusillanimity would make in this matrimonious business, and endeavouring his utmost to prevent it, condescends in this place to such a methodical and school-like wayjof defining and consequencing, as in no place of the whole law more.

Thus we have seen, and, if we be not contentious may know what was marriage in the beginning, to which in the gospel we are referred ; and what from hence to judge of nullity, or divorce. Here I esteem the work done ; in this field the controversy decided ; but because other places of scripture seem

to look aversely upon this our decision, (although indeed they keep all harmony with itj) and because it is a better work to reconcile the seeming diversities of scripture, than the real dissensions of nearest

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friends ; I shall assay in the three following discourses to perform that office.

Deut. xxiv. 1, 2,

1. " When a man hath taken a wife and married her, and it conies to pass that shejind no favour in his eyes^ because he luilh found some uncleanness in her, then let him write her a hill of divorcement, and give it in her hand, and send her out of his house,

2. " And when she is departed out of his house, she may go and be another mans wife,*'

That which is the only discommodity of speaking in a clear matter, the abundance of argument that presses to be uttered, and the suspense of judgment what to choose, and how in the multitude of reason to be not tedious, is the greatest difficulty which I expect here to meet with. Yet much hath been said formerly concerning this law in " the Doctrine of Divorce." Whereof I shall repeat no more than what is necessary. Two things are here doubted :

first, and that but of late, whether this be a law or no ; next, what this reason of " uncleanness" might mean, for which the law is granted. That it is a plain law no man ever questioned, till Vatablus within these hundred years professed Hebrew at Paris, a man of no religion, as Beza deciphered him. Yet some there be who follow him, not only against the current of all antiquity both Jewish and Christian, but the evidence of Scripture also, Malach. ii. 16. ' Let him who hateth put away, saith the Lord God of Israel.* Although this place also hath

teen tampered with, as if it were to be thus ren-»

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dered, * The Lord God saith, that he hateth putting away/ But this new interpretation rests only in the authority of Junius : for neither Calvin, nor Vatablus himself, nor any other known divine so interpreted before. And they of best note who have translated the scripture since, and Diodati for one, follow not his reading. And perhaps they might reject it, if for nothing else, for these two reasons : first, it introduces in a new manner the person of God speaking less majestic than he is ever wont : when God speaks by his prophet, he ever speaks in the first person, thereby signifying his majesty and omnipresence. He would have said, I hate putting away, saith the Lord ; and not sent word by Malachi in a sudden fallen style, ' The Lord God saith, that he hateth putting away :' that were a phrase to

shrink the glorious omnipresence of God speaking, into a kind of circumspective absence. And were as if a herald, in the achievement of a king, should commit the indecorum to set his helmet side-ways and close, not full-faced and open in the posture of direction and command. We cannot think therefore that this last prophet would thus in a new vision absent the person of God from his own words, as if he came not along with them. For it would also be wide from the proper scope of this place : he that reads attentively will soon perceive,

that God blames not here the Jews for putting

away their wives, but for keeping strange concubines, to the " profaning of Juda's holiness," and the vexation of their Hebrew wives, v. 11, and 14. * Judah hath married the daughter of a strange God :* and exhorts them rather to put their

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wives away whom they hate, as the law permitted, thair to keep them under such affronts. And it is received, that this prophet lived in those times of Ezra and Nehemiah (nay by some is thought to be Ezra himself) when the people were forced by these two worthies to put their strange wives away. So that what the story of those times, and the plain context of the eleventh verse, from whence this rebuke begins, can give us to conjecture of the obscure and curt Ebraisms that follow ; this prophet does not forbid putting away, but forbids keeping

and commands putting away according to God's law, which is the plainest interpreter both of what God will, and what he can best suffer. Thus much evinces, that God there commanded divorce by Malachi ; and this confirms, that he commands it also here by Moses.

I may the less doubt to mention by the way an author, though counted apocryphal, yet of no small account for piety and wisdom, the author of Ecclesiasticus. Which book, begun by the grandfather

of that Jesus, who is called the son of Sirach, might

have been written in part, not much after the time when Malachi lived ; if we compute by the reign of Ptolemaeus Euergetes. It professes to explain the law and the prophets; and yet exhorts us to divorce, for incurable causes, and to cut off from the flesh those whom it there describes. Ecclesiastic, xxv. 26. Which: doubtless that wise and ancient writer would never have advised, had either Malachi so lately forbidden it, or the law by a full precept not left it lawful. But I urge not this for want of better proof; our Saviour himself allows divorce to be si

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command, Mark x. 3, 6. Neither do they weaken this assertion, who say it was only a sufferance, as shall be proved at large in that place of Mark. But suppose it were not a written law, they never can deny it was a custom, and so effect nothing. For

the same reasons that induce them why it should not be a law, will straighten them as hard why it should be allowed a custom. All custom is either evil, or not evil ; if it be evil, this is the very end of law-giving, to abolish evil customs by wholesome laws ; unless we imagine Moses weaker than every negligent and startling politician. If it be, as they make this of divorce to be, a custom against nature, against justice, against charity, how, upon this most impure custom tolerated, could the God of pureness erect a nice and precise law, that the

wife married after divorce could not return to her

former husband, as being defiled? What was all this following niceness worth, built upon the lewd foundation of a wicked thing allowed ? In few words then, this custom of divorce either was allowable, or not allowable ; if not allowable, how could it be allowed ? if it were allowable, all who understand law will consent, that a tolerated custom hath the force of a law, and is indeed no other but an unwritten law, as Justinian calls it, and is as prevalent as any written statute. So that their shift of turning this law into a custom wheels about, and gives the onset upon their own flanks ; not disproving, but concluding it to be the more firm law, because it was without controversy a granted custom ; as clear in the reason of common life, as those given rules whereon Euclides builds his propositions.

Thus being every way a law of God, who can without blasphemy doubt it to be a just and pure law ? Moses continually disavows the giving them any statute, or judgment, but what he learnt of God ; of whom also in his song he saith, Deut. xxxii.

' He is the rock, his work is perfect, all his ways are judgment, a God of truth, and without iniquity, just and right is he/ And David testifies, the judgments of the Lord " are true and righteous altogether." Not partly right and partly wrong, much less wrong altogether, as divines of now-a-

days dare censure them. Moses again, of that

people to whom he gave this law, saith Deut. xiv.

' Ye are the children of the Lord your God, the Lord hath chosen thee to be a peculiar people to himself above all the nations upon the earth, that thou shouldest keep all his commandments, and be high in praise, in name, and in honor, holy to the Lord !* chap. xxvi. And in the fourth, ' Behold I have taught you statutes and judgments, even as the Lord my God commanded me, keep therefore and do them. For this is your wisdom and your understanding in the sight of nations that shall hear all these statutes, and say, surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh to them ? and what nation that hath statutes and judgments sa righteous as all this law which I set before you this day ?' Thus whether we looji at the purity and justice of God himself, the jealousy of his honour among other nations, the holiness and moral perfection which he intended by his law to teach this people, we cannot possibly think how he could

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endure to let them slug and grow inveterately wicked, under base allowances, and whole adulterous lives by dispensation. They might not eat, they might not touch an unclean thing ; to what hypocrisy then were they trained up, if by prescription of the same law, they might be unjust, they might be adulterous

for term of life ? forbid to soil their garments with a

coy imaginary pollution, but not forbid, bcut countenanced and animated by law to soil their souls with deepest defilements. What more unlike to God, what more like that God should hate, than that this law should be so curious to wash vessels and vestures, and so careless to leave unwashed, unregarded, so foul a scab of Egypt in their souls ? What would we more ? The statutes of the Lord are all pure and just : and if all, then this of divorce. " Because he hath found some uncleanness in her,*^^ That we may not esteem this law to be a mere authorizing of licence, as the Pharisees took it, Moses adds the reason, for " some uncleanness found.*" Some heretofore have been so ignorant, as to have thought, that this uncleanness means adultery. But Erasmus, who, for having writ an excellent treatise of divorce, was wrote against by some burly standard divine perhaps of Cullen, or of Lovain, who calls himself Phimostomus, shows learnedly out of the fathers, with other testimonies and reasons, that uncleanness is not here so understood ; defends his

former work, though new to that age, and perhaps counted licentious, and fears not to engage all his fame on the argument. Afterward, when expositors began to understand the Hebrew text, which they had not done of many ages before, they translated

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\rord<br word not " uncleanness,** but ** the naked-

ness of any thing," and considering that nakedness

is usually referred in scripture to the mind as well as to the body, they constantly expound it any defect, annoyance, or ill quality in nature, which to be joined with, makes life tedious, and such company worse than solitude. So that here will be no cause to vary from the general consent of exposition, which gives us freely that God permitted divorce, for whatever was unalterably distasteful, whether in body or mind. But with this admonishment, that If the Roman law, especially in contracts and dowries, left many things to equity with these cautions, " ex fide bona, quod aequius melius erit, ut inter bonos bene agitur,^' we will not grudge to think, that God intended not licence here to every humour, but to such remediless grievances as might move a good and honest and faithful man then to divorce, when it can no more be peace or comfort to either of them continuing thus joined. And although it could not be avoided, but that men of hard hearts would abuse this liberty, yet doubtless it was intended, as all other privileges in law are, to good men principally, to bad

only by accident. So that the siii was not in the permission, nor simply in the action of divorce (for then the permitting also had been sin) but only in the abuse. But that this law should, as it were, be wrung from God and Moses, only to serve the hard-heartedness, and the lust of injurious men, how remote it is from all sense, and law, and honesty, and therefore surely from the meaning of Christ, shall abundantly be manifest in due order.

Now although Moses needed not to add other

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reason of this law than that one there expressed^ yet to these ages wherein canons, and Scotisms, and Lombard laws, have dulled, and almost obliterated the lively sculpture of ancient reason and humanity ; it will be requisite to heap reason upon reason, and all little enough to vindicate the whiteness and the innocence of this divine law, from the calumny it finds at this day, of being a door to licence and* confusion. Whena& indeed there is not a judicial point in all Moses, consisting of more true equity, high wisdom, and godlike pity than this law ; not derogating, but preserving the honour and peace of marriage, and exactly agreeing with the sense and mind of that institution in Genesis.

For first, if marriage be but an ordained relation, as it seems not more, it cannot take place above the

prime dictates of nature : and if it be of natural right, yet it must yield to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural, that Hugh marries Beatrice, or Thomas Rebecca, being only a civil contract, and full of many chances ; but that these men seek them meet helps, that only is natural ; and that they espouse them such, that only is marriage. But if they find them neither fit helps nor tolerable society, what thing more natural, more original, and first in nature, than to depart from that

which is irksome, grievous, actively hateful, and in-

jurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and where the forced abiding of the one can be no true good, no real comfort to the other ? For if he find no contentment from the other, how can he return it from

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himself? or no acceptance, how can he mutually accept ? What more equal, more pious, than to untie a civil knot for a natural enmity held by violence from parting, to dissolve an accidental conjunction of this or that man and woman, for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltless, contrary from contrary? It being certain, that the mystical and blessed unity of marriage can be no way more unhallowed and profaned, than by the forcible uniting of such disunions and separations. Which

if we see oftentimes they cannot join or piece up a common friendship, or to a willing conversation in the same house, how should they possibly agree to the most familiar and united amity of wedlock ? Abraham and Lot, though dear friends and brethren in a strange country, chose rather to part asunder, than to infect their friendship with the strife of their servants : Paul and Barnabas, joined together by the Holy Ghost to a spiritual work, thought it better to separate, when once they grew at variance. If these great saints, joined by nature, friendship,

religion, high providence, and revelation, could not

so govern a casual difference, a sudden passion, but must in wisdom divide from the outward duties of a friendship, or a colleagueship in the same family, or in the same journey, lest it should grow to a worse division ; can any thing be more absurd and barbarous, than that they whom only error, casualty, art, or plot, hath joined, should be compelled, not against a sudden passion, but against the permanent and radical discords of nature, to the most intimate and incorporating duties of love and em-

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bracement, therein only rational, and human, as they are free and voluntary ; being else an abject and servile yoke, scarce not brutish ? and that there is in man such a peculiar sway of liking or disliking in the affairs of matrimony, is evidently seen before marriage among those who can be friendly, can

They respect each other, yet to marry each other would not for any persuasion. If then this unfitness and disparity be not till after marriage discovered, through many causes, and colours, and concealments, that may overshadow ; undoubtedly it will produce the same effects, and perhaps with more vehemence, that such a mistaken pair would give the world to be unmarried again. And their condition Solomon to the plain justification of divorce expresses, Prov. xxx. .21, 23, where he tells us of his own accord, that a woman hated, or a hateful woman,

when she is married, is a thing for which the earth

is disquieted, and cannot bear it : thus giving divine testimony to this divine law, which bids us nothing more than is the first and most innocent lesson of nature, to turn away peaceably from what afflicts, and hazards our destruction ; especially when our staying can do no good, and is exposed to all evil. Secondly, It is unjust that any ordinance, ordained to the good and comfort of man, where that end is missing, without his fault, should be forced Upon him to an unsufferable misery and discomfort, if not commonly ruin. All ordinances are established in their end ; the end of law is the virtue, is the righteousness of law: and therefore him we call an ill-expounder, who urges law against the intention thereof. The general end of every ordi-

DISCIPLINE OF DIVORCE. S6^*

nance, of every severest, every divinitist, even of

Sabbath, is the good of man ; yea his temporal good not excluded. But marriage is one of the benignest ordinances of God to man, whereof both the general and particular end is the peace and contentment of man's mind, as the institution declares* Contentment of body they grant, which if it be defrauded, the plea of frigidity shall divorce : bjiit here hes the fathomless absurdity, that granting this for bodily defects, they will not grant it for any defect of the mind, any violation of religious or civil society. Whenas, if the argument of Christ be

firm against the ruler of the synagogue, Luke xiii.

' Thou hypocrite, doth not each of you on the Sabbath-day loosen his ox or his ass from the stall, and lead him to watering, and should not I unbind a daughter of Abraham from this bond of Satan ?' it stands as good here • ye have regard in marriage to the grievance of body, should you not regard more the grievances of the mind, seeing the soul as much excels the body, as the outward man excels the ass, and more ? for that animal is yet a living creature, perfect in itself: but the body without the soul is a mere senseless trunk. No ordinance therefore, given particularly to the good both spiritual and temporal of man, can be urged upon him to his mischief: and if they yield this to the unworthier part, the body, whereabout are they in their principles, that they yield it not to the more worthy, the mind of a good man ?

Thirdly, As no ordimmce, so no covenant, no not between God an<j man, much less between man and man, being, as all are, intended to the good of

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both parties, can hold to the deluding or making miserable of them both. For equity is understood in every covenant, even between enemies, though the terms be not expressed. If equity therefore made it, extremity may dissolve it. But marriage, they use to say, is the covenant of God. Un-

doubted: and so is any covenant frequently called

in Scripture, v^herein God is called to vt^hitness : the covenant of friendship between David and Jonathan is called the covenant of the Lord,] Sam. xx. The covenant of Zedekiah with the king of Babel, a covenant to be doubted whether lawful or no, yet, in respect of God invoked thereto, is called * the oath, and the covenant of God,' Ezek. xvii. Marriage also is called 'the covenant of God,* Prov. ii. 17. Why, but as before, because God is the witness thereof, Mai. ii. 14. So that this denomination adds nothing to the covenant of marriage, above any other civil and solemn contract : nor is it more indissoluble for thjs reason than any other against the end of its own ordination ; nor is any vow or oath to God exacted with such a rigour, where superstition reigns not. For look how much divine the covenant is, so much the more equal, so much the more to be expected that every article thereof should be fairly made good ; no false dealing or unperforming should be thrust upon men without redress, if the covenant be so divine. But faith,

they say, must be kept in covenant, though to our damage. I answer, that only holds true, where the other side performs ; which failing, he is no longer bound. Again, this is true, when the keeping of feith can be of any use or benefit to the other. But

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in marriage, a league of love and willingness, if

feith be not willingly kept, it scarce is worth the

keeping ; nor can be any delight to a generous mind, with whom it is forcibly kept : and the question still supposes the one brought to an impossibility of keeping it as he ought, by the other's default • and to keep it formally, not only with a thousand shifts and dissimulations, but with open anguish, perpetual sadness and disturbance, no willingness, no cheerfulness, no contentment ; cannot be any good to a mind not basely poor and shallow, with whom the contract of love is so kept. A covenant therefore brought to that pass, is on the unfaulty side without injury dissolved.

Fourthly, The law is not to neglect men under greatest sufferances, but to see covenants of greatest moment faithfulest performed- And what injury comparable to that sustained in a frustrate and false dealing marriage, to lose, for another's fault against him, the best portion of his temporal comforts, and of his spiritual too, as it may fall out ? It was the law, that for man's good and' quiet reduced things

to propriety, which were at first in common ; how much more law-like were it to assist nature in disappropriating that evil, which by continuing proper becomes destructive ? But he might have bewared* So he might in any other covenant, wherein the law does not constrain error to so dear a forfeit. And yet in these matters wherein the wisest are apt to err, ail the wariness that can be oftentimes nothing avails. But the law can compel the offending party to be more duteous. Yes, if all these kind of oflfences were fit in public to be complained of,

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S68# THE DOCTRINE ANB

or being compelled were any satisfaction to a mate not sottish, or malicious. And these injuries work so vehemently, that if the few remedy them not, by separating the cause when no way else will pacify, the person not relieved betakes him either to such disorderly courses, or to such a dull dejection, as renders him either infamous, or useless to the service of God and his country. Which the law ought to prevent as a thing pernicious to the commonwealth ; and what better prevention than this which Moses used ?

Fifthly, The law is to tender the liberty and the human dignity of them that live under the law, whether it be the man's right above the woman, or the woman's just appeal against wrong and servitude.

But the duties of marriage contain in them a duty of benevolence, which to do by compulsion against the soul, where there can be neither peace, nor joy, nor love, but an enthrallment to one who either cannot, or will not be mutual in the goddest and the civilest ends of that society, is the ignoblest, and the lowest slavery that a human shape can be put to. This law therefore justly and piously provides against such an unmanly task of bondage as this. The civil law though it favoured the setting free of a slave, yet, if he proved ungrateful to his

patron, reduced him to a servile condition. If that

law did well to reduce from liberty to bondage for an ingratitude not the greatest, much more became it the law of God to enact the restorement of a free-born man from an unpurposed and unworthy bondage to a rightful liberty, for the most unnatural fraud and ingratitude that can be committed against him. And if that civilian emperor, in his title of.

DISCIPLINE OF DIVORCE. S60*

' Donations,' permit the giver to re-call his gift from him who proves unthankful towards him ; yea, though he had subscribed and signed in the deed of his gift not to re-call it, though for this very cause of ingratitude ; with much more equity doth Moses permit here the giver to re-call no petty gift, but the gift of himself, from one who most injuriously and deceitfully uses him against the main ends and conditions of his giving himself, expressed in God's

institution.

Sixthly, Although there be nothing in the plain words of this law, that seems to regard the afflictions of a wife, how great soever ; yet expositors determine, and doubtless determine rightly, that God was not uncompassionate of them also in the framing of this law. For should the rescript of Antoninus in the civil law give release to servants flying for refuge to the emperor's statue, by giving leave to change their cruel masters ; and should

God, who in his law also is good to injured ser-

vants, by granting them their freedom in divers cases, not consider the wrongs and miseries of a wife, which is no servant? Though herein the counter-sense of our divines to me, I must confess, seems admirable ; who teach that God gave this as a merciful law, not for Man whom he here names, and to whom by name he gives this power ; but for the wife, whom he names not, and to whom by name he gives no power at all. For certainly if man be liable to injuries in marriage, as well as woman, and man be the worthier person, it were a preposterous law to respect only the less worthy ; her whom God made for marriage, and not him at all for whom marriage was made.

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Seventhly, The law of marriage gives place to the power of parents : for we hold, that consent o^

parents not had may break the wedlock, though else accomplished. It gives place to masterly power, for the master might take away from a Hebrew servant the wife which he gave him, Exod. xxi. If it be answered, that the marriage of servants is no matrimony ; it is repud, that this in the ancient Roman law is true, not in the Mosaic. If it be added, she was a stranger, not a Hebrew, therefore easily divorced ; it will be answered, that strangers not being Canaanites, and they also being converts, might be lawfully married, as Rahab was.

And her conversion is here supposed ; for a He-

brew master could not lawfully give a Heathen wife to a Hebrew servant. However, the divorcing of an Israelitish woman was as easy by the law, as the divorcing of a stranger, and almost in the same words permitted, Deut. xxiv. and Deut. xxi. Lastly, it gives place to the right of war, for a captive woman lawfully married, and afterwards not beloved, might be dismissed, only without ransom, Deut. xxi. If marriage be dissolved by so many exterior powers, not superior, as we think, why may not the power of marriage itself, for its own peace and honour, dissolve itself, where the persons wedded be free persons ^ Why may not a greater and more natural power complaining dissolve marriage ? For the ends, why matrimony was ordained, are certainly and by all logic above the ordinance itself; why may not that dissolve marriage, without which that institution hath no force at all ? For the prime ends of marriage are the whole strength and validity thereof, without which matrimony is like an idol,

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nothing in the world. But those former allowances were all for hardness of heart. Be that granted, until we come where to understand it better ; if the law suffer thus far the obstinacy of a bad man, it is not more righteous here, to do willingly what is but equal, to remove in season the extremities of a good man.

Eighthly, If a man had deflowered a virgin, or brought an ill name on his wife that she came not a virgin to him, he was amerced in certain shekels of silver, and bound never to divorce her all his days, Deut. xxii. which shows that the law gave no liberty to divorce, where the injury was palpable ; and that the absolute forbidding to divorce was in part the punishment of a deflowerer, and a defamer. Yet not so but that the wife questionless might depart when she pleased. Otherwise this course had not so much righted her, as delivered her up to more spite and cruel usage. This law therefore doth!, justly distinguish the privilege of an honest and blameless man in the matter of divorce, from the punishment of a notorious offender.

Ninthly, Suppose it should be imputed to a man, that he was too rash in his choice, and why he took not better heed, let him now smart, and bear his folly as he may ; although the law of God, that terrible law, do not thus upbraid the infirmities and

unwilling mistakes of man in his integrity : but suppose these and the like proud aggravations of some stern hypocrite, more merciless in his mercies, than any literal law in the rigour of severity, must be patiently heard ; yet ail law, and God's law especially grants every where to error easy

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remitments, even where the utmost penalty exacted

were no undoing. With great reason therefore and mercy doth it here not torment an error, if it be so, with the endurance of a whole life lost to all household comfort and society, a punishment of too vast and huge dimension for an error, and the more unreasonable for that the like objection may be opposed against the plea of divorcing for adultery : he might have looked better before to her breeding under religious parents : why did he not more diligently enquire into her manners, into what company she kept ? every glance of her eye, every step of her gait would have prophecied adultery, if the quick scent of these discerners had been took along ; they had the divination to have foretold you all this, as they have now the divinity to punish an error inhumanly. As good reason to be content, and forced to be content with your adulteress ; if these objectors might be the judges of human frailty. But God, more mild and good to man, than man to his brother, in all this liberty given to divorcement, mentions not a word of our past errors and mistakes, if

any were; which these men objecting from their own inventions prosecute with all violence and iniquity. For if the one be to look so narrowly what he takes, at the peril of ever keeping, why should not the other be made as wary what is promised, by the peril of losing? for without those promises the treaty of marriage had not proceeded. Why should his own error bind him, rather than the other's fraud acquit him? Let the buyer beware, saith the old law-beaten termier. Belike then there is no more honesty, nor ingenuity in the bargain of a wedlock,

than in the buying of a cpl't : we must it seems

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circumvent it on as craftily with those whose affinity we seek, as if they were a pack of salemen and corn-plotters. But the deceiver deceives himself in the unprosperous marriage, and therein is sufficiently punished. I answer, that the most of those who deceive are such as either understand not, or value not the true purposes of marriage; they have the prey they seek, not the punishment: yet say it prove to them some cross, it is not equal that error and fraud should be linked in the same degree of forfeiture, but rather that error should be acquitted, and fraud bereaved his morsel, if the mistake were not on both sides; for then on both sides the acquitment would be reasonable, if the bondage be intolerable; which this law graciously determines, not unmindful of the wife, as was granted willingly to the common

expositors, though beyond the letter of this law, yet not beyond the spirit of charity.

Tenthly, Marriage is a solemn thing, some say a holy, the resemblance of Christ and his church : and so indeed it is where the persons are truly religious ; and we know all sacred things, not performed sincerely as they ought, are no way acceptable to God in their outward formality. And that wherein it differs from personal duties, if they be not truly done, the fault is in ourselves ; but mar-

riage to be a true and pious marriage is not in the

single power of any person ; the essence whereof, as of all other covenants, is in relation to another, the making and maintaining causes thereof are all mutual, and must be a communion of spritual and temporal comforts. If then either of them cannot, or obstinately will not be answerable in these duties, so as that the other can have no peaceful hving, or

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endure the want of what he justly seeks, and sees no hope, then straight from that dwelhng, love, which is the soul of wedlock, takes his flight, leaving only some cold performances of civil and common respects; but the true bond of marriage, if there were ever any there, is already burst like a rotten thread. Then follows dissimulation, suspicion, false colours, false pretences, and worse than these, disturbance, annoyance, vexation, sorrow,

temptation even in the faultless person, weary of himself, and of all actions public or domestic ; then comes disorder, neglect, hatred, and perpetual strife, all these the enemies of holiness and Christianity, and every one persisted in, a remediless violation of matrimony. Therefore God, who hates all feigning and formality, where there should be all faith and sincereness, and abhors the inevitable discord, where there should be greater concord ; when through another's default faith and concord cannot be, counts it neither just to punish the innocent with

the transgressor, nor holy, nor honourable for the

sanctity of marriage, that should be the union of peace and love, to be made the commitment and close fight of enmity and hate. And therefore doth in this law what best agrees with his goodness, loosening a sacred thing to peace and charity, rather than binding it to hatred and contention ; loosening only the outward and formal tie of that which is already inwardly and really broken, or else was really never joined.

Eleventhly, One of the chief matrimonial ends is said to seek a holy seed ; but where an unfit marriage administers continual cause of hatred and discontenter, there, as was heard before, cannot choose

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but much unholiness abide. Nothing more unhal-
lows a man, more unprepares him to the service of

God in any duty, than a habit of wrath and perturbation, arising from the importunity of troublous causes never absent. And where the household stands in this plight, what love can there be to the unfortunate issue, what care of their breeding, which is of main conducement to their being holy ? God therefore, knowing how unhappy it would be for children to be born in such a family, gives this law as a prevention, that, being an unhappy pair, they should not add to be unhappy parents, or else as a remedy that if there be children, while they are

fewest, they may follow either parent, as shall be ,

agreed, or judged, from the house of hatred and discord to a place of more holy and peaceable education. Twelfthly, All law is available to some good end, but the final prohibition of divorce avails to no good end, causing only the endless aggravation of evil, and therefore this permission of divorce was given to the Jews by the wisdom and fatherly providence of God ; who knew that law cannot command love, without which matrimony hath no true being, no good, no solace, nothing of God's instituting, nothing but so sordid and so low, as to be disdained of any generous person. Law cannot enable natural inability either of body, or mind, which gives the grievance ; it cannot make equal those inequalities, it cannot make fit those unfitnesses ; and where there is malice more than defect of nature, it cannot hinder ten thousand injuries, and bitter actions of despight, too subtile and too unapparent for law to deal with. And while it seeks to remedy more outward wrongs, it exposes the injured person

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to Other more inward and more cutting. Al! these evils unavoidably will redound upon the children, if any be, and upon the whole family. It degenerates and disorders the best spirits, leaves them to unsettled imaginations, and degraded hopes, careless of themselves, their households and their friends, unactive to all public service, dead to the commonwealth ;

wherein they are by one mishap, and iio willing-

trespass of theirs, outlawed from all the benefits and comforts of married life and posterity. It confers as little to the honour and inviolable keeping of matrimony, but sooner stirs up temptations and occasions to secret adulteries and unchaste roving. But it maintains public honesty. Public folly rather ; who shall judge of public honesty ? The law of God and of ancientest Christians, and all civil nations ; or the illegitimate law of monks and canonists, the most malevolent, most unexperienced, most incompetent judges of matrimony ?

These reasons, and many more that might be -alleged, afford us plainly to perceive both what good cause this law had to do for good men in mischances, and what necessity it had to suffer accidentally the hardheartedness of bad men, which it could not certainly discover, or discovering could not subdue, no nor endeavour to restrain without multiplying sorrow to them, for whom all was endeavoured. The guiltless therefore were not deprived

their needful redresses, and the hard hearts of others, unchastisable in those judicial courts, were so remitted there, as bound over to the higher session of conscience.

Notwithstanding ail this there is a loud exception against this law of God, nor can the holy Author

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save his law from this exception, that it opens a door to all licence and confusion. But this is the rudest, I was almost saying the most graceless objection, and with the least reverence to God and Moses, that could be devised : this is to cite God before man's tribunal, to arrogate a wisdom and holiness above him. Did not God then foresee what event of licence or confusion could follow ? Did not he know how to ponder these abuses with more prevaihng respects, in the most even balance of his justice and pureness till these correctors came up to show him better ? The law i§, if it stir up sin any way, to stir it up by forbidding, as one contrary excites another, Rom. vii ; but if it once come to provoke sin, by granting licence to sin, according to laws that have no other honest end, but only to permit the fulfilling of obstinate lust, how is God not made the contradicter of himself ? No man denies, that best things may be abused: but it is a rule resulting from many pregnant experiences, that what doth most harm in the abusing, used

rightly cloth most good. And such a good to take away from honest men, for being abused by such as abuse all things, is the greatest abuse of all. That the whole law is no further useful, than as a man uses it lawfully, St. Paul teaches 1 Tim. i. And that christian liberty may be used for an occasion to the flesh, the same apostle confesses. Gal. v. yet thinks not of removing it for that, but bids us rather * stand fast in the liberty wherewith Christ hath freed us, and not be held again in the yoke of bondage.' The very permission, which Christ gave

to divorce for adultery, may be foully abused, by

any whose hardness of heart can either feign adul-

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tery or dares commit, that he may divorce. And for this cause the pope, and hitherto the church of England, forbid all divorce from the bond of marriage, though for openest adultery. If then it be righteous to hinder, for the fear of abuse, that which God's law, notwithstanding that caution, hath warranted to be done, doth not our righteousness come short of Antichrist ? or do we not rather herein conform ourselves to his unrighteousness in this undue and unwise fear ? For God regards more to reeve by this law the just complaints of good men, than to curb the licence of wicked men, to the crushing withal, and the overwhelming of his afflicted servants. He loves more that his law should look with pity upon the difficulties of his

own, than with rigour upon the boundless riots of them who serve another master, and, hindered here by strictness, will break another way to worse enormities. If this law therefore have many good reasons for which God gave it. and no intention of giving scope to lewdness, but as abuse by accident comes in with every good law, and every good thing ; it cannot be wisdom in us, while we can content us with God's wisdom, nor can be purity, if his purity will suffice us, to except against this law, as if it fostered licence. But if they affirm this law

had no other end, but to permit obdurate lust,

because it would be obdurate, making the law of God intentionally to proclaim and enact sin lawful, as if the will of God were become sinful, or sin stronger than his direct and lawgiving will ; the men would be admonished to look well to it, that while they are so eager to shut the door against licence.

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they do not open a worse door to blasphemy. And yet they shall be here further shown their iniquity : what more foul common sin among us than drunkenness ? And who can be ignorant, that if the importation of wine, and the use of all strong drink, were forbid, it would both clean rid the possibility of committing that odious vice, and men might afterwards live happily and healthfully without the use of those intoxicating liquors ? Yet who is there the severest of them all, that ever propounded to lose his sack,

his ale, toward the certain abolishing of so great a sin ? who is there of them, the holiest, that less loves his rich canary at meals, though it be fetched from places that hazard the religion of them who fetch it, and though it make his neighbour drunk out of the same tun ? While they forbid not therefore the use of that liquid Merchandize, which forbidden would utterly remove a most loathsome sin, and not impair either the health or the refreshment ' of mankind, supplied many other ways : why do they forbid a law of God, the forbidding whereof

brings into excessive bondage oftentimes the best of

men, and betters not the worse ? He, to remove a national vice, will not pardon his cups, nor think it concerns him to forbear the quaffing of that outlandish grape, in his unnecessary fulness, though other men abuse it never so much ; nor is he so abstemious as to intercede with the magistrate, that all matter of drunkenness be banished the commonwealth ; and yet for the fear of a less inconvenience I un pardonably requires of his brethren, in their extreme necessity, to debar themselves the use of God's pel missive law, though it might be their sav-

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this peremptory strictness we may discern of what sort it is, how unequal, and how unjust:

But it will breed confusion. What confusion

it would breed God himself took the care to prevent in the fourth verse of this chapter, that the divorced, being married to another, might not return to her former husband. And Justinian's law counsels the same in his title of " Nuptials." And what confusion else can there be in separation, to separate upon extreme urgency the religious from the irreligious, the fit from the unfit, the willing from the wilful, the abused from the abuser ? Such a separation is quite contrary to confusion. But to bind and mix together holy with atheist, heavenly with

hellish, fitness with unfitness, light with darkness,

antipathy with antipathy, the injured with the injurer, and force them into the most inward nearness of a detested union ; this doubtless is the most horrid, the most unnatural mixture, the greatest confusion that can be confused.

Thus by this plain and christian Talmud, vindicating the law of God from irreverent and unwary expositions, I trust, where it shall meet with intelligent perusers, some stay at least in men's thoughts will be obtained, to consider these many prudent and righteous ends of this divorcing permission: that it may have, for the great author's sake, hereafter some competent allowance to be counted a little purer than the prerogative of a legal and public ribaldry, granted to that holy seed. So that from hence we shall hope to find the way still more open to the reconciling of those places, which treat this matter in the gospel^ And thither now without interruption the course of method brings us.

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TETRACHORDON:

Matth.V, 31, 32.

3L '* It hath been said, whosoever shall put away

his wife, let him give her a wiiting of divorce^

ment"

32. '* But I say unto you, that whosoever shall put away his wife,' S^c.

Matth. XIX, 3, 4, &c.

3. ** And the Pharisees also came unto him, tempting him,' S^c,

IT hath been said"] What hitherto hath beeA spoke upon the law of God touching matrimony or divorce, he who will deny to have been argued according to reason and all equity of scripture, I cannot edify how, or by what rule of proportion that man's virtue calculates, what his elements are, nor what his analytics. Confidently to those who have read good books, and to those whose reason is not an illiterate book to themselves, I appeal, whether they would not confess all this to be the commentary of truth and justice, were

it not for these recited words of our Saviour.
And if they take not back that which they thus
grant, nothing sooner might persuade them that
Christ here teaches no new precept, and nothing

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sooner might direct them to find his meaning than

to compare and measure it by the rules of nature
and eternal righteousness, which no written law
extinguishes, and the gospel least of all. For
what can be more opposite and disparaging to
the covenant of love, of freedom, and of our man-
hood in grace, than to be made the yoking peda-
g'ogue of new severities, the scribe of syllables
and rigid letters, not only grievous to the best
of men, but different and strange from the light
of reason in them, save only as they are fain to
stretch and distort their apprehensions, for fear
of displeasing the verbal straitness of a text,
which our own servile fear gives us not the
leisure to understand aright ? If the law of Christ
shall be written in our hearts, as was promised
to the gospel, Jer. xxxi, how can this in the
vulgar and superficial sense be a law of Christ,
so far from being written in our hearts, that it
injures and disallows not only the free dictates
of nature and moral law, but of charity also and
religion in our hearts ? Our Saviour's doctrine is,

that the end and the fulfilling of every command is charity; no faith without it, no truth without it, no worship, no works pleasing to God but as they partake of charity. He himself sets us an example, breaking the solemnest and strictest ordinance of religious rest, and justified the breaking, not to cure a dying man, but such whose cure might without danger have been deferred. And wherefore needs must the sick man s

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bed be carried on that day by his appointment ? And why were the disciples, who could not forbear on that day to pluck the corn, so industriously defended, but to show us, that, if he preferred the slightest occasions of man s good before the observing of highest and severest ordinances, he gave us much more easy leave to break the intolerable yoke of a never well-joined wedlock for the removing of our heaviest afflictions ? Therefore it is, that the most of evangelic precepts are given us in proverbial forms, to drive us from the letter, though we love ever to be sticking there. For no other cause did Christ assure us that whatsoever things we bind, or slacken on earth, are so in Heaven, but to signify that the christian arbitrement of charity is supreme decider of all controversy, and supreme resolver of all scripture, not as the pope determines for his own tyranny, but as the church ought to determine for its own

true liberty. Hence Eusebius, not far from the beginning of his history, compares the state of Christians to that of Noah and the patriarchs before the law. And this indeed was the reason why apostolic tradition in the ancient church was counted nigh equal to the written word, though it carried them at length awry, for want of considering that tradition was not left to be imposed as law, but to be a pattern of that christian prudence and liberty, which holy men by right assumed o.f old ; which truth was so evident, that

it found entrance even into the council of Trent,

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when the point of tradiUon came to be discussed. And Marinaro, a learned Carmelite, for approaching too near the true cause that gave esteem to tradition, that is to say, the difference between the Old and New Testament, the one punctually-prescribing written law, the other guiding by the inward spirit, was reprehended by cardinal Pool as one that had spoken more worthy a German Colloquy, than a general council. I omit many instances, many proofs and arguments of this kind, which alone would compile a just volume, and shall content me here to have shown briefly, that the great and almost only commandment of the gospel is, to command nothing against the

good of man, and much more no civil command against his civil good. If we understand not this, we are but cracked cymbals, we do but tinkle, we know nothing, we do nothing, all the sweat of our toilsomest obedience will but mock us. And what we suffer superstitiously returns us no thanks. Thus medicining our eyes, we need not doubt to see more into the meaning of these our Saviour's words, than many who have gone before us.

*' It hath been said, whosoever shall put away

hiswife"] Our Saviour was by the doctors of his time suspected of intending to dissolve the law. In this chapter he wipes off this aspersion upon his accusers, and shows, how they were the lawbreakers. In every commonwealth, when it decays, corruption makes two main steps ; first.

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when men cease to do according to the inward and un-compelled actions of virtue, caring only to live by the outward constraint of law, and turn the simplicity of real good into the craft of seeming so by law. To this hypocritical honesty was Rome declined in that age wherein Horace lived, and discovered it to Quintius.

Whom do we count a good man, whom but he
Who keeps the laws and statutes of the Senate ?
Who judges in great suits and controversies ?
Whose witness and opinion win the cause ?
But his own house, and the whole neighbourhood
See his foul inside through his whited skin.

The next declining is, when law becomes now
too strait for the secular manners, and those too

loose for the cincture of law. This brings in false

and crooked interpretations to eke out law,
and invents the subtle encroachment of obscure
traditions hard to be disproved. To both these
descents the pharisees themselves were fallen.
Our Saviour therefore shows them both where
they broke the law, in not marking the divine in-
tent thereof, but only the letter ; and where they
depraved the letter also with sophistical exposi-
tions. This law of divorce they had depraved
both ways : first, by teaching that to give a bill
of divorce was all the duty which that law re-
quired, whatever the cause were ; next by running
to divorce for any trivial, accidental cause; whenas

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the law evidently stays in the grave causes of natural and immutable dislike. *' It hath been said," saith he. Christ doth not put any contempt or disesteem upon the law of Moses, by citing it so briefly ; for in the same manner God himself cites a law of greatest caution, Jer. iii. : *' They say if a man put away his wife, shall he return to her again?" &c. Nor doth he more

abolish it than the law of swearing, cited next

with the same brevity, and more appearance of contradicting : for divorce hath an exception left it ; but we are charged there, as absolutely as words can charge us, *' not to swear at all ?" yet who denies the lawfulness of an oath, though here it be in no case permitted ? And what shall become of his solemn protestation not to abolish one law, or one tittle of any law, especially of those which he mentions in this chapter ? And that he meant more particularly the not abolishing of Mosaic divorce, is beyond all cavil manifest in Luke xvi, 17, 18, where this clause against abrogating is inserted immediately before the sentence against divorce, as if it were called thither on purpose to defend the equity of this particular law against the foreseen rashness of common textuaries, who abolish laws, as the rabble demolish images, in the zeal of their hammers oft violating the sepulchres of good men: like Pentheus in the tragedies, they see that for Thebes which is not, and take that for supersti-

tion, as these men in the heat of their annulling

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perceive not how they abolish right, and equal justice, under the appearance of judicial. And yet are confessing all the while,' that these sayings of Christ stand not in contradiction to the law of Moses, but to the false doctrine of the Pharisees raised from thence; that the law of God is perfect, not liable to additions or diminutions : and Parseus accuses the Jesuit Maldonatus of greatest falsity for limiting the perfection of that law only to the rudeness of the Jews. He adds, ** That the law promiseth life to the performers thereof, therefore needs not perfecter precepts than such as bring to life ; that if the corrections of Christ stand opposite, not to the corruptions of the pharisees, hut to the law itself of God, the heresy of Manes would follow, one God of the Old Testament, and another of the New. That Christ saith not here, except your righteousness exceed the righteousness of Moses' law, but of the scribes and pharisees." That all this may be true : whither is

common sense flown asquint, if we can maintain that Christ forbid the Mosaic divorce utterly, and yet abolished not the law that permits it? For if the conscience only were checked, and the law not repealed, what means the fanatic boldness of this age, that dares tutor Christ to be more strict than he thought fit ? Ye shall have the evasion, it was a judicial law. What could infancy and slumber have invented more childish ? Judicial or not judicial, it was one of those laws

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expressly which he forewarned us with protestation, that his mind was, not to abrogate : and if we mark the steerage of his words, what course they hold, we may perceive that what he protested not to dissolve (that he might faithfully and not deceitfully remove a suspicion from himself) was principally concerning the judicial law; for of that sort are all these here which he vindicates, except the last. Of the ceremonial law he told them true, that nothing of it should pass ^' until all were fulfilled." Of the moral law he knew the pharisees did not suspect he meant to nullify that : for so doing would soon have undone his authority, and advanced theirs. Of the judicial law therefore chiefly this apology was meant : for how is that fulfilled longer than the common equity thereof remains in force ? And how is this our Saviour's defence of himself not

made fallacious if the pharisees chief fear be lest he should abolish the judicial law, and he, to satisfy them, protests his good intention to the moral law ? It is the general grant of divines, that what in the judicial law is not merely judaical,* but reaches to human equity in common, was never in the thought of being abrogated. If our Saviour took away aught of law, it was the burdensomeness of it, not the ease of burden ; it

* The first edition has judicial, but as that word may not be

60 universally understood in this place as judaical (though the

meaning of both be here the same), we have therefore inserted the latter word in the text.

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was the bondage, not the liberty of any divine law, that he removed; this he often professed to be the end of his coming. But what if the law of divorce be a moral law, as most certainly it is fundamentally, and hath been so proved in the reasons thereof? For though the giving of a bill may be judicial, yet the act of divorce is altogether conversant in good and evil, and so absolutely moral. So far as it is good, it never can be abolished, being moral; and so far as it is

simply evil, it never could be judicial, as hath been shown at large *' in the Doctrine of Divorce," and will be reassumed anon. Whence one of these two necessities follow, that either it was never established, or never abolished. Thus much may be enough to have said on this place. The following verse will be better unfolded in the xix chapter, where it meets us again, after a large debatement on the question between our Saviour and his adversaries.

Matt. XIX, 3, 4 &c.

Ver. 3. '* And the pharisees came unto him, tempting^ him, and sailing unto him."

" TEMPTING him. "] The manner of these men coming to our Saviour, not to learn, but to tempt him, may give us to expect, that their answer will be such as is fittest for them ; not so much a teaching, as an entangling. No man, though never so willing or so well enabled to instruct,

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but if he discern his willingness and candour made use of to entrap him, will suddenly draw in himself, and laying aside the facil vein of perspicuity, will know his time to utter clouds and riddles ; if he be not less wise than that noted fish, whenas he should be not unwiser than the

serpent. Our Saviour at no time expressed any great desire, to teach the obstinate and unteachable pharisees ; but when they came to tempt him, then least of all. As now about the liberty of divorce, so another time about the punishment of adultery, they came to sound him ; and what satisfaction got they from his answer, either to themselves, or to us, that might direct a law under the gospel, new from that of Moses, unless we draw his absolution of adultery into an edict? So about the tribute, who is there can pick out

a full solution, what and when we must give to

Caesar, by the answer which he gave the pharisees ? If we must give to Caesar that which is Caesar's, and all be Caesar's which hath his image, we must either new stamp our coin, or we may go new stamp our foreheads with the superscription of slaves instead of freemen. Besides, it is a general precept not only of Christ, but of all other sages, not to instruct the unworthy and the conceited, who love tradition more than truth, but to perplex and stumble them purposely with contrived obscurities. No wonder then if they, who would determine of divorce by this place, have ever found it difficult and unsa-

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tisfying through all the ages of the church, as Austin himself and other great writers confess. Lastly, it is manifest to be the principal scope

of our Saviour, both here, and in the fifth of Matthew, to convince the pharisees of what they being evil did licentiously, not to explain what others being good and blameless men might be permitted to do in case of extremity. Neither was it seasonable to talk of honest and conscientious liberty among them, who had abused legal and civil liberty to uncivil license. We do not say to a servant what we say to a son ; nor was it expedient to preach freedom to those who had transgressed in wantonness. When we rebuke a

prodigal, we admonish him of thrift, not of mag-

nificence, or bounty. And to school a proud man, we labour to make him humble, not magnanimous. So Christ, to retort these arrogant inquisitors their own, took the course to lay their haughtiness under a severity which they deserved ; not to acquaint them, or to make them judges either of the just mans right and privilege, or of the afflicted man's necessity. And if we may have leave to conjecture, there is a likelihood offered us by Tertullian in his fourth against Marcion, whereby it may seem very probable, that the pharisees had a private drift of malice against our Saviour's life in proposing this question ; and our Saviour had a peculiar aim in the rigour of his answer, both to let them know the freedom of his spirit, and the sharpness of his

discerning. "This I must now show," saith Tertullian, "whence our Lord deduced this sentence, and which way he directed it, whereby it will more fully appear, that he intended not to dissolve Moses." And thereupon tells us, that the vehemence of this our Saviour's speech was chiefly darted against Herod and Herodias. The story is out of Josephus ; Herod had been a long time married to the daughter of Aretas king of Petra, till happening on his journey towards Rome to be entertained at his brother Philip's

house, he cast his eye unlawfully and unguest-

like upon Herodias there, the wife of Philip, but daughter to Aristobulus their common brother, and durst make words of marrying her his niece from his brother's bed. She assented, upon agreement he should expel his former wife. All was accomplished, and by the Baptist rebuked with the loss of his head. Though doubtless that stayed not the various discourses of men upon the fact, which while the Herodian flatterers, and not a few perhaps among the pharisees, eji-deavoured to defend by wresting the law, it might be a means to bring the question of divorce into a hot agitation among the people, how far Moses gave allowance. The pharisees therefore knowing our Saviour to be a friend of John the Baptist, and no doubt but having heard much of his sermon on the mount, wherein he spake rigidly against the licence of divorce, they put him this question, both in hope to find him a contradictor

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of Moses, and a condemner of Herod; so to insnare him within compass of the same accusation which had ended his friend ; and our Saviour so orders his answer, as that they might perceive Herod and his adulteress, only not named : so lively it concerned them both what he spake. No wonder then if the sentence of our Saviour sounded stricter than his custom was ;

which his conscious attempters doubtless appre-

hended sooner than his other auditors. Thus much we gain from hence to inform us, that what Christ intends to speak here of divorce, will be rather the forbidding of what we may hot do herein passionately and abusively, as Herod and Herodias did, than the discussing of what herein we may do reasonably and necessarily.

** Is it lawful for a man to put away his wife?'"^

It might be rendered more exactly from the Greek, " to loosen or to set free ;" which though it seem to have a milder signification than the two Hebrew words commonly used for divorce, yet interpreters have noted, that the Greek also is read in the Septuagint for an act which is not without constraint. As when Achish drove from his presence David, counterfeiting madness, Psal. xxxiv, the Greek word is the same with this here, to put away. And Erasmus quotes Hilary rendering it by an expression not so soft. Whence may be doubted, whether the pharisees did not

state this question in the strict right of the man,
not tarrying for the wife's consent. And if our

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Saviour answered directly according to what was
asked in the term of putting away, it will be
questionable, whether the rigour of his sentence
did not forbid only such putting away as is

without mutual consent, in a violent and harsh

manner, or without any reason but will, as the
Tetrarch did. Which might be the cause that
those christian emperors feared not in their con-
stitutions to .dissolve marriage by mutual con-
sent; in that our Saviour seems here, as the
case is most likely, not to condemn all divorce,
but all injury and violence in divorce. But no
injury can be done to them, who seek it, as the
Ethics of Aristotle sufficiently prove. True it is,
than an unjust thing may be done to one though
willing, and so may justly be forbidden: but
divorce being in itself no unjust or evil thing,
but only as it is joined with injury or lust ; injury
it cannot be at law, if consent be, and Aristotle
err not. And lust it may as frequently not be,
while charity hath the judging of so many private
grievances in a misfortuned wedlock, which may
pardonably seek a redemption. But whether it
be or not, the law cannot discern or examine lust,
so long as it walks from one lawful term to
another, from divorce to marriage, both in them-

selves indifferent. For if the law cannot take hold to punish many actions apparently covetous, ambitious, ungrateful, proud, how can it forbid and punish that for lust, which is but only surmised so, and can no more be certainly proved

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in the divorcing now, than before in the marry-

ing? Whence if divorce be no unjust thing, but

through lust, a cause not discernible by law, as law is wont to discern in other cases, and can be no injury, where consent is ; there can be nothing in the equity of law, why divorce by consent may not be lawful : leaving secrecies to conscience, the thing which our Saviour here aims to rectify, not to revoke the statutes of Moses. In the mean while the word " to put away,*' being in the Greek to loosen or dissolve, utterly takes away that vain papistical distinction of divorce from bed, and divorce from bond, evincing plainly, that Christ and the pharisees mean here that divorce, which finally dissolves the bond, and frees both parties to a second marriage.

" For every causeJ'^ This the pharisees held, that for every cause they might divorce, for every accidental cause, any quarrel or difference that might happen. So both Josephus and Philo, men who lived in the same age, explain ; and the Syriac translator, whose antiquity is thought

parallel to the Evangelists themselves, reads it conformably, " upon any occasion or pretence." Divines also generally agree, that thus the pharisees meant. Cameron, a late writer, much applauded, commenting this place not undiligently, affirms that the Greek preposition $\chi\omega\iota$ translated unusually (for) hath a force in it implying the suddenness of those pharasaic divorces ;

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and that their question was to this effect, ' " whether for any cause whatever it chanced to be, straight as it rose, the divorce might be lawful.'* This he freely gives, whatever moved him, and I as freely take, nor can deny his observation to be acute and learned. If therefore we insist upon the word of " putting away ;" that it imports a constraint without consent, as might be insisted, and may enjoy what Cameron bestows on us, that " for every cause *' is to be understood, ** according as any cause may happen," with a relation to the speediness of those divorces, and that Herodian act especially, as is already brought us; the sentence of our Saviour will appear nothing so strict a prohibition as hath been long conceived, forbidding only to divorce for casual and temporary causes, that may be soon ended, or soon remedied : and likewise forbidding to divorce rashly, and on the sudden heat, except it be for adultery. If these qualifications may be ad-

mitted, as partly we offer them, partly are offered them by some of their own opinion, and that where nothing is repugnant why they should not be admitted, nothing can wrest them from us; the severe sentence of our Saviour will straight unbend the seeming frown into that gentleness and compassion, which was so abundant in all his actions, his office, and his doctrine, from all which otherwise it stands off at no mean distance.

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Ver. 4. ^' And he answered and said unto them, have ye not read, that he which made them at the beginning, made them male and female ?"

Ver. 5. " And said, for this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh.'"

Ver. 6. '* Wherefore they are no more twain, but one flesh : what therefore God hath joined together, let no man put asunder T

4, and 5, " Made them male and female ; and said, for this cause,' &c.] We see it here undeniably, that the law which our Saviour cites to prove that divorce was forbidden, is not an absolute and tyrannical command without reason, as now-a-days we make it little better, but is

grounded upon some rational cause not difficult to be apprehended, being in a matter which equally concerns the meanest and the plainest sort of persons in a household life. Our next way then will be to inquire if there be not more reasons than one ; and if there be, whether this be the best and chiefest. That we shall find by turning to the first institution, to which Christ refers our own reading : he himself, having to deal with treacherous assailants, useth brevity, and lighting on the first place in Genesis that mentions any

thing tending to marriage in the first chapter,

joins it immediately to the twenty-fourth verse of the second chapter, omitting all the prime words

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between, which create the institution, and contain the noblest and purest ends of matrimony ; without which attained, that conjunction hath nothing in it above what is common to us with beasts. So likewise beneath in this very chapter, to the young man, who came not tempting him, but to learn of him, asking him which commandments he should keep ; he neither repeats the first table, nor all the second, nor that in order which he repeats. If here then being tempted, he de-

sire to be the shorter, and the darker in his conference, and omit to cite that from the second of Genesis, which all divines confess is a commentary to what he cites out of the first, the "making them male and female ;" what are we to do, but to search the institution ourselves ? And we shall find there his own authority, giving other manner of reasons why such firm union is to be in matrimony ; without which reasons, their being male and female can be no cause of joining them unseparably : for if it be, then no adultery can sever.

Therefore the prohibition of divorce depends not

upon this reason here expressed to the pharisees, but upon the plainer and more eminent causes omitted here, and referred to the institution; which causes not being found in a particular and casual matrimony, this sensitive and materious cause alone can no more hinder a divorce against those higher and more human reasons urging it, than it can alone without them to warrant a copulation, but leaves it arbitrary to those who in

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their chance of marriage find not why divorce is forbid them, but why it is permitted them ; and find both here and in Genesis, that the forbidding is not absolute, but according to the reasons there taught us, not here. And that our Saviour taught them no better, but uses the most vulgar, most animal and corporal argument to convince

them, is first to show us, that as through their licentious divorces they made no more of marriage, than as if to marry were no more than to be male and female, so he goes no higher in his confutation ; deeming them unworthy to be talked with in a higher strain, but to be tied in marriage by the mere material cause thereof, since their own licence testified that nothing matrimonial was in their thought, but to be male and female. Next, it might be done to discover the brute ignorance of these carnal doctors, who taking on them

to dispute of marriage and divorce, were put to

silence with such a slender opposition as this, and outed from their hold with scarce one quarter of an argument. That we may believe this, his entertainment of the young man soon after may persuade us. Whom, though he came to preach eternal life by faith only, he dismisses with a salvation taught him by works only. On which place Paraeus notes, " That this man was to be convinced by a false persuasion ; and that Christ is wont otherwise to answer hypocrites, otherwise those that are docible." Much rather than anay we think, that, in handling these tempters,

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he forgot not so to frame his prudent ambiguities and concealments, as was to the troubling of

those peremptory disputants most wholesome.
When therefore we would know what right there
may be, in ill accidents, to divorce, we must re-
pair thither where God professes to teach his
servants by the prime institution, and not where
we see him intending to dazzle sophisters : we
must not read, " he made them male and female,"
?ind not understand he made them more intend-
edly ' ' a meet help" to remove the evil of being
' ' alone." We must take both these together,
and then we may infer completely, as from the

whole cause, why a man shall cleave to his wife,

and they twain shall be one flesh : but if the full
and chief cause why we may not divorce be want-
ing here, this place may skirmish with the rab-
bies while it will, but to the true Christian it pro-
hibits nothing beyond the full reason of its own
prohibiting, which is best known by the insti-
tution.

Ver. 6. *' Wherefore they are no more twain^
hut one flesh ^1 This is true in the general right
of marriage, but not in the chance-medley of
every particular match. For if they who were
once undoubtedly one flesh, yet become twain by
adultery, then sure they who were never one
flesh rightly, never helps meet for each oth^r ac-
cording to the plain prescript of God, may with
less ado than a volume be concluded still twain.
And so long as we account a magistrate no ma-

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gistrate, if there be but a flaw in his election, why should we not much rather count a matrimony no matrimony, if it cannot be in any reasonable manner according to the words of God's institution ?

" What therefore God hath joined, let no man

put asunder, ''] But here the christian prudence

lies to consider what God hath joined ; shall we say that God hath joined error, fraud, unfitness, wrath, contention, perpetual loneliness, perpetual discord ; whatever lust, or wine, or witchery, threat, or inticement, avarice, or ambition hath joined together, faithful and unfaithful, christian with anti-christian, hate with hate, or hate with love ; shall we say this is God's joining ?

*' Lei no man put asunder.''^ That is to say, what God hath joined ; for if it be, as how oft we see it may be, not of God's joining, and his law tells us he joins not unmatchable things, but hates to join them, as an abominable confusion, then the divine law of Moses puts them asunder, his own divine will in the institution puts them asunder, as oft as the reasons be not extant, for which only God ordained their joining. Man only puts asunder when his inordinate desires, his passion, his violence, his injury makes the breach : not when the utter want of that which

lawfully was the end of his joining, when wrongs
Mid extremities and unsupportable grievances
compel him to disjoin : when such as Herod and

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the pharisees divorce beside law, or against law,
then only man separates, and to such only this
prohibition belongs. In a word, if it be unlaw-
ful for man to put asunder that which God hath
joined, let man take heed it be not detestable to
join that by compulsion which God hath put
asunder.

Ver. 7. ** Thei/ say unto him, Why did Moses
then command to give a writing of divorcement,
and to put her away ?"

Ver. 8. *^ He saith unto them, Moses because
of the hardness of your hearts suffered you to put
away your wives ; but from the beginning it was
not so'*

" Moses because of the hardness of your hearts
suffered you,'] Hence the divinity now current
argues, that this judicial law of Moses is abo-
lished. But suppose it were so, though it hath

been proved otherwise, the firmness of such right to divorce, as here pleads is fetched from the prime institution, does not stand or fall with the judicial law, but is as moral as what is moralest. Yet as I have shown positively, that this law cannot be abrogated, both by the words of our Saviour pronouncing the contrary, and by that unabolishable equity which it conveys to us ; so I shall now bring to view those appearances of strength, which are levied from this text to maintain the most gross and massy paradox that ever

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did violence to reason and religion, bred only under the shadow of these words, to all other piety or philosophy strange and insolent, that God by act of law drew out a line of adultery almost two thousand years long : although to detect the prodigy of this surmise, the former book set forth on this argument hath already been copious. I shall not repeat much, though I might borrow of mine own ; but shall endeavour to add something either yet untouched, or not largely enough explained. First, it shall be manifest, that the common exposition cannot possibly consist with christian doctrine : next, a truer meaning of this our Saviour's reply shall be left in the room. The received exposition is, that God, though not approving, did enact a law to permit adultery by divorcement simply unlawful. And

this conceit they feed with fond supposals, that have not the least footing in Scripture : as that the Jews learned this custom of divorce in Egypt, and therefore God would not unteach it them till Christ came, but let it stick as a notorious botch of deformity in the midst of his most perfect and severe law. And yet he saith, Levit. the xviiiith, ^* After the doings of Egypt ye shall not do."

Another while they invent a slander (as what thing more bold than teaching ignorance when he shifts to hide his nakedness ?) that the Jews were

naturally to their wives the cruellest men in the

"World ; would poison, brain, and do I know not what, if they might not divorce. Certain, if it

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were a fault heavily punished, to bring an evil report upon the land which God gave, what is it to raise a groundless calumny against the people which God made choice of? But that this bold interpretament, how commonly soever sided with, cannot stand a minute with any competent reverence to God, or his law, or his people, nor with any other maxim of religion, or good manners, might be proved through all the heads and topics ^f argumentation; but I shall willingly be as concise as possible. First the law, not only the jnoral, but the judicial, given by Moses, is just and pure; for such is God who gave it. *' Hearken

Israel," saith Moses, Deut. iv, '^ unto the statutes and the judgments which I teach you, to do them, that ye may live, &c. Ye shall not add unto the word which I command you, neither shall ye diminish aught from it, that ye may keep the commandments of the Lord your God, which

I command you." And onward in the chapter, '* Behold, I have taught you statutes and judgments, even as the Lord my God commanded me. Keep therefore and do them, for this is your

wisdom and your understanding. For what na-

tion hath God so nigh unto him, and what nation hath statutes and judgments so righteous as all this law, which I set before ye this day ?" Is it imaginable there should be among these a law which God allowed not, a law giving permissions laxative to unmarried a wife and marry a list, a law to suffer a kind of tribu^al adultery? Many

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Other scriptures might be brought to assert the purity of this judicial law, and many I have alleged before ; this law therefore is pure and just. But if it permit, if it teach, if it defend that which is both unjust and impure, as by the common doctrine it doth, what think we ? The three general doctrines of Justinian's law are, '* To live in honesty. To hurt no man. To give every one his due." Shall the Roman civil law observe

these three things, as the only end of law, and shall a statute be found in the civil law of God, enacted simply and totally against all these three precepts of nature and morality ?

Secondly, The gifts of God are all perfect, and certainly the law is of all his other gifts one of the perfectest. But if it give that outwardly which it takes away really, and give that seemingly, which, if a man take it, wraps him into sin and damns him; what gift of an enemy can be

more dangerous and destroying than this ?

Thirdly, Moses every where commends his laws, prefers them before all of other nations, and warrants them to be the way of life and safety to all that walk therein. Lev. xviii. But if they contain statutes which God approves not, and train men unwitting to commit injustice and adultery under the shelter of law ; if those things be sin, and death sin's wages, what is this law but the snare of death ?

Fourthly, The statutes and judgments of the Lord, which, without exception, are often told us

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to be such, as doing we may live by them, are doubtless to be counted the rule of knowledge and of conscience. ** For I had not known lust,"

saith the apostle, " but by the law." But if the law come down from the state of her incorruptible majesty to grant lust his boon, palpably it darkens and confounds both knowledge and conscience ; it goes against the common office of all goodness and friendliness, which is at least to counsel and admonish ; it subverts the rules of all sober education, and is itself a most negligent and debauching tutor.

Fifthly, If the law permits a thing unlawful,

it permits that which elsewhere it hath forbid ; so

that hereby it contradicts itself, and transgresses itself. But if the law become a transgressor, it stands guilty to itself, and how then shall it save another ? It makes a confederacy with sin, how then can it justly condemn a sinner? And thus reducing itself to the state of neither saving nor condemning, it will not fail to expire solemnly ridiculous.

Sixthly, The prophets in scripture declare severely against the decreeing of that which is unjust, Psal. xciv, 20; Isaiah x. But it was done, they say, for hardness of heart : to which objection the apostle's rule, '^ not to do evil that good may come thereby," gives an invincible repulse ; and here especially, where it cannot be shown how any good came by doing this evil, how rather more evil did not hereon abound ; for

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the giving way to hardness of heart hardens the more, and adds more to the number. God to an evil and adulterous generation would not " grant a sign ;" much less would he for their hardness of heart pollute his law with adulterous permission. Yea, but to permit evil is not to do evil. Yes, it is in a most eminent manner to do evil : where else are all our grave and faithful sayings, that he whose office is to forbid and forbids

not, bids, exhorts, encourages ? Why hath God

denounced his anger against parents, masters, friends, magistrates, neglectful of forbidding what they ought, if law, the common father, master, friend, and perpetual magistrate, shall not only not forbid, but enact, exhibit, and uphold with countenance and protection, a deed every way dishonest, whatever the pretence be ? If it were of those inward vices, which the law cannot by outward constraint remedy, but leaves to conscience and persuasion, it had been guiltless in being silent : but to write a decree of that which can be no way lawful, and might with ease be hindered, makes law by the doom of law itself accessory in the highest degree.

Seventhly, It makes God the direct author of sin : For although he be not made the author of what he silently permits in his providence, yet in his law, the image of his will, when in plain expression he constitutes and ordains a fact utterly unlawful ; what wants he to authorize it,

and what wants that to be the author ?

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Eighthly, To establish by law a thing wholly unlawful and dishonest, is an affirmation was never heard of before in any law, reason, philosophy, or religion, till it was raised by inconsiderate glossists from the mistake of this text.

And though the civilians have been contented to

chew this opinion, after the canon had subdued them, yet they never could bring example or authority either from divine writ, or human learning, or human practice in any nation, or well-formed republic, but only from the customary abuse of this text. Usually they allege the epistle of Cicero to Atticus; wherein Cato is blamed for giving sentence to the scum of Romulus, as if he were in Plato's commonwealth. Cato would have called some great one into judgment for bribery ; Cicero, as the time stood, advised against it. Cato, not to endamage the public treasury, would not grant to the Roman knights, that the Asian taxes might be farmed them at a less rate. Cicero wished it granted. Nothing in all this will be like the establishing of a law to sin : here are no laws made, here only the execution of law is craved might be suspended : between which and our question is a broad difference. And what if human lawgivers have confessed they could not frame their laws to that

perfection which they desired ? We hear of no such confession from Moses concerning the laws of God, but rather all praise and high testimony of perfection given them. And although man's

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nature cannot bear exactest laws, yet still within the confines of good it may and must, so long as

less good is far enough from altogether evil. As

for what they instance of usury, let them first prove usury to be wholly unlawful, as the law allows it ; which learned men as numerous on the other side will deny them. Or if it be altogether unlawful, why is it tolerated more than divorce? He who said divorce not, said also, " Lend, hoping for nothing again," Luke vi, 35. But then they put in, that trade could not stand, and so to serve the commodity of insatiable trading, usury shall be permitted : but divorce, the only means ofttimes to right the innocent and outrageously wronged, shall be utterly forbid. This is egregious doctrine, and for which one day charity will much thank them. Beza not finding how to solve this perplexity, and Cameron, since him, would secure us ; although the latter confesses, that to '* permit a wicked thing by law, is a wickedness which God abhors ; yet to limit sin, and prescribe it a certain measure, is good»" First, this evasion will not help here ; for this law bounded no man : he might put away what-

ever found not favour in his eyes. And how could it forbid to divorce, whom it could not forbid to dislike, or command to love ? If these be the limits of law to restrain sin, who so lame a sinner but may hop over them more easily than over those Romulean circumscriptions, not as Remus did with hard success, but with all indem-

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nity ? Such a limiting as this were not worth the mischief that accompanies it. This law therefore, -not bounding the supposed sin, by permitting enlarges it, gives it enfranchisement. And never greater confusion, than when law and sin move their landmarks, mix their territories, and correspond, have intercourse, and traffic together. When law contracts a kindred and hospitality with transgression, becomes the godfather of sin, and names it lawful ; when sin revels and gossips within the arsenal of law, plays and dandles the artillery of justice that should be bent against her, this is a fair limitation indeed. Besides, it is an absurdity to say that law can measure sin, or moderate sin; sin is not in a predicament to be measured and modified, but is always an excess. The least sin that is exceeds the measure of the largest law that can be good ; and is as boundless as that vacuity beyond the world. If once it square to the measure of law, it ceases to be an excess, and consequently ceases to be a sin ;

or else law conforming itself to the obliquity of sin, betrays itself to be not straight, but crooked, and so immediately no law. And the improper conceit of moderating sin by law will appear, if we can imagine any lawgiver so senseless as to decree, that so far a man may steal, and thus far be drunk, that moderately he may couzen, and moderately commit adultery. To the same extent it would be as pithily absurd to publish, that a man may moderately divorce, if to do that be

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entirely naught. But to end this moot ; the law of Moses is manifest to fix no limit therein at all, or such at least as impeaches the fraudulent abuser no more than if it were not set ; only requires the dismissive writing without other caution, lea^s that to the inner man, and the bar of conscience. But it stopped other sins. This is as vain as the rest, and dangerously uncertain : the contrary to be feared rather, that one sin, admitted courteously by law, opened the gate to another. However, evil must not be done for good. And it were a fall to be lamented, and indignity unspeakable, if law should become tributary to sin her slave, and forced to yield up into his hands her awful minister, punishment; should buy out her peace with sin for sin, paying as it were her so many Philistian foreskins to the proud demand of transgression. But suppose it

any way possible to limit sin, to put a girdle about that Chaos, suppose it also good ; yet, if to permit sin by law be an abomination in the eyes of God, as Cameron acknowledges, the evil of permitting will eat out the good of limiting. For though sin be not limited, there can but evil come out of evil; but if it be permitted and decreed lawful by divine law, of force then sin must proceed from the infinite godd, which is a dreadful thought. But if the jestraining of sin by this permission being good, as this author testifies, be

more good than the permission of more sin by

the restraint of divorce, and that God weighing

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both these like two ingots, in the perfect scales of his justice and providence, found them so, and others, coming without authority from God, shall change this counterpoise, and judge it better to let sin multipljT- by setting a judicial restraint xipon divorce which Christ never set ; then to limit sin by this permission, as God himself thought best to permit it, it will behove them to consult betimes whether these their balances be not false and abominable ; and this their limiting that which God loosened, and their loosening the sins that he limited, which they confess was good to do : and were it possible to do by law, doubtless it would be most morally good ; and they so believing, as we hear they do, and yet abolishing

a law so good and moral, the limiter of sin, what are they else but contrary to themselves ? For they can never bring us to that time wherein it will not be good to limit sin, and they can never limit it better than so as God prescribed in his law.

Others conceive it a more defensible retirement to say, this permission to divorce sinfully for hardness of heart was a dispensation. But surely they either know not, or attended not to what a

dispensation means. A dispensation is for no

long time, is particular to some persons, rather than general to a whole people ; always hath charity the end, is granted to necessities and infirmities, not to obstinate lust. This permission is another creature, hath all those evils and absurdi-

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ties following the name of a dispensation, as when it was named a law, and is the very antarctic pole against charity, nothing more adverse, ensnaring, and ruining those that trust in it, or use it ; so lewd and criminous as never durst enter into the head of any politician, Jew, or proselyte, till they became the apt scholars of this canonistic exposition. Aught in it, that can allude in the least manner to charity, or goodness, belongs with more full right to the Christian under grace and liberty-, than to the Jew under law and bondage. To

Jewish ignorance it could not be dispensed, without a horrid imputation laid upon the law, to dispense foully, instead of teaching fairly ; like that dispensation that first polluted Christendom with idolatry, permitting to laymen images instead of books and preaching. Sloth or malice in the law would they have this called ? But what ignorance can be pretended for the Jews, who had all the same precepts about marriage, that we know ? for Christ refers all to the institution. It was as reasonable for them to know then as for us now, and

concerned them alike : for wherein hath the gos-

pel altered the nature of matrimony? All these considerations, or many of them, have been further amplified in " The Doctrine of Divorce." And what Rivetus and Paraeus have objected, or given over as past cure, hath been there discussed. Whereby it may be plain enough to men of eyes, that the vulgar exposition of a permittance by law to an intire sin, whatever the colour may be, is an

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opinion both ungodly, unpolitic, unvirtuous, and void of all honesty and civil sense. It appertains therefore to every zealous Christian both for the honour of God's law[^], and the vindication of our Saviour's words, that such an irreligious depravement no longer may be soothed and flattered

through custom, but with all diligence and speed solidly refuted, and in the room a better explanation given ; which is now our next endeavour. " Moses suffered you to put away^' &c.] Not commanded you, says the common observer, and therefore cared not how soon it were abolished, being but suffered ; herein declaring his annotation to be slight, and nothing law-prudent. For in this place " commanded " and " suffered" are interchangeably used in the same sense both by our Saviour and the pharisees. Our Saviour, who

here saith, "'Moses suffered you," in the 10th of

Mark saith, " Moses wrote you this command." And the pharisees, who here say, " Moses commanded," and would mainly have it a command, in that place of Mark say, '* Moses suffered," which had made against them in their own mouths, if the word of '* suffering" had weakened the command. So that suffered and commanded is here taken for the same thing on both sides of the controversy: as Cameron also and others on this place acknowledge. And lawyers know that all the precepts of law are divided into obligatory and permissive, containing either what we must do, or what we may do ; and of this latter sort

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are as many precepts as of the former, and all as lawful. Tutelage, an ordainment than which nothing more just, being for the defence of orphans,

the institutes of Justinian say " is given and permitted by the civil law:" and '*to parents it is permitted to choose and appoint by will the guardians of their children." What more equal, and yet the civil law calls this " permission." So likewise to "manumise," to adopt, to make a will, and to be made an heir, is called ''permission" bylaw. Marriage itself, and this which is already granted, to divorce for adultery, obliges no man, is but a permission by law, is but suffered. By this we may see how weakly it hath been thought, that

all divorce is utterly unlawful, because the law is

said to suffer it; whenas to "suffer" is but the legal phrase denoting what by law a man may do or not do.

" Because of the hardness of your hearts''^
Hence they argue that therefore he allowed it not; and therefore it must be abolished. But the contrary to this will sooner follow, that because he suffered it for a cause, therefore in relation to that cause he allowed it. Next, if he in his wisdom, and in the midst of his severity allowed it for hardness of heart, it can be nothing better than arrogance and presumption to take stricter courses against hardness of heart, than God ever set an example ; and that under the gospel, which warrants them to no judicial act of compulsion in this matter, much lesa to be more

severe against hardness of extremity, than God thought good to be against hardness of heart. He suffered it, rather than worse inconveniences ; these men wiser, as they make themselves, will suffer the worst and heinouslest inconveniences to follow, rather than they will suffer what God suffered. Although they can know when they please, that Christ spake only to the con-

science, did not judge on the civil bench, but al-

ways disavowed it. What can be more contrary to the ways of God, than these their doings ? If they be such enemies to hardness of heart, although this groundless rigour proclaims it to be in themselves, they may yet learn, or consider that hardness of heart hath a two-fold acceptation in the Gospel. One, when it is in a good man taken for infirmity, and imperfection, which was in all the apostles, whose weakness only, not utter want of belief, is called hardness of heart, Mark XVI. Partly for this hardness of heart, the imperfection and decay of man from original righteousness, it was that God suffered not divorce only, but all that which by civilians is termed the " secondary law of nature and of nations." He suffered his own people to waste and spoil and slay by war, to lead captives, to be some masters, some servants, some to be princes, others to be subjects ; he suffered propriety to divide all things by several possession, trade, and commerce, not without usury; in his commonwealth some to be

undeservedly rich, others to be undeservingly

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poor. All which till hardness of heart came in was most unjust; whenas prime nature made us all equal, made us equal coheirs by common right and dominion over all creatures. In the same manner, and for the same cause, he suffered di-

vorce as well as marriage, our imperfect and de-

generate condition of necessity requiring this law among the rest, as a remedy against intolerable wrong and servitude above the patience of man to bear. Nor was it given only because our infirmity, or if it must be so called, hardness of heart could not endure all things; but because the hardness of another's heart might not inflict all things upon an innocent person, whom far other ends brought into a league of love, and not of bondage and indignity. If therefore we abolish divorce as only suffered for hardness of heart, we may as well abolish the whole law of nations, as only suffered for the same cause ; it being shown us by St. Paul, 1. Cor. vi. that the very seeking of a man's right by law, and at the hands of a worldly magistrate, is not without the hardness of our hearts. **For why do ye not rather take wrong," saith he, " why suffer ye not rather yourselves to be defrauded V* If nothing now must be suffered for hardness of heart, I say the very prosecution of our right by way of civil justice

can no more be suffered among Christians, for the hardness of heart wherewith most men pursue it. And that would next remove all our judicial laws, and this restraint of divorce also in the number;

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which would more than half end the controversy. But if it be plain, that the whole juridical law and

civil power is only suffered under the gospel, for

the hardness of our hearts, then wherefore should not that which Moses suffered, be suffered still by the same reason ?

In a second signification, hardness of heart is taken for a stubborn resolution to do evil. And that God ever makes any law purposely to such* I deny ; for he vouchsafes to enter covenant with them, but as they fortune to be mixed with good men, and pass undiscovered ; much less that he should decree an unlawful thing only to serve their licentiousness. But that God '' suffers" this reprobate hardness of heart I affirm, not only in this law of divorce, but throughout all his best and purest commandments. He commands all to worship in singleness of heart according to all his ordinances ; and yet suffers the wicked man to perform all the rites of religion hypocritically, and in the hardness of his heart. He gives us general statutes and privileges in all civil matters, ;ust and good of themselves, yet suffers unworthi-

est men to use them, and by them to prosecute their own right, or any colour of right, though for the most part maliciously, covetously, rigorously, revengefully. He allowed by law the discreet father and husband to forbid, if he thought fit, the religious vows of his wife or daughter. Numb, xxx; and in the same law suffered the hardheartedness of impious and cove-

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tous fathers or husbands abusing this law, to forbid their wives or daughters in their offerings and devotions of greatest zeal. If then God suffer hardness of heart equally in the best laws, as in this of divorce, there can be no reason that for this cause this law should be abolished. But other laws, they object, may be well used, this never. How often, shall I answer, both from the institution of marriage, and from other general rules in scripture, that this law of divorce hath many wise and charitable ends besides the being suffered for hardness of heart, which is indeed no end, but an accident happening through the whole law ; which gives to good men right, and to bad men, who abuse right under false pretences, gives only sufferance. Now although Christ express no other reasons here, but only what was suffered, it nothing follows that this law had no other reason to be permitted but for hardness of heart. The scripture seldom or never

in one place sets down all the reasons of what it grants or commands, especially when it talks to enemies and tempters. St. Paul permitting marriage, 1 Cor. vii, seems to permit even that also for hardness of heart only, lest we should run into fornication : yet no intelligent man thence concludes marriage allowed in the gospel only to avoid an evil, because no other end is there expressed. Thus Moses of necessity suffered many to put away their wives for hardness of heart ; but enacted the law of divorce doubtless for other

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good causes, not for this only sufferance. He permitted not divorce by law as an evil, for that w^{as} impossible to divine law, but permitted by accident the evil of them who divorced against the law's intention undiscoverably. This also may be thought not improbably, that Christ, stirred up in his spirit against these tempting pharisees, answered them in a certain form of indignation usual among good authors ; whereby the question or the truth is not directly answered, but something which is fitter for them, who ask, to hear. So in the ecclesiastical stories, one demanded how God employed himself before the world was made? had answer, that he was making hell for curious questioners. Another (and Libanius the sophist, as I remember) asking in derision some Christian, What the carpenter,

meaning our Saviour, was doing, now that Julian so prevailed ? had it returned him, that the carpenter was making a coffin for the apostate. So Christ being demanded maliciously why Moses made the law of divorce, answers them in a vehement scheme, not telling them the cause why he made it, but what was fittest to be told them, that, " for the hardness of their hearts" he suffered them to abuse it. And albeit Mark say not ** he suffered^* you, but " to you he wrote this precept ;" Mark may be warrantably expounded

by Matthew the larger. And whether he suffered,

or gave precept, being all one as was heard, it changes not the trope of indignation, fittest ac-

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count for such askers. Next, for the hardness of ** your hearts, to you he wrote this precept," infers not therefore for this cause only he wrote it, as was paralleled by other scriptures. Lastly, it may be worth the observing, that Christ, speaking to the Pharisees, does not say in general that for hardness of heart he gave this precept, but ** you he suffered and to you he gave this precept for your hardness of heart." It cannot be easily thought, that Christ here included all the children of Israel under the person of these tempting pharisees, but that he conceals wherefore he gave the better sort of them this law, and expresses by saying emphatically " To you" how he gave it

to the worse such as the pharisees best represented, that is to say, for the hardness of your hearts : as indeed to wicked men and hardened hearts he gives the whole law and the gospel also, to harden them the more. Thus many ways it may orthodoxally be understood how God or Moses suffered such as the demanders were, to divorce for hardness of heart. Whereas the vulgar expositor, beset with contradictions and absurdities round, and resolving at any peril to make an exposition of it (as there is nothing more

violent and boisterous than a reverend ignorance

in fear to be convicted), rushes brutally and impetuously against all the principles both of nature, piety, and moral goodness ; and in the fury of his literal expounding overturns them all.

** But from the beginning it will not be."] Not

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how from the beginning ? Do they suppose that men might not divorce at all, not necessarily, not deliberately, except for adultery, but that some law, like canon law, presently attached them both before and after the flood, till stricter Moses came, and with law brought licence into the world ? That were a fancy indeed to smile at. Undoubtedly, as to point of judicial law, divorce was more permissive from the beginning before Moses than under Moses. But from the beginning, that is to say, by the institution in Para-

dise, it was not intended that matrimony should dissolve for every trivial cause, as you pharisees accustom. But that it was not thus suffered from the beginning ever since the race of men corrupted, and laws were made, he who will affirm, must have found out other antiquities than are yet known. Besides, we must consider now, what can be so as from the beginning, not only what should be so. In the beginning, had men continued perfect, it had been just that all things should have remained, as they began to Adam

and Eve. But after that the sons of men grew

violent and injurious, it altered the lore of justice, and put the government of things into a new frame. While man and woman were both perfect each to other, there needed no divorce ; but when they both degenerated to imperfection, and oftentimes grew to be an intolerable evil each to other, then law more justly did permit the alienating of that evil which mistake made proper.

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than it did the appropriating of that good which nature at first made common. For if the absence of outward good be not so bad as the presence of a close evil, and that propriety, whether by covenant or possession, be but the attainment of some outward good, it is more natural and righteous that the law should sever us from an intimate evil, than appropriate any outward good to

us from the community of nature. The gospel indeed tending ever to that which is perfectest, aimed at the restorement of all things as they were in the beginning; and therefore all things were in common to those primitive Christians in the Acts, which Ananias and Sapphira dearly felt. That custom also continued more or less till the time of Justin Martyr, as may be read in his second Apology, which might be writ after that act of communion perhaps some forty years above a hundred. But who will be the man that

shall introduce this kind of commonwealth, as

Christianity now goes ? If then marriage must be as in the beginning, the persons that marry must be such as then were ; the institution must make good, in some tolerable sort, what it promises to either party. If not, it is but madness to drag this one ordinance back to the beginning, and draw down all other to the present necessity and condition, far from the beginning, even to the tolerating of extortions and oppressions. Christ only told us, that from the beginning it was not so ; that is to say, not so as the pharisees ma-

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nered the business ; did not command us that it should be forcibly so again in all points, as at the beginning ; or so at least in our intentions and desires, but so in execution, as reason and present nature can bear. Although we are not to seek

that the institution itself from the first beginning was never but conditional, as all covenants are ; because thus and thus, therefore so and so ; if not thus, then not so. Then moreover was perfectest to fulfil each law in itself; now is perfectest, in this estate of things, to ask of charity how much law may be fulfilled : else the fulfilling oftentimes is the greatest breaking. If any therefore demand, which is now most perfection, to ease an extremity by divorce, or to enrage and fester it by the grievous observance of a miserable

wedlock, I am not destitute to say, which is

most perfection (although some, who believe they think favourably of divorce, esteem it only venial to infirmity). Him I hold more in the way to perfection, who foregoes an unfit, ungodly, and discordant wedlock, to live according to peace and love, and God's institution in a fitter choice, than he who debars himself the happy experience of all godly, which is peaceful conversation in his family, to live a contentious and unchristian life not to be avoided, in temptations not to be lived in, only for the false keeping of a most unreal nullity, a marriage that hath no affinity with God's intention, a daring phantasm, a mere toy of terror awing weak senses, to the la-

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mentable superstition of ruining themselves; the remedy whereof God in his law vouchsafes us.

Which not to dare use, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity : and in them who force us, it is their masking pride and vanity, to seem holier and more circumspect than God. So far is it that we need impute to him infirmity, who thus divorces : since the rule of perfection is not so much that which was done in the beginning, as that which is now nearest to th^e rule of charity. This is the greatest, the perfectest, the highest commandment.

Ver. 9. " And I say unto you, whoso shall put away his wife except it be for fornication and shall marry another^e committeth adultery: and whoso marryeth her which is put away, doth commit adultery'*

'* And I say unto you'''] That this restrictive denouncement of Christ contradicts and refutes that permissive precept of Moses, common expositors themselves disclaim : and that it does not traverse from the closet of conscience to the courts of civil or canon law, with any christian rightly commenced, requires not long evincing. If Christ then did not here check permissive Moses, nor did reduce matrimony to the beginning more than all other things, as the reason of man's condition could bear ; we would know pre-

cisely what it was which he did, and what the end was of his declaring thus austerely against divorce. For this is a confessed oracle in law, that he who looks not at the intention of a precept, the more superstitious he is of the letter, the more he misinterprets. Was it to shame Moses? that had been monstrous: or all those purest ages of Israel, to whom the permission was granted? that were as incredible. Or was it that he who came to abrogate the burden of law,

not the equity, should put this yoke upon a

blameless person, to league himself in chains with a begirting mischief, not to separate till death ? He who taught us, that no man puts a piece of new cloth upon an old garment, or new wine into old bottles, that he should sew this patch of strictness upon the old apparel of our frailty, to make a rent more incurable, whenas in all other amendments his doctrine still charges, that regard be had to the garment, and to the vessel, what it can endure ; this were an irregular and single piece of rigour, not only sounding disproportion to the whole gospel, but outstretching the most rigorous nerves of law and rigour itself. No other end therefore can be left imaginable of this excessive restraint, but to bridle those erroneous and licentious postillers the Pharisees ; not by telling them what may be done in necessity, but what censure they deserve who divorce abusively, which their Tetrarch had done. And as the offence W2^& in one extreme*

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SO the rebuke, to bring more efficaciously to a rectitude and mediocrity, stands not in the middle way of duty, but in the other extreme. Which art of powerful reclaiming, wisest men have also taught in their ethical precepts and Gnomologies, resembling it, as when we bend a crooked wand the contrary way ; not that it should stand so

bent, but that the overbending might reduce it

to a straightness by its own reluctance. And as the physician cures him who hath taken down poison, not by the middling temper of nourishment, but by the other extreme of antidote, so Christ administers here a sharp and corrosive sentence against a foul and putrid licence ; not to eat into the flesh, but into the sore. And knowing that our divines through all their comments make no scruple, where they please, to soften the high and vehement speeches of our Saviour, which they call hyperboles : why in this one text should they be such crabbed Masorites of the letter, as not to mollify a transcendence of literal rigidity, which they confess to find often elsewhere in his manner of delivery, but must make their exposition here such an obdurate Cyclops, to have but one eye for this text, and that only open to cruelty and enthralment, such as no divine or human law before ever heard of? No, let the foppish canonist, with his fardel of matrimonial cases, go and be vendible where men

be so unhappy as to cheapen him: the words of Christ shall be asserted from such elemental

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notaries, and resolved by the now only lawgiving mouth of charity; which may be done undoubtedly by understanding them as follows.

*^ Whosoever shall put away his wife,'] That

is to say, shall so put away as the propounders of this question, the pharisees, were wont to do, and covertly defended Herod for so doing ; whom to rebuke, our Saviour here mainly intends, and not to determine all the cases of divorce, as appears by St. Paul. Whosoever shall put away, either violently without mutual consent for urgent reasons, or conspiringly by plot of lust, or cunning malice, shall put away for any sudden mood, or contingency of disagreement, which is not daily practice, but may blow soon over, and be reconciled, except it be fornication ; whosoever shall put away rashly, as his choler prompts him, without due time of deliberating, and think his conscience discharged only by the bill of divorce given, and the outward law satisfied ; whosoever lastly, shall put away his wife, that is a wife indeed, and not in name only, such a one who both can and is willing to be a meet help toward the chief ends of marriage both civil and sanctified, except fornication be the cause, that man,

or that pair, commit adultery. Not he who puts away by mutual consent, with all the considerations and respects of humanity and gentleness, without malicious or lustful drift. Not he who after sober and cool experience, and long debate within himself, puts away, whom though he

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cannot love or suffer as a wife with that sincere

affection that marriage requires, yet loves at least with that civility and goodness, as not to keep her under a neglected and unwelcome residence, where nothing can be hearty, and not being, it must needs be both unjoyous, and injurious to any perceiving person so detained, and more injurious than to be freely, and upon good terms dismissed. Nor doth he put away adulterously who complains of causes rooted in immutable nature, utter unfitness, utter disconformity, not conciliable, because not to be amended without a miracle. Nor he who puts away an unquenchable vexation from his bosom, and flies an evil, than which a greater cannot befall human society. Nor he who puts away with the full suffrage and applause of his conscience, not relying on the written bill of law, but claiming by faith and fulness of persuasion the rights and promises of God's institution, of which he finds himself in a mistaken wedlock defrauded. Doubtless this man hath bail enough to be no adulterer, giving

divorce for these causes.

" His wife.']] This word is not to be idle here, a mere word without a sense, much less a fallacious word signifying contrary to what it pretends ; but faithfully signifies a wife, that is, a comfortable help and society, as God instituted; does not signify deceitfully under this name an intolerable adversary, not a helpless, unaffec-

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tionate, and sullen mass, whose very company represents the visible and exactest figure of loneliness itself. Such an associate he who puts away, divorces not a wife, but disjoins a nullity which God never joined, if she be neither willing, nor to her proper and requisite duties sufficient, as the words of God institute her. And this also is Bucer's explication of this place.

*' Ea:cept it be for fornication^' or " saving for the cause of fornication" as Matt, v.] This declares what kind of causes our Saviour meant; fornication being no natural and perpetual cause, but only accidental and temporary; therefore shows that head of causes from whence it is excepted, to be meant of the same sort. For exceptions are not logically deduced from a

diverse kind, as to say whoso puts away for any natural cause except fornication, the exception would want salt. And if they understand it, whoso for any cause whatever, they cast themselves ; granting divorce for frigidity a natural cause of their own allowing, though not here expressed, and for desertion without infidelity, whenas he who marries, as they allow him for desertion, deserts as well as is deserted and finally puts away for another cause besides adultery. It will with all due reason therefore be

thus better understood, whoso puts away for any

accidental and temporary causes, except one of them, which is fornication. Thus this exception

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finds out the causes from whence it is excepted, to be of the same kind, that is casual not continual.

" Saving for the cause of fornication J''] The New Testament, though originally writ in Greek, yet hath nothing near so many Atticisms as Hebraisms, and Syriacisms, which was the majesty of God, not filing the tongue of Scripture to a Gentilish idiom, but in a princely

manner offering to them as to Gentiles and foreigners grace and mercy, though not in foreign words, yet in a foreign style that might induce them to the fountains ; and though their calling were high and happy, yet still to acknowledge God*s ancient people their betters, and that language the metropolitan language. He therefore who thinks to scholiase upon the gospel, though Greek, according to his Greek analogies, and hath not been auditor to the oriental dialects, shall want in the heat of his analysis no accom-

modation to stumble. In this place, as the v. of

Matth. reads it, " Saving for the cause of fornication," the Greek, such as it is, sounds it, except for the ** word, report, speech, or proportion" of fornication. In which regard, with other inducements, many ancient and learned writers liave understood this exception, as comprehending any fault equivalent and proportional to fornication. But truth is, the evangelist here Hebraizes, taking " word or speech for cause or matter" in the common Eastern phrase, meaning

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perhaps no more than if he had said for fornication, as in this xix chapter. And yet the word

is found in the v. of Exodus also signifying proportion ; where the Israelites are commanded to do their tasks, ' ' the matter of each day in his day." A task we know is a proportion of work, not doing the same thing absolutely every day, but so much. Whereby it may be doubtful yet, whether here be not excepted not only fornication itself, but other causes equipollent, and proportional to fornication. Which very word also to understand rightly, we must of necessity have recourse again to the Hebrew. For in the Greek

and Latin sense by fornication is meant the com-

mon prostitution of body for sale. So that they who are so exact for the letter shall be dealt with by the Lexicon, and the Etymologicon too if they please, and must be bound to forbid divorce for adultery also, until it come to open whoredom and trade, like that for which Claudius divorced Messalina. Since therefore they take not here the word fornication in the common significance, for an open exercise in the stews, but grant divorce for one single act of privatest adultery, notwithstanding that the word speaks a public and notorious frequency of fact, not without price; we may reason with as good leave, and as little straining to the text, that our Saviour on set purpose chose this word fornication improperly applied to the lapse of adultery, that we might not think ourselves bound from all

divorce, except when that fault hath been actually committed. For the language of Scripture signifies by fornication (and others besides St. Austin so expounded it) not only the trespass of body, nor perhaps that between married persons, unless in a degree or quality as shameless as the bordello ; but signifies also any notable disobedience, or intractable carriage of the wife to the husband, as Judg. xix. 2, whereof at large in "' the Doctrine of Divorce," 1.2, c. 18. Secondly,

signifies the apparent alienation of mind not to

idolatry (which may seem to answer the act of adultery), but far on this side, to any point of will- worship, though to the true God; sometimes it notes the love of earthly things, or worldly pleasures, though in a right believer, sometimes the least suspicion of unwitting idolatry. As Numb. XV, 39, wilful disobedience to tmy of the least of God's commandments is called fornication : Psalm. Ixxiii, 26, 27, a distrust only in God, and withdrawing from that nearness of zeal and confidence which ought to be, is called fornication. We may be sure it could not import thus much less than idolatry in the borrowed metaphor between God and man, unless it signified as much less than adultery in the ordinary acceptation between man and wife. Add also, that there was no need our Saviour should grant divorce for adultery, it being death by law, and law then in force. Which was the cause why Joseph sought to put away his betrothed wife

privately, lest he should make her an example of capital punishment, as learnedest expounders affirm, Herod being a great zealot of the Mosaic law, and the pharisees great masters of the text, as the woman taken in adultery doubtless had cause to fear. Or if they can prove it was neglected, which they cannot do, why did our Sa-

viour shape his answer to the corruption of that

age, and not rather tell them of their neglect ? If they say he came not to meddle with their judicatures, much less then was it in his thought to make them new ones, or that divorce should be judicially restrained in a stricter manner by these his words, more than adultery judicially acquitted by those his words to the adulteress. His sentence doth no more by law forbid divorce here, than by law it doth absolve adultery there. To them therefore, who have drawn this yoke upon Christians from his words thus wrested, nothing remains but the guilt of a presumption and perverseness, which will be hard for them to answer. Thus much that the word fornication is to be understood as the language of Christ understands it for a constant alienation and disaffection of mind, or for the continual practice of disobedience and crossness from the duties of love and peace ; that is in sum, when to be a tolerable wife is either naturally not in their power, or obstinately not in their will: and this opinion

also is St. Austin's, lest it should hap to be suspected of novelty. Yet grant the thing here

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meant were only adultery, the reason of things will afford more to our assertion, than did the reason of words. For why is divorce unlawful but only for adultery ? because, say they, that

crime only breaks the matrimony. But this, I

reply, the institution itself gainsays : for that which is most contrary to the words and meaning of the institution, that most breaks the matrimony; but a perpetual unmeetness and unwillingness to all the duties of help, of love and tranquillity, is most contrary to the words and meaning of the institution ; that therefore much more breaks matrimony than the act of adultery, though repeated. For this, as it is not felt, nor troubles him who perceives it not, so being perceived, may be soon repented, soon amended : soon, if it can be pardoned, may be redeemed with the more ardent love and duty in her who hath the pardon. But this natural unmeetness both cannot be unknown long, and ever after cannot be amended, if it be natural, and will not, if it be far gone obstinate. So that wanting aught in the instant to be as great a breach as adultery, it gains it in the perpetuity to be greater. Next, adultery does not exclude her other fitness, her other pleasingness ; she may be otherwise both

loving and prevalent, as many adulteresses be ;
but in this general unfitness or alienation she can
be nothing to him that can please. In adultery
nothing is given from the husband, which he
misses, or enjoys the less, as it may be subtly

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given: but this unfitness defrauds him of the

whole contentment which is sought in wedlock.

And what benefit to him, though nothing be given
by the stealth of adultery to another, if that
which there is to give, whether it be solace, or
society, be not such as may justly content him?
and so not only deprives him of what it should
give him, but gives him sorrow and affliction,
which it did not owe him. Besides, is adultery
the greatest breach of matrimony in respect of
the offence to God, or of the injury to man? If
in the former, then other sins may offend God
more, and sooner cause him to disunite his ser-
vant from being one flesh with such an offender.
If in respect of the latter, other injuries are de-
monstrated therein more heavy to man's nature
than the iterated act of adultery. God there-
fore, in his wisdom, would not so dispose his
remedies, as to provide them for the less injuries,
and not allow them for the greater. Thus is won
both from the word fornication, and the reason
of adultery, that the exception of divorce is not
limited to that act, but enlarged to the causes

above specified.

*' And whoso marrieth her which is put away,

doth commit adultery.''^ By this clause alone, if by nothing else, we may assure us that Christ intended not to deliver here the whole doctrine of divorce, but only to condemn abuses. Otherwise to marry after desertion, which the apostle, and the reformed churches at this day permit, is

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here forbid, as adultery. Be she never so wrongfully deserted, or put away, as the law then suffered, \f thus forsaken and expelled, she accept the refuge and protection of any honest man who would love her better, and give herself in marriage to him ; by what the letter guides us, it shall be present adultery to them both. This is either harsh and cruel, or all the churches, teaching as they do to the contrary, are loose and remiss ; besides that the apostle himself stands deeply fined in a contradiction against our Saviour. What shall we make of this? what rather the common interpreter can make of it, for they be his own markets, let him now try ; let him try which way he can wind in his Vertumnian distinctions and evasions, if his canonical gabardine of text and letter do not now sit too close

about him, and pinch his activity : which, if I err not, hath here hampered itself in a spring fit for those who put their confidence in alphabets.

Spanheim, a writer of " Evangelic Doubts," comes now and confesses, that our Saviour's words are " to be limited beyond the limitation there expressed, and excepted beyond their own exception," as not speaking of what happened rarely, but what most commonly. Is it so rare, Spanheim, to be deserted ? or was it then so rare to put away injuriously, that a person so hate-

fully expelled, should to the heaping of more

injury be turned like an infectious thing out of all marriage fruition upon pain of adultery, as

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not considerable to the brevity of this half sentence? Of what then speaks our Saviour? "of that collusion," saith he, " which was then most frequent among the Jews, of changing wives and husbands through inconstancy and unchaste desires." Consider yourselves, as violent to this law of God by your unmerciful binding, as the Pharisees by their unbounded loosening ! Have thousands of christian souls perished as to this life, and God knows what hath betided their consciences, for want of this healing explanation; and is it now at last obscurely drawn forth, only to cure a scratch, and leave the main wound spouting ? " Whosoever putteth away his wife, except

for fornication, committeth adultery." That shall be spoke of all ages, and all men, though never so justly otherwise moved to divorce : in the very next breath, " And whoso marrieth her which is put away committeth adultery :" the men are new and miraculous, they tell you now, *' you are to limit it to that age, when it w^{as} in fashion to chop matrimonies ; and must be meant of him who puts away with his wife's consent through the lightness and lewdness of them both.*' But by what rule of logic, or indeed of

reason, is our commission to understand the an-

tecedent one way and the consequent another ? for in that habitude this whole verse may be considered : or at least to take the parts of a copulate axiom, both absolutely affirmative, and to say, the first is absolutely true, the other not, but

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must be limited to a certain time and custom ; which is no less than to say they are both false? For in this compound axiom, be the parts never so many, if one of them do but falter, and be not equally absolute and general, the rest are all false. If, therefore, that " he who marries her which is [put away commits adultery,*' be not generally true, neither is it generally true, that " he commits adultery who puts away for other cause than fornication." And if the marrying her which is put away must be understood

limited, which they cannot but yield, it must, with the same limitation must be understood the putting away. Thus doth the common exposition confound itself and justify this which is here brought; that our Saviour, as well in the first part of this sentence as in the second, prohibited only such divorces as the Jews then made through malice or through plotted license, not those which are for necessary and just causes; where charity and wisdom disjoins, that which not God, but error and disaster joined.

And there is yet to this our exposition, a stronger siding friend, than any can be an adversary, unless St. Paul be doubted, who repeating a command concerning divorce, 1 Cor. vii, which is agreed by writers to be the same with this of our Saviour, and appointing that the " wife remain unmarried, or be reconciled to her husband," leaves it infallible, that our Saviour spake chiefly against putting away for casual and cho-

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leric disagreements, or any other cause which may with human patience and wisdom be reconciled ; not hereby meaning to hale and dash together the irreconcilable aversations of nature, nor to tie up a faultless person like a parricide, as it were, into one sack with an enemy, to be his causeless tormentor and executioner the length

of a long life. Lastly, let this sentence of Christ be understood how it will, yet that it was never intended for a judicial law, to be enforced by the magistrate, besides that the office of our Saviour had no such purpose in the gospel, this latter part of the sentence may assure us, " And whoso marrieth her which is put away, commits adultery." Shall the exception for adultery belong to this clause or not ? If not, it would be strange, that he who marries a woman really divorced for adultery, as Christ permitted, should become an

adulterer by marrying oi;ie who is now no other

man's wife, himself being also free, who might by this means reclaim her from common whoredom. And if the exception must belong hither, then it follows that he who marries an adulteress divorced commits no adultery ; which would soon discover to us what an absurd and senseless piece of injustice this would be, to make a civil statute of in penal courts : whereby the adulteress put ^way may marry another safely ; and without a crime to him that marries her ; but the innocent and wrongfully divorced shall not marry again without the guilt of adultery both to herself and

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to her second husband. This saying of Christ therefore cannot be made a temporal law, were it but for this reason. Nor is it easy to say what coherence there is at all in it from the letter, to

any perfect sense not obnoxious to some absurdity, and seems much less agreeable to whatever else of the gospel is left us written : doubtless by our Saviour spoken in that fierceness and abstruse intricacy, first to amuse his tempters, and admonish in general the abusers of that Mosaic law ; next, to let Herod know a second knower of his unlawful act, though the Baptist were beheaded ; last, that his disciples and all good men might learn to expound him in this place, as in all other his precepts, not by the written letter, but by

that unerring paraphrase of christian love and

charity, which is the sum of all commands, and the perfection.

Ver. 10. " His disciples say unto him, if the case of the man be so with his wife, it is not good to marry^

This verse I add, to leave no objection behind unanswered : for some may think, if this our Saviour's sentence be so fair, as not commanding aught that patience or nature cannot brook, why then did the disciples murmur and say, " it is not good to marry*'? I answer, that the disciples had been longer bred up under the pharisaean doctrine, than under that of Christ, and so no marvel though they yet retained the infection of loving

old licentious customs ; no marvel though they thought it hard they might not for any offence, that thoroughly angered them, divorce a wife, as well as put away a servant, since it was but giving her a bill, as they were taught. Secondly, it was no unwonted thing with them not to understand our Saviour in matters far easier. So that be it granted their conceit of this text was the same which is now commonly conceived, according to the usual rate of their capacity then, it will not hurt a better interpretation. But why did

not Christ, seeing their error, inform them ? for

good cause, it was his professed method not to teach them all things, at all times, but each thing in due place and season. Christ said, Luke xxii, that " he who had no sword, should sell his garment and buy one :" the disciples took it in a manifest wrong sense, yet our Saviour did not there inform them better. He told them, "it was easier for a camel to go through a needle s eye," than a rich man in at Heaven-gate. They were ** amazed exceedingly:" he explained himself to mean of those " who trust in riches," Mark x. *' They were amazed then out of measure," for so Mark relates it ; as if his explaining had increased their amazement in such a plain case, and which concerned so nearly their calling to be informed in. Good reason, therefore, if Christ at that time did not stand amplifying, to the thick prejudice and tradition wherein they were, this question of more difficulty, and less.

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concernment to any perhaps of them in particular.

Yet did he not omit to sow within them the seeds of a sufficient determining, against the time that his promised spirit should bring all things to their memory. He had declared in their hearing not long before, how distant he was from abolishing the law itself of divorce ; he had referred them to the institution ; and after all this, gives

them a set answer, from which they might collect

what was clear enough, that " all men cannot receive all sayings," ver. 11. If such regard be had to each man's receiving of marriage or single life, what can arise, that the same christian regard should not be had in most necessary divorce?

All which instructed both them and us, that it beseemed his disciples to learn the deciding of this, question, which hath nothing new in it, first by the institution, then by the general grounds of religion, not by a particular saying here and there, tempered and levelled only to an incident occasion, the riddance of a tempting assault. For what can this be but weak and shallow apprehension, to forsake the standard principles of institution, faith and charity ; then to be blank and various at every occurrence in scripture, and in a cold spasm of scruple, to rear peculiar doctrines upon the place, that shall bid the gray authority of most unchangeable and sovereign rules to stand by and be contradicted ? Thus to this evangelic precept of famous difficulty, which for these

many ages weakly understood and violently put

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in practice, hath made a shambles rather than an ordinance of matrimony, I am firm a truer exposition cannot be given. If this or that argument here used please not every one, there is no scarcity of arguments, any half of them will suf-

fice. Or should they all fail, as truth itself can

fail as soon, I should content me with the institution alone to wage this controversy, and not distrust to evince. If any need it not, the happier ; yet christians ought to study earnestly what may be another's need. But if, as mortal mischances are, some hap to need it, let them be sure they abuse not, and give God his thanks, who hath revived this remedy, not too late for them, and scowered off an inveterate misexposition from the gospel : a work not to perish by the vain breath or doom of this age. Our next industry shall be, under the same guidance, to try with what fidelity that remaining passage in the Epistles touching this matter hath been commented.

1 CoR. vii, 10, &c.

10. "' A7id unto the married I command/' ^d

11. " And let not the husband put away his wife^

THIS intimates but what our Saviour taught before, that divorce is not rashly to be made, but reconciliation to be persuaded and endeavoured, as oft as the cause can have to do with reconciliation, and is not under the dominion of blameless nature ; which may have reason to depart, though

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seldomest and last from charitable love, yet some-

times from friendly, and familiar, and something oftener from conjugal love, which requires not only moral, but natural causes to the making and maintaining; and may be warrantably excused to retire from the deception of what it justly seeks, and the ill requitals which unjustly it finds. For nature hath her zodiac also, keeps her great annual circuit over human things, as truly as the sun and planets in the firmament ; hath her anomalies, hath her obliquities in ascensions and declinations, accesses and recesses, as blamelessly as they in Heaven. And sitting in her planetary orb with two reins in each hand, one straight, the other loose, tempers the course of minds as well as bodies to several conjunctions and oppositions, friendly or unfriendly aspects, consenting ofttest with reason, but never contrary. This, in the effect, no man of meanest reach but daily sees ; and though to every one it appear not in the cause, yet to a clear capacity, well nurtured with good reading and observation, it cannot but be

plain and visible. Other exposition, therefore, than hath been given to former places, that give light to these two summary verses, will not be needful: save only that these precepts are meant to those married who differ not in religion.

*' But to the rest speak I, not the Lord; if any brother hath a wife that believeth not, and she be pleased to dwell with him^ let him not put her away

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Now follows what is to be done, if the persons wedded be of a different faith. The common belief is, that a christian is here commanded not to divorce, if the infidel please to stay, though it be but to vex, or to deride, or to seduce the christian. This doctrine will be the easy work of a refutation. The other opinion is, that a christian is here conditionally permitted to hold wedlock with a misbeliever only, upon hopes limited by christian prudence, which without much difficulty shall be defended. That this here spoken by Paul, not by the Lord, cannot be a command, these reasons avouch. First, the law of Moses, Exod. xxxiv, 16, Deut. vii, 3, 6, interpreted by Ezra and Nehemiah, two infallible authors, commands to divorce an infidel not for the fear only

/of a ceremonious defilement, but of an irreligious seducement, feared both in respect of the believer himself, and of his children in danger to be perverted by the misbelieving parent, Nehem. xiii, 24, 26. And Peter Martyr thought this a convincing reason. If therefore the legal pollution vanishing have abrogated the ceremony of this law, so that a christian may be permitted to retain an infidel without uncleanness, yet the moral reason of divorcing stands to eternity, which neither apostle nor angel from Heaven can coun-

termand. All that they reply to this is their

human warrant, that God will preserve us in our obedience to this command against the danger of seducement. And so undoubtedly he will, if we

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understand his commands aright ; if we turn not this evangelic permission into a legal, and yet illegal command ; if we turn not hope into bondage, the charitable and free hope of gaining another into the forced and servile temptation of losing ourselves : but more of this beneath.

Thus these words of Paul by common doctrine made a command, are made a contradiction to the moral law.

Secondly, Not the law only, but the gospel from the law, and from itself, requires even in the same chapter, where divorce between them of

one religion is so narrowly forbid, rather than our christian love should come into danger of backsliding, to forsake all relations how near soever, and the wife expressly, with promise of a high reward. Mat. xix. And he who hates not father or mother, wife or children, hindering his christian course, much more if they despise or assault it, cannot be a disciple, Luke xiv. How can the apostle then command us to love and continue in that matrimony, which our Saviour bids us hate and forsake ? They can as soon teach our

faculty of respiration to contract and to dilate

itself at once, to breathe and to fetch breath in the same instant, as teach our minds how to do such contrary acts as these towards the same object, and as they must be done in the same moment. For either the hatred of her religion, and her hatred to our religion will work powerfully against the love of her society, or the love of that

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will by degrees flatter out all our zealous hatred and forsaking, and soon ensnare us to unchris-

tianly compliances.

Thirdly, In marriage there ought not only to be a civil love, but such a love as Christ loves his church ; but where the religion is contrary without hope of conversion, there can be no love, no faith, no peaceful society (they of the other opinion confess it), nay there ought not to be, further than in expectation of gaining a soul; when that ceases, we know God hath put an enmity between the seed of the woman, and the

seed of the serpent. Neither should we *' love

them that hate the Lord," as the prophet told Jehosaphat, 2 Chron. xix. And this apostle himself in another place warns us, that we be not unequally yoked with infidels," 2 Cor. vi, for that there can be no fellowship, no communion, no concord between such. Outward commerce and civil intercourse cannot perhaps be avoided ; but true friendship and familiarity there can be none. How vainly therefore, not to say how impiously would the most inward and dear alliance of marriage or continuance in marriage be commanded, where true friendship is confessed impossible? For say they, we are forbid here to marry with an infidel, not bid to divorce. But to rob the words thus of their full sense, will not be allowed them: it is not said, enter not into yoke, but *' be not unequally yoked;" which plainly forbids the thing in present act, as well as in pur-

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pose : and his manifest conclusion is, not only that " we should not touch," but that having touched, *' we should come out from among them, and be separate ;" with the promise of a blessing thereupon, that '* God will receive us, will be our father, and we his sons and daughters," ver. 17, 18. Why we should stay with an infidel after the expense of all our hopes can be but for a civil relation ; but why we should depart from

a seducer, setting aside the misconstruction of

this place, is from a religious necessity of departing. The worse cause therefore of staying (if it be any cause at all, for civil government forces it not) must not overtop the religious cause of separating, executed with such an urgent zeal, and such a prostrate humiliation by Ezra and Nehemiah. What God hates to join, certainly he cannot love should continue joined : it being all one in matter of ill consequence, to marry, or to continue married with an infidel, save only so long as we wait willingly, and with a safe hope. St. Paul therefore citing here a command of the Lord Almighty, for so he terms it, that we should separate, cannot have bound us with that which he calls his own, whether command or counsel, that we should not separate.

Which is the fourth reason, for he himself takes care lest we should mistake him, ** but to the rest speak I, not the Lord." If the Lord spake not, then man spake it, and man hath no lordship to

command the conscience : yet modern interpre-

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ters will have it a command, maugre St. Paul himself, they will make him a prophet like Caia-phas, to speak the word of the Lord, not thinking, nay denying to think ; though he disavow to have received it from the Lord, his word shall

not be taken ; though an apostle, he shall be borne

down in his own epistle, by a race of expositors who presume to know from whom he spake, better than he himself. Paul deposes, that the Lord speaks not this ; they, that the Lord speaks it : can this be less than to brave him with a full-faced contradiction ? Certainly to such a violence as this, for I cannot call it an expounding, what a man should answer I know not, unless that if it be their pleasure next to put a gag into the apostle's mouth, they are already furnished with a commodious audacity toward the attempt.

Beza would seem to shun the 'contradictory, by telling us that the Lord spake it not in person, as he did the former precept. But how many other doctrines doth St. Paul deliver, which the Lord spake not in person, and yet never uses this preamble but in things indifferent ? So long as we receive him for a messenger of God, for him to stand sorting sentences, what the Lord spake in person, and what he, not the Lord in person, would be but a chill trifling, and his readers

might catch an ague the while. But if we shall supply the grammatical ellipsis regularly, and as we must in the same tense, all will be then clear, for we cannot supply it thus, to the rest I speak,

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the Lord spake not ; but I speak, the Lord speaks not. If then the Lord neither spake in person,

nor speaks it now, the apostle testifying both,

it follows duly, that this can be no command. Forsooth the fear is, lest this, not being a command, would prove an evangelic counsel, and so make way for supererogations. As if the apostle could not speak his mind in things indifferent, as he doth in four or five several places of this chapter with the like preface of not commanding* but that the doubted inconvenience of supererogating must needs rush in. And how adds it to the word of the Lord (for this also they object), whenas the apostle by his christian prudence guides us in the liberty which God hath left us to, without command? Could not the Spirit of God instruct us by him what was free, as well as what was not ? But what need I more, when Cameron, an ingenuous writer, and in high esteem, solidly confutes the surmise of a command here, and among other words hath these ; that *' when Paul speaks as an apostle, he uses this form," The Lord saith, not I, ver. 10 ; ** but as a private man he saith, I speak, not the Lord." And thus

also all the prime fathers, Austin, Jerom, and the rest understood this place.

Fifthly, The very stating of the question declares this to be no command ; "If any brother hath an unbelieving wife, and she be pleased to dwell with him, let him not put her away." For the Greek word *ruvivSoxiT* does not imply only her

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being pleased to stay, but his being pleased to let her stay; it must be a consent of them both. Nor can the force of this word be rendered less, without either much negligence or iniquity of him that otherwise translates it. And thus the Greek church also and their synods understood it, who best knew what their own language meant, as appears by Matthaeus Monachus, an author set forth by Leunclavius, and of antiquity perhaps not inferior to Balsamon, who writes upon the canons of the apostles : this author in his chap. *^ That marriage is not to be made with heretics," thus recites the second canon of the 6th synod : " As to the Corinthians, Paul determines ; If the believing wife choose to live with the unbelieving husband, or the believing husband with the unbelieving wife. Mark," saith he, '* how the apostle here condescends, if the believer please to dwell with the unbeliever ; so that if he please not, out of doubt the marriage is dissolved. And I am

persuaded it was so in the beginning, and thus preached." And thereupon gives an example of one, who though not deserted, yet by the decree of Theodotus the patriarch divorced an unbelieving wife. What therefore depends in the plain state of this question on the consent and well liking of them both must not be a command. Lay next the latter end of the] 1th verse to the 12th (for wherefore else is logic taught us ?) in a discreet axiom, as it can be no other by the phrase ; " The Lord saith, Let not the husband put away

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his wife : but I say, Let him not put away a misbelieving wife." This sounds as if by the judgment of Paul a man might put away any wife but the misbelieving; or else the parts are not discrete, or dissentany, for both conclude not putting away, and consequently in such a form the proposition is ridiculous. Of necessity therefore the former part of this sentence must be conceived, as understood, and silently granted, that although the Lojd command to divorce an infidel, yet I, not the Lord command you. No, but give my judgment, that for some evangelic reasons a Christian may be permitted not to divorce her. Thus while we reduce the brevity of St. Paul to a plainer sense, by the needful supply of that which was granted between him and the Corinthians, the very logic

of his speech extracts him confessing, that the Lord's command lay in a seeming contrariety to this his counsel : and that he meant not to thrust out a command of the Lord by a new one of his own, as one nail drives another, but to release us from the rigour of it, by the right of the gospel, so far forth as a charitable cause leads us in the hope of winning another soul without the peril of losing our own. For this is the glory of the gospel, to teach us that " the end of the commandment is charity," 1 Tim. i, not the drudging

out a poor and worthless duty forced from us by

the tax and tale of so many letters. This doctrine therefore can be no command, but it must

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contradict the moral law, the gospel, and the apostle himself, both elsewhere and here also even in the act of speaking.

If then it be no command, it must remain to be a permission, and that not absolute, for so it would be still contrary to the law, but with such a caution as breaks not the law, but as the manner of the gospel is, fulfils it through charity. The law had two reasons, the one was ceremonial, the pollution that all Gentiles were to the Jews ; this the vision of Peter had abolished, Acts X, and cleansed all creatures to th[^] use of a Christian. The Corinthians understood not this,

but feared lest dwelling in matrimony with an unbeliever, they were defiled. The apostle discusses that scruple with an evangelic reason, showing them that although God heretofore under the law, not intending the conversion of the Gentiles, except some special ones, held them as polluted things to the Jew, yet now purposing to call them in, he hath purified them from that legal uncleanness wherein they stood, to use and to be used in a pure manner.

For, saith he, " The unbelieving husband is

sanctified by the wife, and the unbelieving wife is sanctified by the husband, else were your children unclean ; but now they are holy." That is, they are sanctified to you, from that legal impurity which you so fear ; and are brought into a near capacity to be holy, if they believe, and to have free access to holy things. In the mean

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time, as being God's creatures, a Christian hath power to use them according to their proper use; in as much as now, " all things to the pure are become pure." In this legal respect therefore ye need not doubt to continue in marriage with an

unbeliever. Thus others also expound this place, and Cameron especially. This reason warrants us only what we may do without fear of pollution, does not bind us that we must. But the other reason of the law to divorce an infidel was moral, the avoiding of enticement from the true faith. This cannot shrink ; but remains in as full force as ever, to save the actual Christian from the snare of a misbeliever. Yet if a Christian full of grace and spiritual gifts, finding the misbeliever not frowardly affected, fears not a seducing, but

hopes rather a gaining, who sees not that this

moral reason is not violated by not divorcing, which the law commanded to do, but better fulfilled by the excellence of the gospel working through charity ? For neither the faithful is seduced, and the unfaithful is either saved, or with all discharge of love and evangelic duty, sought to be saved. But contrariwise if the infirm Christian shall be commanded here against his mind, against his hope, and against his strength, to dwell with all the scandals, the household persecutions, or alluring temptations of an infidel, how is not the gospel by this made harsher than the law, and more yoking? Therefore the apostle, ere he deliver this other reason why we need not in all

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haste put away an infidel, his mind misgiving him, lest he should seem to be the imposer of a

new command, stays not for method, but with an abrupt speed inserts the declaration of their liberty in this matter.

" But if the unbelieving depart, let him depart ; a brother or a sister is not under bondage in such cases : but God hath called us to peace'*

'* But if the unbelieving depart^'] This cannot be restrained to local departure only ; for who knows not that an offensive society is worse than

a forsaking ? If his purpose of cohabitation be to

endanger the life, or the conscience, Beza himself is half persuaded, that this may purchase to the faithful person the same freedom that a desertion may ; and so Gerard and others whom he cites.

If therefore he depart in affection ; if he depart from giving hope of his conversion ; if he disturb, or scoff at religion, seduce, or tempt ; if he rage, doubtless not the weak only, but the strong may leave him : if not for fear, yet for the dignity's sake of religion, which cannot be liable to all base affronts, merely for the worshipping of a civil marriage. I take therefore " departing" to be as large as the negative of being well pleased : that is, if he be not pleased for the present to live lovingly, quietly, inoffensively, so as may give good hope ; which appears well by that which follows.

** A brother or a sister is not under bondage in such cases''^ If St. Paul provide seriously against the bondage of a Christian, . it is not the only

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bondage to live unmarried for a deserting infidel, but to endure his presence intolerably, to bear indignities against his religion in words or deeds, to be wearied with seducements, to have idolatries and superstitions ever before his eyes, to be tormented with impure and prophane conversation ; this must needs be bondage to a Christian :

is this left all unprovided for, without remedy, or

freedom granted? Undoubtedly no ; for the apostle leaves it further to be considered with prudence, what bondage a brother or sister is not under, not only in this case, but as he speaks himself plurally, " in such cases."

" But God hath called us to peace,*] To peace, not to bondage, not to brabbles and contentions with him who is not pleased to live peaceably, as marriage and Christianity require. And where strife arises from a cause hopeless to be allayed, what better way to peace than by separating that which is ill joined? It is not divorce that first breaks the peace of a family, as some fondly comment on this place, but it is peace already broken, which, when other cures fail, can only be restored to the faultless person by a necessary divorce. And St. Paul here warrants us to seek peace, rather than to remain in bondage. If God hath called us to peace, why should we not follow him? why should we miserably stay in perpetual dis-

cord under a servitude not required ?

" For what knowest thou, O wife, whether thou shalt save thy husband,' 4'^.] St. Paul having thus

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cleared himself, not to go about the mining of our christian liberty, not to cast a snare upon us,

which to do he so much hated, returns now to

the second reason of that law, to put away an infidel for fear of seducement, which he does not here contradict with a command now to venture that ; but if neither the infirmity of the christian, nor the strength of the unbeliever be feared, but hopes appearing that he may be won, he judges it no breaking of that law, though the believer be permitted to forbear divorce, and can abide, without the peril of seducement, to offer the charity of a salvation to wife or husband, which is the fulfilling, not the transgressing of that law ; and well worth the undertaking with much hazard and patience. For what knowest thou whether thou shalt save thy wife that is, till all means convenient and possible with discretion and probability, as human things are, have been used. For Christ himself sends not our hope on pilgrimage to the world's end ; but sets its bounds, beyond which we need not wait on a brother, much less on an infidel. If after such a time we may count a professing Christian no better than a Heathen, after

less time perhaps we may cease to hope of a Heathen, that he will turn Christian. Otherwise, to bind us harder than the law, and tell us we are not under bondage, is mere mockery. If, till the unbeliever please to part, we may not stir from the house of our bondage, then certain this our liberty is not grounded in the purchase of Christ,

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but in the pleasure of a miscreant. What knows the loyal husband, whether he may not save the adulteress? he is not therefore bound to receive her. What knows the wife, but she may reclaim her husband who hath deserted her ? Yet the reformed churches do not enjoin her to wait longer than after the contempt of an ecclesiastical summons. Beza himself here befriends us with a remarkable speech, *' What could be firmly constituted in human matters, if under pretence of expecting grace from above, it should be never lawful for us to seek our right ?" And yet in other cases not less reasonable to obtain a most just and needful remedy by divorce, he turns the innocent party to a task of prayers beyond the multitude of beads and rosaries, to beg the gift of chastity in recompense of an injurious marriage. But the apostle is evident enough, ** we are not under bondage ;" trusting that he writes to those who are not ignorant what bondage is, to let supercilious determiners cheat them of their

freedom. God hath called us to peace, and so doubtless hath left in our hands how to obtain it seasonably : if it be not our own choice to sit ever like novices wretchedly servile.

Thus much the apostle in this question between christian and pagan, to us now of little use ; yet supposing it written for our instruction, as it may be rightly applied, I doubt not but that the difference between a true believer and a heretic, or any one truly religious either deserted or seeking

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divorce from anyone grossly erroneous or prophane, may be referred hither. For St. Paul leaves us here the solution not of this case only which little concerns us, but of such like cases, w^hich may occur to us. For were the reasons directly square, who can forbid why the verdict should not be the same ? But this the common writers allow us not. And yet from this text, which in plain words give liberty to none, unless deserted by an infidel, they collect the same freedom, though the desertion be not for religion, which, as I conceive, they need not do ;- but may, without straining, reduce it to the cause of fornication. For first, they confess that desertion is seldom without a just suspicion of adultery : next, it is a breach of marriage in the same kind, and in some sort worse : for adultery, though it give

to another, yet it bereaves not all ; but the deserter wholly denies all right, and makes one flesh twain, which is counted the absolutest breach of matrimony, and causes the other, as much as in him lies, to commit sin, by being so left. Nevertheless, those reasons, which they bring of establishing by this place the like liberty from any desertion, are fair and solid : and if the thing be lawful, and can be proved so, more ways than one, so much the safer. Their arguments I shall here recite, and that they may not come idle, shall use

them to make good the like freedom to divorce

for other causes ; and that we are no more under bondage to any heinous default against the main

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ends of matrimony, than to a desertion : first they allege that 1 to Tim. v. 8, " If any provide not for those of his own house, he hath denied the faith, and is worse than an infidel." But a deserter, say they, " can have no care of them who are most his own ; therefore the deserted party is not less to be righted against such a one, than against an infidel." With the same evidence I argue, that man or wife, who hates in wedlock, is perpetually unsociable, unpeaceful, or undutious, either not being able, or not willing to perform what the main ends of marriage demand in help and solace, cannot be said to care for who should be dearest in the house; therefore is

worse than an infidel in both regards, either in undertaking a duty which he cannot perform, to the undeserved and unspeakable injury of the other party so defrauded and betrayed, or not performing what he hath undertaken, whenas he may or might have, to the perjury of himself, more irreligious than heathenism. The blameless person therefore hath as good a plea to sue out his delivery from this bondage, as from the desertion of an infidel. Since most writers cannot but grant that desertion is not only a local absence, but an

intolerable society ; or if they grant it not, the

reasons of St. Paul grant it, with as much leave as they grant to enlarge a particular freedom from paganism, into a general freedom from any desertion. Secondly, they reason from the likeness of either fact, " the same loss redounds to

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the deserted by a christian, as by an infidel, the same peril of temptation." And I in like manner affirm, that if honest and free persons may be allowed to know what is most to their own loss, the same loss and discontent, but worse disquiet, with continual misery and temptation, resides in the company, or better called the persecution of an unfit, or an unpeaceable consort, than by his desertion. For then the deserted may enjoy him-

self at least. And he who deserts is more favourable to the party whom his presence afflicts, than that importunate thing, which is and will be ever conversant before the eyes, a loyal and individual vexation. As for those who still rudely urge it no loss to marriage, no desertion, so long as the flesh is present, and offers a benevolence that hates, or is justly hated ; I am not of that vulgar and low persuasion, to think such forced embraces as these worth the honour, or the humanity of marriage, but far beneath the soul of a rational

and freeborn man. Thirdly, they say, *' It is not

the infidelity of the deserter, but the desertion of the infidel, from which the apostle gives this freedom :'' and I join, that the apostle could as little require our subjection to an unfit and injurious bondage present, as to an infidel absent. To free us from that which is an evil by being distant and not from that which is an inmate, and in the bosom evil, argues an improvident and careless deliverer. And thus all occasions, which way soever they turn, are not unofficious to administer

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something which may conduce to explain, or to defend the assertion of this book touching divorce. I complain of nothing, but that it is indeed too copious to be the matter of a dispute, or a defence, rather to be yielded, as in the best ages, a thing of common reason, not of controversy. What

have I left to say ? I fear to be more elaborate in such a perspicuity as this ; lest I should seem not to teach, but to upbraid the dulness of an age ; not to commune with reason in men, but to deplore the loss of reason from among men : this only, and not the want of more to say, is the limit of my discourse.

Who among the fathers have interpreted the words of Christ concerning divorce, as is here interpreted; and what the civil law of christian emperors in the

primitive church determined.

Although testimony be in logic an argument rightly called "inartificial," and doth not solidly fetch the truth by multiplicity of authors, nor argue a thing false by the few that hold so; yet seeing most men from their youth so accustomed, as not to scan reason, nor clearly to apprehend it, but to trust for that the names and numbers of such, as have got, and many times undeservedly, the reputation among them to know much ; and because there is a vulgar also of teachers, who are as blindly by whom they fancy led, as they lead the people, it will not be amiss for them who had rather list themselves under this weaker sort, and

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follow authorities, to take notice that this opinion, which, I bring, hath been favoured, and by some of those affirmed, who in their time were able to carry what they taught, had they urged it, through all Christendom ; or to have left it such a credit with all good men, as they who could not boldly use the opinion, would have feared to censure it. But since by his appointment on whom the times and seasons wait, every point of doctrine is not fated to be thoroughly sifted out in every age ; it will be enough for me to find, that the thoughts

of wisest heads heretofore, and hearts no less re-

verenced for devotion, have tended this way, and contributed their lot in some good measure towards this which hath been here attained. Others of them, and modern especially, have been as full in the assertion, though not so full in the reason ; so that either in this regard, or in the former, I shall be manifest in a middle fortune to meet the praise or dispraise of being something first.

But I defer not what I undertook to show, that in the church both primitive and reformed, the words of Christ have been understood to grant divorce for other causes than adultery ; and that the word Fornication in marriage hath a larger sense than that commonly supposed.

Justin Martyr in his first apology, written within fifty years after St. John died, relates a story which Eusebius transcribes, that a certain matron of Rome, the wife of a vicious husband, herself also formerly vicious, but converted to the faith.

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and persuading the same to her husband, at least the amendment of his wicked life ; upon his not yielding to her daily entreaties and persuasions in this behalf, procured by law to be divorced from him. This was neither for adultery, nor desertion, but as the relation says, "esteeming it an

ungodly thing to be the consort of bed with him,

who against the law of nature and of right sought out voluptuous ways." Suppose he endeavoured some unnatural abuse, as the Greek admits that meaning, it cannot yet be called adultery ; it therefore could be thought worthy of divorce no otherwise than as equivalent, or worse; and other vices will appear in other respects as much divorcive. Next, it is said her friends advised her to stay awhile ; and what reason gave they ? not because they held unlawful what she purposed, but because they thought she might longer yet hope his repentance. She obeyed, till the man going to Alexandria, and from thence reported to grow still more impenitent, not for any adultery or desertion, whereof neither can be gathered, but saith the Martyr, and speaks it like one approving, "lest she should be partaker of his unrighteous and ungodly deeds, remaining in wedlock, the communion of bed and board with such a person, she left him by a lawful divorce." This cannot but give us the judgment of the church in those pure and

next to apostolic times. For how else could the woman have been permitted, or here not reprehended? and if a wife might then do this wi^h-

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out reproof, a husband certainly might no less» if not more.

Tertullian in the same age, writing his fourth

hook against Marcion, witnesses " that Christ by his answer to the pharisees, protected the consti[^]tutiop of Moses as his own, and directed the institution of the Creator," for I alter not his Carthaginian phrase; " he excused rather than destroyed the constitution of Moses ; I say, he forbid conditionally, if any one therefore put away, that he may marry another : so that if he prohibited conditionally, then not wholly: and what he forbid not wholly, he permitted otherwise, where the ca[^]ise. ceases for which he prohibited : " that is, when a man makes it not the cause of his putting away, merely that he may marry again. " Christ teaches not contrary to Moses, the justice of divorce hath Christ the asserter ; he would not have, marriage separate, nor kept with ignominy, permitting then, a divorce ;" and guesses that this vehemence of our Saviour's sentence was chiefly bent against Herod, as was cited before. Which leaves it evident how Tertullian interpreted this prohibition of our Saviour : for whereas the text

is, 'Whosoever putteth away, and marrieth another;" wherefore should Tertullian explain it, ^* Whosoever putteth away that he may marry another," but to signify his opinion, that our Saviour did not forbid divorce from an unworthy yoke, but forbid the malice or the lust of a needless change, and chiefly those plotted divorces then in use ?

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Origen in the next century testifies to have known certain who had the government of churches in his time, who permitted some to marry, while yet their former husbands lived, and excuses the deed, as done "not without cause, though without scripture," which confirms that cause not to be adultery ; for how then was it against scripture that they married again? And a little beneath, for I cite his seventh homily on Matthew, saith he, " to endure faults worse than adultery and fornication, seems a thing unreasonable ;" and disputes therefore that Christ did not speak by "way of precept, but as it were expounding.'" By which and the like speeches, Origen declares his mind, far from thinking that our Saviour confined all the causes of divorce to actual adultery. Lactantius, of the age that succeeded, speaking

of this matter in the 6th of his " Institutions," hath these words : ** But lest any think he may circumscribe divine precepts, let this be added, that all misinterpreting, and occasion of fraud or death may be removed, he commits adultery who marries the divorced wife ; and besides the crime of adultery, divorces a wife that he may marry another." To divorce and marry another, and to divorce that he may marry another, are two different things ; and imply that Lactantius thought not this place the forbidding of all necessary di.

vorce, but such only as proceeded from the wan-

ton desire of a future choice, not from the burdea
t)f a present aflliction.

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About this time the council of Eliberis in Spain decreed the husband excommunicate, *' if he kept his wife, being an adulteress; but if he left her, he might after ten years be received into communion, if he retained her any while in his house after the adultery known." The council of Neocsesaria, in the year 314, decreed. That if the wife of any laic were convicted of adultery, that man could not be admitted into the ministry : if after ordination it were committed, he was to divorce her ; if not he could not hold his ministry. The council of Nantes con-

demned in seven years penance the husband, that would reconcile with an adulteress. But how proves this that other causes may divorce ? It proves thus : There can be but two causes why these councils enjoined so strictly the divorcing 'of an adulteress, either as an offender against God, or against the husband ; in the latter respect they could not impose on him to divorce ; for every man is the master of his own forgiveness ; who shall hinder him to pardon the injuries done against himself? It follows therefore, that the di-

vorice of an adulteress was commanded by these

three councils, as it was a sin against God ; and by all consequence they could not but believe that other sins as heinous might with equal justice be the ground of a divorce.

Basil in his 73rd rule, as Chamier numbers it, thus determines : ** That divorce ought not to be, unless for adultery, or the hinderance to a godly

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life." What doth this but proclaim aloud more causes of divorce than adultery, if by other sins besides this, in wife or husband, the godliness of the better person may be certainly hindered and endangered.

Epiphanius no less ancient, writing against heretics, and therefore should himself be orthodoxal

above others, acquaints us in his second book, Tom. I, not that his private persuasion was, but that the whole church in his time generally thought other causes of divorce lawful besides adultery, as comprehended under that name : " If," saith he, a ^' divorce happen for any cause, either fornication or adultery, or any heinous fault, the word of God blames not either the man or wife marrying again, nor cuts them off from the congregation, or from life, but bears with the infirmity; not that he may keep both wives, but that leaving the

former, he may be lawfully joined to the latter .

the holy word, and the holy church of God commiserates this man, especially if he be otherwise of good conversation, and live according to God's law/." This place is clearer than exposition, and needs no comment.

Ambrose, on the 16th of Luke, teaches, "that all wedlock is not God s joining :" and to the sixth of Prov. ** That a wife is prepared of the Lord," as the old Latin translates it, he answers, that the Septuagint renders it, '* a wife is fitted by the Lord, and tempered to a kind of harmony ; and where that harmony is, there God joins;

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where it is not, there dissension reigns, which is not from God, for God is love." This he brings to prove the marrying of Christian with Gentile

to be no marriage, and consequently divorced without sin : but he who sees not this argument how plainly it serves to divorce any untunable, or unatunable matrimony, sees little. On the first to the Cor. vii, he grants a woman may leave her husband not only for fornication, ** but for apostacy, and inverting nature, though not marry again ; but the man may : " here are causes of divorce assigned other than adultery. And going on, he affirms, " that the cause of God is greater than the cause of matrimony ; that the reverence

of wedlock is not due to him who hates the author

thereof; that no matrimony is firm without devotion to God ; that dishonour done to God acquits the other being deserted from the bond of matrimony ; that the faith of marriage is not to be kept with such." If these consorted sentences be aught worth, it is not the desertion that breaks what is broken, but the impiety ; and who then may not for that cause better divorce, than tarry to be deserted ? or these grave sayings of St. Ambrose are but knacks.

Jerom on the 19th of Matthew explains, that for the cause of fornication, or the " suspicion thereof, a man may freely divorce.*' What can breed that suspicion, but sundry faults leading that way ? By Jerom's consent therefore divorce is free not only for actual adultery, but for any

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cause that may incline a wise man to the just suspicion thereof.

Austin also must be remembered among those who hold, that this instance of fornication gives equal inference to other faults equally hateful, for which to divorce : and therefore in his books to Pollentius he disputes, ** that infidelity, as being a greater sin than adultery, ought so much the rather cause a divorce." And on the sermon on the

mount, under the name of fornication will have

" idolatry, or any harmful superstition" contained, which are not thought to disturb matrimony so directly as some other obstinacies and disaffections, more against the daily duties of that covenant, and in the Eastern tongues not unfrequently called fornication, as hath been shown. *' Hence is understood," saith he, '* that not only for bodily fornication, but for that which draws the mind from God's law, and foully corrupts it, a man may without fault put away his wife, and a wife her husband ; because the Lord excepts the cause of fornication, which fornication we are constrained to interpret in a general sense." And in the first book of his ** Retractations," chap. 16, he retracts not this his opinion, but commends it to serious consideration; and explains that he counted not there all sin to be fornication, but the more detestable sort of sins. The cause of fornication therefore is not in this discourse newly interpreted to signify other faults infringing the duties of wedlock, besides adultery.

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Lastly, the council of Agatha, in the year 506, Can. 25, decreed, that " if laymen who divorced without some great fault, or giving no probable cause, therefore divorced, that they might marry

some unlawful person, or some other man's, if

before the provincial bishops were made acquainted, or judgment passed, they presumed this, excommunication was the penalty." Whence it follows, that if the cause of divorce were some great offence, or that they gave probable causes for what they did, and did not therefore divorce, that they might presume with some unlawful person, or what was another man's, the censure of church in those days did not touch them.

Thus having alleged enough to show, after what manner the primitive church for above 500 years understood our Saviour's words touching divorce, I shall now, with a labour less dispersed, and sooner dispatched, bring under view what the civil law of those times constituted about this matter : I say the civil law, which is the honour of every true civilian to stand for, rather than to count that for law, which the pontifical canon had enthralled them to, and instead of interpreting a generous and elegant law, made

them the drudges of a blockish Rubric.

Theodosius and Valentinian, pious emperors both, ordained that " as by consent lawful marriages were made, so by consent, but not without the bill of divorce, they might be dissolved ; and to dissolve was the more difficult, only in favour of the chil-

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dren." We see the wisdom and piety of that age, one of the purest and learnedest since Christ, conceived no hindrance in the words of our Saviour, but that a divorce, mutually consented, might be suffered by the law, especially if there were no children, or if there were, careful provision was made. And further saith that law (supposing there wanted the consent of either), " We design the causes of divorce by this most wholesome law ; for as we forbid the dissolving of marriage without just cause, so we desire that a husband or a wife distressed by some adverse necessity, should be freed though by an unhappy, yet a necessary relief.'^
What dram of wisdom or religion (for charity is the truest religion) could there be in that knowing age, which is not virtually summed up in this most just law ? As for those other christian emperors, from Constantine the first of them, finding the Roman law in this point so answerable to the Mosaic, it might be the likeliest cause why they altered nothing to restraint ; but if aught, rather to liberty,

for the help and consideration of the weaker sex, according as the gospel seems to make the wife more equal to her husband in these conjugal respects, than the law of Moses doth. Therefore " if a man were absent from his wife four years, and in that space not heard of, though gone to war in the service of the empire,^' she might divorce, and marry another by the edict of Constantine to Dalmatius, Cod. 1. 6, tit. 17. And this was an age of the church, both ancient and cried up still

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for the most flourishing in knowledge and pious government since the apostles. But to return to this law of Theodosius, with this observation by the way, that still as the church corrupted, as the clergy grew more ignorant, and yet more usurping on the magistrate, who also now declined, so still divorce grew more restrained ; though certainly if better times permitted the thing that worse times restrained, it would not weakly argue that the permission was better, and the restraint worse. This law therefore of Theodosius, wiser in this than the most of his successors, though no wiser than God and Moses, reduced the causes of divorce to a certain number, which by the judicial law of God, and all recorded humanity, were left before to the breast of each husband, provided that the dismiss was not without reasonable conditions to the wife. But this was a restraint not yet come to extremes. For

besides adultery, and that not only actual, but suspected by many signs there set down, any fault equally punishable with adultery, or equally infamous, might be the cause of a divorce. Which informs us how the wisest of those ages understood that place in the gospel, whereby not the pilfering of a benevolence was considered as the main and only breach of wedlock, as is now thought, but the breach of love and peace, a more holy union than that of the flesh ; and the dignity of an honest person was regarded, not to be held in bondage with

one whose ignominy was infectious. To this pur-

pose was constituted Cod.i. 5, tit. 17, and Authent.

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collat 4, tit. i. Novell. 22, where Justinian added three causes more. In the 117 Novell, most of the same causes are allowed, but the liberty of divorcing by consent is repealed : but by whom ? by Justinian, not a wiser, not a more religious emperor than either of the former, but noted by judicious writers for his fickle head in making and unmaking laws ; and how Procopius, a good historian, and a counsellor of state then living, deciphers him in his other actions, I willingly omit. Nor was the church then in better case, but had the corruption of a hundred declining years swept on it, when the statute of *' Consent " was called in ; which, as I said, gives us every way more reason to suspect this restraint, more than that liberty : which therefore in

the reign of Justin, the succeeding emperor, was recalled, Novell. 140, and established with a preface more wise and christianly than for those times, declaring the necessity to restore that Theodosian law, if no other means of reconciliation could be found. And by whom this law was abrogated, or how long after, I do not find ; but that those other causes remained in force as long as the Greek empire subsisted, and were assented to by that church, is to be read in the canons and edicts compared by Photius the patriarch, with the avertiments of Bal-

samon and Matthaëus Monachus thereon.

Bui long before those days, Leo, the son of Basilis Macedo, reigning about the year 886, and for his excellent wisdom surnamed the " Philosopher," constituted, ** that in case of madness, the husband

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might divorce after three years, the wife after five/[^] Constit. Leon. III, 112. This declares how he expounded our Saviour, and derived his reasons from the institution, which in his preface with great eloquence are set down ; whereof a passage or two may give some proof, though better not divided from

the rest. " There is not,^^ saith he, " a thing more necessary to preserve mankind, than the help given him from his own rib ; both God and nature so teaching us : which doing so, it was requisite that the providence of law, or if any other care be to the good of man, should teach and ordain those things which are to the help and comfort of married persons, and confirm the end of marriage purposed in the beginning, not those things which afflict and bring perpetual misery to them.^' Then answers the objection, that they are one flesh ; " If matrimony

had held so as God ordained it, he were wicked

that would dissolve it. But if we respect this in matrimony, that it be contracted to the good of both, how shall he, who for some great evil feared, persuades not to marry though contracted, not persuade to un marry, if after marriage a calamity befall ? Should we bid beware lest any fall into an evil, and leave him helpless who by human error is fallen therein ? This were as if we should use remedies to prevent a disease, but let the sick die without remedy.'^ The rest will be worth reading in the author.

And thus we have the judgment first of primitive fathers ; next of the imperial law not disallowed by

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the universal church in ages of her best authority ; and lastly, of the whole Greek church and civil

state, incorporating their canons and edicts together* that divorce was lawful for other causes equivalent to adultery, contained under the word fornication. So that the exposition of our Saviour's sentence here alleged hath all these ancient and great asserters ; is therefore neither new nor licentious, as some would persuade the commonalty ; although it be nearer truth that nothing is more new than those teachers themselves, and nothing more licentious than some known to be, whose hypocrisy yet shames not to take offence at this doctrine for

licence ; when as indeed they fear it would re-

move licence, and leave them but few companions.

That the popes canon law, encroaching upon civil magistracy y abolished all divorce even for adultery. What the reformed divines have recovered; and that the famoussest of them have taught according to the assertion of this book.

But in these western parts of the empire, it will appear almost unquestionable, that the cited law of Theodosius and Valentinian stood in force until the blindest and corruptest times of popedom displaced it. For, that the volumes of Justinian never came into Italy, or beyond lUyricum, is the opinion of good antiquaries. And that only manuscript thereof found in Apulia, by Lotharius the Saxon, and given to the states of Pisa, for their aid at sea against the Normans of Sicily, was received as a rarity not to be matched. And although the Goths,

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and after them the Lombards and Franks, who overrun the most of Europe, except this island^ (unless we make our Saxons and Normans a limb of them) brought in their own customs, yet that they followed the Roman laws in their contracts and marriages, Agathias the historian is alleged.

And other testimonies relate, that Alaricus and

Theodoric, their kings, writ their statutes out of this Theodosian code, which hath the recited law of divorce. Nevertheless, while the monarchs of Christendom were yet barbarous, and but half-christian, the popes took this advantage of their weak superstition, to raise a corpulent law out of the canons and decretals of audacious priests ; and presumed also to set this in the front : " That the constitutions of princes are not above the constitutions of clergy, but beneath them.^ Using this very instance of divorce as the first prop of their tyranny ; by a false consequence drawn from a passage of Ambrose upon Luke, where he saith, though " Man's law grant it, yet God's law prohibits it:'^ whence Gregory the pope, writing to Theoctista, infers that ecclesiastical courts cannot be dissolved by the magistrate. A fair conclusion from a double error. First, in saying that the divine law prohibited divorce : (for what will he make of Moses ?) Next, - supposing that it did, how will it follow, that whatever Christ forbids in his evangelic precepts, should

be haled into a judicial constraint against the pattern of a divine law? Certainly the gospel came not to enact such compulsions. In the mean while.

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we m[^]y note here, that the restraint of divorce wasr one of the first fair seeming pleas which the Pope had, to step into secular authority, and with his'

antichristian rigour to abohsh the permissive law of

christian princes conforming to a sacred lawgiver. Which if we consider, this papal and unjust restriction of divorce need not be so dear to us, since the plausible restraining of that was in a manner the first loosening of Antichrist, and, as it were, the substance of his eldest horn. Nor do we less remarkably owe the first means of his fait here in England, to the contemning of that restraint by Henry the Vlllth, whose divorce he opposed. Yet was not that rigour executed anciently in' spiritual* courts, until Alexander the Ilird, who trod upon the neck of Frederic Barbarossa the emperor, and summoned our Henry Hnd into Normandy, about the' death of Becket. He it was, that the worthy author may be known, who first actually repealed the imperial law of divorce, and decreed this tyrannous decree, that matrimony for no cause should be dissolved, though for many causes it might separate ; as may be seen Decret. Gregor. 1. 4, tit. 19, and in other places of the canonical tomes. The main good of which invention, wherein it consists, who

can tell? but that it hath one virtue incomparable,
to fill all Christendom with whoredoms and adulteries,
beyond the art of Balaams, or of devils. Yet
neither can these, though so perverse, but acknowledge
that the words of Christ, under the name of
fornication, allow putting away for other causes than

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adultery, both from bed and board, but not from
the bond; their only reason is, because marriage
they believe to be a sacrament. But our divines,
who would seem long since to have renounced that
reason, have so forgot themselves, as yet to hold
the absurdity, which but for that reason, unless
there be some mystery of Satan in it, perhaps the
papist would not hold. It is true, we grant divorce
for actual and proved adultery, and not for less than
many tedious and unrepairable years of desertion,
wherein a man shall lose all his hope of posterity,
which great and holy men have bewailed, ere he can
be righted; and then perhaps on the confines of his
old age, when all is not worth the while. But grant
this were seasonably done; what are these two cases
to many other, which afflict the state of marriage as
bad, and yet find no redress? What hath the soul
of man deserved, if it be in the way of salvation,
that it should be mortgaged thus, and may not
redeem itself according to conscience out of the

hands of such ignorant and slothful teachers as these, who are neither able nor mindful to give due tending to that precious cure which they rashly undertake ; nor have in them the noble goodness, to consider these distresses and accidents of man's life, but are bent rather to fill their mouths with tithe and oblation ? Yet if they can learn to follow, as well as they can seek to be followed, I shall direct them to a fair number of renowned men, worthy to be their leaders, who will commend to them a doctrine in this point wiser than their own ; and if they

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We not impatient, it will be the same doctrine which this treatise hath defended.

Wickliff, that Englishman honoured of God to be the first preacher of a general reformation to all Europe, was not in this thing better taught of God, than to teach among his chiefest recoveries of truth, ** that divorce is lawful to the Christian for many other causes equal to adultery.*' This book indeed, through the poverty of our libraries, I am forced to cite from " Arnisaeus of Halberstad on the Rite of Marriage," who cites it from Corasius of Toulouse, c. 4, Cent. Sect, and he from Wickliff, 1. 4, Dial. c. 21 . So much the sorer, for that I never looked into an author cited by his adversary upon this oc-

casation, but found him more conducive to the question than his quotation rendered him.

Next, Luther, how great a servant of God ! in his book of " Conjugal Life'^ quoted by Gerard out of the Dutch, allows divorce for the obstinate denial of conjugal duty ; and " that a man may send away a proud Vashti, and marry an Esther in her stead." It seems, if this example shall not be impertinent, that Luther meant not only the refusal of benevolence, but a stubborn denial of any main

conjugal duty; or if he did not, it will be evinced

from what he allows. For out of question, with men that are not barbarous, love and peace, and fitness, will be yielded as essential to marriage, as corporal benevolence. " Though I give my body to be burnt," saith St. Paul, *' and have not charity, it profits me nothing." So though the body

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prostitute itself to whom the mind affords no other love or peace, but constant malice and vexation, can this bodily benevolence deserve to be called a marriage between Christians and rational creatures ?

Melancthon, the third great luminary of reformation, in his book " concerning Marriage,'^ grants divorce for cruel usage, and danger of life, urging the authority of that Theodosian law, which he

esteems written with the grave deliberation of godly men ; " and that they who reject this law, and think it disagreeing from the gospel, understand not]the difference of law and gospel ; that the magistrate ought not only to defend life^ but to succour the weak conscience ; lest, broke with grief and indignation, it relinquish prayer, and turn to ^pme unlawful thing." What if this heavy plight of despair arise from other discontents in wedlock, which may go to the soul of a good man more than the danger of his life, or cruel using, which a man can-

not be liable to? suppose it be ingrateful usage,

suppose it be perpetual spight and disobedience, suppose a hatred ; shall not the magistrate. free him from this disquiet which interrupts his prayers, and disturbs the course of his service to God and his country all as much, and brings him such a misery, as that he more desires to leave his life, than fears to lose it ? Shall not this equally concern the office of civil protection, and much more the charity of a true church to remedy ?

Erasmus, who for learning was the wonder of }iis

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zge, both in his Notes on Matthew, and on the first to the Corinthians, in a large and eloquent discourse, and in his answer to Phimostomus, a papist, maintains (and no protestant then living contradicted him) that the words of Christ comprehend,

many other causes of divorce under the name . of fornication.

Bucer (whom our famous Dr. Rainolds was wont to prefer before Calvin) in his comment on Matthew, and in his second book " of the Kingdom of Christ," treats of divorce at large, to the same effect as is written in " the Doctrine and Discipline of Divorce" lately published, and the translation is extant : whom, lest I should be thought to have wrested to mine own purpose, take something more

out of his 49th chapter, which I then for brevity

omitted. " It will be the duty of pious princes, and all who govern church or commonwealth, if any, whether husband or wife, shall affirm their want of such, who either will or can tolerably perform the necessary duties of married life, to grant that they may seek them such, and marry them ; if they make it appear that such they have not." This book he wrote here in England, where he lived the greatest admired man ; and this he dedicated to Edward the VI th.

Fagius, ranked among the famous divines of Germany, whom Frederic, at that time the Palatine, sent for to be the reformer of his dominion^ and whom afterwards England sought to, and obtained of him to come and teach her, differs not in

this opinion from Bucer, as his notes on the Chaldee Paraphrast well testify.

The whole Church of Strasburgh in her most flourishing time, when Zelhus, Hedio, Capito, and other great divines taught there, and those two renowned magistrates, Farrerus and Sturmius, governed that commonwealth and academy to the admiration of all Germany, hath thus in the 21st article : *« We teach, that if according to the word of God, yea, or against it, divorces happen, to do

according to God's word, Deut. xxiv, i, Mat. xix,

1 Cor. vii, and the observation of the primitive church, and the christian constitution of pious Caesars. ^^

Peter Martyr seems in word our easy adversary, but is indeed for us : toward which, though it be something when he saith of this opinion, " that it is not wicked, and can hardly be refuted,^* this which follows is much more ; *' I speak not here,-' saith he, " of natural impediments, which may so happen, that the matrimony can no longer hold :'* but adding, that he often wondered, " how the ancient and most christian emperors established those laws of divorce, and neither Ambrose, who had such influence upon the laws of Theodosius, nor any of those holy fathers found fault, nor any of the churches, why the magistrates of this day should be so loth to constitute the same. Perhaps they fear an inundation of divorces, which is not likely ; when as we read not either among the Hebrews, Greeks, or Romans, that they were much frequent

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where they were most permitted. If they judge christian men worse than Jews or Pagans, they both injure that name, and by this reason will be constrained to grant divorces the rather ; because it was permitted as a remedy of evil, for who would remove the medicine, while the disease is yet so

rife r^^ This being read both in " his Common

places,'* and on the first to the Corinthians, with what we shall relate more of him yet ere the end, sets him absolutely on this side. Not to insist that in both these, and other places of his commentaries, he grants divorce not only for desertion, but for the seducement and scandalous demeanour of an heretical consort.

Musculus, a divine of no obscure fame, distinguishes between the religious and the civil determination of divorce ; and leaving the civil wholly to the lawyers, pronounces a conscionable divorce for impotence not only natural, but accidental, if it be durable. His equity it seems, can enlarge the words of Christ to one cause more than adultery ; why may not the reason of another man as wise enlarge them to another cause ?

Gualter of Zuric, a well-known judicious commentator, in his homilies on Matthew, allows divorce for " leprosy, or any other cause which ren-

ders unfit for wedlock," and calls this rather " a nullity of marriage than a divorce." And who, i that is not himself a mere body, can restrain all the unfitness of marriage only to a corporeal defect.

Hemingius, an author highly esteemed, and his

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works printed at Geneva, writing of divorce, coi>-

fesses that learned men vary in this question, some granting three causes thereof, some five, others many more ;" he himself gives us six, " adultery, desertion, inability, error, evil usage, and impiety,^^ using argument, " that Christ under one special contains the whole kind, and under the name and example of fornication, he includes other causes equipolent." This discourse he wrote at the request of many who had the judging of these causes in Denmark and Norway, who by all likelihood followed his advice.

Hunnius, a doctor of Wittenberg, well known both in divinity and other arts, on the sixth of Matth. affirms, *' That the exception of fornication expressed by our Saviour, excludes not other causes equalling adultery, or destructive to the substantial of matrimony ; but was opposed to the custom of the Jews, who made divorce for every light cause."

Fehx Bidenbachius, an eminent divine in the

duchy of Wirtemberg, affirms, *' That the obstinate refusal of conjugal due is a lawful cause of divorce ;" and gives an instance, " that the consistory of that state so judged.^'

Gerard cites Harbardus, an author not unknown, and Arnisaeus cites Wigandus, both yielding divorce in case of cruel usage ; and another author, who testifies to " have seen in a dukedom of Germany, marriages disjoined for some implacable enmities arising.^'

Beza, one of the strictest against divorce, denies

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h not '* for danger of life from a heretic, or importunate solicitation to do aught against religion :" and counts it " all one whether the heretic desert, or would stay upon intolerable conditions. ^^ But this decision, well examined, will be found of no solidity. For Beza would be asked why, if God so strictly exact our stay in any kind of wedlock, we had not better stay and hazard a murdering for religion at the hand of a wife or husband, as he and others enjoin us to stay and venture it for all other causes but that ? and why a man's life is not as well and warrantably saved by divorcing from an orthodox murderer, as a heretical ? Again, if desertion be confessed by him to consist not only in the forsaking, but in the unsufferable conditions of staying, a

man may as well deduce the lawfulness of divorcing from any intolerable conditions (if his grant be good, that we may divorce thereupon from a heretic) as he can deduce it lawful to divorce from any deserter, by finding it lawful to divorce from a deserting infidel. For this is plain, if St. Paul's permission to divorce an infidel deserter infer it lawful for any malicious desertion, then doth Beza's definition of a deserter transfer itself with like facility from the cause of religion, to the cause of malice, and proves it as good to divorce from him

who intolerably stays, as from him who purposely

departs ; and leaves it as lawful to depart from him who urgently requires a wicked thing, though professing the same religion, as from him who urges a heathenish or superstitious compliance in a different

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faith. For if there be such necessity of our abiding, we ought rather to abide the utmost for religion, than for any other cause ; seeing both the cause of our stay is pretended our religion to marriage, and the cause of our suffering is supposed our constant marriage to religion. Beza therefore, by his own definition of a deserter justifies a divorce ^^from any wicked or intolerable conditions rather in the same religion than in a different.

Aretius, a famous divine of Bern, approves many causes of divorce in his '* Problems," and adds,

^' that the laws and consistories of Switzerland approve them also.'^ As first, " adultery, and that not actual only, but intentional ;" alleging Matthew V, " Whosoever looketh to lust, hath committed adultery already in his heart. Whereby," saith he, " our Saviour shows', that the breach of matrimony in ay be not only by outward act, but by the heart and desire ; when that hath once possessed, it renders the conversation intolerable, and commonly the fact follows." Other causes to the number of nine or ten, consenting in most with the imperial

laws, may be read in the author himself, who avers

them " to be grave and weighty." All these are men of name in divinity ; and to these, if need were, might be added more. Nor have the civilians been all so blinded by the canon, as not to avouch the justice of those old permissions touching divorce.

Alciat of Milan, a man of extraordinary wisdom and learning, in. the sixth book of his " Parerga/-

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defends those imperial laws, " not repugnant to the gospel, as the church then interpreted. For/* saith he, " the ancients understood him separate by man, whom passions and corrupt affections di^ vorced, not if the provincial bishops first heard the matter, and judged, as the council of Agatha declares :" and on some part of the Code he names

Isidorus Hispalensis, the first computer of canons,
" to be in the same mind/^ And in the former
place gives his opinion, " that divorce might be
more lawfully permitted than usury."

Corasius, recorded by Helvicus among the fa-
mous lawyers, hath been already cited of the same
judgment.

Wesembechius, a much- named civilian, in his
comment on this law defends it, and affirms, " That

our Saviour excluded not other faults equal to

adultery ; and that the word fornication signifies
larger among the Hebrews than with us, compre-*
bending every fault, which alienates from him to
whom obedience is due, and that the primitive
church interpreted so.^*

Grotius, yet living, and of prime note among
learned men, retires plainly from the canon to the
ancient civility, yea, to the Mosaic law, *' as being
most just and undeceivable." On the 5th of
Matth. he saith, *' That Christ made no civil laws,
but taught us how to use law : that the law sent not
a husband to the judge about this matter of divorce,
but left him to his own conscience ; that Christ
therefore cannot be thought to send him ; that

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adultery may be judged by a vehement suspicion ;•

that the exception of adultery seems an example of other like offences * proves it " from the manner of speech, the maxims of law, the reason of charity, and common equity."

These authorities, without long search, I had to produce, all excellent men, some of them such as many ages had brought forth none greater : almost the meanest of them might deserve to obtain credit* in a singularity ; what might not then all of them!' joined in an opinion so consonant to reason ? For

although some speak of this cause, others of that,

why divorce may be, yet all agreeing in the necessary enlargement of that textual straitness, leave the matter to equity, not to literal bondage ; and 66 the opinion closes. Nor could I have wanted more testimonies, had the cause needed a more solicitous inquiry. But herein the satisfaction of others hath been studied, not this gaining of more assurance to mine own persuasion : although authorities contributing reason withal be a good confirmation and a welcome. But God (I solemnly attest him!) withheld from my knowledge the consenting judgment of these men so late, until they could not be my instructors, but only my unexpected witnesses to partial men, that in- this work I had not given thie worst experiment of an industry joined with integrity, and the free utterance, tliough of an unpopular truth. Which yet to the people of England may, if God so please, prove ^ memorable informing ; certainly a benefit

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which was intended them long since by men of highest repute for wisdom and piety, Bucer and Erasmus. Only this one authority more, whethei* in place or out of place, I am not to omit : which if any can think a small one, I must be patient, it is no smaller than the whole assembled authority of England both church and state ; and in those times which are on record for the purest and sincerest

that ever shone yet on the reformation of this island

the time of Edward the Sixth. That worthy prince, having utterly abolished the canon law out of his dominions, as his father did before him, appointed by full vote of parliament a committee of two and thirty chosen men, divines and lawyers of whom Cranmer the archbishop, Peter Martyr, and Walter Haddon (not without the assistance of sir John Cheeke the king's tutor, a man at that time counted the learnedest of Englishmen, and for piety not inferior) were the chief, to frame anew some ecclesiastical laws, that might be instead of what was abrogated. The work with great diligence was finished, and with as great approbation of that reforming age was received ; and had been doubtless, as the learned preface thereof testifies, established by act of parliament, had not the good king's death, so soon ensuing, arrested the further growth of religion also, from that season to this. Those laws, thus founded on the memorable wisdom and piety of that religious parliament and synod, allow divorce and second marriage, " not only for adultery or

desertion, but for any capital ennnity^ or plot laid

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against the other's life, and likewise for evil and fierce usage : " nay the twelfth chapter of that title by plain consequence declares, " that lesser contentions, if they be perpetual, may obtain divorce : '' which is all one really with the position by me held

in the former treatise published on this argument,

herein only differing, that there the cause of perpetual strife was put for example in the unchangeable discord of some natures ; but in these laws intended us by the best of our ancestors, the effect of continual strife is determined no unjust plea of divorce, whether the cause be natural or wilful. Whereby the wariness and deliberation, from which that discourse proceeded, will appear, and that God hath aided us to make no bad conclusion of this point ; seeing the opinion, which of late hath undergone ill censures among the vulgar, hath now proved to have done no violence to scripture, unless all these famous authors alleged to have done the like ; nor hath affirmed aught more than what indeed the most nominated fathers of the church, both ancient and modern, are unexpectedly found affirming ; the laws of God's peculiar people, and of primitive Christendom found to have practised, reformed churches and states to have imitated, and especially the most pious church-times of this kingdom to have framed and published, and, but for sad hinderances

in the sudden change of religion, had enacted by the parliament. Henceforth let them, who condemn the assertion of this book for new and licentious, be sorry ; lest, while they think to be of the

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graver sort, and take on them to be teachers, they expose themselves rather to be pledged up and

down by men who intimately know them, to the

discovery and contempt of their ignorance and presumption.

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BRIEF STATEMENT

or THB

CONTROVERSY

PRODUCED BY THE

DOCTRINE AND DISCIPLINE

OF DIVORCE :

WITH AN ABRIDGMENT OF

COLASTERION.

THE bold, and, as they must have appeared at the time, singular opinions contained in the foregoing Tracts, exposed their Author to censure, and involved him in controversy. He had many a " by-blow'^ from the pulpit, and the press dealt out against him sophistry and slander with an unsparing

hand. But Milton was " ready, aye, ready '^ for

the field. Equally a stranger to fear and to defeat, whoever entered the lists with him were sure of being crushed by " weapons of stouter metal than their own." The stormy regions of intellectual conflict were his proper element, where he felt himself a god. Irresistible arguments darted from his mind like thunderbolts from the hand of Jove.

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Heaven seemed obsequious to his will, and even " Hell grew darker at his frown.'^

In the cause of truth, and such to him appeared every cause which he espoused, for his bitterest enemies presume not to question his sincerity, he was an undaunted and devoted champion. Nor did he abandon its defence while there remained an argument to be refuted, or a sophism to be ex-

posed. He was proud and happy when brought in contact with an equal foe ; and sometimes with less pleasure but not with less spirit, he imposed upon himself the ungrateful task of chastising the temerity which he could not hope to convince. He de- , lighted to reason with those who sought truth, for her own sake, and loved her better than victory, while he would occasionally " answer a fool according to his folly, that he might not be wise in his own conceit.'^

In the present instance, the disingenuousness of

one of his opponents, and the ignorant and besotted

insolence of another, justly provoked his indignation, which he expressed, as some, perhaps, will think, with too little regard to courtesy, and in a spirit not sufficiently accordant with the meekness of wisdom. Yet it must be admitted, even by those most ready to censure him on this account, that the controversialists of Milton's age were a kind of literary gladiators, who were appreciated by the severity of their epithets, rather than the weight of their arguments. Milton certainly was deficient in none of the qualities which form a keen, pertinacious, and exasperating oppo-

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nent ; and he was surrounded with circumstances calculated to inflame rather than to assuage these qualities. In knowledge and belief of certain great and important principles in government and reli-

gion, he went far beyond the most learned and distinguished of his contemporaries. His unbending integrity, which would not suffer him to ally himself in any degree with injustice, hypocrisy, or baseness, exposed him to the persecution and enmity of all parties in church and state, and he complained, not without reason, that he had " fallen upon evil men and evil times. '^ The present work drew upon him the vengeance of the Presbyterians, who, with their characteristic ingratitude, forgetting their obligations to him as their mightiest cham-

pion, assailed him from the pulpit and the press

with violent and acrimonious hostility. They even endeavoured to infuse these passions into the legislature, and actually caused him to be summoned before the House of Lords, pursuing him, as he expresses it, with " an impotent, and worse than Bonner like censure," threatening to burn the Book which challenged them to a fair dispute, and to ruin the man who had raised them from the dunghill.

These facts will sufficiently account for, if they do not justify, the haughty and contemptuous manner with which Milton was accustomed to repel the attacks of his enemies. Whether he was in this more faulty than many who have in the present day thought proper to censure him, may, perhaps, be justly questioned ; for, as Dr. Symmons has

well observed, " the temper of polemic^ and of literary disputants is in all ages the same.^' In the time of Milton, controversy had not learned to conceal the malignity of her bosom under the disguise of a polished brow and a smiling clieek. '* With an ardent temper and a brilliant imagination, Milton was not formed for cool and temperate disputation. " I could not," he says, " to my thinking, honour a good cause more from the heart, than by defending it earnestly.'^ He talked, indeed, " of pleading against his confuters by no other advocates than

silence and sufferance ; and speaking deeds against

faltering words/^ But his bold and sanguine nature prohibited such efficient acquiescence, and hurried him into active war. When his adversary called upon " all Christians to stone him as a miscreant, whose impunity would be their crime,'^ we cannot reasonably wonder at the warmth of his expressions, or at the little scruple with which he scattered his various instruments of pain. These polemical tracts of our Author, though perhaps some of the least valuable of his works, are so illumined with knowledge and with fancy, and open to us such occasional glimpses of a great and sublime mind, that they must always be regarded as affording an ample compensation for any harshness of manner with which they may sometimes offend.^*

As the present age can have no interest in the personalities of this controversy, we shall omit them in the ensuing pages of the " Colasterion," retaining only the reasoning, which, as it restates the

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arguments of the preceding tracts with additional clearness, and urges them with greater force, will be a suitable conclusion to the Work.

An insignificant performance, entitled " Divorce at Pleasure," is very summarily dispatched; and the book which provoked the Colasterion, Milton

thus introduces to his readers.

" But as I still was waiting, when these light-armed refuters'^ (the Presbyterians, and their foul-mouthed and persecuting preachers) " would have done pelting at their three lines uttered with a sage delivery of no reason, but an impotent and worse than Bonner-like censure, to burn that which provokes them to a fair dispute ; at length a book was brought to my hands, entitled, ' An Answer to the Doctrine and Discipline of Divorce/ Gladly I received it, and very attentively composed myself to read ; hoping that now some good man had vouchsafed the pains to instruct me better, than I could yet learn out of all the volumes, which for this purpose I had visited. Only this I marvelled, and other men have since, whenas I, in a subject so new to this age, and so hazardous to please, concealed not my name, why this author, defending that part which is so creeded by the people, would conceal his. But ere I could enter three leaves into the pamphlet (for I defer the peasantly rude-

ness, which by the licenser's leave I met with afterwards), my satisfaction came in abundantly, that it could be nothing why he durst not name himself, but the guilt of his own wretchedness."

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He then proceeds to expose the writer's total ignorance of the very question in dispute ; and

remarks, " But one thing more I observed, a singular

note of his stupidity, and that his trade is not to meddle with books, much less with confutations ; whenas the " Doctrine of Divorce '^ had now a whole year been published the second time, with many arguments added, and the former, ones bettered and confirmed, this idle pamphlet comes reeling forth against the first edition only ; as may appear to any by the pages quoted : which put me in mind of what by chance I had notice of to this purpose the last summer, as nothing so serious but happens oftentimes to be attended with a ridiculous accident : it was then told me, that the ** Doctrine of Divorce" was answered, and the answer half printed against the first edition, not by one, but by a pack of heads ; of whom the chief, by circumstance, was intimated to me^ and since ratified to be no other, if any can hold laughter, and I am sure none will guess him lower than an actual serving-man. This creature, for the story must on (and what though he be the lowest person of an interlude, he may deserve a canvassing), transplanted himself, and to

the improvement of his wages, and your better notice of his capacity, turned solicitor. And having conversed much with a stripling divine or two of those newly fledged probationers, that usually come scouting from the university, and lie here no lame lepers to pop into the Bethesda of some knight's chaplainship, where they bring grace

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to his good cheer, but no peace or benediction else to his house ; these made the cham-party, he contributed the law, and both joined in the divinity. Which made me intend following the advice also of friends, to lay aside the thought of misspending a reply to the buz of such a drone's nest. But finding that it lay, whatever was the matter, half a year after unfinished in the press, and hearing for certain that a divine of note, out of his good-will to the opinion, had taken it into his revise, and something had put out, something put in, and stuck it here and there with a clove of his own calligraphy, to keep it from tainting : and farther, when I saw the stuff, though very coarse and threadbare, garnished and trimly faced with the commendations of a licenser, I resolved, so soon as leisure granted me the recreation, that my man of law should not altogether lose his soliciting. Although I impute a share of the making to him whose name I find in the approbation, who may take, as his mind serves him, this reply. In the mean while it shall be

seen, I refuse no occasion, and avoid no adversary, either to maintain what I have begun, or to give it up for better reason."

Having visited the licenser with the wholesome castigation he was so well able to administer, Milton takes leave of him in the following rather uncourtly style, to enter the lists with his anonymous combatant : – " Now therefore to your attorney, since no worthier an adversary makes his appearance, nor this neither his appearance, but lurking under the

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safety of his nameless obscurity ; such as ye turn him forth at the postern, I must, accept him ; and in a better temper than Ajax do mean to scourge this ram for ye, till I meet with his Ulysses.

" He begins with law, and we have it of him as good cheap as any huckster at law, newly "set up, can possibly afford, and as impertinent ; but for that he hath received his handsel. He presumes also to cite the civil law, which I perceive by his citing, never came within his dormitory : yet what he cites, makes but against himself.

"His second thing therefore is to refute the adverse position, and very methodically, three pages before he sets it down ; and sets his own in the place, ' that disagreement of mind or disposition,

though showing itself in much sharpness, is not by the law of God or man a just cause of divorce.^

" To this position I answer ; That it lays no battery against mine, no nor so much as faces it, but tacks about, long ere it come near, like a harmless and respectful confutement. For I confess that disagreement of mind or disposition, though in much sharpness, is not always a just cause of divorce ; for much may be endured. But what if the sharpness be much more than his much ? To

that point it is our mishap we have not here his

grave decision. He that will contradict the position which I alleged, must hold that no disagreement of mind or disposition can divorce, though shown in most sharpness ; otherwise he leaves a place for equity to appoint limits, and so his following argu-

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ments will either not prove his own position, or not disprove mine.

" His first argument, all but what hobbles to no purpose, is this ; ' Where the Scripture commands a thing to be done, it appoints when^ how, and for what, as in the case of death, or excommunication. But the Scripture directs not what measure of disagreement or contrariety may divorce : therefore the Scripture allows not any divorce for disagreement/ – Answ. First, I deny your major ; the

Scripture appoints many things, and yet leaves the circumstance to man's discretion^ particularly in your own examples : excommunication is not taught when, and for what to be, but left to the church. How could the licenser let pass this childish ignorance, and call it ' good ?' Next, in matters of death, the laws of England, whereof you have intruded to be an opiniastrous subadvocate, and are bound to defend them, conceive it not enjoined in Scripture, when or for what cause they shall put to death, as in adultery, theft, and the like.

Your minor also is false, for thus Scripture plainly

sets down for what measure of disagreement a man may divorce, Deut. xxiv, 1. Learn better what that phrase means, ' if she find no favour in his eyes.*

" Your second argument, is briefly thus : ' If diversity in religion, which breeds a greater dislike than any natural disagreement, may not cause a divorce, then may not the lesser disagreement : But diversity of religion may not ; Ergo/

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« Answ. First, I deny in the major, that diversity of religion breeds a greater dislike to marriage-duties than natural disagreement. For between Israelite, or christian and infidel, more often hath been seen too much love : but between them who perpetually clash in natural contrarieties, it is re-

pugnant that there should be ever any married love or concord. Next, I deny your minor, that it is commanded not to divorce in diversity of religion, if the infidel will stay : for that place in St. Paul commands nothing, as that book at large affirmed, though you overskipped it.

" Secondly, If it do command, it is but with condition that the infidel be content, and well-pleased to stay, which cuts off the supposal of any great hatred or disquiet between them, seeing the

infidel had liberty to depart at pleasure ; and so

this comparison avails nothing.

*« Your third argument is from Deut. xxii. * If a man hate his wife, and raise an ill report, that he found her no virgin ;' if this were false, * he might not put her away,^ though hated never so much.

*' Ans. This was a malicious hatred, bent against her life, or to send her out of doors without her portion. Such a hater loses by due punishment that privilege, Deut. xxiv, i, to divorce for a natural dislike ; which, though it could not love conjugally, yet sent away civilly, and with just conditions. But doubtless the wife in that former case had liberty to depart from her false accuser

lest his hatred should prove mortal ; else that law, peculiarly made to right the woman, had turned to her greatest mischief.

" Your fourth argument is ; ' One christian ought to bear the infirmities of another, but chiefly of his wife/

" Ans. I grant infirmities, but not outrages, not perpetual defraudments of truest conjugal society, not injuries and vexations as importunate as fire.

Yet to endure very much, might do well on exhor-

tation, but not a compulsive law. For the Spirit of God himself, by Solomon, declares that such a consort " the earth cannot bear, and better dwell in a corner of the house-top, or in the wilderness." Burthens may be borne, but still with consideration to the strength of an honest man complaining. Charity indeed bids us forgive our enemies, yet doth not force us to continue friendship and familiarity with those friends who have been false or unworthy towards us ; but is contented in our peace with them, at a fair distance. Charity commands not the husband to receive again into his bosom the adulterous wife, but thinks it enough, if he dismiss her with a beneficent and peaceful dismissal. No more doth charity command, nor can her rule compel, to retain in nearest union of wedlock one whose other grossest faults, or disabilities to perform what was covenanted, are the just causes of as much grievance and dissention in a family, as the private act of adultery. Let not therefore, under the name of fulfilling charity, such

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an unmerciful and more than legal yoke be pad-locked upon the neck of any christian.

'* Your fifth argument : ' If the husband ought to love his wife, as Christ his church, then ought she not to be put away for contrariety of mind/

" Answ. This similitude turns against him : for if the husband must be as Christ to the wife, then must the wife be as the church to her husband. If there be a perpetual contrariety of mind in the church toward Christ, Christ himself threatens to divorce such a spouse, and hath often done it. If they urge, this was no true church, I urge again that was no true wife.

" His sixth argument is from Matth. v, 32, which he expounds after the old fashion, and never takes notice of what I brought against that exposition . let him therefore seek his answer there. Yet can he not leave this argument, but he must needs first show us a curvet of his madness, holding out an objection, and running himself upon the point.

* For,^ saith he, ' if Christ except no cause but adultery, then all other causes, as frigidity, incestuous marriage, &c. are no cause of divorce ;^ and answers, ' that the speech of Christ holds universally, as he intended it ; namely, to condemn

such divorce as was groundlessly practised among the Jews, for every cause which they thought sufficient ; not checking the law of consanguinities or affinities, or forbidding other cause which makes marriage void, ipso facto.*

" Answ. Look to it n@w, you be not found taking

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fees on both sides ; for if you once bring limitations to the universal words of Christ, another will do as much with as good authority ; and affirm, that neither did he check the law, Deut. xxiv, i, nor forbid the causes that make marriage void actually ; which if any thing in the world doth, unfitness doth, and contrariety of mind ; yea, more than adultery, for that makes not the marriage void, nor much more unfit, but for the time, if the offended party forgive : but unfitness and contrariety frustrates and nullifies for ever, unless it be a rare chance, all the good and peace of wedded conversation ; and leaves nothing between them enjoyable, but a prone and savage necessity, not worth the name of marriage, unaccompanied with love. Thus much his own objection hath done against himself.

" Argument 7th. He insists, ' that man and wife are one flesh, therefore must not separate.^ But must be sent to look again upon the * 36th page of that book, where he might read an answer, which

he stirs not. Yet can he not abstain, but he must do us another pleasure ere he goes ; although I call the common pleas to witness, I have not hired his tongue, whatever men may think by his arguing. For besides adultery, he excepts other causes which dissolve the union of being one flesh, either directly, or by consequence. If only adultery be excepted by our Saviour, and he voluntarily can add other exceptions that dissolve that union, both

* First Edition.

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directly and by consequence ; these words of Christ, the main obstacle of divorce, are open to us by his own invitation, to include whatever causes dissolve that union of flesh, either directly or by consequence. Which, till he name other causes more likely, I affirm to be done soonest by unfitness and contrariety of mind ; for that induces hatred, which is the greatest dissolver both of spiritual and corporal union, turning the mind, and consequently the body, to other objects. Thus our doughty adversary, either directly or by consequence, yields us the question with his own mouth : and the next thing he does, recants it again.

'* His 8th argument shivers in the uttering, and he confesseth to be ' not overconfident of it :' but of the rest it may be sworn he is. St. Paul, 1 Cor.

vii, saith, that the * man-ied have trouble in the flesh,' therefore we must bear it, though never so intolerable.

** I answer, if this be a true consequence, why are not all troubles to be borne alike ? Why are we suffered to divorce adulteries, desertions, or frigidities ? Who knows not that trouble and affliction is liie decree of God upon every state of life ! Follows it therefore, that, though they grow excessive and insupportable, we must not avoid them ? If we may

in all other conditions, and not in marriage, the

doom of our suffering ties us not by the trouble, but by the bond of roarriage : and that must be proved inseparable from other reasons, not from this place. And his own confession declares the weakness of

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this argument, yet his ungoverned arrogance could not be dissuaded from venting it.

" His 9th argument is, * that a husband must love his wife as himself; therefore he may not divorce for any disagreement no more than he may separate his soul from his body/ I answer : if he love his wife as himself, he must love her so far as he may preserve him to her in a cheerful and comfortable manner, and not so as to ruin himself by anguish and sorrow, without any benefit to her. Next, if the husband must love his wife as himself, she must

be understood a wife in some reasonable measure, willing and sufficient to perform the chief duties of her covenant, else by the hold of this argument it would be his great sin to divorce either for adultery or desertion. The rest of this will run circuit with the union of one flesh, which was answered before. And that to divorce a relative and metaphorical union of two bodies into one flesh cannot be likened in all things to the dividing of that natural union of soul and body into one person, is apparent of itself.

" His last argument he fetches ' from the inconvenience that would follow upon this freedom of divorce, to the corrupting of men's minds, and the overturning of all human society.'

" But for me let God and Moses answer this blasphemer, who dares bring in such a foul indictment against the divine law. Why did God permit this to his people the Jews, but that the right and good, which came directly thereby, was more in his esteem

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than the wrong and evil, which came by accident ? And for those weak supposes of infants that would be left in their mothers^ belly (which must needs be good news for chamber-maids), and portions and jointures likely to incur embezzlement hereby, the ancient civil law instructs us plentifully how to

award, which our profound opposite knew not, for it was not in his tenures.

" His arguments are spun ; now follows the chaplain with his antiquities ; wiser if he had refrained, for his very touching ought that is learned soils it^ and lays him still more and more open, a conspicuous gull. There being both fathers and councils more ancient, wherewith to have served his purpose better than with what he cites, how may we do to know the subtle drift, that moved him to begin first

with the " twelfth council of Toledo ? ^' I would

not undervalue the depth of his notion ; but perhaps he had heard that the men of Toledo had store of good blade-mettle, and were excellent at cuttling; who can tell but it might be the reach of his policy, that these able men of decision would do best to have the prime stroke among his testimonies in deciding this cause ? But all this craft avails himself not ; for seeing they allow no cause of divorce but fornication, what do these keen doctors here, but cut him over the sinews with their toledoes, for holding in the precedent page other causes of divorce besides, both directly and by consequence ? As evil doth that Saxon council, next quoted, bestead him. For if it allow divorce precisely for no

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cause but fornication, it thwarts his own exposition r
and if it understand fornication largely, it sides with
whom he would confute. However, the authority
of that synod can be but small, being under Theo-
dorus, the Canterbury bishop, a Grecian monk of
Tarsus, revolted from his own church to the pope.
What have we next ? The civil law stuffed in be-
tween two councils, as if the Code had been some
synod; for that he understood himself in this quo-
tation, is incredible ; where the law. Cod. 1. 3, tit.
38, leg. 11. speaks not of divorce, but against the

dividing of possessions to divers heirs, whereby the

married servants of a great family were divided,
perhaps into distant countries and colonies ; father
horn son, wife from husband, sore against their will.
Somewhat lower he confesseth, that the civil law
allows many reasons of divorce, but the canon law
decrees otherwise ; a fair credit to his cause ! And
I amaze me, though the fancy of this dolt be as ob-
tuse and sad as any mallet, how the licenser could
.sleep out all this, and suffer him to uphold his opi-
nion by canons and Gregorial decretals ; a law
which not only his adversary, but the whole reform-
ation of this church and state hath branded and
rejected. As ignorantly, and too ignorantly to de-
ceive any reader but an unlearned, he talks of Jus-
tin Martyr^s Apology, not teUing us which of the
twain ; for that passage in the beginning of his first,
which I have cited elsewhere, plainly makes against
him ; so doth Tertullian, cited next, and next Eras-
mus, the one against Marcion, the other in his an-

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notations on Matthew, and to the Corinthians. And thus ye have the list of his choice antiquities, as pleasantly chosen as ye would wish from a man of his handy vocation, puffed up with no luck at all above the stint of his capacity.

" Now he comes to the position, which I set down whole ; and, like an able textman, slits it into four,

that he may the better come at it with his barber-

surgery, and his sleeves turned up. Wherein first, he denies ' that any disposition, unfitness, or contrariety of mind, is unchangeable in nature, but that by the help of diet and physic it may be altered.'

** I mean not to dispute philosophy with this pork, who never read any. But I appeal to all experience, though there be many drugs to purge these redundant humours and circulations, that commonly impair health, and are not natural, whether any man can with the safety of his life bring a healthy constitution into physic with this design, to alter his natural temperament and disposition of mind. How much more vain and ridiculous would it be, by altering and rooting up the grounds of nature, which is most likely to produce death or madness, to hope the reducing of a mind to this or that fitness, or two disagreeing minds to a mutual sympathy ? Suppose they might, and that with great danger of their lives and right senses, alter one temperature, how can they know that the succeeding

disposition will not be as far from fitness and agreement ? They would perhaps change melancholy

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into sanguine ; but what if phlegm and choler in a great a measure come instead, the unfitness will be

still as difficult and troublesome ? But lastly, whe-

ther these things be changeable or not, experience teaches us, and our position supposes that they seldom do change in any time commensurable to the necessities of man, or convenient to the ends of marriage : and if the fault be in the one, shall the other live all his days in bondage and misery, for another's perverseness, or immedicable disaffection ?

'* His second reason is as heedless ; ' because that grace may change the disposition, therefore no indisposition may cause divorce/

" Answ. First, it will not be deniable that many persons, gracious both, may yet happen to be very unfitly married, to the great disturbance of either. Secondly ; What if one have grace, the other not, and will not alter ; as the Scriptures testify there be of those, in whom we may expect a change, when ' the blackamoor changes his colour, or the leopard his spots,^ Jer. xiii, 23. Shall the gracious there-

fore dwell in torment all his life, for the ungracious ?
We see that holiest precepts, than which there can
no better physic be administered to the mind of
mauj and set on with powerful preaching, cannot
work this cure, no not in the family, not in the wife
of him that preaches day and night to her. What
an unreasonable thing is it, that men, and clergy-
men especially, should exact such wonderous

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changes in another man's house, and are seen to
work so little in their own ?

" To the second point of the position, that this
xinfitness hinders the main ends and benefits of mar-
riage ; he answers, ^ if I mean the unfitness of cho-
ler, or «ulien disposition, that soft words, according
to Solomon, pacify wrath/

" But I reply, that the saying of Solomon is a pro-
verb, frequently true, not universally, as both the
event shows, and many other sentences written by
the same author, particularly of an evil woman,
Prov. xxi. 9, 19, and in other chapters, that she is
better shunned than dwelt with, and a desert is pre-
ferred before her society. What need the Spirit of
God put this choice into our heads, if soft words
-could always take effect with her ? How frivolous
is not only this disputer, but he that taught him
thus, and let him come abroad ?

" To his second answer I return this, that although ;there be not easily found such an antipathy, as to bate one another like a toad or poison ; yet that there is oft such a dislike in both, or either, to conjugal love, as hinders all the comfort of matrimony, scarce any can be so simple as not to apprehend. And what can be that favour, found or not found, iQ the eyes of the husband, but a natural liking or disliking ; whereof the law of God, Deut. xxiv. bears witness, as of an ordinary accident, and de-

termines wisely and divinely thereafter. And

this disaffection happening to be in the one, not

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without the unspeakable discomfort of the other, must he be left like a thing consecrated to calamity and despair, without redemption ?

** Against the third branch of the position, he denies that '^ solace and peace, which is contrary to discord and variance, is the main end of marriage/* What then ? He will have it " the solace of male and female." Who but one forsaken of ^11 sense and civil nature, and chiefly of Christianity, will deny that peace, contrary to discord, is the calling and the general end of every Christian, and of all his actions, and more especially of marriage, which is the dearest league of love, and the dearest resemblance of that love which in

Christ is dearest to his church ? How then can peace and comfort, as it is contrary to discord, which God hates to dwell with, not be the main end of marriage ? Discord then we ought to fly, and to pursue peace, far above the observance of a civil covenant already broken, and the breaking daily iterated on the other side. And what better testimony than the words of the institution itself, to prove that a conversing solace, and peaceful society, is the prime end of marriage, without which no other help or office can be mutual, be^

seeming the dignity of reasonable creatures, that

such as they should be coupled in the rights of nature by the mere compulsion of lust, without love or peace, worse than wild beasts ?

** Against the last point of the position, to prove

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that contrariety of mind is not a greater cause of divorce than corporal frigidity, he enters into such a tedious and drawling tale ' of burning, and burning, and lust and burning,' that the dull argument itself burns for want of stirring; and yet all this burning is not able to expel the frigidity of his brain. So long therefore as that cause in the position shall be proved a sufficient cause of divorce, rather than spend words with this phlegmy clod of an antagonist, more than of necessity and a little merriment, I will not now

contend whether it be a greater cause than frigidity or no.

" His next attempt is upon the arguments which I brought to prove the position. And for the first, not finding it of that structure as to be scaled with his short ladder, he retreats with a bravado, rthat it deserves no answer- And I as much wonder what the whole book deserved, to be thus troubled and solicited by such a paltry solicitor. I would he had not cast the gracious eye of his

duncery upon the small deserts of a pamphlet,

whose every line meddled with uncases him to scorn and laughter.

" That which he takes for the second argument, if he look better, is no argument, but an induction to those that follow. Then he stumbles that I should say, * the gentlest ends of marriage,* confessing that he understands it not : and I believe him heartily; for how should he, a serving-

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man both by nature and by function, an idiot by breeding, and a solicitor by presumption, ever come to know or feel within himself what the meaning is of ' gentle V He blames it for ' a neat phrase,' for nothing angers him more than his own proper contrary. Yet altogether without art sure he is not ; for who could have devised

to give us more briefly a better description of his own servility ?

" But what will become now of the business I know not; for the man is suddenly taken with a lunacy of law, and speaks revelations out of the attorney's academy only from a lying spirit ; for he says, ^ that where a thing is void ipso facto, there needs no legal proceeding to make it void : ' which is false, for marriage is void by adultery or frigidity, yet not made void without legal pro-

ceeding. Then asks my opinion of John-a-Noaks

and John-a- Stiles : and I answer him, that I, for my part, think John Dory was a better man than both of them ; for certainly they were the greatest wranglers that ever lived, and have filled all our law-books with the obtunding story of their suits and trials.

" Lastly, If I prove that contrary dispositions are joined neither of God nor nature, and so the marriage void, ' he will give me the controversy.' I have proved it in that book to any wise man, and without more ado the institution proves it.

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*' Where I answer an objection usually made, that * the disposition ought to be known before marriage,' and show how difficult it is to choose a fit

consort, and how easy to mistake ; the servitor would know ' what I mean by conversation,' declaring his capacity nothing refined since his law-puddering, but still the same it was in the pantry, and at the dresser. Shall I argue of conversation with this hoyden^ to go and practise at his opportunities in the larder ? To men of quality I have said enough ; and experience confirms by daily example, that wisest, soberest, justest men are sometimes miserably mistaken in their choice. Whom to leave thus without remedy, tossed

and tempested in a most unquiet sea of afflic-

tions and temptations, I say is most unchristianly.

" But he goes on to untruss my arguments, imagining them his master's points.

" Concerning that place, Deut. xxiv, 1, which he saith to be ' the main pillar of my opinion,' though I rely more on the institution than on that : these two pillars I do indeed confess are to me as those two in the porch of the temple, Jachin and Boaz, which names import establishment and strength; nor do I fear who can shake them.

The exposition of Deut. which I brought, is the received exposition, both ancient and modern, by all learned men, unless it be a monkish papist liere and there : and the gloss, which he and bis

obscure assistant would persuade us to, is merely new and absurd, presuming out of his utter ignorance in the Hebrew to interpret those words of the text ; first, in a mistaken sense of uncleanness, against all approved writers. Secondly, in a limited sense, whenas the original speaks without limitation, * some uncleanness, or any : ' and it had been a wise law indeed to mean itself particular, and not to express the case which this acute rabbi hath all this while been hooking for ;

whereby they who are most partial to him may

guess that something is in this doctrine which I allege, that forces the adversary to such a new and strained exposition : wherein he does nothing for above four pages, but founder himself to and fro in his own objections ; one while denying that divorce was permitted, another while affirming that it was permitted for the wife's sake, and after all, distrusts himself. And for his surest retirement, betakes him to those old suppositions, * that Christ abolished the Mosaic law of divorce ; that the Jews had not sufficient knowledge in this point, through the darkness of the dispensation of heavenly things ; that under the plenteous grace of the gospel we are tied by cruellest compulsion to live in marriage till death with the wickedest, the worst, the most persecuting mate.' These ignorant and doting surmises he might have read confuted at large, even in the first edition; but found it safer to pass that part over in silence.

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So that they who see not the sottishness of this his new and tedious exposition, are worthy to love it dearly.

His explanation done, he charges me with a wicked gloss, and almost blasphemy, for saying that Christ in teaching meant not always to be taken word for word ; but like a wise physician,

administering one excess against another, to re-

duce us to a perfect mean. Certainly to teach us were no dishonest method : Christ himself hath often used hyperboles in his teaching ; and gravest authors, both Aristotle in the second of his " Ethics to Nichomachus," and Seneca in his seventh " de Beneficiis," advise us to stretch out the line of precept oftentimes beyond measure, that while we tend further, the mean might be the easier attained. And whoever comments that vth of Matthew, when he comes to the turning of cheek after cheek to blows, and the parting both with cloak and coat, if any please to be the rifler, will be forced to recommend himself to the same exposition, though this chattering lawmonger be bold to call it wicked. Now note another precious piece of him; Christ, saith he, " doth not say that an unchaste look is adultery, but the lusting after her; as if the looking unchastely could be without lusting. This gear is licensed for good reason ; * Imprimatur.'

*' Next he would prove, that the speech of Christ is not uttered in excess against the pharisees, first, * because he speaks it to his disciples,'

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Matth. V. which is false, for he spake it to the multitude, as by the first verse is evident, among which in all likelihood were many pharisees, but

out of doubt all of them pharisean disciples, and

bred up in their doctrine ; from which extremes of error and falsity Christ throughout his whole sermon labours to reclaim the people. Secondly, saith he, ' because Christ forbids not only putting away, but marrying her who is put away/ Acutely, as if the pharisees might not have offended as much in marrying the divorced, as in divorcing the married. The precept may bind all, rightly understood ; and yet the vehement manner of giving it may be occasioned only by the pharisees.

'* Finally, he winds up his text with much doubt and trepidation ; for it may be his trenchers were riot scraped, and that which never yet afforded corn of savour to his noddle, the saltcellar was not rubbed: and therefore in this haste easily granting, that his answers fall foul upon each other, and praying, you would not think he writes as a prophet, but as a man, he runs to the black jack, fills his flaggon, spreads the table, and

serves up dinner.

" After waiting and voiding, he thinks to void my second argument, and the contradictions that will follow both in the law and gospel, if the Mosaic law were abrogated by our Saviour, and a compulsive prohibition fixed instead : and sings his old song, * that the gospel counts unlawful

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that which the law allowed/ instancing in circumcision, sacrifices, washings. But what are these ceremonial things to the changing of a moral point in household duty, equally belonging to Jew and Gentile ? Divorce was then right, now wrong ; then permitted in the rigorous time of law now forbidden by law, even to the most extremely afflicted, in the favourable time of grace and freedom. But this is not for an unbuttoned fellow to discuss in the garret at his trestle, and dimension of candle by the snuff; which brought forth his scullionly paraphrase on St. Paul, whom he brings in discoursing such idle stuff to the maids and widows, as his own servile inurbanity forbears not to put into the apostle's mouth, ' of the soul's conversing :' and this he presumes to do, being a bayard, who never had the soul to know what conversing means, but as his provender and the familiarity of the kitchen schooled his conceptions.

'* He passes to the third argument, like a boar in a vineyard, doing nought else, but still as he goes champing and chewing over, what I could mean by this chimaera of a 'fit conversing soul,' notions and words never made for those chops ; but like a generous wine, only by overworking the settled mud of his fancy, to make him drunk, and disgorge his vileness the more openly. All persons of gentle breeding (I say ' gentle,' though this barrow grunt at the word) I know

will apprehend, and be satisfied in what I spake,

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how unpleasing and discontenting the society of body must needs be between those whose minds cannot be sociable.

*' The fourth argument which I had was, that marriage being a covenant, the very being whereof consists in the performance of unfeigned love and peace ; if that were not tolerably performed, the covenant became broke and revocable. Which how can any, in whose mind the principles of right reason and justice are not cancelled, deny ? For how can a thing subsist, when the true essence thereof is dissolved ? Yet this he denies, and yet in such a manner as alters my assertion; for he puts in, * though the main end be not attained in full measure :' but my position

is, if it be not tolerably attained, as throughout the whole discourse is apparent.

" Concerning the place of Paul, ' that God hath called us to peace,' 1 Cor. vii, and therefore, certainly, if any where in this world, we have a right to claim it reasonably in marriage ; it is plain enough in the sense which I gave, and confessed by. Parseus, and other orthodox divines, to be a good sense, and this answer doth not weaken it. The other place, that ' he who hateth, may put

away,' which, if I show him, he promises to yield

the whole controversy, is, besides Deut. xxiv, 1, Deut. xxi, 14, and before this, Exod. xxi, 8. Of Malachi I have spoken more in another place ; and say again, that the best interpreters, all the ancient, and most of the modern translate it, as I

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cite it, and very few otherwise, whereof perhaps Junius is the chief.

** Another thing troubles him, that marriage is called * the mystery of joy,' Let it still trouble him ; for what hath he to do either with joy or with mystery ? He thinks it frantic divinity to say, it is not the outward continuance of marriage that keeps the covenant of marriage whole ; but whosoever doth most according to peace and love, whether in marriage or divorce, he breaks

marriage least. If I shall spell it to him, he breaks marriage least, is to say, he dishonours not marriage ; for least is taken in the Bible, and other good authors, for, not at all. And a particular marriage a man may break, if for a lawful cause, and yet not break, that is, not violate, or dishonour the ordinance of marriage. Hence those two questions that follow are left ridiculous ; and the maids at Aldgate, whom he flouts, are likely to have more wit than the serving-man at Addle-gate.

" Whereas he taxes me of adding to the scripture in that I said love only is the fulfilling of every commandment, I cited no particular scripture, but spake a general sense, which might be collected from many places. For seeing love includes faith, what is there that can fulfil every commandment but only love ? and I meant, as any intelligent reader might apprehend, every positive and civil commandment, whereof Christ hath taught us that man is the lord. It is not the

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formal duty of worship, or the sitting still, that keeps the holy rest of sabbath ; but whosoever doth most according to charity, whether he works or works not, he breaks the holy rest of sabbath least. So marriage being a civil ordinance, made for man, not man for it ; he who doth that which

most accords with charity, first to himself, next to whom he next owes it, whether in marriage or divorce, he breaks the ordinance of marriage least. And what in religious prudence can be charity to himself, and what to his wife, either in continuing, or in dissolving the marriage-knot, hath been already oft enough discoursed. So that what St. Paul saith of circumcision, the same I stick not to say of a civil ordinance, made to the good and comfort of man, not to his ruin ; marriage is nothing, and divorce is nothing, ' but

faith which worketh by love.' And this I trust

none can mistake.

'* Against the fifth argument, that a christian, in a higher order of priesthood than that levitical, is a person dedicate to joy and peace ; and therefore needs not in subjection to a civil ordinance, made to no other end but for his good (when without his fault he finds it impossible to be decently or tolerably observed) to plunge himself into immeasurable distractions and temptations, above his strength ; against this he proves nothing, but gads into silly conjectures of what abuses would follow, and with as good reason might declaim against the best things that are.

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*' Against the sixth argument, that to force the continuance of marriage between minds found

utterly unfit and disproportional, is against nature, and seems forbid under that allegorical precept of Moses, ' not to sow a field with divers seeds, lest both be defiled ; not to plough with an ox and an ass together,' which I deduced by the pattern of St. Paul's reasoning what was meant by not muzzling the ox ; he rambles over a long narration, to tell us that * by the oxen are meant the preachers :' which is not doubted. Then he demands, ' if this my reasoning be like St. Paul's.* And I answer him, yes. He replies,

that sure St. Paul would be ashamed to reason

thus. And I tell him, no. He grants that place which I alleged, 2 Cor. vi, of unequal yoking, may allude to that of Moses, but says, * I cannot prove it makes to my purpose,' and shows not first how he can disprove it. Weigh, gentlemen, and consider, whether ray affirmations, backed with reason, may hold balance against the bare denials of this ponderous confuter, elected by his ghostly patrons to be my copesmate.

** Against the seventh argument, that if the canon law and divines allow divorce for conspiracy of death, they may as well allow it to avoid the same consequence from the likelihood of natural causes.

" First, he denies that the canon so decrees.

" I answer, that it decrees for danger of life, as much as for adultery, Decret. Gregor. 1. 4, tit. 19,

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and in other places : and the best civilians, who cite the canon laM^, so collect, as Schneidewin in Instit. tit. 10, p. 4, de Divort. And indeed, who would have denied it, but one of a reprobate ignorance in all he meddles with ?

" Secondly, he saith the case alters ; for there the offender, ' who seeks the life, doth implicitly at least act a divorce.'

" And I answer, that here nature, though no offender, doth the same. But if an offender, by acting a divorce,- shall release the offended, this is an ample grant against himself. He saith, nature teaches to save life from one who seeks it. And I say, she teaches no less to save it from any other cause that endangers it. He saith, that here they are both actors. Admit they were, it would not be uncharitable to part them ; yet sometimes they are not both actors, but the one of them most lamentedly passive. So he concludes, we must not take advantage of our own faults and corruptions to release us from our duties. But shall we take no advantage to save ourselves from the faults of another, who hath annulled his right to our duty ? No, says he, ' let them die of the sullens, and try who will pity

them.' Barbarian, the shame of all honest attorneys !

*' Against the eighth argument, that they who are destitute of all marriageable gifts, except a body not plainly unfit, have not the calling to marry, and consequently married and so found, may be

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divorced : this, he saith, is nothing to the purpose, and not fit to be answered. I leave it therefore to the judgment of his masters.

" Against the ninth argument, that marriage is a human society, and so chiefly seated in agreement and unity of mind : if therefore the mind cannot have that due society by marriage, that it may reasonably and humanly desire, it can be no human society, and so not without reason divorcible : here he falsifies, and turns what the position required of a reasonable agreement in the main matters of society into an agreement in all things, which makes the opinion not mine, and so he leaves it.

*' At last, and in good hour, we are come to his farewell, which is to be a concluding taste of his jabberment in law, the flashiest and the fustiest that ever corrupted in such an unswilled hogs-head.

** Against my tenth argument, as he calls it, but as I intended it, my other position, 'That divorce is not a thing determinable by a compulsive law, for that all law is for some good that may be frequently attained without the admixture of a worse inconvenience : but the law forbidding divorce never attains to any good end of such prohibition, but rather multiplies evil; therefore the prohibition of divorce is no good law.' Now for his attorney's prize: but first,

like a right cunning and sturdy logician, he

denies my argument, not mattering whether in

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the major or minor: and saith, ' there are many laws made for /good, and yet that good is not attained, through the defaults of the party, but a greater inconvenience follows.'

" But I reply, that this answer builds upon a shallow foundation, and most unjustly supposes every one in default, who seeks divorce from the most injurious wedlock. The default therefore will be found in the law itself; which is neither able to punish the offender, but the innocent must withal suffer ; nor can right the innocent in what is chiefly sought, the obtainment of love or quietness.

" I have now done that, which for many causes I might have thought could not likely have been my fortune, to be put to this underwork of scouring and un-rubbing the low and sordid ignorance of such a presumptuous lozel. Yet Hercules had the labour once imposed upon him to carry dung out of the Augean stable. At any hand I would be rid of him : for I had rather, since the life of man is likened to a scene, that all my entrances and exits might mix with such persons only, whose worth erects them and their

actions to a grave and tragic dehortment, and

not to have to do with clowns and vices. But if a man cannot peaceably walk into the world, but must be infested ; sometimes at his face with dorrs and horseflies, sometimes beneath with bawling whippets and shin barkers, and these to be set on by plot and consultation with a junto

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of clergymen and licensers, commended also and rejoiced in by those whose partiality cannot yet forego old papistical principles ; have I not cause to be in such a manner defensive, as may procure me freedom to pass more unmolested hereafter by those encumbrances, not so much regarded for themselves, as for those who incite them,? And what defence can properly be used in such a despicable encounter as this, but either the slap or the spurn ? If they can afford me none

but a ridiculous adversary, the blame belongs not to me, though the whole dispute be strewed and scattered with ridiculous. And if he have such an ambition to know no better who are his mates, but among those needy thoughts, which though his two faculties of serving-man and solicitor should compound into one mongrel, would be but thin and meagre, if in this penury of soul he can be possible to have the lustiness to think of fame, let him but send me how he calls himself, and I may chance not fail to indorse him on the

backside of posterity, not a golden, but a brazen

ass. Since my fate extorts from me a talent of sport, which I had thought to hide in a napkin, he shall be my *Batrachomuomachia*, my *Bavius*, my *Calandrino*, the common adagy of ignorance and overweening : nay, perhaps, as the provocation may be, I may be driven to curl up this gliding prose into a rough sotadic, that shall rhyme him into such a condition, as instead of judging good books to be burnt by the execu-

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tioner, he shall be readier to be his own hangman. Thus much to this nuisance.

" But as for the subject itself, which I have writ and now defend, according as the opposition bears ; if any man equal to the matter shall think it appertains him to take in hand this controversy,

either excepting against aught written, or persuaded he can show better how this question, of such moment to be thoroughly known, may receive a true determination, not leaning on the old and rotten suggestions whereon it yet leans ; if his intents be sincere to the public, and shall carry him on without bitterness to the opinion, or to the person dissenting; let him not, I entreat him, guess by the handling, which meritoriously hath been bestowed on this object of contempt and laughter, that I account it any displeasure

done me to be contradicted in print : but as it

leads to the attainment of any thing more true, shall esteem it a benefit ; and shall know how to return his civility and fair argument in such a sort, as he shall confess that to do so is my choice, and to have done thus was my chance.

THE END.