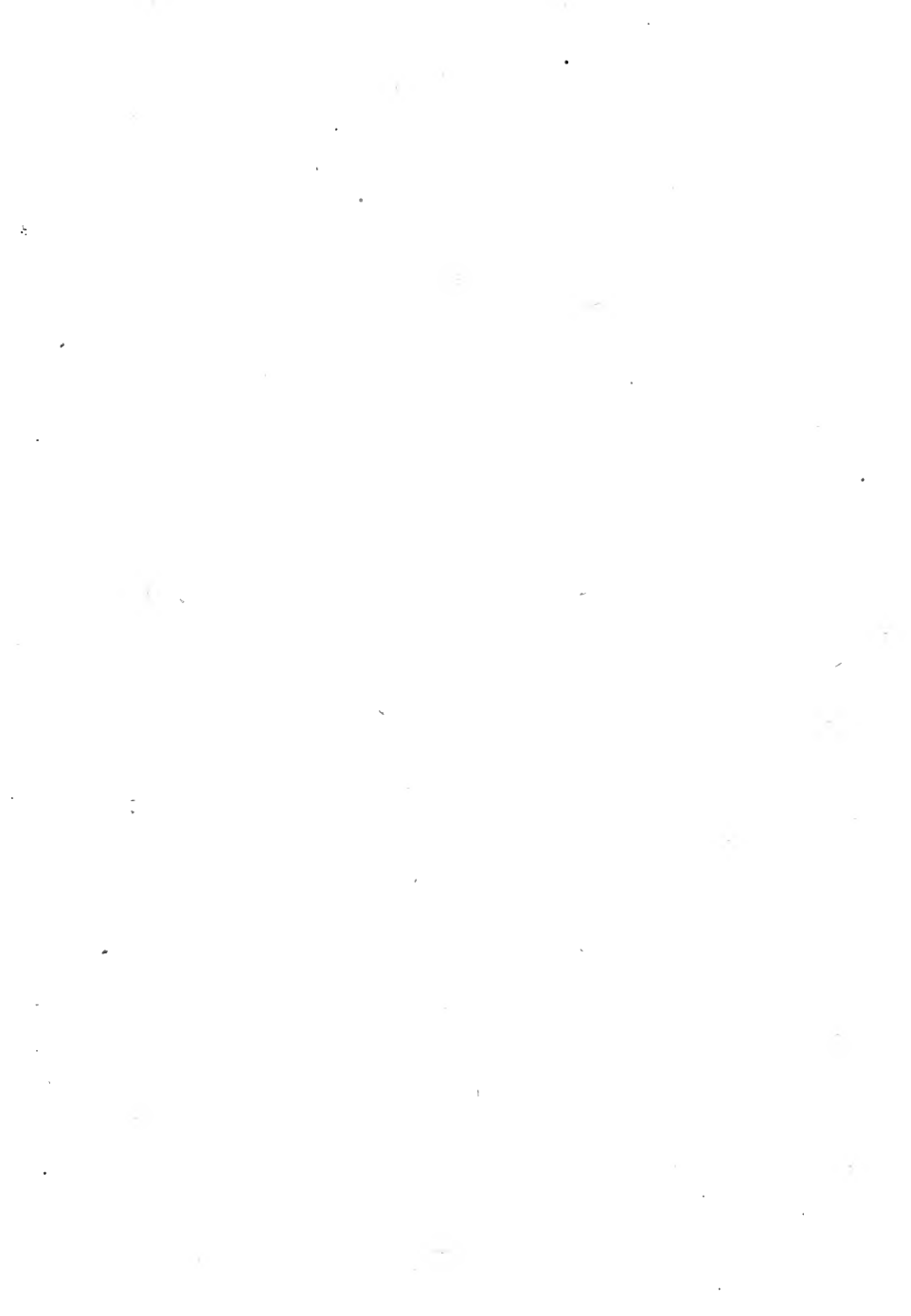


D. 70

The Doctrine and Discipline
of Divorce 16 L 5.



THE
Doctrin and Discipline
OF
D I V O R C E ;

Restor'd to the good of both SEXES,
From the Bondage of CANON LAW, and
other mistakes, to the true meaning of Scripture in
the LAW and GOSPEL compar'd.

Wherein also are set down the bad consequences of a-
bolishing or condemning of Sin, that which the Law
of God allows, and Christ abolisht not.

Now the second time Revis'd, and much Augmented,
In Two BOOKS:

To the Parliament of *England*, with the Assembly.

The Author *J. M.*

Matth. 13. 52.

*Every Scribe instructed to the Kingdom of Heaven, is like the
Master of a House which bringeth out of his Treasury things
new and old.*

Prov. 18. 13.

*He that answereth a matter before he heareth it, it is folly
and shame unto him.*

L O N D O N :

Imprinted In the Year 1645.

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To the PARLIAMENT of ENGLAND,
with the ASSEMBLY.

IF it were seriously askt, and it would be no untimely question, Renowned Parliament, select Assembly, who of all Teachers and Masters that ever have taught, hath drawn the most Disciples after him, both in Religion, and in manners, it might not be untruly answer'd, Custom. Though vertue be commended for the most perswasive 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 receiv'd for the best instructor. Except it be, because her method is so sly and easie, in some manner like to that Vision of Ezekiel, rowling 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 wholesom 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 publick is the common Climer into every Chair, where either Religion is preach't, or Law reported, filling each estate of life and profession 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 meer face, as Eccio is a meer voice, rests not in her unaccomplishment, until by secret inclination she incorporate her self with error, who being a blind and Serpentine body without a head, willingly accepts what he wants, and supplies what her incompleatness went seeking. Hence it is, that Error supports Custom, Custom count'nances Error: And these two between them would persecute and chase away all truth and solid wisdom out of humane 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 incroachments, and to work off the inveterate blots and obscurities wrought upon our minds by the subtle insinuating of Error and Custom; who with the numerous and vulgar train of their followers, make it their chief design to eno; and cry down the industry of free reasoning, under the terms of humor and innovation; as if the Womb of Teeming Truth were to be clos'd up, if she presume to bring forth ought that starts not with their unchew'd notions and suppositions. Against which notorious injury and abuse of mans 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 thrs; 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 discount'nanc'd truth; a high enterprise Lords and Commons, a high enterprise and a hard, and such as every seventh Son of a seventh Son does not venture on. Nor

To the Parliament of England,

have I amidst the clamor of so much envy and impertinence, whether to appeal, but to the concurrence of so much piety and wisdom here assembled. Bringing in my hands an ancient and most necessary, most charitable, and yet most injur'd Statute of Moses: not repeal'd ever by him who had the authority, but thrown aside with much inconsideration. Let, under the rubbish of Canonical ignorance, as once the whole Law was by some such like conveyance in Josiah's time. And he who shall endeavor the amendment of any old neglected grievance in Church or State, or in the daily course of 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 arreede him, not to be the first man of any mis-judg'd 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 honored presently by the reader sort, but not by discreet and well-remember'd men, with a thousand idle fancies and surmises. Who when they cannot consent to the last joint or sentence 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, receiving, so the truth be preach'd, whether of envy or other pretence whatsoever: 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 wash'd and salted the Infant, declar'd her legitimate, and churcht the Father of his young Minerva, from the needless causes of his perdition. Your selves can best witness this, worthy Patriots, and better will, no doubt hereafter: for who among ye of the foremost that have travaill'd in her behalf to the good of Church or State, hath not been often traduc't 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 fruitful 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 drasse of men, to whom no liberty is pleasing, but unbridl'd and vizarded 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 queasie conscience, because ever crasy 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 Melancholly, they would soon tie up their tongues, and discern themselves like a self-blinding blasphemer all this while reproaching not man but the Almighty, the Author of Liberty. Whom they do not deny to have bilawgi'd his own sacred people

With the Assembly.

people with this very allowance, which they now call injury and licence, and do 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 mans disposition though prone to search after vain curiosities, yet when points of difficulty are to be discuss'd, appertaining to the removal of unreasonable wrong and burden from the perplext life of our brother, it is incredible how cold, how dull, and far from all self-flow-feeling we are, without the spur of self-concernment. Yet if the wisdom, the justice, the purity of God be to be clear'd from foulest imputations which are not yet avoid'd, if charity be not to be degrad'd and trodd'n down under a civil Ordinance, if Matrimony be not to be advanc't like that exalted perdition writ'n 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 Parliament, on whom, as on our deliverers, all our grievances and cares, by the merit of your eminence and fortitude are devolv'd. Me it concerns next, having with much labour and faithful diligence first found out, or at least with a fearles and communicative candor first publisht to the manifest good of Christendom, that which calling to witness every thing mortal and immortal, I believe unfainedly to be true. Let not other men think their conscience bound to search continually after truth, so pray for enlightning from above, to publish what they think they have so obtain'd, and debar me from conceiving myself ty'd by the same duties. To have now, doubtles by the favour and appointment of God, ye have now in your hands a great and populous Nation to reform; from what corruption, what blindness in Religion, ye know well; in what a degenerate and fall'n 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 enquiry: in so much that the fears which men have of too strickt 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 indulgences, to give a little the reins, to let them play and nibble wth 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 conniv'd only, but with eye open allow'd 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 Anti-christ, to farm out most by, and those his other tributary plutions. What middle way can be tak'n 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 Law-givers, 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 will restrain the reasonable Soul of man within due bounds, must first himself know perfectly, how far the Territory and Dominion extends of just and honest liberty.

To the Parliament of England,

As little must he offer to bind that which God hath loos'n'd, as to loos'n that which he hath bound. The ignorance and mistake of this high point, hath heapt 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 facil to man, was to set straiter limits to obedience than God hath set, to inflave the dignity of man, to put a garrison upon his neck of empty and over-dignifi'd precepts: And we shall read our Saviour never more griev'd and troubl'd, than to meet with such a pievish madns 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 burd'n in the world is superstition, not only of Cer.monies in the Church, but of imaginary and scarecrow sins at home. What greater weakning, what more subile 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 over-front us und.r the banners of sin, what wonder if we be routed, and by this art of our Adversary, fall into the subj.ction of worst and deadliest offences. The superstition of the Papist is, touch not, tast not, when God bids both: and ours is, part not, separate not, when God and charity both permits and commands. Let all your things be done with charity, saith S. Paul: and his Master saith, She is the fulfilling of the Law. Yet now a civil, an indifferent, a sometime dissuaded Law of marriage, must be forc't upon us to fulfil, not only without charity, but against her. No place in Heav'n 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 pacifie the fierceness of this gentle Ordinance, the unremedied loneliness of this remedy. Advise ye well supreme Senate, if charity be thus excluded and expuls't, how ye will defend the untainted honour of your own actions and proceedings. He who marries, intends as little to conspire his own ruine, 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, Cov'nant, 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 Cov'nant, which he never enter'd to his mischief, redem himself from unsupportable disturbances to honest peace, and just contentment: And much the rather, for that to resist the highest Magistrat though tyrannizing, God never gave us express allowance, only he gave us reason, charity, nature, and good example to bear us out; but in this Economical misfortune thus to demean our selves, besides the warrant of those four great Directors, which death as justly belong hither, we have an express Law of God, and such a Law, as wh.r. of our Saviour with a self. I. man threat forbid the abrogating. For no effect of tyrany

With the Assembly.

ny can more heavy on the Common-wealth, than this household unhappineſs on the family. And farewel all hope of true Reformation in the State, while ſuch an evil as this lies undiſcern'd or unregarded in the houſe. On the redreſs whereof depends not only the ſpiritual and orderly life of our grown men, but the willing and careful education of our children. Let this therefore be now examin'd this tenure and ſiechold of mankind, this native and domeſtick Charter giv'n by a greater Lord than that Saxon King the Confefſor. Let the ſtatutes of God be turn'd over, be ſcann'd anew and conſider'd not altogether by the narrow intellectuals of quorationiſts and common places, but (as was the ancient right of Councils) by men of what liberal profeſſion ſoever, of eminent ſpirit and breeding, joy'n'd with a diſſuſe and various know edge of divine and human things; able to ballance and deſine good and evil, right & wrong, throughout every ſtate of life; able to ſhew us the ways of the Lord ſtraight & faithfull as they are, not full of cranks and contradictions, and pit-falling diſpenſes, but with divine inſight and benignity meaſur'd 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 conducting, all to become uniform in vertue. To expedite theſe knots were worthy a learned and memorable Synod; while our enemies expect to ſee the expectation of the Church tir'd out with dependencies & independencies how they will compound, and in what Calends. Doubt not, worthy Senators, to vindicate the ſacred honour and judgment of Moſes your predeceſſor, from the ſea low commenting of Scholaſticks and Canoniſts. Doubt not after him to reach out to your ſteady hands to the miſ-inferm'd and wearied life of man; to reſtore this his loſt heritage, into the houſhold ſtate; wherewith be ſure that peace and love, the beſt ſuſſiſtence of a Chriſtian family will return home from whence they are now baniſht; places of proſtitution will be leſs haunted, the neighbors bed leſs attempted. the yoke of prudent and manly diſcipline will be generally ſubmitted to, ſober and well-order'd living will ſoon ſpring up in the Commone-wealth. Ye have an author great beyond exception, Moſes; and one yet greater, he who hedg'd in from abolishing every ſnalleſt jot and tittle of precious equity contain'd in that Law, with a more accurate and laſting Maſoroth, than ſither the Synagogue of Ezra, or the Galilean School at Tiberias hath left us. Whatever elſe ye can exact, 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 Iles. It would not be the firſt, or ſecond time, ſince our ancient Druides, by whom this Iland was the Cathedral of Phi'oſophy to France, left off their Pagan Rites, that England hath had this honour vouchſaſt from Heav'n, to give out Reformation to the world Who was it but our Engliſh Conſtantine that baptiz'd the Roman Empire? Who was it but the Northumbrian Willibrode, and Willifride of Devon with their followers, were the firſt Apoſtles of Germany? who but Alcuin and Wicklef our Countrey men open'd 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

To the Parliament of England, &c.

Know, Worthies, know and exercise the privilege of your honour'd 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 stile 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 suffer'd ungodly attribute of patronizing adultery. Deser not to wipe off instantly these imputative blurs and stains cast by rude fancies upon the throne and beauty itself of inviolable holiness: list some other people more devout and wise than we, bereave us this offer'd immortal glory, or wonted prerogative, of being the first assertors in every great vindication. For me as far as my part leads me, I have already my greatest gain assurance and inward satisfaction to have done in this nothing unworthy of an honest life, and studies well employ'd. With what event among the wise and right understanding handfull of men, I am secure. But how among the drove of Custom and Prejudice this will be resist by such whose capacity since their youth run ahead into the easie creek of a System or a Medulla, sail's there at Will under the blown physignomy of their unlabour'd audiments, for them, what their taste Will be, I have a so surety sufficient, from the entire league that hath been ever between formal ignorance and grave obstinacy. You 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 who so prefers either Matromony 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 Pharise, and understands not the Gospel: whom as a misintepreter of Christ I openly protest against; and provoke him to the trial of the truth before all the world: and let him bethink him withal how he will soder up the shifting flaws of his ungirt permissions, his venial and unvenial dispences, wherewith the Law of God pardoning & unpard'ning hath bin shamefully branded, for want of heed in glossing, to have eluded and baff'd out all Faith and Chastity from the Marriage-bed of that holy seed, with politick and judicial adulteries. I seek not to seduce the simple and illiterate, my errand is to find out the choicest and the learnedst, who have this high gift of wisdom to answer solidly, or to be convinc'd. I crave it from the piety, the learning, and the prudence which is hous'd in this place. It might perhaps more fitly have been writt'n in another tongue, and I had done so, but that the esteem I have of my Countries 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 nameless, but that the address of these lines chiefly to the Parliament of England might have seem'd ingratifull 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 vertues,

John Milton.



THE
 DOCTRINE
 AND
 DISCIPLINE
 OF
 DIVORCE;
Restor'd to the good of both SEXES.

I. BOOK.

The Preface.

That Man is the occasion of his own miseries, in most of those evils which he imputes to Gods inflicting. The absurdity of our Casuists 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.



Any men, whether it be their fate, or fond opinion, easily persuade themselves, if God would but be pleas'd 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 woe. that then mans 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 humane things; would soon prove themselves in that opinion for deceiv'd. For though it were granted 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 in hammering out of our own hearts, as it were out of a flint, the seeds and sparkles of new misery to our selves, 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 our selves matter of continual sorrow and perplexity. What greater good to man than that revealed rule, whereby God vouchsafes to shew us how he would be worshipt? 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 jaylor of his innocent and onely daughter. And was the cause oft-times 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 thing 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 chang'd 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 ungovern'd and so wild a race doth superstition run us from one extremum of abused liberty into the other 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 of the evil and 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 mistak'n 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 dayes, yet they shall, so they be but found suitably weapon'd to the least possibility of sensuall enjoyment, be made, spight of *antipathy* to sadge together, and combine as they may to their unspeakable wearisomness and despair of all sociable delight in the ordinance which God establish't 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 *fire 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 meer element of the Text; doubtless by the policy of the devil to make that gracious ordinance become unsupportable, that what with men not flating to venture upon wedlock, and what with men wearied out of it, all inordinate licence 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 deny'd to Priests, and the second time dissuaded to all, as he that reads *Tertullian* or *Ierom* may see at large. Afterwards it was brought 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 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 onely written by *Moses*, but character'd in us by nature, of more antiquity and deeper ground than marriage it self; which Law is to force nothing against the faultless proprieties of nature: yet that this may be colourably done, our Saviours words touching divorce, are as it were congeal'd into a stony rigor, inconsistent both with his Doctrine and his office, and that which he preacht onely to the conscience, is by Canonical tyranny snicht into the compulsive Censure of a Judicial Court, where Laws are impos'd even against the venerable and secet power of natures impression, to love, what ever cause be found to loath. Which is a hainous barbarisme both against the honour of marriage, the dignity of man and his soul, the goodness of Christianity, and all the humane respects of civility. Notwithstanding that some the wisest and gravest among the Christian Emperours, who had about them, to consult with, those of the Fathers then 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 easie and relenting in many necessary cases, 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 contain-

ning many points that have not yet been explain'd. Which ever likely to remain intricate and hopeles upon the suppositions commonly stuck to the authority of *Paulus Fagius*, one so learned and so eminent in *England* once, if it might perswade, would strait 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 view of both 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 allow'd by the Christian Magistrate as a piece of Justice, and that the words of Christ are not hereby contraried. Next, that to prohibit absolutely any Divorce whatsoever, except those which *Moses* excepted, is against the reason of Law, as in due place I shall shew 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-wrong'd and over-sorrow'd state of Matrimony, not only to those merciful and life-giving remedies of *Moses*, but, as much as may be, to that serene and blisful 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 reckon'd among the publick Benefactors of civil and humane life, above the Inventors of Wine and Oyl; for this is a far dearer, far nobler, and more desirable cherishing to mans life, unworthily expos'd to sadness and mistake, which he shall vindicate. Not that licence, and levery, and unconsented breach of faith should herein be countenanc't, but that some conscionable and tender pittie might be had of those who have unwarily in a thing they never practis'd before, made themselves the Bondmen of a luckless and helpless Matrimony. In which Argument, he whose courage can serve him to give the first on-set, must look for two several

ral oppositious; the one from them who have sworn themselves to long Custom, and the letter of the Text, will not out of the road; the other from those whose gross and vulgar apprehensions conceit but low of 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 easie, and his burden light*, were not spoken in vain, for if the knot of marriage may in no case be dissolv'd but for adultery, all the burd'ns and services of the Law are not so intolerable. This only is desir'd 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 possess'd, and had the fate at first to be generally exploded and exclud'd on by many violent opposers; yet I may erre perhaps in soothing my self, that this present truth reviv'd, will deserve on all hands to be not sinisterly receiv'd, in that it undertakes the cure of an inveterate disease crept into the best part of humane society: and to do this with no smarting corrosive, but with a smooth and pleasing lesson, which receiv'd hath the vertue to soften and dispel rooted and knotty sorrows: and without enchantment if that be fear'd, or spell us'd, hath regard at once both to serious pitty, 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 hamper'd themselves to the utter dispatch of all their most beloved comforts and repose for this lives term. But if we shall obstinately dislike this new overture of unexpect'd ease and recovery, what remains but to deplore the frowardness of our hopeles condition, which neither can endure the estate we are in, nor admit of remedy either sharp or sweet. Sharp we our selves distast; and sweet, under whose hands we are, is scrupl'd and suspect'd 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 proclaim'd liberty and relief to all distresses: yet Truth in some Age or other will find her witness, and shall be justifi'd at last by her own children.

CHAP. I.

The position, Prov'd 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, the great and sad oppression which through the strictness of a literal interpreting hath invaded and disturb'd the dearest and most peaceable estate of household society, to the over-burthening, if not the over-whelming of many Christians better worth than to be so deserted of the Churches 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, hindring, 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 I gather from the Law in Deut. 24. 1. *When a man hath tak'n 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 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 observ'd on this Law; *The Law of God, saith he, permitted divorce for the help of humane weakness. For every one that of necessity separates, cannot live single. That Christ deny'd divorce to his own, hinders not; for what is that to the unregenerate, who hath not attain'd such perfection? Let not the remedy be despis'd which was giv'n to weakness. And when Christ saith, who marries the divorc't 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 two-fold 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 onely the allowance of a sin, though never to so good intention, that Law is no Law but sin muff'd in the robe of Law, or Law disguis'd in the loose garment of sin. Both which are

are too foul *Hypotheses* to save the *Phænomenon* of our Saviours answer to the Pharises about this matter. And I trust anon by the help of an infallible guide to perfect such *Prutnick* tables as shall mend the *Astronomy* of our wide expositors.

The cause of divorce mention'd in the Law is translated *some uncleanness* but in the Hebrew it sounds *nakedness of ought or any real nakedness*: which by all the learned interpreters is refer'd to the mind as well as to the body. And what greater nakedness or unfitnes of mind then that which hinders ever the solace and peaceful society of the married couple, and what hinders that more than the unfitnes and defectivness of an unconjugal mind. The cause therefore of divorce exprest in the position cannot but agree with that describ'd in the best and equallest sence of *Moses* Law. Which being a matter of pure charity, is plainly moral, and more now in force then ever: therefore sure'y lawful. For if under the Law such was Gods gracious indulgence, as not to suffer the ordinance of his goodness and favour, through any error to be ser'd and stigmatiz'd upon his servants to their misery and thraldome; 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 ordain'd marriage unseperable. To that a little patience until th's first part have amply discours'd the grave and pious reasons of this divorfive Law; and then I doubt not but with one gentle stroaking to wipe away ten thousand tears out of the life of man. Yet thus much I shall now insist on, that what ever the institution were, it could not be so enormous, nor so rebellious against both nature and reason as to exalt it self 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 cov'nt whatsoever obliges against the main end both of it self
and of the parties cov'ning.*

FOR all sence and equity reclaims that any Law or Cov'nant how solenne or strait soever, either between God and man, or man and man, though of Gods j'nying, should bind against a prime and principal scope of its own institution, and of both or either party,

covenanting: neither can it be of force to ingage a blameless creature to his own perpetual sorrow, mistak'n for his expected solace, without suffering Charity to step in and do a consent good work of parting those whom nothing holds together, but this of Gods joyning, falsely suppos'd against the express end of his own Ordinance. And what this chief end was of creating Woman to be joynd 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 words to plain, less cannot be concluded, nor is by any learned Interpreter, than that in Gods 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 knowledg, as this prevention of loneliness to the mind and spirit of man. To this, *Fagius, Calvin, Pareus, Rivetus,* as willingly and largely assent as can be wish't. 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 sanctifie the league of marriage, when as 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 unaccomplishment of the bodies delight may be better born with, than when the mind hangs off in an unclosing disproportion, though the body be as it ought; for there all corporal delight will soon become unfavoury and contemptible. And the solitariness of man, which God had namely and principally order'd 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 inure 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 which Reprobates feel. Lest therefore so noble a creature as man should be shut up incurably under a worse evil by an easie 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 forbid'n loneliness, which will in time draw on with it a general

neral discomfort and dejection of mind, not becoming either Christian profession or moral conversation, unprofitable and dangerous to the Common wealth, when the household estate, out of which must flourish forth the vigor and spirit of all publick enterprizes, is so ill contented and procur'd at home, and cannot be supported; such a marriage can be no marriage, whereto the most honest end is wanting: and the agrieved 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 neighbours 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 humane strength. Against all which evils the mercy of this Mosaick Law was graciously exhibited.

C H A P. 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 lookt 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 un-conversing 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 on him that has taken it upon trust, without any caution; when as 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 him. Yet wisdom and charity weighing Gods 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 reliev'd. 'Tis read to us in the Liturgy, that *we must not marry to sati sic the fleshy appetite, like brute beasts, that have no understanding*; but the

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the Canon so runs, as if it dreamt of no other matter than such an appetite to be satisfi'd; for if it happen that nature hath stopt or extinguish't the veins of sensuality, that marriage was annull'd. But though all the faculties of the understanding and conversing part after erial appear to be so ill and so averisly met through natures unalterable working, as that neither peace, nor any sociable contentment can follow, 'tis 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 undervalu'd soul of man, and even to Christian Doctrine it self. While it seems more mov'd 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 souls lawful contentment is the one onely fountain.

But some are ready to object, that the disposition ought seriously to be consider'd before. But let them know again, that for all the wariness can be us'd, it may yet befall a discreet man to be mistak'n in his choice, and we have plenty of examples. The soberest and best govern'd men are least practiz'd in these affairs; and who knows not that the bashful muteness of a virgin may oft-times hide all the un-liveliness and natural sloth which is really unfit for conversation; nor is there that freedom of access granted or presum'd, as may suffice to a perfect discerning till too late: and where any disposition 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 chaste, are in some things not so quick-sighted, while they hast so 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 liv'd most loosely by reason of their bold accustomed, prove most successful in their matches, because their wild affections unsetling 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 the veil, may easily chance to meet, if not with a body impenetrable, yet often with a mind to all other due conversation

sation inaccessible, and to all the more estimab'e and superiour purposes of Matrimony useles and almost liveles: and what a solace, what a fit help such a Consort would be through the whole life of a man, is less pain to conj.ecture than to have experience.

CHAP. IV.

The second Reason of this Law, because without it, marriage as 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 joyn'd, 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 fixt 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 *S. Paul* saith, *It is better to marry than to burn*. Marriage therefore was giv'n as a remedy of that trouble; but what might this burning mean? Certainly not the meer motion of carnal lust, not the meer goad of 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 chearful 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 contain'd than that which is fleshly and more to be consider'd; as being more deeply rooted even in the faultless innocence of nature. As for that other burning, which is but as it were the venome of a lusty and overabounding 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 joyning to it self in conjugial 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 to remedy, not to be allay'd with fasting, nor with any penance to be subdu'd; which how can he assuage who by mis-hap hath met the most unmeetest and unfutable mind? Who hath the power to struggle with an intelligible flame, not in Paradise to be resisted, become now more ardent by being fail'd of what in reason it lookt for; and even then most unquench't, when the importunity of a provender burning is well enough appeas'd; 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 compell'd to greater difficulties than in a single life; for if there be not a more humane burning which marriage must satisfie, or else may be dissolv'd, 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 ingenious men will see that the dignity and blessing of marriage is plac't 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 discourse brings in *Socrates* relating what he said to have learnt from the Prophetess *Dictima*, how *Love* was the sonne of *Pennury*, begot of *Plenty* in the Garden of *Jupiter*. Which divinely sorts with that which in effect *Moses* tells us, that *Love* was the son of *Loveliness*, 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 *S. Paul*, whereof marriage ought to be the remedy; the Flesh hath other mutual and easie curbs which are in the power of any temperate

rate man. When therefore this original and sinless *Penury* or *Loneliness* of the soul cannot by it felt down by the side of such a meet and acceptable union as God ordain'd 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 *S. Paul*. Then enter *Hate*, not that Hate that sins, but that which onely 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 dismission 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 below'd, and yet retain'd 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 now move him to divorce, are equal to the best of those that could first warrant him to marry; for, as was plainly shewn, 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.

C H A P. V.

The third reason of this Law, because without it, he who has happn'd 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 fear'd, if he must be still bound without reason by a *sear* rigor, that when he perceives the just expectation of his mind defeated, he will begin even against Law to cast about where he may find his satisfaction more compleat, unless he be a thing heroically *viruous*, 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 unskill'd weakneses, it being above their strength to endure the lonely estate, which while they shun'd, they are *plung'd* into. And yet there follows upon this a worse temptation; for if he be such as hath spent his youth unblamably and laid up his chiefest earthly comforts in the enjoyments of a contented marriage, nor did neglect that *sure* erance which was to be obtain'd therein by constant prayers, when he shall find himself bound fast to

an uncomplying discord of nature, or, as it oft happens, to an image of Earth and Fleam, with whom he lookt to be the Copartner 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 vertue, and mutine against Divine Providence, and this doubtless is the reason of those lapses and that melancholly despair which we see in many wedded persons, though they understand it not, or pretend other causes, because they know no remedy, and is of extreame danger; therefore when humane frailty surcharg'd, is at such a loss, charity ought to venture much, and use bold Physick, lest an over-tost faith indanger to shipwrack.

C H A P. VI.

The fourth Reason of this Law, that God regards love 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 Cov'nant, the very being whereof consists not in a forc't cohabitation, and counterfeit performance of duties, but in unfeigned love and peace: And of Matrimonial love, no doubt but that was chiefly meant, which by the ancient Sages was thus parabl'd; That love, if he be not twin-born, yet hath a brother wondrous like him, call'd *Anteros*; whom while he seeks all about, his chance is to meet with many falls and feigning desires that wander singly up and down in her likeness: By them in their borrow'd 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 Loves proper Sphere, partly out of the simplicity and credulity which is native to him, often deceiv'd, imbraces and consorts him with these obvious and subborned Striplings, as if they were his Mothers own Sons; for so he thinks them, while they subtly keep themselves most on his blind side. But after a while, as his manner is, when soaring up into the high Tower of his *Apogæum*, above the shadow of the Earth, he darts out the direct rays of his then most piercing eye-sight upon the Impostures, and trim disguizes that were us'd with him, and discerns that this is not his genuine brother, as he imagin'd, he has no longer the power to hold fellowship with such a personal Mate. For strait his arrows loose their golden head; and shed their purple feathers, his silk'n Breads untwine, and slip their knots, and that original and fiery vertue giv'n him by fate, all on a sudden goes out, and leaves him undefin'd and despoil'd 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 coequal and *homogeneous* 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 meer amatorious novel (though to be wise and skilful in these matters, men heretofore of greatest name in vertue, have esteem'd it one of the highest Arts that humane contemplation circling upwards, can make from the globy Sea whereon she stands) but this is a deep and serious verity, shewing 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 unpleasing 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 dissimul'd. If *Solomons* advice be not over-frolick, *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 rejoyce or to love, can we obey this precept? how miserably do we defraud our selves of that comfortable portion which God gives us, by striving vainly to glue an error together which God and nature will not joyn, adding but more vexation and violence to that blisful society by our importunate superstition, that will not hearken to *S. Paul*, *1 Cor 7.* who speaking of marriage and divorce, determines plain enough in general, that God therein *hath call'd us to peace, and not to bondage.* Yea God himself commands in his Law more than once, and by his Prophet *Malachy*, as *Calvin* and the best translations read, that *he who hates let him divorce*, that is, he who cannot love. Hence is it 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 tak'n that this wholesome provision for household peace should also be allow'd them, and must this be deni'd to Christians? O perverseness! that the Law should be made more provident of peace-making than the Gospel! 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 forc'd 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,

dent, as not securely to conclude, that he who can receive nothing of the most important helps in marriage, being thereby disinabl'd to return that duty which is his, with a clear and hearty countenance; and thus continues to grieve whom he would not, and is no less griev'd, that man ought even for loves sake and peace to move Divorce upon good and liberal conditions to the divorc't. And it is a less breach of Wedlock to part with wife and quiet consent betimes, then still to soil and profane 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 fulfil ling of ev. ry Commandment.*

CHAP. VII.

The fifth Reason, that nothing more hinders and disturbs the whole life of a Christian, then 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 season'd and set off with cheerfulness; which in a thousand outward and intermitting crosses may yet be done well, as in this vale of tears, but in such a bosome affliction as this, crushing the very foundation of his inmost nature, when he shall be forc't 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 blurr'd 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 mans 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 hinder'd not the Jews from being so; and why should we not think them more holy than the offspring of

of a former ill-twisted Wedlock, begott'n 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 faith and trust in Gods providence, and ends, if there be not a miracle of vertue 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, train'd by a deceitful bait into a snare of misery, betray'd 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 mans iniquity, as the truth is; for that God prefers the free and chearful worship of a Christian, before the grievous and exacted observance of an unhappy marriage, besides that the general maximes 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 disinable 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 willingly allures him from the Faith, the other perhaps unwillingly drives him; for in the account of God it comes all to one, that the Wife looses 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 a Doctrine of Devils, no less than forbidding to marry.

CHAP. VIII.

That an Idolatrous Heretick ought to be divorc't after a convenient space giv'n to hope of conversion. That place of Corinth. 7. restor'd 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 Heretick ought to be divorc't. To the re-

solving 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.* 34. 16. *Deut.* 7. 3. 6. compar'd with *Ezra* 9. 2. also Chap. 10. 10, 11. *Nehem.* 13. 30. This was the ground of that doubt rais'd among the *Corinthians* by some of the Circumcision; 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 *S. Paul* removes by an Evangelical reason, having respect to that Vision of *S. Peter*, wherein the distinction of clean and unclean being abolished, all living Creatures were sanctified to a pure and Christian use, and mankind especially, now invited by a general call to the Covenant of Grace. Therefore saith *S. Paul*, *The unbelieving wife is sanctifi'd 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 prov'd by comparing those places of the Law, to that which *Ezra* and *Nehemiah* did by Divine Warrant in compelling the *Jews* to forgo their Wives. And this reason is moral and perpetual in the rule of Christian Faith without evasion; therefore saith the Apostle, *2 Cor.* 6. *Mis-yoke 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 shun'd; and though seducement were not to be fear'd, 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 *S. Paul*, *What fellowship hath righteousness with unrighteousness? 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 *Isaiab*; *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 Gospelliz'd 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, then such a general command in *Deut.* as this, nay not so direct; for he is bid there not to marry,

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 Gospel 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 a 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 determin'd that Father, and Mother, and Wife also, is not only to be hated, but forsak'n, if we mean to inherit the great reward there promis'd. 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 weak'n our Christian fortitude with worldly persuasions, or but to unsettle our constancy with timorous and softning 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 throughly offended with the prophane speeches of *Zippora*, sent her back to her 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 ev'n in the due progress of reason, and that ever-equal proportion which Justice proceeds by, it cannot be imagin'd that this cited place commands less than a total and final separation from such an Adherent, at least that no force should be us'd to keep them together; while we remember that God commanded *Abram* to send away his irreligious Wife and her Son for the offences which they gave in a pious family. And it may be guest that *David* for the like cause dispos'd of *Michael* in such a sort, as little differ'd 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 perform'd 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 shou'd send forth her expected blossoms be past in vain. It will easily be true, that a Father or Brother may be hated zealously, and lov'd civilly or naturally; for those duties may be perform'd at distance, and do admit of any long absence:

but how the peace and perpetual cohabitation of marriage can be kept, how that benevolent and intimate communion of body can be held with one that must be hated with a most operative hatred, must be forsak'n and yet continually dwelt with and accompanied, he who can distinguish, hath the gift of an affection very odly divided and contriv'd: while others both just and wise, and *Solomon* among the rest, if they may not hate and forsake as *Moses* enjoyns, and the Gospel imports, will find it impossible not to love otherwise then will fort 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 contrary 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 contemne all the divorfive engines in heaven or earth. Both which may now passe away if this be true, for more than many jots or tittles, a whole moral Law is abolisht. But if we dare believe it is not, then in the method of religion, and to save the honour and dignity of our faith, we are to retreat and gather up our selves 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 cov'nant with them*, Deut. 7 2, 3. and that cov'nant which cannot be lawfully made, we have directions and examples lawfully to dissolve. Also Chron. 2. 19. *Shouldst thou love them that hate the Lord?* No doubtless: 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 believer ought to divorce an idolatrous heretick, unless upon better hopes: however that it is in the believers choice to divorce or not.

The former part will be manifest thus; first, an apostate idolater, whether husband or wife seducing, was to die by the decree of God, Deut. 13 6, 9 that marriage therefore God himself disjoyns: for others born idolaters the moral reason of their dangerous keeping, and the incom-

incommunicable antagony that is between Christ and *Belial*, will be sufficient to inforce the commandment of those two inspir'd Reformers, *Ezra* and *Nehemiah*, to put an Idolater away as well under the Gospel.

The latter part, that although there be no seducement fear'd, yet if there be no hope giv'n, the divorce is lawful, will appear by this, that idolatrous marriage is still hateful to God, therefore still it may be divorc't by the patern of that Warrant that *Ezra* had, and by the same everlasting reason: Neither can any man give an account wherefore, if those whom God joyns no man can separate, it should not follow, that whom he joyns not, but hates to joyn, those men ought to separate: But saith the Lawyer, that which ought not 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, 'tis confest by all knowing men, he meant only between them of the same faith. But what shall we say then to *S. 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 shewd 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 believ'd upon his 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 the Lord never spake it, yet from *S. Paul's* mouth we should have took it as a command, had not himself forewarn'd us, and disclaim'd, which notwithstanding, if we shall still avouch to be a command, he palpably denying it, this is not to expound *S. Paul*, but to outface him. Neither doth it follow, but that the Apostle may interpose his judgment in a case of Christian liberty, without the guilt of adding to Gods 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 my judgment*. Why shall not the like words have leave to signifie a freedom in this our present question,

Question, though *Beza* deny. Neither is the Scripture hereby less inspir'd, because *S. Paul* confesses to have writt'n therein what he had 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 *S. Austin* of *Blasphemy*, for holding that *S. 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 us'd in the 12 v. which instructs us plainly, there must be a joynt 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 joyn in consent to dwell with him* (which cannot utter less to us than a mutual agreement) let him not put her away for the meer surmize of Judicial uncleanness: 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 great offence: if therefore seducement be fear'd, this place hinders not divorce. Another caution was put in this supposed command, of not bringing the believer into *bondage* hereby, which doubtless might prove extreme, if Christian liberty and conscience were left to the humor of a Pagan staying 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, then 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 obdur'd Heretick. The counsel we have from *S. Paul* to hope, cannot countermand the moral and Evangelick charge we 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 Wooll-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 Ethiopie, 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 where-*

in he is call'd, therein abide with God, v. 24. that is, so walking in his inferiour 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 remembred, 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 those two Masters?

CHAP. 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 any demand, let him thus 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 in name to be the highest and most excellent, no baptiz'd 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 borish opinion, how common soever; as far from the countenance of Scripture, as from the light of all clean Philosophy, or civil Nature. And out of question the chearful 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 consider'd, then of those three ends which God appointed, that to him is greatest which is most necessary; and marriage is then most brok'n to him, when he utterly wants the fruition of that which he most sought therein, whether it were religious, civil, or corporal society. 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 it self, which the Code and Canon are only sensible of. Thus much of this controversie. I now return to the former argument. And having shewn that disproportion, contrariety, or numbness of mind may justly be divorc't, by proving already, that the prohibition thereof opposes the express end of Gods Institution, suffers not Marriage to satisfie that intellectual and innocent desire which God himself kind'd in man to be the Bond of Wedlock, but only to remedy a sublunary and beastial burning, which frugal Diet, without

without Marriage, would easily chaf't'n. 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 mist; or else it sits repining, even to Atheism, finding it self hardly dealt with, but misdeeming the cause to be in Gods Law, which is in mans unrighteous ignorance. I have shewn 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 respectless of humane Nature, as it is of Religion, and therefore is not of God. He teaches, that an unlawful marriage may be lawfully divorc't: And that those who having throughly discern'd each others disposition, which oft-times 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 Apostles words) *Say I these things as a man, or saith not the Law also the same? for it is writt'n, Deut. 22. Thou shalt not sow the Vineyard with divers seeds, lest thou defile both. Thou shalt not plow with an Oxe and an Ass together and the like.* I follow the pattern of S. Pauls 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 writt'n.* Yea the Apostle himself in the forecited *2 Corinth. 6. 14.* alludes from that place of *Deut.* to forbid misyoking marriage; 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 Nature, than to force a mixture of minds that cannot unite, and to sow the furrow of mans Nativity with seed of two incoherent and uncombining dispositions; which act being kindly and voluntary, as it ought, the Apostle in the Language he wrote call'd *Eunoia*, and the Latines *Benevolence*, intimating the original thereof to be in the understanding, and the will; if not, surely there is nothing which might more properly be call'd a malevolence rather; and is the most injurious and unnatural Tribute that can be extorted from a person indew'd

dew'd 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 recompence; 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 alwayes 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, 13. 16. *A man, saith he, will cleave to his like.* But what might be the cause, whether each ones allotted *Genius* or proper Star, or whether the supernatural influence of Schemes and angular aspects or this elemental *Crafsis* here below, whether all these joyntly or singly meeting friendly, or unfriendly in either party, I dare not, with the men I am like to clash, appear so much a Philosopher as to conjecture. The ancient Proverb in *Homer* less obtruse 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 indeed a two-fold Seminary or stock in nature, from whence are deriv'd the issues of love and hatred, distinctly flowing through the whole mass of created things, and that Gods 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 imbarckt in wedlock the sleeping discords and enmities of nature lull'd on purpose with some false bait, that they may wake to agony and strife, later then prevention could have wish'd, 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 tri'd, and no accomodation 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 linger'd out, or ended with some speeding sorrow. The wise *Ecclesiasticus* advises rather, 37. 27. *My son prove thy soul in thy life, see what is evil for it, and give not that unto it.* Reason be had to say so; for if the noisomness or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuse it self 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 offer'd 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 Allegorick Precepts of Beneficence fetcht out of the Closet of Nature, to teach us goodness and compassion in not compelling together unmatched Societies, or if they meet through mischance, by all consequence to disjoyn them, as God and Nature signifies, and lectures to us not on'y by those recited Decrees, but ev'n 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 renew'd again out of confusion, but by the separating of unmeet Consorts.

CHAP. XI.

The seventh Reason, That sometimes continuance in Marriage may be evidently the shortning or indangering of life to either party, both Law and Divinity concluding, that Life is to be prefer'd before Marriage, the intended solace of Life.

SEVENTHLY, The Canon-Law and Divines consent, that if either party be found contriving against anothers life, they may be sever'd 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 sum'd up all their solace in that free and lightsome conversation which God and man intends in Marriage; whereof when they see themselves depriv'd by meeting an unfociale Consort, they oft-times resent one anothers mistake so deeply, that long it is not e're 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

friends know will be either the undoing or the disheartning of his life. And what is life without the vigour and spiritual exercise of life? how can it be useful either to private or publick 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-driv'n bargain? Nothing more inviolable than vows made to God, yet we read in *Numbers*, that if a Wife had made such a vow, the meer will and authority of her Husband might break it; how much more may he break the error of his own bonds with an unfit and mistak'n Wife, to the saving of his welfare, his life, yea his faith and vertue from the hazard of over-strong temptations; for if men 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 therefore upon unfitness found and consider'd, force ought not to be us'd.

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 meer instrumental body; which to affirm, is to that unanimous Covenant a reproach: yet it is as sure that many such, not of their own desire, but by the perswasion of friends, or not knowing themselves, do often enter into Wedlock; where finding the difference at length between the duties of a married life, and the gifts of a single life, what unfitness of mind, what wearisomness, what 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 custome 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 indued with reason so assassinated, is next in cruelty.

CHAP. XIII:

The ninth Reason, Because marriage is not a meer carnal coition, but a humane Society, Where that cannot reasonably be had, there can be no true matrimony. Marriage compar'd with all other cov'nants and vows warrantably broken for the good of man. Marriage the Papists Sacrament, and unfit marriage the Protestants Idl.

NIntibly, I suppose it will be allow'd us that marriage is a humane Society, and that all humane society must proceed from the mind rather than the body, els it would be but a kind of animal or beastly 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 guilding over of little better then a brutish congress, and so in very wisdom and pureness to be dissolv'd.

But marriage is more then human, *the Covenant of God*, Prov. 2. 17. therefore man cannot dissolve it. I answer, if it be more then human, so much the more it argues the chief society thereof to be in the soul rather then in the body, and the greatest breach thereof to be unfitness of mind rather then defect of body: for the body can have least affinity in a cov'nant more then 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 God hath far more and oftner testify'd his anger, then for divorces, which from *Moses* to *Malachy* he never took displeasure at, nor then neither, if we mark the Text; and yet as oft as the good of man is concern'd, he not only permits, but commands to break the Sabbath. What cov'nant more contracted with God, and less in mans power, than the vow which hath once pass his lips? yet if it be found rash, if offensive, if unfruitful either to Gods glory or the good of man, our doctrine forces not error and unwillingness irksomly to keep it, but counsels wisdom and better thoughts boldly to break it; therefore to enjoyn the indissoluble keeping of a marriage found unfit against the good of man both soul and body, as hath been evidenc't, 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 the first Table, which is a most prodigious Doctrine.

Next, whereas they cite out of the *Proverbs*, that it is the *Cov'nant of God*, and therefore more than human, that consequence is manifestly false:

false : for so the covenant which *Zedechiah* made with the Infidel King of *Babel*, is call'd the *Covenant of God*, *Ezek. 17. 19.* which would be strange to hear counted more than a human covenant. So every covenant between man and man, bound by oath, may be call'd 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 joyned 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 joyn'd them ; who hath reveal'd his gracious will not to set the ordinance above the man for whom it was ordain'd : not to canonize marriage either as a tyranness or a goddess over the enfranchis'd life and soul of man : for wherein can God delight, wherein be worshipt, wherein be glorifi'd by the forcible continuing of an improper and ill-yoking couple ? He that loved not to see the disparity of several cattel at the plow, cannot be pleas'd with any vast unmeetness 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 they say : I grant it : but which of *Jobs* 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 expositions 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 adamantine chains to bind with, as if it were to be worshipt 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 *S. Peter* at the Council of *Jerusalem* will do well to be applied : *Why tempt ye God to put a yoke upon the necks of Christian men, which neither the Jews, Gods ancient people, nor we are able to bear : and nothing but unwary expounding hath brought upon us.*

CHAP. XIV.

Considerations concerning Familisme, Antinomianisme, and why it may be thought that such opinions may proceed from the undue restraint of some just liberty, then which is greater cause to censure discipline.

TO these considerations this also may be added as no improbable conjecture, seeing that sort of men who follow *Anabaptism, Familism, Antinomianism,* and other fanatick dreams (if we understand 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 swinge, 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 giv'n men, and is deni'd them. As by Physick we learn in menstruous bodies, where Natures current hath been stopt, that the suffocation and upward forcing of some lower part, affects the head and inward sense with dotage 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 Clergy Courts, but hating to hear of perfect Reformation; when as they foresee that then fornication shall be austere censur'd, adultery punisht, 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 brok'n, is brought into contempt and derision. And if it be thus, let those who are still bent to hold this obstinate *literalty*, 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 ponder'd, 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 over-tempted and cast away, considering also that many properties of nature, which the power of Regeneration it self never alters, may cause

cause dislike of conversing, even between the most sanctifi'd, which continually grating in harsh tune together, may breed some jar and discord, and that end in rancor and strife, a thing so opposite both to Marriage, and to Christianity, it would perhaps be less scandal to divorce a natural disparity, then 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 crue'ty in forbidding to divorce, as the Church of Antichrist doth wilfully in forbidding to Marry.



THE SECOND BOOK.

CHAP. I.

The Ordinance of Sabbath and Marriage compar'd. Hyperbole no unfrequent figure in the Gospel. Excess cur'd by contrary excess. Christ neither did, nor could abrogate the Law of Divorce, but only relieve the abuse thereof.

Hitherto the Position undertaken hath been declar'd, and proved by a Law of God, that Law proved to be moral, and unabolishable, for many reasons equal, honest, charitable, just, annex 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 explain'd and reconcil'd. For what are all these reasonings worth, will some reply, when as 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*, 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*,

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 who so will now listen, I want neither pall nor mitre, I stay neither for ordination or 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 urg'd against it:

First therefore let us remember as a thing not to be deny'd, that all places of Scripture wherein just reason of doubts arises from the letter, are to be expounded by considering upon what occasion every thing is set down: and by comparing other Texts. The occasion which induc't our Saviour to speak of divorce, was either to convince the extravagance of the Pharises 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 tak'n word for word, but like a wise Physician, administering one excess against another, to reduce us to a permis; where they were too remis, he saw it needful to seem most severe: in one place he censures an unchast look to be adultery already committed: another time he passes over actual adultery with less reproof then for an unchast look; not so heavily condemning secret weakness, as open malice: So here he may be justly thought to have giv'n this rigid sentence against divorce, not to cut off all remedy from a good man who find himself consuming away in a disconsolate and uninjoyn'd matrimony, but to lay a bridle upon the bold abuses of those over-weening *Rabbies*; which he could not more effectually do, then by a counterway of restraint curbing their wild exorbitance almost into the other extrem; as when we bow things the contrary way, to make them come to their natural straitness: And that this was the only intention of Christ is most evident; if we attend but to his own 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 denounce against them that shall so teach.

But S. *Luke* the verse immediately before-going 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 els 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 repeal'd by the Doctrine of Christ, unless we have vow'd not to believe his own cautious and immediate profession; for if these our Saviours 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. 24. 1. not onely repeal'd and wholly annull'd 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 convinc't both of injustice and impurity, as having authoriz'd and maintain'd 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 open adultery by Law. And albeit Lawyers write that some political edicts, though not approv'd, are yet allow'd 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 us'd 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 lawgiver 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 judgements, be found to have allow'd smoothly without any certain reprehension, that which Christ afterward declares to be adultery, how can we free this Law from the horrible inditement of being both impure, unjust, and fallacious.

CHAP. II.

How Divorce was permitted for hardness of heart, 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 is usually explain'd, for the Law were

were then but a corrupt and erroneous School-master, teaching us to dash against a vital Maxime of Religion, by doing foul evil in hope of some uncertain good.

This onely Text not to be matcht again throughout the whole 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 deny'd 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, onely hanging by the twin'd 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 explicitiat, than this authority of *Moses* thus expounded; which opens him a way at will to damme up justice, and not onely to admit of any *Romish* or *Austrian* dispences, but to enact a statute of that which he dares not seem to approve, ev'n to the legitimate vices, to make sin it self, the ever alien and vassal sin, a free Citizen of the Commou-wealth, pretending onely these or these plausible reasons. And well he might, all the while that *Moses* shall be alledged to have done as much without shewing any reason at all. Yet this could not enter into the heart of *David*, *Psal.* 94. 20. how any such authority as endeavours to fashion wickedness by a law, should derive it self from God. And *Isaiah* layes woe upon them that decree unrighteous decrees, 10. 1. Now which of these two is the better Law-giver, and which deserves most a woe, he that gives out an edict singly unjust, or he that confirms to generations a fixt and unmolested impunity of that which is not onely 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 Saviours meaning to that which meerly amounts from so many Letters, when as it can consist neither with his former and cautionary word, nor with other more pure and holy principles, nor finally with the scope of charity, commanding by his express Commission in a higher grain. But all rather of necessity must be understood as onely against the abuse of that wife and ingenu-

ingenuous liberty which *Moses* gave, and to terrifie a roaving conscience from sinning under that pretext.

CHAP. 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 giv'n 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 prov'd. First, that many ill effects, but no good end of such a sufferance can be shewn; next, that a thing unlawful can for no good end whatever be either done or allow'd by a positive law. If there were any good end aim'd at, that end was then good, either to the Law, or to the lawgiver licencing; or as to the person licenc't. That it could not be the end of the Law, whether Moral or Judicial to licence a sin, I prove easily out of *Rom. 5.20. The Law enter'd that the offence might abound*, that is, that sin might be made abundantly manifest to be hainous and displeasing to God, that so his offer'd grace might be the more esteem'd. Now if the Law instead of aggravating and terrifying sin, shall give out licence, it foils it self, and turns recreant from its own end: it forestalls the pure grace of Christ which is through righteousness, with impure indulgences which are through sin. And in stead of discovering sin, for *by the Law is the knowledge thereof*, saith *S. Paul*, and that by certain and true light for men to walk in safely, it holds out false and dazling 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 allow'd them? Again we read, *1 Tim. 1.5. The end of the Commandment is charity out of a pure heart, and of a good conscience, and of faith unfained.* 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 deceiv'd, or else despis'd. The most particular end of the Judicial Law is set forth to us clearly *Rom. 13. that God hath giv'n 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, were 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 it self. The Law, to use an allegory something different from that in *Philo Judæus* concerning *Amaleck*, though haply more significant, the Law is the *Israelite*, and hath this absolute charge given it, Deut. 25. *To blot out the memory of sin the Amalekite from under heav'n, not to forget it.* Again, the Law is the *Israelite*, and hath this express repeated command *to make no covenant with sin the Cananite*, 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 ev'n now, as if sin were condemn'd in a perpetual *villenage* 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 outlaw, and in hostility with Law past all atonement: both *diagonal* contraries, as much allowing one another, as day and night together both 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 lawgiver propose to equity by such a lavish remifness as this: if to remedy hardness of heart, *Paras* and other divines confess, it more increases by this liberty, then is lessn'd: and 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 endammaging only of their estates, was narrowly forbid; this which is thought the extream injury and dishonour of their Wives and Daughters, with the defilement also of themselves, is bounteously allow'd. 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 forewarn'd; this accounted a high offence against one of the greatest moral duties, is calmly permitted and establisht. How can it be evaded but that the heavy censure of Christ should fall worse upon this lawgiver of theirs, than upon all the Scribes and Pharises? For they did but omit Judgment and Mercy to trifle in Mint and Cummin, yet all according to Law; but this their Lawgiver, altogether as punctual in such niceties, goes marching on to adulte-

adulteries, through the violence of divorce by Law against Law. If it were such a cursed act of *Pilat* a subordinate Judge to *Casar*, over-
 swayed by those hard hearts with much ado to suffer one transgres-
 sion 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 of his
 wisdom and infinite pureness, to patch up an ulcerous and rott'n com-
 mon-wealth with strict and stern injunctions, to wash the skin and
 garments for every unclean touch, and such easie permission giv'n to
 pollute the soul with adulteries by publick authority, without dis-
 grace or question? No it had been better that man had never know'd
 Law or Matrimony, then that such foul iniquity should be fastn'd
 upon the Holy One of *Israel*, the Judge of all the earth, and such a
 piece of follow as *Belzebub* would not commit, to divide against him-
 self and pervert his own ends; or if he to compass more certain mis-
 chief, might yield perhaps to saine 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 de-
 structive to the end of Law, and blasphemous to the honour of the
 Lawgiver licencing, so is it as pernicious to the person licen't. If a
 private friend admonish not, the Scripture saith *he hates his brother
 and lets him perish*; but if he sooth him and allow him in his faults, the
 Proverbs teach us *he spreads a net for his neighbours feet, and worketh
 ruin*; If the Magistrate or Prince forget to administer due justice and re-
 strain not sin; *Eli* himself could say *it made the Lords people to trans-
 gress*. But if he count'nance them against law by his own example,
 what havock it makes both in Religion and Vertue among the people,
 may be guest by the anger it brought upon *Hophni* and *Phineas*, not to
 be appeas'd with sacrifice nor offering for ever. If the Law be silent to de-
 clare 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 Gods laws,
 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 it self 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 ra-
 ther of the damned, on whom God threatens in *21 Psalm*, *to rain
 snares*: but that questionless cannot be by any Law, which the Apo-
 stle saith, *is a ministry ordain'd of God for our good*, and not so many

ways and in so high a degree to our destruction, as we have now bin graduating. And this is all the good can come to the person licenc'd in his hardness of heart.

I am next to mention that which because it is a ground in divinity, *Rom. 3.* will save the labour of demonstrating, unless her giv'n Axioms be more doubted than in other Arts (although it be no less firm in the precepts of Philosophy) that a thing unlawful can for no good whatsoever be done; much less allow'd 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 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 favourily perswade 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, it self judging? For though we should grant, that it approves not, yet it wills; and the Lawyers Maxim is that *the will compell'd is yet the will.* And though *Aristotle* in his Ethicks call this *a mixt 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 onely negatively to permit, but in his law to divulge a written and general priviledge 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 lawgiver did, whose lasting infamy is engravn upon him like a surname *he who made Israel to sin.* This is the lowest pitch contrary to God that publick fraud and injustice can descend.

If it be affirm'd that God as being Lord, may do what he will; yet we must know that God hath not two wills, but one will, much less two contrary. If he once will'd adultery should be sinful, and to be punish't by death, all his omnipotence will not allow him to will the allowance that his holiest people might as it were by his

own *Antimonie*, or counter-statute live unprov'd in the same fact as he himself esteem'd it, according to our common explainers. The hidden wayes of his providence we adore and search not; but the law is his revealed will, his compleat, his evident and certain will; herein he appears to us as it were in humane shape, enters into cov'nant with us, swears to keep it, binds himself like a just lawgiver to his own prescriptions, gives himself to be understood by men, judges and is judg'd, measures and is commensurat to the right reason; cannot require less of us in one cantle of his Law than in another, his legal justice 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 vigor of his Law could no more remit, than the hallowed fire upon his altar could be let go out. The Lamps that burat before him might need snuffing, but the light of his Law never. Of this also more beneath, in discussing a Solution of *Rivetus*.

The Jesuits and that Sect among us which is nam'd 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 decree 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 perswaded 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 consummat and most adorned *Pandora* was bestow'd upon *Adam*, to be the nurse and guid of his arbitrary happiness and perseverance, I mean his native innocence and perfection, which might have kept him from being our true *Epimethens*, and though they taught of vertue 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 from the insult of mortal tongues: That mans own will self corrupted is the adequate and sufficient cause of his disobedience besides Fate; as *Homer* also wanted not to express both in his *Iliad* and *Odisei*. And *Manilius* the Poet, although in his fourth book he tells of some created both to sin and punishment; yet without murmuring and with an industrious cheerfulness acquits the Deity. They were not ignorant in their heathen

then lore, that it is most God-like 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 furthest from him; which then he held they did, when he blinded, hardn'd, and stirr'd up his offenders to finish, and pile up their desperate work since they had undertak'n it. To banish for ever unto a local Hell, whether in the Air or in the Center, or in that uttermost and bottomless gulph of *Chaos*, deeper from Holy Bliss than the Worlds Diameter multipl'd; they thought not a punishing so proper and proportionate for God to inflict, as to punish sinne with sinne. Thus were the common sort of Gentiles wont to think, without any wry thoughts cast upon divine governance. And therefore *Cicero* not in his *Tusculan* or *Companian* retirements among the learned wits of that age; but ev'n in the *Senat* to a mixt auditory (though he were sparing 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 the answers of the sooth-sayers against *Clodius*; he declares it publicly as no paradox to common ears, that God cannot punish man more, nor make him more miserable, then still by making him more sinful. Thus we see how in this controversie the justice of God stood upright ev'n among heathen disputers. But if any one be truly, and not pretendedly zealous for Gods honour; here I call him forth before Men and Angels, to use his best and most advised skill, lest God more unavoidably then ever yet, and in the guiltiest manner be made the author of sin: if he shall not onely deliver over and incite his enemies by rebuke to sin as a punishment, but shall by patent under his own broad seal'd allow his friend whom he would sanctifie and save, whom he would unite to himself and not dis-joyn, whom he would correct by wholesome chastning, and not punish as he doth the damned by lewd sinning, if he shall allow these in his Law the perfect rule of his own purest will; and our most edify'd conscience, the perpetrating of an odious and manifold sin without the least contesting. 'Tis wonderd how there can be in God a secret and reveal'd will; and yet what wonder, if there be in man two answerable causes. But here there must be two revealed wills grappling in a fraternal war with one another without any reasonable cause apprehended. This cannot be less then to ingraft sin into the substance of the law; which law is to provoke sin by crossing and forbidding, not by complying with it. Nay thisis, which I tremble in uttering, to incarnate sin into the unpunishing

punishing and well pleas'd 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 then 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 for 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 lawful. The Solution of Rivetus, that God dispens'd 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 onely a dispensation, which is contrary to the words of Christ, who himself calls it a *Law*, *Mark 10. 5.* or if we speak of a command in the strictest definition, then marriage itself is no more a command then divorce, but only a free permission to him who cannot 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 it self 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 imagin'd any good to a sinner whom nothing but rebuke and due correction can save, to hear the determinate oracle of divine Law louder then 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 dispence be given, for if *the Law were ordain'd unto life*, *Rom. 7. 10.* how can the same God publish dispences against that Law, which must needs be unto death? Absurd and monstrous would that dispence be, if any Judge or Law should give it a man to cut his own throat, or to damne himself. Dispence therefore presupposes full pardon, or else it is not a dispence but a most baneful & bloody snare. And why should God enter covenant with a people to be holy, as *the Command is holy, & just, and good*, *Rom. 7. 12.* and yet suffer an impure and treacherous dispence 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 Dispence, 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 dispence, but by some way to us unknown, and so to leave it. But to this I oppose, that a Christian by no means ought rest himself in such an ignorance; whereby so many absurdities will strait 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 familiar as this is whereof we reason, hath plainly enough revealed himself, and requires the observance thereof not otherwise then to the law of nature and of equity imprinted in us seems correspondent. And he hath taught us to love and to extol his laws, not only as they are his, but as they are just and good to every wise and sober understanding. I therefore *Abraham* even to the face of God himself, seemed to doubt of divine justice, if it should swerve from that irradiation wherewith it had enlightned the mind of man, and bound it self 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 it self, against which he cannot do. So *David*, *Pf. 119.* *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 Authors sake, but for its own purity. *He is faithful*, saith *S. 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 uprightnes 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 dispence with golden poetick 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 undispencing covenant as *Moses* made with them, and not to tell us why and wherefore indulgence cannot give quiet to the breast of any intelligent man. We must be resolved how the Law can be pure and perspicuous, and yet throw a polluted skirt over these *Eleusian* mysteries, that no man can utter what they mean: worse in this then the worst obscenities of heathen superstition; for their filthines was hid, but the mystick reason thereof 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 gasty to the fundamentals of our faith.

C H A P. V.

What a Dispensation is.

T Herefore 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 call'd, or improperly. Improperly so call'd is rather a particular and exceptive law absolving and disobliging from a more general command for some just and reasonable cause. As *Num.* 9. they who were unclean, or in a journey, had leave to keep the Passover in the second moneth, but otherwise ever in the first. As for that in *Leviticus* of marrying the brothers wife, it was a penal statute rather than a dispence; and commands nothing injurious or in it self unclean only prefers a special reason of charity before an institutive decency, and perhaps is meant for life time onely, as is exprest 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 Dispence, I have not readily to instance. But a Dispensation most properly is some particular accident rarely hapning, 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 Shewbread, he and his followers, which was ceremonially unlawful. Of such dispences 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 I can learn touching this matter wholsomly decreed. But that God, who is the giver of every good and perfect gift, *Jam. i.* should give out a

rule and directory to sin by, should enact a Dispensation as long liv'd as a Law whereby to live in privileg'd adultery for hardnes of heart, and this obdurate disease cannot be conceived how it was the more 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 Dispence as that was which the Serpent gave to our first parents. God 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, although it go for the receiv'd opinion, I shall never dissuade my soul from such a creed, such an indulgence as the shop of Antichrist never forg'd a baser.

C H A P. VI.

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

BUT if we must needs dispence, let us for awhile so far dispence with truth, as to grant that sin may be dispenc'd; yet there will be copious reason found to prove that the Jew had no more right to such a suppos'd indulgence then the Christian, whether we look at the clear knowledge wherein he liv'd, or the strict performance of works whereto he was bound. Besides visions and prophecies they had the Law of God, which in the *Psalms* and *Proverbs* is chiefly prais'd for sureness and certainty, both easie and perfect to the enlightning of the simple. How could it be so obscure then, or they so sottily blind in this plain, moral, 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 Pharisaiick mists rais'd between the law and the peoples eyes: the only sentence which he adds, *What God hath joyn'd let no man put asunder*, is as obscure as any clause fetch'd out of *Genesis*, and hath increas'd a yet undecided controversie 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 oftner 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 dispenc'd with for lack of moral knowledge as we.

Next, none I think will deny, but that they were as much bound to per-

perform the Law as any Christian. That severe and rigorous knife not sparing the the tender foreskin of any male infant, to carve into his flesh the mark of that strict and pure covenant whereinto he entred, might give us to understand enough against the fancy of dispensing. *S Paul* testifies, that every *circumcis'd man is a debtor to the whole Law, Gal. 5.* or else *circumcision is in vain, Ro. 2. 25.* How vain then and how preposterous must it needs be to exact a circumcision of the flesh from an infant unto an outward sign of purity, and to dispence an un-circumcision 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 or 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 tenor of the Law, to be circumcis'd and to perform all, not pardoning 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 dispenc'd with more then the Christian, perhaps not so much.

C H A P. VII.

That the Gospel is apter to dispence then the Law. Paræus answered.

IF then the Law will afford no reason why the Jew should be more gently dealt with then the Christian, then surely the Gospel can afford as little why the Christian should be less gently dealt with then the Jew. The Gospel indeed exhorts to highest perfection, but bears with weakest infirmity more then 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 forefathers could not bear.* The nature of man still is as weak, and yet as hard, and that weakness and hardness as unfit and as unteachable to be harshly used as ever. I but, saith *Paræus,* there is a greater portion of spirit poured upon the Gospel, which requires from us perfecter obedience. I answer, This does not prove that the Law there ore might give allowance to sin more then the Gospel; and if it were no sin, we know it the work of the Spirit to *mortifie our corrupt desires and evil concupiscence;* but
not

not to root up our natural affections and disaffections moving to and fro even in wisest men upon just and necessary reason, which were the true ground of that *Mosaick* Dispence, 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 it, even yet under the Gospel, but cannot be more extreme to us now then 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 Dispences, which the Gospel is now made to deny, must have anticipated and exceeded the grace of the Gospel, or else must be found to have given politick and superficial graces without real pardon, saying in general, Do this and live. and yet deceiving and damning under hand with unsound and hollow permissions, which is utterly abhorring from the end of all Law, as hath been shewed. But if those indulgences 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 rigor to magnifie grace, shall it self give grace, and pluck a fair plume from the Gospel, instead of hastning us thither, alluring us from it. And whereas the terror of the Law was as a servant to amplify and illustrate the mildness of grace: now the unmildness of Evangelick grace shall turn servant to declare the grace and mildness of the rigorous Law. The Law was harsh to extoll the grace of the Gospel, and now the Gospel by a new affected strictness of her own shall extenuate the grace which her self offers. For by exacting a duty which the Law dispens'd, if we perform it then is grace diminish'd, 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 then those of rigor. If through Faith and Repentance we perish not, yet grace still remains the less, by requiring that which rigor did not require, or at least not so strictly. Thus much therefore to *Parsons*, that if the Gospel require perfecter obedience then the Law as a duty, it exalts the Law and debases it self, 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

the causes remain the allowance ought. And having thus at length inquired the truth concerning Law and Dispence, 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 the giving of any Law or Lawlike Dispence to sin for hardness of heart, is a doctrine of that extravagance from the sage principles of piety, that who so considers thoroughly, cannot but admire how this hath been digested all this while.

C H A P. VIII.

The true sense how Moses suffered Divorce for hardness of heart.

WHat may we do then to save this seeming inconsistency? I must not dissemble that I am confident it can be done no other way then this :

Moses, Deut. 24. 1. establisht 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 civilest nations, That when a man hath married a wife, if it come to pass he cannot love her by reason of some displeasing natural quality or unfitness in her, let him write her a bill of divorce. The intent of which law undoubtedly was this, that if any good and 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 offence and disturbance to his spirit, rather then to live uncomfortably and unhappily both to himself and to his wife, rather then 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. 30. 2 1, 2 3.* testifies to be a good and a necessary Law, by granting it that *A hated woman* (for so the *Hebrew* word signifies, rather then *odious*, though it come all to one) 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 remedy 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, God 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 then good men should lose their just and

and lawful privilege of remedy: Christ therefore having to answer these tempting Pharises, 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 forc'd to suffer by their abuse of his Law. Which is yet more plain if we mark that our Saviour in *Math. 5.* cites not the Law of *Moses*, but the Pharisaical tradition falsely grounded upon that law. And in those other places, *Chap. 19.* and *Mark, 10.* the Pharises cite the Law, but conceal the wise and human reason there express'd; which our Saviour corrects not in them, whose pride deserv'd not his instruction, only returns them what is proper to them; *Moses for the hardness of your heart suffer'd 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 cover'd ill purposes under that Law: and it was reasonable that they should hear their own unbounded licence rebuk'd, but not reasonable for them to hear a good mans requisite liberty explain'd. But us he hath taught better, if we have ears to hear. He himself acknowledg'd it to be a Law, *Mark 10.* and being a law of God, it must have an undoubted end of charity, which may be us'd with a pure heart, a good conscience, and faith unfeign'd, as was heard: it cannot allow sin, but is purposely to resist sin, as by the same chap. 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 allow'd, and there might be an unlawful use made thereof by hypocrites; and that was it which *Moses* unwillingly suffer'd 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 many other rules: and the scornful Pharises were not fit to be told, until they could imploy that knowledge they and less abusively. Only he acquaints them with what *Moses* by them was put to suffer.

CHAP. IX.

The words of the Institution how to be understood; and of our Saviours 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 institu-

institution which God ordain'd 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 Chap. he stands not to contend with the arrogant young man, who boasted his observance of the whole Law, whether indeed he had kept it or not, but shoves him up higher to a task of that perfection, which no man is bound to imitate. And in like manner that patern of the first institution he set before the opinionative 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 then 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 be first consider'd, 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 it self; 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 sorry and ignoble society of li e, whose inseperable injunctiõ depends meerly upon flesh and bones. 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 mans 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 vers. 20. when all other creatures were fitly associated and brought to *Adam*, as if the divine power had bin in some care and deep thought, because *there was not yet found a help meet for man*. And can we so slightly depress the all wise purpose of a deliberating God, as if his consultation had produc'd no other good for man but to joyn 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 fastned upon him individually. And therefore even plain sense and equity, and which is above them both, the all interpreting voice of Charity her self cries loud that this primitive reason, this consulted promise of God to *make 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 ask'd in good earnest, this clause being *a meet help* would shew it self

to 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 those *Mosaic* Divorces had been against nature, if separable and inseparable be contraries, as who doubts they be? and what is against nature is against law, if soundest Philosophy 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 in 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 Lawgiver, to write two several Decrees upon the same thing. But what would *Plato* have deemed if the one of these were good, the other evil to be done? Lastly, suppose it 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 shewn, 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* Chair could not gainsay: as if this single respect of male and female were sufficient against a thousand inconveniences and mischiefs, to clog a rational creature to his endless sorrow unrelinquishably, under the guileful superscription of his intended solace and comfort. What if they had thus answer'd? 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 his Laws of Divorce, that is, with due and wise regard had to the premises and reasons of the first command, according

ing 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 rigor of Christs answer, could yet obtain no mitigation of the former sentence pronounc'd 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, wherezo they had so long not unwillingly been us'd: it was no time then to contend with their slow and prejudicial 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 finish'd this argument, they might have pick'd out of his own concluding words an answer more to their minds, and in effect the same with that which hath been all this while intreating audience: *All men, said 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 mans 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 turn'd 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 betten to bear our other crosses and afflictions? Questionless this were a hardheartedness of undivorcing, worse then 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 rashness 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 per-

form 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 of their sufferance. Whom neither one vice or other by natural addition, but only marriage ruins, which doubtless is not the fault of that Ordinance, for God gave it as a blessing, not always of mans mischusing; 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 joynd. 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 fear'd not to be call'd 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.

C H A P. X.

The vain shift of those who make the Law of Divorce to be onely 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* 10. 5. and all other Translations of gravest Authority, who render it in form of a Law; agreeable to *Mal.* 2. 16. as it is most ancient and modernly expounded. Besides, the bill of divorce, and the particular occasion therein mention'd, declares it to be orderly and legal. And what avails this to make the matter more righteous, if such an adulterous condition shall be mention'd to build a Law upon without either punishment or so much as forbidding: they pretend it is implicitly reprovd in these words, *Deut.* 24. 4. *after she is defil'd*; but who sees not that this defilement is onely in respect of returning to her former Husband after an intermixt 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 onely whipp'd with an implicate and oblique touch, (which yet is falsely suppos'd) and that his peculiar people

people should be let wallow in adulterous Marriages almost two thousand years for want of a direct Law to prohibit them : 'tis 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 greatest cause is given to us to expect it should be directly forbidden.

CHAP. XI.

The other shift of saying Divorce was permitted by Law, but not approv'd. More of the Institution.

BUT it was not approv'd. So much the worse that it was allow'd, as if sin had overmaster'd the word of God, to conform her stedy and strait rule to sins crookedness, which is impossible. Besides, what needed a positive grant of that which was not approv'd? it restrain'd no liberty to him that could but use a little fraud, it had been better silenc'd, unless it were approv'd in some case or other. But still it was not approv'd. 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 *Midea* did not approve her own evil doings, yet look'd not to be excus'd for that: and it is the constant Opinion of *Plato's Protagoras*, and other of his Dialogues agreeing with that Proverbial Sentence among the *Greeks*, that *No man is wicked willingly*. Which also the *Peripateticks* do rather distinguish then 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 and Shepherd of his people, to surrender up his approbation against Law and his own Judgment to the obstinacy of his heart, what more un-Judge-like, more un-Magistrate-like, and in War more un-Commander-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 approv'd, to what the boisterous Tribunes and Souldiers bawl'd for. Twice it was the saving of two the greatest Commonwealths in the world, of *Athens* by *Themistocles* at the Sea fight of *Salamis*; of *Rome* by *Fabius Maximus* in the *Punick 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 approve in their duty of their great command. Thus far of civil prudence. But when we speak of sin, let us look again upon the old reverend *Eli*; who in his heavy punishment found no 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 *Pilat* branded through all memory? He approv'd not what he did; he openly protested, he wash'd his hands and laboured not a little, ere he would yield to the hard hearts of a whole people, both Princes and Plebeans importuning and tumulting even to the fear of a revolt. Yet is there any will undertake his cause? If therefore *Pilat* for suffering but one act of cruelty against law, though with much unwillingness testify'd, 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 suffer'd not one act onely both of cruelty and uncleanness in one divorce, 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 gratifie a stubborn people in the practice 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 individual 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 resemblance of a precept, set there so out of place in another world at such a distance from the whole Law, and not once mention'd there, should be an obliging command to us, is very disputable, and perhaps it might be deny'd to be a command without further dispute: however, it commands not absolutely, as hath bin clear'd, but onely 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 behoove our soberness to follow rather what moral *Sinai* prescribes equal to our strength, then fondly to think within our strength all that lost Paradise relates.

C H A P. XII.

The third shift of them who esteem it a meer Judicial Law.

Prov'd 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. Nay rather not abrogated because Judicial; which Law the Ministry of Christ came not to deal with. And who put it in mans 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 premis'd expressly not to abrogate, but to vindicate from abusive traditions: which is most evidently to be seen in the 16 of *Luke*, where this caution of not abrogating is inserted immediately, and not otherwise then purposely, when no other point of Law is touch'd but that of Divorce. And if we mark the 31 verse of *Mat. 5.* he there cites not the Law of *Moses*, but the licentious Gloss which traduc'd the Law; that therefore which he cited, that he abrogated, and not only abrogated but disallow'd and flatly condemn'd, 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 Gods allowance, had been to tell us onely 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 onely 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 Ict's Judicial then nine of the ten Commandments: for Antiquaries affirm, that Divorces proceeded among the Jews without knowledge of the Magistrate, onely with Hands and Seals under the testimony of some Rabbi's 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 wife Nations have enacted the like Decree: Or if it maintain the good of Family, Church, or Commonwealth. This therefore is a pure moral *aeconomical* Law, too hastily imputed of tolerating sin; being rather so clear in nature and reason, that it was left to a mans own arbitrement to be determined between God and his own conscience; not only among the Jews, but in every wise Nation: the restraint whereof, who 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 restituted onely to a right and wary use at home; that power the undiscerning

fcerning Canonist hath improperly usurpt into his Court leet, and be-
scribbl'd with a thousand trifling impertinencies, which yet have fill'd
the life 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 vertue or vice. And our Saviour disputes not
here the judicature, for that was not his office, but the mortality 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 ab-
surd 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 disallow'd to us.

C H A P. 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.*

○ There are so ridiculous as to allege that this license of divorcing
was given them because they were so accustom'd in *Egypt*.
As if an ill custom were to be kept to all posterity; for the Dispen-
sation is both universal and of time unlimited, and so indeed no Dis-
pensation at all; for the over dated Dispensation of a thing unlaw-
ful serves for nothing but to increase hardness of heart, & 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 Opini-
ons it would be more Religion to advise well, lest we make our
selves juster then God, by censuring rashly that for sin which his un-
spotted Law without rebukes allows, and his people without being
conscious of displeasing him have us'd. And if we can think so of *Mo-
ses*, as that the *Jewish* obstinacy could compel him to write such im-
pure permissions against the Word of God and his own judgment,
doubtless it was his part to have protested publickly what straits he
was driven to, and to have declar'd 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 intermix'd with corrupt Indulgences; for
then it loses the greatest praise it has of being certain and infalli-
ble, not leading into error, as the *Jews* were led by this Connivence
of *Moses*, if it were a Connivence. But still they fly back 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 discover'd to have never joyn'd 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 *Malachy*, 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 deprav'd 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 Saviours 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 strength slip into temptations irrecoverably. For this is wonderful, that in all those Decrees concerning 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 unreprieved.

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 published 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 esteem'd to be so much against charity. But this it is to embroyl our selves 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 her self, as to require an unexempted and impartial obedience to all her Decrees, either from us or from our Mediator, and yet debate her self to falter so many ages with circumcis'd Adulteries by unclean and flubbering permissions.

C H A P. XIV.

That Beza's Opinion of regulating sin by Apostolick Law cannot be sound.

YET *Beza's* Opinion is, that a politick Law (but what politick Law I know not, unless one of *Machiavel's*) may regulate sin; may hear 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 streighten sin into no sin, or sin must crook the Law into no Law. The Judicial Law can serve to no other end then to be the Protector and Champion of Religion and honest Civility, as is set down plainly *Rom. 13.* and is but the arm of Moral Law, which can no more be separate from justice then justice from vertue. 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 politick Dispensations of lewd uncleanness, the first good consequence of such a relax will be the justifying of Papal Stews, joynd with a toleration of epidemick whoredom. Justice must revolt from the end of her authority, and become the patron of that whereof she was created the punisher. The example of *Ufury*, which is commonly alleged, makes against the allegation which it brings, as I touch'd before. Besides that *Ufury*, 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 discuss'd 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 *Physick* will be found as true in *Policy*, that as of bad Pulses those that beat most in order are much worse then those that keep the most inordinate circuit, so of popular vices those that may be committed legally, will be more pernicious then those that are left to their own course at peril, not under a stinted privilege to sin orderly and regularly, which is an implicate 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
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any pleasurable 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 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 onely, under the protection of publick authority. For what less indignity were this, then as if Justice her self the Queen of Vertues (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 gratifie 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 conspir'd 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 haled to a more cruel forfeit for all the indulgent arrears which those Judicial Acquittments had engaged him in. No no, this cannot be that the Law, whose integrity and faithfulness is next to God, should be either the shameless broker of our impunities, or the intended instrument of our destruction. The method of holy correction, such as became the Commonwealth of *Israel*, is not to bribe sin with sin, to capitulate and hire out one crime with another: but with more noble and graceful severity then *Popilius* the *Roman* Legat used with *Antiochus*, to limit and level out the direct way from vice to vertue, 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 outlive the faith of those that seek to bear it down.

C H A P. XV.

That Divorce was not given for Wives onely, as Beza and Paræus 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 onely a Dispensation, but a most merciful Law, and why it should not yet be in force, being wholly 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 conjectur'd, and is manifestly the extreme shift of a huddled exposition. Whenas it could not be found how hardness of heart should be lessen'd by liberty of Divorce, a fancy was devis'd to hide the flaw by commenting that Divorce was permitted onely 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 injur'd as insufferably in marriage as a Wife? What an injury is it after wedlock not to be belov'd, what to be slighted, what to be contented 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 S. 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 the house top, or in the wilderness, then with such a one. Whoso hideth her hideth the wind, and one of the four mischiefs that the earth cannot bear.* If the Spirit of God wrote such aggravations as these, and (as may be gueſt by these similitudes) counsels the man rather to divorce than to live with such a colleague; and yet on the other side expresse nothing of the wives suffering with a bad husband. Is it not most likely that God in his Law had more pity towards man thus wedlock'd, then 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 meer denial to come at her husbands sending lost her the being Queen any longer, and set up a wholesom 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

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to have asserted thus an injur'd 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 circumscriptly, without regard to any precedent law of *Moses* or attestation of Christ himself, or without care to preserve those his fundamental and superiour 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 recompenc'd the diligence was us'd by enlightning us further to find out wherefore Christ took off the Pharisees from alleging the Law, and referr'd them to the first Institution, not condemning, altering, or abolishing this precept of Divorce, which is plainly moral, for that were against his truth, his promise, and his prophetick office; but knowing how fallaciously they had cited and conceal'd the particular and natural reason of the Law, that they might justify any froward reason of their own, he lets go that Sophistry unconvinc'd, or 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 requir'd not; not thereby to oblige our performance to that whereto the Law never enjoin'd 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 promis'd it should be, at least in some degree; otherwise it is not equal or proportionable to the strength of man, that he should be reduc'd into such indissoluble bonds to his assured misery, if all the other conditions of that covenant he manifestly alter'd.

C H A P. XVI.

How to be understood that they must be one flesh: and how that those whom God hath joyn'd 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

mate and good the 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 where no Correspondent is of the mind ; nay, instead of being one flesh, they will be rather two carcases chain'd unnaturally together ; or, as it may happen, a living soul bound to a dead corps, a punishment too like that inflicted by the Tyrant *Mezentius*, so little worthy to be received as that remedy of loneliness which God meant us. Since we know it is not the joyning 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 a nature can in some nature fix a unity of Disposition. The meaning thereof 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 excus'd 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. For in the meaning of these words must be thus block'd up within their own letters from all equity and fair deduction, they will serve then well indeed their turn, who affirm Divorce to have been granted onely for wives ; whenas we see no word of this Text binds Women, but Men onely, what it binds. No marvel then if *Salomith* (Sister to *Herod*) sent a Writ of Ease to *Cusfobarus* her Husband, which (as *Josephus* there attests) was lawful only to Men. No marvel though *Placidia* the Sister of *Honorius* threatned the like to Earl *Constantius* for a trivial cause, as *Photius* relates from *Olympiodorus*. No marvel any thing if Letters must be turn'd into Palifadoes, to stake out all requisite sense from entring to their due enlargement.

Lastly, Christ himself tells who should not be put asunder, namely, those whom God hath joyn'd. A plain solution of this great controversy, if men would but use their eyes ; for when is it that God may be said to joyn, when the parties and their friends consent ? No surely, for that may concur to lewdest ends. Or is it when Churches Rites

are finish'd? Neither; for the efficacy of those depends upon the presupposed fitness of either party. Perhaps after carnal knowledge? Least of all; for that may joyn persons whom neither Law nor Nature dares joyn: 'tis left, that only then when the minds are fitly disposed and enabled to maintain a chearful conversation, to the solace and love of each other, according as God intended and promised in the very first foundation of Matrimony, *I will make him a help meet for him*; for surely what God intended and promised, that onely can be thought to be his joyning, and not the contrary. So likewise the Apostle witnesseth *1 Cor. 7. 15.* that in Marriage *God hath called us to peace.* And doubtless in what respect he hath call'd us to Marriage, in that also he hath joyn'd 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 joyn'd, but God never joyn'd against the meaning of his own Ordinance. And if he joyn'd them not, then is there no power above their own consent to hinder them from unjoyning, when they cannot reap the sobrest ends of being together in any tolerable sort. Neither can it be said properly that such twain were ever divorc'd, but only parted from each other, as two persons unconjunctive and unmarriable together. But if, whom God hath made a fit help, forwardness 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 a hateful hardhearted and destructive continuance of Marriage in the judgment of *Moses* and of *Christ*, that justifies him in chusing 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?

C H A P. 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 found him such an answer as they deserv'd, it will not be uneasy to explain the Sentence it self now that 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 observ'd by *Grotius* upon

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 nam'd Adultery rather as one example of other like cases, then as one onely exception. And that it is frequent not onely in human but in divine Laws, to expresse one kind of fact, whereby other causes of like nature may have the like plea, as *Exod.* 21. 18, 19, 20, 26. *Dent.* 19. 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 ordain'd only for copulation, but for mutual help and comfort of life: and if we mark diligently the nature of our Saviours commands, we shall find that both their beginning and their end consists in charity; whose will is that we should be so good to others, as that we be not cruel to our selves. And hence it appears why *Mark* and *Luke*, and *S. Paul* to the *Corinthians*, mentioning this precept of Christ adde no exception: because exceptions that arise from natural equity are included silently under general terms: it would be consider'd therefore whether the same equity may not have place in other cases less frequent. Thus far he. From hence is what I adde: 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 are had it been the law of nature, either the *Jews*, or some other wise and civil nation would have press'd it: or let it be so, yet that law, *Dent.* 24. 1. whereby a man hath leave to part, whenas for just and natural cause discover'd he cannot love, is a law ancients and deeper engraven in blameless nature then the other: therefore the inspired Lawgiver *Moses* took care that this should be specified and allowed: the other he let vanish in silence, not once repeated in the volum of his Law, even as the reason of it vanish'd with Paradise. Secondly, this can be no new command, for the Gospel enjoyns no new morality, save onely the infinite enlargement of charity, which in this respect is called the *new commandment* by *S. John*, as being the accomplishment of every command. Thirdly, it is no command of perfection further then it partakes of charity, which is *the bond of perfection*. Those commands therefore which compell us to self cruelty above our strength, so hardly will help forward to perfection, that they hinder and

and set backward in all the common rudiments of Christianity, as was prov'd. 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 onely for a natural annoyance, defect, or dislike, whether in body or mind, (for so the *Hebrew* words plainly note) 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 that 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 hindrances of society, whether in body or mind, which are not to be remov'd; for such as they are aptest to cause an unchangeable offence so are they not capable of reconciliation because not of amendment: they do not break indeed, but they annihilate the bands of marriage more then 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 future helpfulness, or loyalty, or loving agreement, being once past and pardon'd, where it can be pardon'd: but that which naturally distastes, and *finds no favour in the eyes* of Matrimony, can never be conceal'd, never appeas'd, 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 onely that have no hands to joyn, and more need separating then Adultery. Christ forbids it, but in matters onely that may accord, and those less then Fornication. Thus is *Moses* Law here plainly confirm'd, and those causes which he permitted not a jot gain'd. And that this is the true meaning of this place I prove by no other Author then *S. Paul* himself, *1 Cor. 7. 10, 11.* upon which Text Interpreters agree that the Apostle onely repeats the precept of Christ: where while he speaks of *the wifes reconciliation to her husband*, he puts it out of controverfie, that our Saviour meant chiefly matters of strife and reconciliation; of which sort he would not that any difference should be the occasion of Divorce, except Fornication. And that we may learn better how to va-

lue a grave and prudent Law of *Moses*, and how unadvisedly we smatter with our lips, when we talk of Christs 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 who so cannot so conceive it, errs and wrongs exceedingly a Law of deep wisdom for want of well fadoming. 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 accident of Adultery, a greater defrauding, a greater injustice, and yet not blameable, he who understands not after all this representing, I doubt his Will like a hard Spleen draws faster than his Understanding can well languifie. Nor did that man ever know or feel what it is to love truly, nor ever yet comprehend in his thoughts what the true 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 vertuous, 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 gentle enough and spacious enough to contemplate what is true love.

And the reason why men so disesteem this wise judging Law of God, and count hate, or *the net finding of favour*, as it is there term'd, 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 stilness and peaceful calm. Yet all this so great a good of Gods own enlarging to us, is by the hard rains of them that sit us wholly diverted and imbezelled from us. Maligners of mankind! But who hath taught you to mangle thus, and make more gashes in the miseries

ries of a blameless creature, with the leaden daggers of your literal Decrees, to whose ease you cannot adde the tith of one small atom, but by letting alone your unhelpful Surgery. As for such as think wandring concupiscence to be here newly and more precisely forbidden then it was before, if the Apostle can convince them; we know that we are to *know lust by the Law*, and not by any new discovery of the Law. The Law of *Moses* knew what it permitted, and the Gospel knew what it forbid; 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 blind the disunions of complaining nature in chains together, and curb them with a Canon bit, 'tis he that commits 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 intreat him but to read on in the same 19 of *Matth.* till he come to that place that says, *Some make themselves Eunuchs for the Kingdom of Heavens sake.* And if then he please to make use of *Oriens* Knife, he may do well to be his own Carver.

C H A P. XVIII.

Whether the word of our Saviour be rightly expounded onely 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 Saviours words, to consider diligently whether it be meant here that nothing but actual fornication prov'd by witness can warrant a Divorce, for so our Canon Law judges Nevertheless as I find that *Grotius* on this place hath observ'd the Christian Emperours, *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 suspicions 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 husbands mind, her endeavour to prevent or destroy Conception. Hence that of *Jerom*, *Where fornication is suspected the wife may lawfully be divorc'd;*

not that every motion of a jealous mind should be regarded, but that it should not be exacted to prove all things by a 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 wife 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 out of *Judges* 19.2. where the Levites wife is said to have plaid the whore against him; which *Josephus* and the *Septuagint*, with the *Chaldean*, interpret onely of stubbornness and rebellion against her husband: and to this I adde 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 disdain'd to fetch her again. And this I shall contribute, that had it been whoredom, she would have chosen any other place to run to then to her fathers house, it being so infamous for an *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 onely lookt unchastely: which yet I would be loth to judge worthy a Divorce, though in our Saviours language it be called Adultery. Nevertheless when palpable and frequent signs are given, the Law of God, *Num.* 5. so far gave way to the jealousy of a man, as that the woman set before the Sanctuary with her head uncovered, was adjur'd by the Priest to swear whether she were false or no, and constrain'd 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 us'd, or be thought as uncertain of effect as our antiquated Law of *Ordealium*, yet all equity will judge that many adulterous demeanours, which are of lewd suspicion and example, may be held sufficient to incur a Divorce, though the act it self hath not been prov'd. And seeing the generosity of our Nation is so, as to account no reproach more abominable then to be nicknam'd the Husband of an Adulteress, that our Law should not be as ample as the Law of God to vindicate a man from that ignoble sufferance, is our barbarous unskillfulness.

fulness, not considering that the Law should be exasperated according to our estimation of the injury. And if it must be suffer'd till the act be visibly prov'd, *Solomon* himself, whose judgment will be granted to surpass the acuteness of any Canonist, confesses, *Pro.* 30. 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 eyewitness, 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 the rather may 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 besides actual Adultery. For that sin needed not the riddance of Divorce, but of death by the Law, which was alive even till then by the example of 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 Saviours words, draw that into trial of Law, which both *Moses* and our Saviour have left to the jurisdiction of Conscience? But we take from our Saviour, say they, only that it was Adultery, and our Law of it self applies the punishment. But by their leave that so argue, the great Lawgiver of all the world, who knew best what was Adultery both to the Jew and to the Gentile, appointed no such applying, and never likes when mortal men will be vainly presuming to outstrip his Justice.

C H A P. XIX.

Christ's manner of teaching. S. Paul adds to this matter of Divorce without command to shew the matter to be of equity, not of rigour. That the bondage of a Christian may be as much, and in 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 εν τῷ τῷ τῷ τῷ.

THUS at length we see both by this and by other places, that there is scarce any one saying in the Gospel but must be read with

with limitations and distinctions 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 Evangelick Doctrine: otherwise many particular sayings would be but one repugnant riddle, and the Church would offend in granting Divorce for Frigidity, which is not here accepted with Adultery, but by them added. And this was it undoubtedly which gave reason to *S. 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 adding a case wherein a person deserted, which is something less than divorc'd, may lawfully marry again. And having declar'd 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 are 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 onely interrupted now and then, but perpetually and finally hinder'd in wedlock by misyoking with a diversity of nature as well as of Religion, the reasons of *S. Paul* cannot be made special to that one case of infidelity, but are of equal moment to a Divorce, wherever Christian liberty and peace are without fault equally obstructed. That the Ordinance which God gave to our comfort, may not be pinn'd upon us to our undeserved thraldom, to be coop'd 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 forc'd remedy against the sting of a brute desire: which fleshly accustoming without the Souls union and commixture of intellectual delight, as it is rather a foiling then 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 hardned thoughts: which condition rather then a good man should fall into, a man useful in the service of God and Mankind, Christ himself hath taught us to dispence with the most sacred Ordinance of his Worship, even for a bodily healing to dispence with that holy

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.

CHAP. XX.

The meaning of S. Paul, that charity believeth all things. What is to be said to the Licence which is vainly fear'd will grow hereby. What to those who never have done prescribing patience in that case. The Papist most severe against Divorce, yet most easie to all Licence. Of all the miseries in Marriage God is to be clear'd, and the faults to be laid on Mans unjust Laws.

AND though bad causes would take licence 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 then 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, as that whereby we endeavour the Law, is wrought in us by charity, according to that in the Divine Hymn of S. Paul, 1 Cor. 13. *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 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 *Ephes. 4. 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 follow'd as a Loadstar with all diligence and fidelity in this question, I trust (through the help of that illuminating Spirit which hath favour'd me) to have done no every days work, in asserting after many Ages the words of Christ with other Scriptures of great concernment from burdensom and remorseless obscurity, tangled with manifold repugnancies, 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

maculate 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 Saviours words; or if he persist to be otherwise opinion'd, 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, have given the flesh this advantage to hate it, and turn aside, oft times unwillingly, to all dissolute uncleanness, even till punishment it self is weary and overcome by the incredible frequency of trading Lust and uncontrolled Adulteries. Yet men whose Creed is Custom, I doubt not but will be still endeavouring to hide the sloth of their own timorous capacities with this pretext, that for all this 'tis better to indure with patience and silence this affliction which God hath sent. And I agree 'tis true, if this be exhorted and not enjoined; but withall it will be wisely done to be as sure as may be, that what mans iniquity hath laid on be not imputed to Gods sending, lest under the colour of an affected patience we detain our selves at the gulphs mouth of many hideous temptations, not to be withstood without proper gifts, which (as *Perkins* 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 our selves thither we love to stay in that perillous condition. God sends remedies as well evils, under which he who lies and grones, that may lawfully acquit himself, is accessory to his own ruine: nor will it excuse him though he suff.r through a sluggish fearfulness to search thoroughly what is lawful, for fear of disquieting of a secure fallity 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 live this life of continence: if he exhort this I hear him as an Angel, though he speak without warrant; but if he would compell me, I know him for Satan. To him who divorces an adultress Piety might say, Pardon her; you may shew 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 plow out the heart of our endeavours with over hard and sad tasks. God delights not to make a drudge of Vertue, whose actions must be all elective and unconstrained. Forc'd Vertue is as a Bolt overshoot, 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 no-
thing

thing 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 shew in the fleshly observance of Matrimony, though peace and love with all other conjugal respects fare never so ill. And indeed the Papists, who are the strictest forbidlers of Divorce, are the easiest Libertines to admit of grossest uncleanness; as if they had a design by making Wedlock a supportless yoke to violate it most, under colour of preserving it most inviolable; and withall 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, hath been through misadventure ill engaged in this contracted evil here complain'd of, and finds the fits and workings of a high impatience frequently upon him, of all those wilde 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, easie, and not burdensom; 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 malecontent, by Laws commanding over the unreduceable 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 authentick 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 our selves to serve under the tyranny of usurp'd 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 never leave subtilizing and casuisting till we have straitned and pared that liberal path into a Razors 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 panick scruples and amazements.

C H A P. XXI.

That the matter of Divorce is not to be tried by Law, but by Conscience, as many other sins are. The Magistrate can onely see that the condition of Divorce be just and equal. The Opinion of Fagius, and the reasons of this Assertion.

A Nother 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 onely to the Conscience, and not authorizing a Judicial Court to tols about and divulge the unaccountable and secret reason of disaffections 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 consequence 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 they subjected that ancient and naturally domestick Prerogative to an external and unbecoming Judicature. For although differences in Divorce about Dowries, Joyntures, 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 urg'd 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 enjoyn'd ought against the preservation of civil peace, of equity, and of convenience. Among these *Fagius* is most remarkable, and gives the same liberty of pronouncing Divorce to the Christian Magistrate as the Mosaick had. *For whatever* (saith he) *Christ spake to the regenerate, the Judge hath to deal with the vulgar: if therefore any through hardnes 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 publick authority. Nor doth man separate them then, but God by his Law of Divorce given by Moses. What can hinder the Magistrate*
from

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 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 stept, 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 oft times 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 vertuous love: but the duties of man and wife are such as are chiefly conversant in that love, which is most ancient and meerly natural, whose two prime statutes are to joyn it self 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 later 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 blameable in retiring from his endless trouble and distaste, whenas his tarrying can redound to no true content on either side. Hate is of all things the mightiest divider, nay it is division it self. 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, which was a task they say that pos'd the Devil: and that sluggish fiend in hell *Ocnus*, whom the Poems tell us of, brought his idle cordage to as good effect, which never serv'd 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 disjoynted Marriage, or to keep it bound, but serves onely to feed the ignorance and definitive impertinence of a doltish Canon, were 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 unpredestin'd misery as this,

is in a 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 so 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 attain'd, 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 cur'd by constraint of Law, are left onely to be wrought on by conscience and persuasion. Which made *Aristotle* in the 10th. of his *Ethicks* to *Nicomachus*, aim at a kind of division of Law into private or persuasive, and publick or compulsive. Hence it is that the Law forbidding Divorce, never attains to any good end of such Prohibition, but rather multiplies evil. For if Natures resistless sway in love or hate be once compell'd, it grows careless of it self, vitious, useles to friends, unserviceable and spiritless to the Commonwealth. Which *Moses* rightly foresaw, and all wise Lawgivers 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 8th. 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 vertue in them to do: for even the freedom and eminence of mans 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 forc'd to retain in society to his own overthrow, nor to hear any Judge therein above himself. It being also an unseemly affront to the sequest'r'd and vail'd modesty of that Sex, to have her unpleasingness and other concealments bandied up and down, and aggravated in open Court by those hir'd masters of tongue-fence. Such uncomely exigencies it befell no less a Majesty then *Henry* the VIII. to be reduc'd to, who finding just reason in his conscience to forgo his brothers wife, after many

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indignities of being defuded, and made a boy of by those two Cardinal Judges, was constrain'd at last for want of other proof that she had been carnally known by Prince *Arthur*, even to uncover the nakedness of that vertuous Lady, and to recite openly the obscene evidence of his Brothers Chamberlain. Yet it pleas'd God to make him see all the Tyranny of *Rome*, by discovering this which they exercis'd over Divorce, and to make him the beginner of a Reformation to this whole Kingdom, by first asserting into his *familiar* Power the right of just Divorce. 'Tis true, an Adulteress cannot be sham'd enough by any publick proceeding; but the woman whose honour is not impeach'd, is less injur'd by a silent dismissal, being otherwise not liberally dealt with, then to endure a clamouring debate of utterless things, in a business of that civil secrecy and difficult discerning, as not to be over much question'd by nearest friends. Which drew that answer from the greatest and worthiest *Roman* of his time *Paulus Aemilius*, being demanded why he would put away his Wife for no visible reason, *This Shoo* (said he, and held it out on his foot) *is a neat shoo, a new shoo, and yet none of you know where it wrings me*: much less by the unfamiliar cognizance of a Fee'd Gamester can such a private difference be examin'd, 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. Is it not when two unfortunately met are by the Canon forc'd to draw in that yoke an unmerciful days work of sorrow till death unharness 'em, that then the Law keeps Marriage most unviolated and unbroken? but when the Law takes order that Marriage be accountant and responsible to perform that society, whether it be religious, civil, or corporal, which may be conscionably requir'd and claim'd therein, or else to be dissolv'd if it cannot be undergone. This is to make Marriage most indissoluble, 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 maintain'd under tuition of Law then 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 discern'd by Law, but onely 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 then could be discern'd to transgress the allowance of *Moses*, which was of necessity 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 bestow'd about it by them whose spiritual office is to adjure and to denounce, and so left to the Conscience. The Law can onely appoint the just and equal conditions of Divorce, and is to look how it is an injury to the Divorc'd, which in truth it can be none, as a meer 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 punish'd 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 onely 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.

C H A P. XXII.

The last Reason why Divorce is not to be restrained in Law, it being against the Law of Nature and of Nations. The larger proof whereof referred to Mr. Seldens boock De Jure Naturali & Gentium. An Objection of Paræus 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.

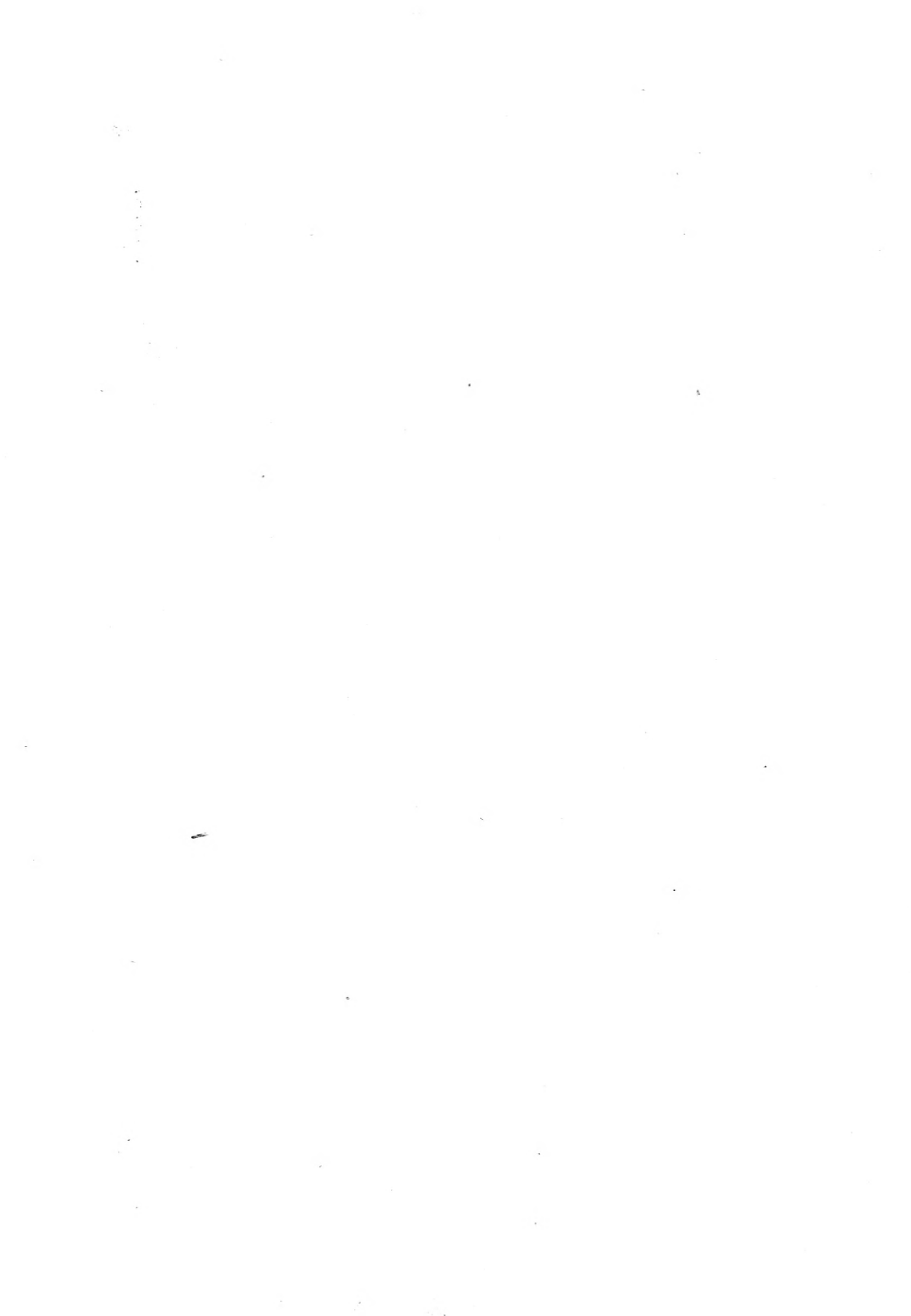
Therefore the last Reason why it should not be, is the example we have, not only from the noblest and wisest Commonwealths, guided by the clearest light of humane knowledge, but also from the Divine Testimonies of God himself, lawgiving in person to a sanctified people. That all this is true, who so desires to know at large with least pains, and expects not over long rehearsals of that which is by others already so judiciously gather'd, let him hasten to be acquainted with that noble Volum written by our Learned *Selden*, *Of the Law of Nature and Nations*, a Work more useful and more worthy to be perus'd, who soever studies to be a great man in wisdom, equity, and justice, then all those *Decretals and Sumless Sums*, which the

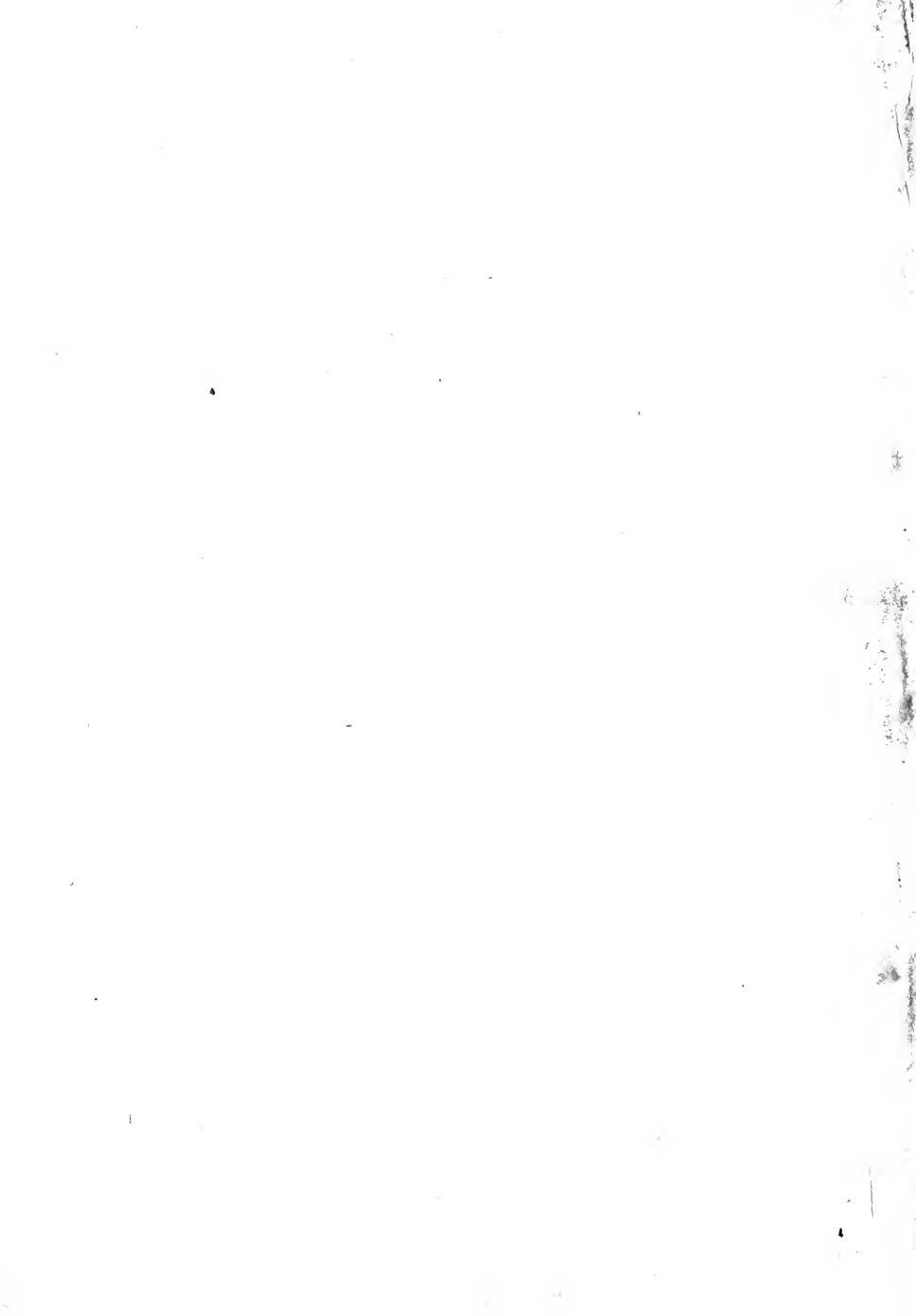
Pontifical Clerks have doted on, ever since that unfortunate Mother famously sinn'd thrice, and died impenitent of her bringing into the world those two misbegotten Infants, and for ever Infants, *Lombard* and *Gratian*, him the compiler of Canon iniquity, t'other the *Tubalcain* of Scholaftick Sophistry, whose overspreading Barbarism hath not onely infus'd their own bastardy upon the fruitfullest part of humane learning, not onely dissipated and dejected the clear light of Nature in us, and of Nations, but hath tainted also the fountains of Divine Doctrine, and render'd 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! a labour of no mean difficulty and envy to defend. That it should not be counted a saltring dispence, a flattering permission of sin, the bill of adultery, a snare, is the expence 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 Gods own giving is made dangerous and discarded for a scrole 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 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 silenc'd, unless it be only this. *Parvus* 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 *Parvus* bring to exasperate 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 endur'd it as the Gospel) it would not stretch to the dividing of an Inheritance; it refus'd 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 compar'd to Youth and Pupilage in respect of the Ceremonial part, which led the Jews as children through corporal and garish rudiments, untill the Fulness of time should reveal to them the higher lessons of Faith and Redemption. This is not meant of the Moral part, therein it soberly concern'd 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, *Parvus*, to nourish violent affections in Youth, by cockering and wanton Indulgences, 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 punish'd every trespass without indulgence so baneful to Youth, and that the Gospel should now correct that by admonition and reproof onely, in free and mature age, which was punish'd with stripes in the childhood and bondage of the Law. What therefore it allow'd then so fairly, much less is to be whipp'd now, especially in Penal Courts: and if it ought now to trouble the Conscience, why did that angry accuser and condemner Law reprieve 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 onely must be provided, that the ancient manner be observ'd in presence of the Minister and other grave selected Elders, who after they shall have admonish'd and press'd 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 then thus he cannot do, and thinks himself and this his case not contain'd in that Prohibition o' Divorce which Christ pronounc'd, the matter not being of malice, but of nature, and so not capable of reconciling, to constrain him further

ther 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 to all these respects. But this will bring in confusion: yet these cautious mistrusters 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 *Malachy* well look'd 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 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 it self, to groan under the false imagination of a strictness never impos'd from above; enjoying that for duty which is an impossible and vain supererogating. *Be not righteous overmuch*, is the counsel of *Ecclesiastes*; why shouldst thou destroy thy self? 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 debarr'd our weakness, either suddenly break out into some wide rupture of open vice and frantick heresie, or else inwardly fester with repining and blasphemous thoughts, under an unreasonable and fruitless rigor of unwarranted Law. Against which evils nothing can more beseech 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 misreputed Honour of God and his great Lawgiver, by suffering him to give his own Laws according to the condition of Mans nature best known to him, without the unflattering imputation of dispensing legally with many Ages of ratified Adultery.

tery. They shall recover the misattended 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 or 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 Souls free peace before the promiscuous draining of a carnal rage, Marriage from a perillous 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, then compulsion of Law to keep it seemingly, and by compulsion of blameless Nature to break it really, at least if it were ever truly joyn'd. The vigor 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 constrain'd above the gift of God in them, to unprofitable and impossible Observances never required from the civilest, the wisest, the holiest Nations, whose other excellencies in moral vertue they never yet could equal. Last of all, to those whose mind is still to maintain textual restriction, 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 which 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.





COLASTERION:

A

REPLY TO

A

NAMILES ANSWER

AGAINST

The Doctrine and Discipline of Divorce.

WHEREIN

The trivial Author of that Answer is discover'd, the Licencer conferr'd with, and the Opinion which they traduce defended.

By the former Author, J. M.

Prov. 26. 5.

Answer a Fool according to his folly, lest hee bee wise in his own conceits.

Printed in the Year, 1645.

Printed in the Year 1848

COLASTERION:

A

Reply to a nameless Answer against the
Doctrine and Discipline of Divorce.

AFTER many rumors of confutations and convictions forth coming against *The Doctrine and Discipline of Divorce*, and now and then a by-blow from the Pulpit, featherd with a censure strict indeed, but how true, more beholding to the authority of that devout place which it borrowd to bee utterd in, then to any sound reason which it could oracle, while I still hop'd as for a blessing to see som peece of diligence, or lerned discretion come from them, it was my hap at length lighting on a certain parcel of *Queries*, that seek and finde not, to finde not seeking, at the taile of *Anabaptistical, Antinomian, Heretical, Atheistical* epithets, a jolly slander, call'd *Divorce at pleasure*: I stood a while and wonder'd, what wee might doe to a mans heart, or what anatomic use, to finde in it sincerity; for all our wonted marks every day fail us, and where wee thought it was, wee see it is not, for alter and change residence it cannot sure. And yet I see no good of body or of minde secure to a man for all his past labours without perpetual watchfulness, and perseverance. When as one above others who hath suffer'd much and long in the defence of Truth, shall after all this, give her cause to leav him so destitute and so vacant of her defence, as to yeild his mouth to bee the common road of Truth and Falshood, and such falshood as is joyn'd with the rash and heedles calumny of his neighbour. For what book hath hee ever met with, as his complaint is, *Printed in the City*, maintaining either in the title, or in the whole persuance, *Divorce at pleasure*? Tis true, that to divorce upon extreme necessity, when through the perversnes, or the apparent unfitnes of either, the continuance can bee to both no good at all, but an into-

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lerable

terable injury and temptation to the wronged and the defrauded, to divorce then, there is a book that writes it lawfull. And that this Law is a pure and wholsom national Law, not to be with-held from good men, because others likely enough may abuse it to thir pleasure, can not bee charg'd upon that book, but must bee enterd a bold and impious accusation against God himself; who did not for this abuse withhold it from his own people. It will bee just therefore, and best for the reputation of him who in his *Subitane* hath thus censur'd, to recall his sentence. And if, out of the abundance of his volumes, and the readines of his quill, and the vastnes of his other imployments, especially in the great audit for accounts, hee can spare us ought to the better understanding of this point, hee shall bee thank in public, and what hath offended in the book, shall willingly submit to his correction. Provided he bee sure not to come with those old and stale suppositions, unless hee can take away cleerly what that discours hath urg'd against them, by one who will expect other arguments to bee perswaded the good health of a sound answer, then the gout and dropy of a big margent, litter'd and overlaid with crude and huddl'd quotations. But as I still was waiting, when these light arm'd refuters would have don pelking at thir three lines utterd with a sage delivery of no reason, but an impotent and wors then *Bonner*-like censure to burn that which provokes them to a fair dispute, at length a book was brought to my hands, entitl'd *An Answer to the Doctrine and Discipline of Divorce*. Gladly I receiv'd it, and very attentively compos'd my self to read; hoping that now som good man had voutlast the pains to instruct mee better, then I could yet learn out of all the volumes which for this purpos I had visited. Only this I marvel'd, and other men have since, when as I, in a Subject so new to this age, and so hazardous to please, conceal'd 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 Pamflet, (for I deferr the peasantly rudenes, which by the Licencers leav, I met with afterwards) my satisfaction came in abundantly, that it could bee nothing why hee durst not name himself, but the guilt of his own wretchednes. For first, not to speak of his abrupt and bald beginning, his very first page notoriously bewraies him an illiterat, and arrogant pre'uarer in that which hee understands not; bearing us in hand as if hee knew both Greek and Ebrew, and is not able to spell

spell it; which had hee bin, it had bin either writt'n as it ought, or scor'd upon the Printer. If it bee excus'd as the carelesnes of his deputy, bee it known, the lerned Author himself is inventoried, and summ'd up, to the utmost value of his Livery cloak. Who ever hee bee, though this to some may seem a slight contest, I shall yet continue to think that man full of other secret injustice, and deceitfull pride, who shall offer in public to assume the skill, though it bee but of a tongue which hee hath not, and would catch his readers to believe of his ability, that which is not in him. The Licencer indeed, as his authority now stands, may licence much; but if these Greek *Orthographies* were of his licencing; the boyes at School might reckon with him at his Grammar. Nor did I finde this his want of the pretended Languages alone, but accompanied with such a low and home-spun expression of his Mother *English* all along, without joynt or frame, as made mee, ere I knew further of him, often stop, and conclude, that this Author could for certain bee no other then some mechanic. Nor was the stile flat and rude, and the matter grave and solid, for then ther had bin pardon, but so shallow and so unwary was that also, as gave sufficiently the character of a gross and sluggish, yet a contentious and overweening pretender. For first, it behooving him to shew, as hee promises, what divorce is, and what the true doctrine and Discipline therof, and this beeing to doe by such principles and prooffs as are receav'd on both sides, hee performs neither of these; but shews it first from the *Judaical* practice, which hee himself disallows, and next from the practice of Canon Law, which the Book hee would confute, utterly rejects, and all Laws depending thereon; which this puny Clark calls *The Laws of England*, and yet pronounces them *by an Ecclesiastical judge*: as if that were to bee accounted the Law of *England*, which depended on the Popery of *England*; or if it were, this Parliament hee might know hath now damn'd that judicature. So that whether his meaning were to inform his own party, or to confute his adversary, instead of shewing us the true Doctrin and Discipline of Divorce, hee shews us nothing but his own contemptible ignorance. For what is the *Mosaic Law* to his opinion, and what is the Canon utterly now antiquated, either to that or to mine? Yee see already what a faithfull definer wee have him. From such a wind-egg of definition as this, they who expect any of his other arguments to bee well hatcht, let them enjoy the

vertu of thir worthy Champion. But onething more I observd, a singular note of his stupidity, and that his Trade is not to meddle with Books, much less with Consultations. When as *the Doctrin of Divorce* had now a whole year bin publisht the second time, with many Arguments added, and the former ones better'd and confirm'd, this idle pamphlet comes reeling forth against the first Edition only; as may appear to any by the pages quoted. Which put me in minde of what by chance I had notice of to this purpos the last Summer, as nothing so serious, but happns oft times to bee attended with a ridiculous accident, it was then told mee that *the Doctrin of divorce* was answerd, and the answer half Printed against the first Edition; not by one, but by a pack of heads; of whom the cheif, by circumstance, was intimat- ed to mee, and since ratifi'd to bee no other, if any can hold laugh- ter, and I am sure none will guesse him lower, then an actual Serving- man. This creature, for the Story must on, (and what though hee bee the lowest person of an interlude, hee may deserv a canvassing,) transplanted himself, and to the improvment of his wages, and your better notice of his capacity, turn'd Solliciter. And having con- vers'd much with a stripling Divine or two of those newly sledge *Probationers*, that usually come scouting from the University, and ly heer no lame *legers* to pop into the *Bethesda* of som Knights Chaplain- ship, where they bring grace to his good cheer, but no peace or be- nediction elsto his house; these made the *Champarty*, hee contri- buted the Law, and both joynd in the Divinity. Which made mee intend, following the advice also of freinds, to lay aside the thought of mis-spending a Reply to the buzze of such a Drones nest. But find- ing that it lay, what ever was the matter, half a year after unfinisht in the press, and hearing for certain that a Divine of note, out of his good will to the opinion, had takn it into his revise, and somthing had put out, somthing put in, and stuck it heer and there with a clove of his own *Calligraphy*, to keep it from tainting, and funder when I saw the stuff, though very cours and thred-bare, garnisht and trimly fac't with the commendations of a Licencer, I resolv'd, so soon, as leisure granted mee the recreation, that my man of Law should not altogether loose his soll-citing. 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 bee seen, I refuse no occasion, and avoid no adversary, either to main- tane

tane what I have begun, or to give it up for better reason.

To begin then with the Licencer and his censure. For a Licencer is not contented now to give his single *Imprimatur*, but brings his chair into the Title leaf; there sits and judges up or judges down what book hee pleases; if this bee suffer'd, what worthles Author, or what cunning Printer will not bee ambitious of such a State to put off the heaviest gear; which may in time bring in round fees to the Licencer, and wretched mis-leading to the People. But to the matter: he approves *the publishing of this Book, to preserve the strength and honour of Marriage against those sad breaches and dangerous abuses of it.* Belike then the wrongfull suffering of all those sad breaches and abuses in Marriage to a remediless thralldom, is *the strength and honour of Marriage*; a boistrous and bestial strength, a dis-honourable honour, an infatuated Doctrine. wors then the *salus jure* of tyrannizing, which wee all fight against. Next hee saith that *common discontents make these breaches in unstaied mindes, and men giuen to change.* His words may be apprehended, as if they disallow'd only to divorce for *common discontents in unstaied mindes*, having no cause, but a *desire of change*, and then wee agree. But if hee take all discontents *on this side adultery*, to bee common, that is to say, not difficult to endure, and to affect only *unstaied mindes*, it might administer just cause to think him the unfittest man that could bee, to offer at a comment upon *Job*; as seeming ty this to have no more true sense of a good man in his afflictions, then those *Edomitish* Freinds had, of whom *Job* complains, and against whom God testifies his anger. Shall a man of your own coat, who hath espous'd his flock; and represents Christ more, in being the true husband of his Congregation, then an ordinary man doth in being the husband of his wife, and yet this representment is thought a chief cause why Marriage must bee inseparable, shall this spiritual man ordinarily for the increate of his maintenance, or any slight cause forsake that wedded cure of souls, that should bee dearest to him, and marry another, and another, and shall not a person wrongfully afflicted, and persecuted eevn to extremity, forsake an unfit, injurious, and pestilent mate, ty'd only by a civil and fleshy covenant? If you bee a man so much hating change, hate that other change; if your self bee not guilty, counsel your brethren to hate it; and leav to bee the supercilious judge of other mens miseries and changes, that your own bee not judg'd. The reasons of your licen't pamphlet, you say

are good; they must be better than your own then, I shall wonder els how such a trivial fellow was accepted and commended, to be the confuter of so dangerous an opinion as yee give out mine.

Now therefore to your *Attorney*; since no werthier an adversary makes his appearance, nor this neither his appearance, but lurking under the safety of his nameles obscurity: such as yee turn him forth at the Postern, I must accept him; and in a better temper than *Ajax*, doe mean to scourge this *Ramme* for yee, till I meet with his *Ulysses*.

Hee begins with Law, and wee have it of him as good cheap, as any hucter at Law, newly set up, can possibly afford, and as impertinent; but for that hee hath receiv'd his hanfel. Hee presumes also to cite the Civil Law, which, I perceav by his citing never came within his *dormitory*, yet what hee cites makes but against himself.

His second thing therefore is to refute the advers position, and very methodically, three pages before hee sets it down; and sets his own in the place, *that disagreement of minde or disposition, though shewing it self in much sharpnes 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 neer, like a harmles and respectfull confutement. For I confesse that disagreement of minde or disposition, though in much sharpnes, is not alwaies a just cause of divorce; for much may be endur'd. But what if the sharpnes be much more than his much? To that point it is our mis-hap wee have not heer his grave decision. Hee that will contradict the positive which I alleg'd, must hold that no disagreement of minde, or disposition, can divorce, though shewn in most sharpnes; otherwise hee leaves a place for equity to appoint limits, and so his following arguments will either not prove his own position, or not disprove mine.

His first Argument, all but what hobbles to no purpos is this. *When 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.*

Answer; First I deny your *major*, the Scripture appoints many things,
and

and yet leaves the circumstance to mans discretion, particularly, in your own examples; Excommunication is not taught when, and for what to bee, but left to the Church. How could the Licencer let pass this childish ignorance and call it *good*. Next, in matter of death, the Laws of *England*, wherof you have intruded to bee an opiniastrous *Sub-advocate*, and are bound to defend them, conceive it not enjoyn'd in Scripture, when or for what cause they shall put to death, as in adultery, theft, and the like; your *minor* also is fals, for the Scripture plainly sets down for what measure of disagreement a man may divorce, *Deut. 24. 1.* learn better what that phrase means, *if shee finde no favour in his eyes.*

Your second Argument, without more tedious fumbling is breifly thus. *If diversity in Religion, which breeds a greater dislike then any natural disagreement may not cause a divorce, then may not the lesser disagreement: but diversity of Religion may not; Ergo.*

Answer, First, I deny in the *major*, that diversity of Religion, breeds a greater dislike to marriage duties, then natural disagreement. For between *Israelite*, or Christian and Infidel more often hath bin seen too much love: but between them who perpetually clash in natural contrarieties, it is repugnant that ther should bee 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 affirm'd, though you over-skipt it.

Secondly, if it doe command, it is but with condition, that the Infidel bee content, and well pleas'd 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. 22.* *If a man hate his wife, and raise an ill report, that hee found her no virgin, if this were fals, he might not put her away, though hated never so much.*

Answer, This was a malicious hatred bent against her life, or to send her out of dores without her portion. Such a hater looses by due punishment that privilege, *Deut. 24. 1.* to divorce for a natural dislike, which though it could not love conjugally, yet sent away civilly, and with just conditions. But doubles the Wife in that former case had liberty to depart from her fals accuser, lest his hatred should

should prove mortal; els that Law peculiarly made to right the woman, had turn'd to her greatest mischeif,

Your fourth Argument, *One Christian ought to bear the infirmities of another, but chiefly of his Wife.*

Answer, 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 doe well an exhortation, 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 on the house top, or in the wilderness.* Burdens may be born, 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 freindship and familiarity with those freinds who have bin fals or unworthy toward 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 hee dismiss her with a beneficent and peacefull dismissal. No more doth Charity command, nor can her rule compell, to retain in neereft union of wedlock, one whose other greatest faults, or disabilities to perform what was covenanted, are the just causes of as much greivance and dissention in a Family, as the private act of adultery. Let not therefore under the name of fulfilling Charity, such an unmercifull, and more then legal yoke, be padlockt upon the neck of any Christian.

Your fifth Argument, *If the husband ought love his Wife, as Christ his Church, then ought shee not to be put away for contrariety of minde.*

Answer, This similitude turnes 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 ther be a perpetual contrariety of minde in the Church toward Christ, Christ himselfe threat'ns to divorce such a Spouse, and hath often don it. If they urge, this was no true Church, I urge again, that was no true Wife.

His sixth Argument is from the 5 of *Matthew* 32. which hee 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 hee not leave this Argument, but hee must needs first shew us a curvett of his madnes, holding out an objection, and running himself

self upon the point. For, saith hee, if Christ except no cause but adultery, then all other causes as frigiditv, incestuous marriage, &c. are no causes of divorce; and answers that the speech of Christ holds universally, as hee intended it namely to condemn such divorce, as was groundlesly practis'd 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, *Ipsa facta*.

Ans. Look to it now you be not found taking fees on both sides, for if you once bring limitations to the universal words of Christ, another will doe as much with as good authority, and affirm, that neither did hee check the Law Deut. 24. 1. nor forbid the causes that make marriage void actually; which if any thing in the world doth, unfitnes doth, and contrariety of minde; yea, more then adultery, for that makes not the marriage void, nor much more unfit, but for the time, if the offended party forgive; but unfitnes and contrariety frustrates and nullifies for ever, unless it bee 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 don against himself.

Argu. 7. Hee insilts, that man and wife are one flesh, therefore must not separate. But must bee sent to look again upon the 35. pag. of that book, where hee might have read an answer, which hee stirs not. Yet can hee not abstain, but hee must doe us another pleasure ere hee goes; Although I call the Common Pleas to witness, I have not hir'd his tongue, whatever men may think by his arguing. For besides adultery, hee excepts other causes which dissolve the union of being one flesh, either directly, or by consequence. If only adultery bee excepted by our Saviour, and hee voluntarily can adde other exceptions that dissolve that union both directly and by consequence, these words of Christ, the main obstacle of divorce, are open to us by his own invitation to include what ever causes dissolve that union of flesh, either directly or by consequence. Which, till hee name other causes more likely, I affirm to bee don soonest by unfitnes and contrariety of minde. For that induces hatred, which is the greatest dissolver, both of spiritual and corporal union, turning the minde and consequently the body to other objects. Thus our doubty adversary, either directly, or by consequence yeilds us the question with his own mouth,

and the next thing hee does, recants it again.

His eighth Argument shivers in the uttering, and hee confesses to be not over confident of it, but of the rest it may be sworn hee is. St. Paul, 1 Cor. 7. saith, that *the married have trouble in the flesh*, therefore wee must bear it, though never so intolerable.

I Answer, if this be a true consequence, why are not all troubles to be born alike? why are wee suffer'd to divorce adulteries; desertions, or frigidities? Who knows not that trouble and affliction is the decree of God upon every state of life? follows it therefore, that though they grow excessive, and insupportable, wee must not avoid them? if wee 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 marriage; and that must be prov'd inseparable from other reasons, not from this place. And his own confession declares the weaknes of this Argument, yet his ungovern'd arrogance could not be dissuaded from venting it.

His ninth Argument is, *That a husband must love his wife as himself, therefore hee may not divorce for any disagreement, no more then hee may separate his soul from his body.*

I Answer, if hee love his wife as himself, hee must love her so farre as hee may preserve himself to her in a cherfull 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, shee must be understood a wife in some reasonable measure, willing, and sufficient to perform the cheif duties of her Covenant, els 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 answer'd before. And that to divorce a relative and *Metaphorical* union of two bodies into one flesh, cannot be likn'd in all things to the dividing of that natural union of soul and body into one person, is apparent of it self.

His last Argument hee fetches *from the inconveniences that would follow upon this freedom of divorce, to the corrupting of mens mindes; and the overturning of all human society.*

But for mee, let God and *Moses* answer this blasphemers, who dares bring in such a foul endightment against the divine Law. Why did God permit this to his people the Jewes, but that the right and good which came directly therby, was more in his esteem, then the wrong
and

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, to hear a Serving-man grown so provident for great bellies) and portions, and joyntures likely to incur imbezlement heerby, 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 hee had refrain'd, for his very touching ought that is lerned, soiles it, and lays him still more and more open a conspicuous gull. There beeing both Fathers and Councils more ancient, wherwith to have serv'd his purpos better then with what hee cites, how may we doe to know the suttile drift that mov'd 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 doe best to have the prime stroke among his testimonies in deciding this cause. But all this craft avails him not; for seeing they allow no cause of divorce but fornication, what doe these keen Doctors heer but cut him over the sinews with thir *Toledo's*, 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 cause but fornication, it thwarts his own Exposition: and if it understand fornication largely, it sides with whom hee would confute. However the authority of that Synod can be but small, beeing under *Theodoros*, the *Canterbury* Bishop, a Grecian Monk of *Tarsus*, revolted from his own Church to the Pope. What have wee next? The Civil Law stuf in between two Councils, as if the *Code* had bin som Synod; for that hee understood himself in this quotation is incredible; where the Law, *Cod. l. 3. tit. 38. leg. 11.* speaks not of divorce, but against the dividing of possessions to divers heires, wherby the married servants of a great family were divided perhaps into distant Countries, and Colonies, Father from Son, Wife from Husband, fore against thir will. Somwhat lower hee confesses, *that the Civill Law allows many reasons of divorce, but the Cannon Law decrees otherwise*. A fair credit to his Cause; and I amaze me, though the fancy of this

doubt bee as obtuse and sad as any mallet, how the Licencer could sleep out all this, and suffer him to uphold his opinion, by Canons, & *Gregorian decretals*, a Law which not only his adversary, but the whole reformation of this Church and state hath branded and rejected. As ignorantly, and too ignorantly to deceave any Reader but an unlearned, hee talks of *Justin Martyrs* Apology, not telling us which of the twain; for that passage in the beginning of his first, which I have cited els-where, plainly makes against him: So doth *Tertullian*, cited next, and next *Erasmus*, the one against *Marcion*, the other in his Annotations on *Matthew*, and to the *Corinthians*. And thus yee have the List of his choice Antiquities, as pleasantly chosen as yee would wish from a man of his handy Vocation, puffed up with no luck at all, above the flint of his capacity.

Now hee comes to the Position, which I sett down whole; and like an able text man slits it into fower, that hee may the better come at it with his Barbar Surgery, and his sleeves turn'd up. Wherin first hee denies *that any disposition, unsfitness, or contrariety of minde is unchangeable in nature, but that by the help of diet and physick it may be alter'd.*

I mean not to dispute Philosophy with this Pork, who never read any, But I appeal to all experience, though there bee many drugs to purge those redundant humors, 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 physick with this designe, to alter his natural temperament, and disposition of minde. How much more vain, and ridiculous would it bee, by altering and rooting up the grounds of nature, which is most likely to produce death or madnes, to hope the reducing of a minde to this or that fitness, or two disagreeing mindes to a mutual sympathy. Suppose they might, and that with great danger of thir lives and right senses, alter one temperature, how can they know that the succeeding disposition will not bee as farre from fitness and agreement? They would perhaps change Melancholy into Sanguin, but what if fleam, and choler in as great a measure come instead, the unsfitness will be still as difficult and troublesom. But lastly, whether these things bee changeable, or not, experience teacheth us, and our Position supposes that they seldom doe change in any time commensurable to the necessities of man, or convenient to the ends of marriage, And if the fault bee in the one, shall the other live all his daies in bondage and misery for

for anothers perversnes, or immedicable disaffection? To my freinds, of which may fewest bee so unhappy, I have a remedy, as they know, more wise and manly to prescribe: but for his freinds and followers (of which many may deserv justly to feel themselves the unhappines which they consider not in others) I send them by his advice to sit upon the stool and strain, till their cross dispositions and contrarieties of minde shall change to a better correspondence, and to a quicker apprehension of common sense, and thir own good.

His second Reason is as heedles, *because that grace may change the disposition, therefore no indisposition may cause divorce.*

Ans. First, it will not bee deniable that many persons, gracious both, may yet happen to bee very unfitly married, to the great disturbance of either. Secondly, what if one have grace, the other not, and will not alter, as the Scripture testifies ther bee of those, in whom wee may expect a change, when *the Blackamore changes his colour, or the Leopard his spots*, Jer. 13. 23. Shall the gracious therefore dwell in torment all his life, for the ungracious? Wee see that holiest precepts, then which ther can no better physic bee administred to the minde of man, and set on with powerfull 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 it is that men, and Clergy-men especially, should exact such wondrous changes in another mans house, and are seen to work so little in thir own?

To the second point of the position, that this *unfitnes* hinders the main ends, and benefits of mariage, hee answers, *if I mean the unfitnes of choler, or sullen disposition, that soft words according to Solomon, pacify wrath.*

But I reply, that the saying of *Salomon*, is a Proverb frequently true, not univerfally, as both the event shews, and many other sentences writtn by the same Author particularly of an evill woman, *Prov. 21. 9. 19.* and in other Chapters, that shee is better shun'd then dwelt with, and a desert is preferr'd before her society. What need the Spirit of God put this chois into our heads, if soft words could alwaies take effect with her? How frivolous is, not only this disputer, but hee that taught him thus, and let him come abroad.

To his second answer I return this, that although there bee not easily found such an *antipathy*, as to *hate one another like a toader poison*, yet

that there is oft such a dislike in both, or either, to conjugal love, as hinders all the comfort of Matrimony, scars any can bee so simple, as not to apprehend. And what can be *that favour, found or not found in the eyes of the Husband*, but a natural liking or disliking, wherof the Law of God, *Deut. 24.* beares witness, as of an ordinary accident, and determines wisely, and divinely thereafter. And this disaffection happening to bee in the one, not without the unspeakable discomfort of the other, must hee bee left like a thing consecrated to calamity, and despair without redemption?

Against the third branch of the position hee denies *that solace, and peace, which is contrary to discord and variance, is the main end of marriage.* What then? Hee will have it *the solace of male, and female.* Came this doctrine out of some School, or some tie? Who but one forsak'n of all 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 bee the main end of marriage? Discord then wee ought to fly, and to pursue peace, farre above the observance of a civil covenant, already broken, and the breaking dayly iterated on the other side. And what better testimony then the words of the institution it self, to prove, that a conversing solace, & peacefull society is the prime end of marriage, without which no other help, or office can bee mutual, befitting the dignity of reasonable creatures, that such as they should be coupl'd in the rites of nature by the meer compulsion of lust, without love, or peace, worse then wild beasts. Nor was it half so wisely spokn, as some deem, though *Austin* spake it, that if God had intended other then copulation in Marriage, he would for *Adam* have created a freind, rather then a wife, to converse with; and our own writers blame him for this opinion; for which and the like passages, concerning marriage, hee might bee justly taxt of rusticity in these affairs. For this cannot but bee with ease conceav'd, that there is one society of grave freindship, and another amiable and attractive society of conjugal love, besides the deed of procreation, which of it self soon cloies; and is despis'd, unless it bee cherish'd and re-incited with a pleasing conversation. Which if ignoble and
swainish

swainish mindes cannot apprehend, shall such merit therefore to be the censurers of more generous and vertuous Spirits ?

Against the last point of the position, to prove that contrariety of minde is not a greater cause of divorce, then corporal frigidity, hee enters into such a tedious and drawling tale of *burning, and burning, and lust and burning*, that the dull argument it self burnes to, for want of stirring; and yet all this burning is not able to expell the frigidity of his brain. So long therefore, as that cause in the position shall bee prov'd a sufficient cause of divorce, rather then spend words with this fleamy clodd of an *Antagonist*, more then of necessity, and a little meriment, I will not now contend whether it bee a greater cause then 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 bee scal'd with his short ladder, hee retreats with a bravado, that it deservs no answer. And I as much wonder what the whole book deserv'd to bee thus troubl'd and sollicit'd by such a patry Solliciter. I would hee had not cast the gracious eye of his duncery upon the small deserts of a pamphlet, whose every line meddl'd with, uncases him to scorn and laughter.

That which hee takes for the second Argument, if hee look better, is no argument, but an induction to those that follow. Then hee stumbles that I should say, the gentlest ends of Mariage, confessing that hee understands it not. And I beleev him heartily: for how should hee, a Servingman both by nature and by function, an Idiot by breeding, and a Solliciter by presumption, ever come to know, or feel within himself, what the meaning is of gentle? Hee blames it for a *neat phrase*, for nothing angers him more then his own proper contrary. Yet altogether without art sure hee is not; for who could have devis'd to give us more breifly a better description of his own Servility?

But what will become now of the busines I know not; for the man is suddenly takn with a lunacy of Law, and speaks revelations out of the *Attorneys Academy*, only from a lying spirit: for hee saies that *where a thing is void, ipso facto, there needs no legal proceeding to make it void.* Which is fals, for mariage is void by adultery, or frigidity, yet not made void without legal proceeding. Then asks my opinion of *John a Nokes, and John a Stiles*; and I answer him, that I for my part

part think *John Dory*, was a better man then both of them: for certainly, they were the greatest wranglers that ever liv'd, and have fill'd all our Law-books with the obtunding story of thir suits and trials.

After this hee tells us a miraculous peece of antiquity, how two *Romans, Titus, and Sempronius made feoffments*, at Rome sure, and levied *Fines* by the Common Law. But now his fit of Law past, yet hardly come to himself, hee maintains, that if Marriage bee void, as beeing neither of God nor nature, *there needs no legal proceeding to part it*, and I tell him, that offends not mee; Then, quoth hee, *this is no thing to your book, beeing the Doctrin and Disciplin of Divorce*. But that I deny him; for all Discipline is not legal, that is to say juridical, but som is personal, som Economical, and som Ecclesiastical. Lastly, if I prove that contrary dispositions are joyn'd neither of God nor nature, and so the marriage void, *hee will give mee the controversy*. I have prov'd it in that book to any wise man, and without more a doe the Institution proves it.

Where I answer an Objection usually made, that the disposition ought to bee known before marriage, and thow how difficult it is to choose a fit consort, and how easie to mistake, the Servitor would know what I mean by conversation, declaring his capacity nothing refin'd since his Law-puddering, but still the same it was in the Pantry, and at the Dresser. Shall I argue of conversation with this hoy-d'n to goe and practice at his opportunities in the Larder? To men of quality I have said enough, and experience confirms by daily example, that wisest, sobrest, justest men are sometimes miserably mistak'n in thir chois. Whom to leav thus without remedy, tost and tempested in a most unquiet sea of afflictions and temptations, I say is most unchristianly.

But hee goes on to untruss my Arguments, imagining them his Maisters points. Only in the passage following, I cannot but admire the ripenes, and the pregnancy of his native trechery, endeavouring to bee more a Fox then his wit will suffer him. Whereas I breifly mention'd certain heads of Discours, which I refer'd to a place more proper according to my method, to bee treated there at full with all thir Reasons about them, this Brain-worm against all the Laws of Dispute, will needs deal with them heer. And as a Country Hinde sometimes ambitious to shew his betters that hee is not so simple as you take him, and that hee knows his advantages, will teach us a new
trick

trick to confute by. And would you think to what a pride hee swels in the contemplation of his rare stratagem, offing to carp at the language of a book, which yet hee confesses to bee generally commended; while himself will bee acknowledg'd by all that read him, the basest and the hungriest endighter, that could take the boldnes to look abroad. Observ now the arrogance of a groom, how it will mount. I had writt'n, that common adultery is a thing which the rankest Politician would think it shame and disworship that his Law should countenance. First, it offends him that rankest should signify ought, but his own smell; who, that knows *English*, would not understand mee, when I say a rank Serving-man, a rank petti-fogger, to mean a meer Servingman, a meer and arrant petti-fogger, who lately was so hardy, as to lay aside his buckram wallet, and make himself a fool in Print, with confuting books, which are above him. Next the word Politician is not us'd to his maw, and therupon hee plaies the most notorious hobbihors, jesting and frisking in the luxury of his non-sense with such poor fetches to cog a laughter from us, that no antic hobnaile at a Morris, but is more handsomly facetious.

Concerning that place Deut. 24. 1. which hee saith to bee *the main pillar of my opinion*, though I rely more on the institution then on that. These two pillars I doe indeed confess are to mee as those two in the porch of the Temple, *Jackin* and *Boaz*, which names import establishment, and strength; nor doe I fear, who can shake them. The exposition of *Deut.* which I brought, is the receav'd Exposition both ancient and modern, by all lerned men, unless it bee a Monkish Papist heer and there: and the gloss which hee and his obscure assistant would perswade us to, is meerly new, and absurd, presuming out of his utter ignorance in the Ebrew, to interpret those words of the Text, first in a mistakn sense of *uncleannes*, against all approved Writers. Secondly, in a limited sense, when as the original speaks without limitation, *some uncleannes, or any*; and it had bin a wise Law indeed to mean it self particular, and not to exprels the case which this acute Rabbie hath all this while bin hooking for. Wherby 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 & strain'd Exposition, wherin hee does nothing for above foure 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 wives sake. and after all distrusts himself. And for his surest retirement, betakes him to those old suppositions, that *Christ abolisht the Mosaic Law of divorce; that the Jews had not sufficient knowledge in this point, through the darknes of the dispensation of heavenly things; that under the plenteous grace of the Gospel, wee are ty'd 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, eevn in the first Edition; but found it safer to pass that part over in silence. So that they who see not the sottishnes of this his new and tedious Exposition, are worthy to love it dearly.

His Explanation don, hee charges mee with a *wicked gloss, and almost blasphemy*, for saying that Christ in teaching meant not always to bee tak'n word for word; but like a wise Physician administering one excess against another, to reduce us to a perfect mean. Certainly to teach thus, were no dishonest method: Christ himself hath often us'd *hyperbolies* 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 oft times beyond measure, that while wee tend further, the mean might bee the easier attain'd. And who-ever comments that sixth of *Matthew*, when hee comes to the *turning of cheek after cheek to blows*, and the *parting both with cloak and coat*, if any please to bee the risler, will bee forc't to recommend himself to the same Exposition, though this catering Law-monger bee bold to call it *wicked*. Now note another pretious peece of him; *Christ*, saith hee, *doth not say that an unchast look is adultery, but the lusting after her*; as if the looking unchastly, could bee without lusting. This gear is Licenc't for good reason: *Imprimatur*.

Next hee would prove that the speech of Christ is not utter'd in excess against the Pharises, First, *Because hee speaks it to his Disciples*, *Matth. 5.* which is fals, for hee spake it to the multitude, as by the first *vers.* is evident, among which in all likelihood were many Pharises, but out of doubt, all of them Pharisean disciples, and bred up in their Doctrin; from which extremes of error and falsity, Christ through out his whole Sermon labours to reclaim the people. Secondly, saith hee, *Because Christ forbidds not only putting away, but marry-*

marrying her who is put away. Acutely, as if the Pharises might not have offended as much in marrying the divorc'd, as in divorcing the married. The precept may bind all, rightly understood; and yet the vehement manner of giving it, may bee occasion'd only by the Pharises.

Finally, hee windes up his Text with much doubt and trepidation; for it may bee his trenchers were not scrap't, and that which never yet afforded corn of favour to his noddle, the Salt-seller was not rubb'd: and therefore in this *hast easily granting, that his answers fall soule upon each other*, and praying, you would not think *hee writes as a profet, but as a man*, hee runs to the black jack, fills his flagon, spreads the table, and servs up dinner.

After waiting and voiding, hee 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 fixt instead: and sings his old song, *that the Gospel counts unlawfull that which the Law allow'd*, instancing in *Circumcision, Sacrifices, Washings*. But what are these Ceremonial things to the changing of a morall point in household dutie, equally belonging to Jew and Gentile; divorce was then right, now wrong; then permitted in the rigorous time of Law, now forbid'n by Law even to the most extremely afflicted in the favourable time of grace and freedom. But this is not for an unbutton'd fellow to discuss in the Garret, at his trefse, and dimension of candle by the snuffe; which brought forth his cullionly 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 Apostles mouth, *of the soules conversing*: and this hee presumes to doe being a bayard, who never had the soule to know, what conversing means, but as his provender, and the familiarity of the Kitchin school'd his conceptions.

Hee passes to the third Argument, like a Boar in a Vinyard, doing nought els, but still as hee goes, champing and chewing over, what I could mean by this *Chimera* of a fit conversing Soul, notions and words never made for those chopps; but like a generous Wine, only by overworking the settl'd mudd 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 bee satisfy'd in what I spake, how unpleasing and discontenting the society of body must needs be between those whose mindes cannot bee sociable. But what should a man say more to a snout in this pickle, what language can be low and degenerate enough?

The fourth Argument which I had, was, that Mariage beeing a Covenant, the very beeing wherof consists in the performance of unfained love and peace, if that were not tolerably perform'd, the Covenant became broke and revocable. Which how can any in whose minde the principles of right reason and justice are not cancell'd, deny; for how can a thing subsist, when the true essence therof is dissolv'd? yet this hee denies, and yet in such a manner as alters my assertion, for hee puts in, *though the main end bee not attain'd in full measure*: but my position is, if it be not tolerably attain'd, as throughout the whole Discours is apparent.

Now for his Reasons; *Heman found not that peace and solace, which is the main end of communion with God, should hee therefore break off that communion?*

I answer, that if *Heman* found it not, the fault was certainly his own: but in Mariage it happens farre otherwise: Sometimes the fault is plainly not his who seeks Divorce: Sometimes it cannot bee discern'd, whose fault it is: and therefore cannot in reason or equity bee the matter of an absolute prohibition.

His other instance declares, what a right handicrafts man hee is of petty cases, and how unfit to bee ought els at highest, but a hachney of the Law. *I change houses with a man; it is suppos'd I doe it for mine own ends; I attain them not in this house; I shall not therefore goe from my bargain.* How without fear might the young *Charinus* in *Andria* now cry out, *what likenes can bee heer to a Mariage?* In this bargain was no capitulation, but the yeilding of possession to one another, wherein each of them had his severall end apart: in Mariage there is a solemn vow of love and fidelity each to other: this bargain is fully accomplisht in the change; In Mariage the covenant still is in performing. If one of them perform nothing tolerably, but instead of love, abound in disaffection, disobedience, fraud, and hatred, what thing in the nature of a covenant shall bind the other to such a pernicious mischeif? Keep to your Problemes of ten groats, these matters are not for pragmatics, and folkmooters to babble in.

Concerning the place of *Paul*, that *God hath call'd us to peace*, 1 Cor. 7. and therefore certainly, if any where in this world, wee have a right to claim it reasonably in mariage, tis plain enough in the sense which I gave, and confess'd by *Paraus*, and other Orthodox Divines, to bee a good sense, and this Answerer, doth not weak'n it. The other place, *that hee who hateth, may put away*, which, if I shew him, he promises to yeeld the whole controversie, is, besides, *Deut. 24. 1. Deut. 21. 14.* and before this, *Exod. 21. 8.* Of *Malachy* I have spok'n more in another place; and say again that the best interpreters, all the ancient, and most of the modern translate it, as I cited, and very few otherwise, wherof perhaps *Junius* is the chief.

Another thing troubles him, that mariage is call'd the mystery of Joy. Let it still trouble him; for what hath hee to doe either with joy, or with mystery? He thinks it *frantic divinity* to say, It is not the outward continuance of mariage, that keeps the covenant of mariage whole, but whosoever doth most according to peace and love, whether in mariage or divorce, hee breaks mariage least. If I shall spell it to him, *Hee breaks mariage least*, is to say, hee dishonours not mariage; for *least* is tak'n in the Bible, and other good Authors, for, *not at all*. And a particular mariage a man may break, if for a lawfull cause, and yet not break, that is, not violate, or dishonour the Ordinance of Mariage. Hence those two questions that follow, are left ridiculous; and the *Maids at Algate*, whom hee flouts, are likely to have more witt then the *Servingman at Addlegate*.

Whereas hee taxes mee 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 bee collected from many places. For seeing love includes Faith, what is ther that can fulfill every commandment but only love? And I meant, as any intelligent Reader might apprehend, every positive, and civil commandment, wherof Christ hath taught us that *man is the Lord*. It is not the formal duty of worship, or the sitting still, that keeps the holy rest of Sabbath; but whosoever doth most according to charity, whether hee work, or work not; hee breaks the holy rest of Sabbath least. So Mariage being a civil Ordinance made for man, not man for it; hee who doth that which most accords with charity, first to himself, next to whom hee next owes it, whether in mariage or divorce, hee breaks the Ordinance of mariage least. And what in Re-

ligious prudence, can bee charity to himself, and what to his Wife, either in continuing, or in dissolving the marriage knot, hath bin already oft enough discours'd. 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 Priest-hood, then that Levitical, is a person dedicat 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 hee findes it impossible to bee decently or tolerably observ'd) to plunge himself into immeasurable distractions and temptations, above his strength; against this hee proves nothing, but gadds into silly conjectures of what abuses would follow, and with as good reason might declaim against the best things that are.

Against the sixth Argument, that to force the continuance of marriage between mindes found utterly unfit, and disproportional, is against nature, and seems forbidd under that allegorical precept of *Moses*, *Not to sow a field with divers seeds, lest both bee desil'd, not to plough with an Oxe and an Ass together,* which I deduc'd by the pattern of St. *Pauls* reasoning what was meant by *not muzzling the Oxe*, hee rambles over a long narration, to tell us that by *the Oxen* are meant the *Preachers*: which is not doubted. Then hee demands, *if this my reasoning bee like St. Pauls,* and I answer him, yes. Hee replies that *sure St. Paul would bee asham'd to reason thus.* And I tell him, No. Hee grants that place which I alleg'd, 2 *Cor. 6.* of unequal yoking, *may allude to that of Moses,* but saies, *I cannot prove it makes to my purpos,* and shews not first, how hee can disprove it. Waigh, Gentlemen, and consider, whether my affirmations, backt with reason, may hold balance against the bare denials of this ponderous confuter, elected by his ghostly Patrons to bee my copes-mate.

Proceeding on to speak of mysterious things in nature, I had occasion to fit the language thereafter, matters not for the reading of this odious fool, who thus ever when hee meets with ought above the equitation of his breeding, leaves the noysom stench of his rude slot behind him, maligning that any thing should bee spoke or understood, above his own *genius* hafenes; and gives sentence that his confu-

ting hath bin employ'd about a frothy, *immeritous and undeserving discourse*. Who could have beleev'd so much insolence durst vent it self from out the hide of a varlet, as thus to censure that which men of mature judgement have applauded to bee writ with good reason. But this contents him not, hee falls now to rave in his barbarous abusiveness; and why? a reason besitting such an Artificer, because he saith *the Book is contrary to all human learning*; When as the world knows that all, both human and divine learning, till the Canon Law, allow'd divorce by consent, and for many causes without consent. Next he dooms it, *as contrary to Truth*; when as it hath bin disputable among lerned men, ever since it was prohibited: and is by *Peter Martyr* thought an *opinion not impious, but hard to bee refuted*; and by *Erasmus* deem'd a *Doctrin so charitable and pious, as, if it cannot bee us'd, were to bee wisht it could*; but is by *Martin Bucer*, a man of dearest and most religious memory in the Church, taught and maintain'd to bee either most lawfully us'd, or most lawfully permitted. And for this, for I affirm no more then *Bucer*, what censure doe you think, Readers he hath condemn'd the book to? To a death no less infamous then *to be burnt by the hangman*. Mr. Licencer, for I deal not now with this caitif, never worth my earnest, & now not seasonable for my jest, you are reputed a man discreet enough, religious enough, honest enough, that is, to an ordinary competence in all these. But now your turn is, to hear what your own hand hath earn'd ye, that when you suffer'd this nameles hangman to cast into public such a despightfull contumely upon a name and person deserving of the Church and State equally to your self, and one who hath don more to the present advancement of your own Tribe, then you or many of them have don for themselves, you forgot to bee either honest, Religious, or discreet. What ever the State might doe concerning it, suppos'd a matter to expect evil from, I should not doubt to meet among them with wise, and honourable, and knowing men. But as to this brute Libel, so much the more impudent and lawless for the abus'd authority which it bears, I say again, that I abominat the censure of Rascalls and their Licencers.

With difficulty I return to what remains of this ignoble task, for the disdain I have to change a period more with the filth and venom of this gourmand, swell'd into a confuter. Yet for the satisfaction of others, I endure all this.

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 naturall causes;

First, hee denies that the Canon so decrees.

I Answer, that it decrees for danger of life, as much as for adultery. *Decret. Gregor. l. 4. tit. 19.* and in other places: and the best Civilians who cite the Canon Law, so collect, as *Schneidewin in institut. tit. 10. p. 4. de divorc.* and indeed who would have deny'd it, but one of a reprobate ignorance in all hee meddles with.

Secondly, hee saith, the case alters, for there the offender *who seeks the life, doth implicitly at least ask a divorce.*

And I answer, that heer nature though no offender, doth the same. But if an offender *by asking a divorce,* shall release the offended, this is an ample grant against himself. Hee saith, *nature teacheth 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, Hee saith, *that heer 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 hee concludes, *Wee must not take advantage of our own faults and corruptions to release us from our duties.* But shall wee take no advantage to save our selvs from the faults of another, who hath annull'd his right to our duty? No, saith hee, *Let them die of the sullens, and try who will pisty them.* Barbarian, the shame of all honest Attorneys, why doe they not hoifs him over the barre, and blanket him?

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 bee divorc'd, this, hee saith, *is nothing to the purpose,* and not fit to bee answer'd. I leav it therefore to the judgement of his Maisters.

Against the ninth Argument, that marriage is a human society, and so chiefly feated in agreement and unity of minde: If therefore the minde cannot have that due society by marriage, that it may reasonably and humanly desire, it can bee no human society, and so not without reason divorcible, heer hee falsifies, and turnes what the position requir'd of a reasonable agreement in the main matters of society, into an agreement in all things, which makes the opinion not mine, and so hee leaves it.

At last, and in good hour we are com to his farewell, which is to bee a concluding taste of his jabberment in Law, the flashiest and the fustiest that ever corrupted in such an unswill'd hogshead.

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 som good that may be frequently attain'd without the admixture of a wors inconvenience; but the Law forbidding divorce, never attains to any good end of such prohibition, but rather multiplies evill; therefore, the prohibition of divorce is no good Law. Now for his Attorneys prise: but first, like a right cunning and sturdy Logician, hee denies my Argument not mattering whether in the *major* or *minor*: and saith, *there are many Laws made for good, and yet that good is not attain'd, 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 wedloc. The default therefore will bee found in the Law it self; which is neither able to punish the offender, but the innocent must withall suffer; nor can right the innocent, in what is chiefly sought, the obtainment of love or quietnes. His instances out of the Common Law, are all so quite beside the matter which hee would prove, as may bee a warning to all clients how they venture thir busines with such a cock-braind Solliciter. For beeing to shew som Law of *England*, attaining to no good end, and yet through no default of the party, who is therby debar'd all remedy, hee shews us only how som doe loos the benefit of good Laws through their own default. His first example saith, *It is a just Law that every one shall peaceably enjoy his estate in Lands or otherwise.* Does this Law attain to no good end? the Barr will blush at this most incogitant woodcock. But see if a drafft of *Littleton* will recover him to his senses. *If this man having Fee simple in his Lands, yet will take a Leas of his own Lands, from another, this shall bee an Estoppel to him in an Assise from the recovering of his own Land.* Mark now, and register him. How many are there of ten thousand who have such a Fee simple in their conscience, as to take a Leas of their own Lands from another? So that this inconvenience lights upon scars one in an age, and by his own default; and the Law of enjoying each man his own, is good to all others. But on the contrary, this prohibition of divorce is good

to none, and brings inconvenience to numbers, who lie under intolerable greivances, without thir own default, through the wickednes or folly of another; and all this iniquity the Law remedies not, but in a manner maintains? His other cases are directly to the same purpos, and might have bin spar'd, but that hee is a tradesman of the Law, and must be born with at his first setting up, to lay forth his best ware, which is only gibbrish.

I have now don that, which for many causes I might have thought, could not likely have bin my tortane, to bee put to this under-work of scowring and unrubbing the low and sordid ignorance of such a presumptuous lozel. Yet *Heronius* had the labour once impos'd upon him to carry dung out of the *Augean* stable. At any hand I would bee ridd of him: for I had rather, since the life of man is likn'd to a Scene, that all my entrances and exits might mixe with such persons only, whose worth erects them and their actions to a grave and *tragic* deportment, and not to have to doe with *Clowns* and *Vices*. But if a man cannot peaceably walk into the world, but must bee infested, sometimes at his face, with dorns and horseflies, sometimes beneath, with bauling whippets, and snip-barkers, and these to bee set on by plot and consultation with a *foote* of Clerey men and Licencers, commended also and rejoyc'd in by those whose partiality cannot yet forgoe old papistieall principles, have I not cause to bee in such a manner defensive, as may procure mee freedom to pass more unmolested heerafter by these incumbrances, not to much regarded for themselves, as for those who incite them. And what defence can properly bee us'd in such a despicable encounter as this, but either the flap or the spurn? If they can afford mee none but a ridiculous adversary, the blame belongs not to mee, though the whole Dispute bee strew'd and scatter'd with ridiculous. And if hee 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 Solliciter, should compound into one mongrel, would bee but thin and meager, if in this penury of Soul hee can bee possible to have the lustiness to think of fame, let him but send mee how hee calls himself, and I may chance not fail to endorse him on the back-side of posterity, not a *golden*, but a brazen Ass. Since my fate extorts from mee a talent of sport, which I had thought to hide in a napkin, hee shall bee my *Batrachomomachia*, my *Bavins*, my *Calandrino*,

landrine, the common adage of ignorance and over-weening. Nay perhaps, as the provocation may bee, I may bee driv'n to curle up this gliding prose into a rough *Seradio*, that shall rime him into such a condition, as instead of judging good Books to bee burnt by the executioner, hee shall be readier to be his own hangman. Thus much to this *Nuisance*.

But as for the Subject it self which I have writt, and now defend, according as the opposition beares, if any man equal to the matter shall think it appertains him to take in hand this controversy, either excepting against ought writt'n, or perswaded hee can shew better how this question of such moment to bee throughly known may receive a true determination, not leaning on the old and rott'n suggestions wheron it yet leanes, if his intents bee sincere to the public, and shall carry him on without bitterness to the opinion, or to the person dissenting, let him not, I entreate him, guesse by the handling, which meritoriously hath bin bestowd on this object of contempt and laughter, that I account it any displeasure don mee to bee 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 faire Argument in such a sort, as hee shall confesse that to doe so is my choise, and to have don thus was my chance.

The End.





