

## The Doctrine & Discipline of Divorce

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.

Wherin also are set down the bad consequences of abolishing or condemning of Sin, that which the Law of God allowes, 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.*

MATH. [13.52.](#)

*Every Scribe instructed to the Kingdome of Heav'n, is like the Maister 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.*

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I. BOOKE.

The Preface.

*That Man is the occasion of his owne miseries, in most of those evils which hee imputes to Gods inflicting. The absurdity of our canonists in their decrees about divorce. The Christian imperiall Lawes fram'd with more Equity. The opinion of [Hugo Grotius](#), and [Paulus Fagius](#): And the [purpose](#) in generall of this Discourse.*

Any men, whether it be their fate, or [fond](#) opinion, easily perswade themselves, if God would but be pleas'd a while to withdraw his just punishments from us, and to restraints what power either the devill, or any earthly enemy hath to worke 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 minde large enough to take into their thoughts a generall survey of human things, would soon prove themselves in that opinion farre deceiv'd. For though it were granted us by divine indulgence to be exempt from all that can be harmfull to us from without, yet the perversnesse of our folly is so bent, that we should never [lin](#) hammering out of our owne hearts, as it were out of a flint, the seeds and sparkles of new misery to our selves, till all were in a blaze againe. And no marvell if out of our own hearts, for they are [evill](#) but ev'n out of those things which God meant us, either for a principall good, or a pure contentment, we are still hatching and contriving upon our selves matter of continuall sorrow and perplexitie. What greater good to man then 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 only [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 work unlawfull. What thing more instituted to the solace and delight of man then marriage, and yet the mis-interpreting of some Scripture directed mainly against the abusers of the Law for divorce giv'n by [Moses](#), hath chang'd the blessing of matrimony not seldome into a familiar and co-inhabiting mischiefe; 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 extreme of abused liberty into the other of unmercifull restraint. For although God in the first ordaining of [marriage](#), taught us to what end he did it, in words expresly implying the apt and cheerfull [conversation](#) of man with woman, to comfort and refresh him against the evil of solitary life, not mentioning the purpose of generation till afterwards, as being but a secondary end in dignity, though [not in necessity](#); yet now, if any two be but once handed in the Church, and have tasted in any sort the nuptiall bed, let them finde 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 lonelines, 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 [fadge](#) together, and combine as they may to their unspeakable wearisomes and despaire of all sociable delight in the ordinance which God establisht to that very end. What a calamity is this, and as the Wise-man, if he were alive, would sigh out in his own phrase, what a [sore evill is this under the Sunne](#)! All which we can referre justly to no other author then the [Canon Law](#) and her adherents, not consulting with charitie, the interpreter and guide of our faith, but resting in the meere element of the Text; doubtles by the policy of the devill to make that gracious ordinance become unsupportable, that what with men not daring 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 disswaded to all, as he that reads [Tertullian or Ierom](#) may see at large. Afterwards it was thought so [Sacramentall](#), that no adultery or desertion could dissolve it; and this is the sense of our Canon Courts in *England* to this day, but in no [other reformed Church els](#): yet there remains in them also a burden on it as heavie as the other two were disgracefull or superstitious, and of as much iniquity, crossing a Law not onely writt'n by [Moses](#), but character'd in us by nature, of more antiquity and deeper ground then marriage it selfe; which Law is to force nothing against the faultles 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 preach't onely to the conscience, is by Canonick tyranny snatcht into the compulsive censure of a judiciall Court; where Laws are impos'd even against the venerable and secret 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 soule, the goodnes of Christianitie, and all the humane respects of civilitie. 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 holines of life are still with us in great renowne, have made their statutes and edicts concerning this

debate, far more easie and relenting in many necessary cases, wherin the Canon is inflexible. And *Hugo Grotius*, a man of these times, one of the best learned, seems not obscurely to adhere in his perswasion to the equity of those Imperiall decrees, in his *notes upon the Evangelists*, much allaying the outward roughnesse of the Text, which hath for the most part been too immoderately expounded; and excites the diligence of others to enquire further into this question, as containing many points that have not yet been explain'd. Which ever likely to remain intricate and hopelesse 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 lesse prudent then 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 Jewes. But because he is but briefe, 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 passe thereon, to communicate such thoughts as I also have had, and do offer them now in this generall labour of reformation, to the candid view both of Church and Magistrate; especially because I see it the hope of good men, that those irregular and unspirituall Courts have spun their utmost date in this Land; and some beter 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 peece 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 successe 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 onely to those mercifull and life-giving remedies of *Moses*, but, as much as may be, to that serene and blisfull condition it was in *at the beginning*; and shall deserv of all apprehensive men (considering the troubles and distempers which for want of this insight have bin so oft in Kingdomes, in States and Families) shall deserve to be reck'n'd among the publick benefactors of civill and humane life; above the inventors of wine and oyle; for this is a far dearer, far nobler, and more desirable cherishing to mans life, unworthily expos'd to sadnes and mistake, which he shall vindicate. Not that licence and levity and unconsented breach of faith should herein be countnanc't, but that some conscionable, and tender pitty might be had of those who have unwarily in a thing they never practiz'd before, made themselves the bondmen of a luckles and helpes matrimony. In which Argument he whose courage can serve him to give the first onset, must look for two severall oppositions: the one from those who having sworn themselves to long custom and the letter of the Text, will not out of the road: the other from those whose grosse and vulgar apprehensions conceit but low of matrimoniall purposes, and in the work of male and female think they have all. Neverthelesse, it shall be here sought by due wayes to be made appeare, that those words of God in the institution, promising a meet help against *lonelines*, 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 onely is desir'd of them who are minded to judge hardly of thus maintaining, that they would be still, and heare all out, nor think it equall 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; and had the fate at first to be generally exploded and exclaim'd on by many violent opposers: yet I may erre perhaps in soothing my selfe 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 societie: and to doe this with no smarting corrosive, but with a smooth and pleasing lesson, which receiv'd hath the vertue to soften and dispell rooted and knotty sorrowes; and without inchantment 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 houre 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 unexpected ease and recovery, what remains but to deplore the frowardnes 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 suspected as too lushious. 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 witnes, and shall be justify'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 morall and charitable use, first by Paulus Fagius; next with other additions.*

**T**O remove therefore if it be possible, this great and sad oppression which through the strictnes of a literall interpreting hath invaded and disturb'd the dearest and most peaceable estate of household society, to the over-burdening, if not the over-whelming of many Christians better worth then 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 conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity, especially if there be no children, and that there be mutuall 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 passe that she find no favour in his eyes, because he hath found some uncleannesse 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 beleef, 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 human weaknes. For every one that of necessity separats, 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 weaknes. 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 untill it be disputed, how the Magistrate is to doe herein. From hence we may plainly discern a twofold consideration in this Law. First the End of the Lawgiver, 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 muffl'd in the robe of Law, or Law disguis'd in the loose garment of sin. Both which are too foule *Hypotheses* to save the *Phenomenon* of our Saviours answer to the Pharises about this matter. And I trust anon by the help of an infallible guide to perfet such *Prutenick* tables as shall mend the *Astronomy* of our wide expositors.

The cause of divorce mention'd in the Law is translated *some uncleannesse*, but in the Hebrew it sounds *nakednes of ought, or any real nakednes*; which by all the *learned interpreters* is refer'd to the mind, as well as to the body. And what greater nakednes or unfitness of mind then that which hinders ever the solace and peacefull society of the married couple, and what hinders that more then the unfitness and defectiveness of an

unconjugal mind. The cause therefore of divorce expres't in the position cannot but agree with that describ'd in the best and equalest sense of *Moses* Law. Which being a matter of pure charity, is plainly moral, and more now in force then ever: therefore surely lawfull. For if under the Law such was Gods gracious indulgence, as not to suffer the ordinance of his goodnes and favour, through any error to be ser'd and stigmatiz'd upon his servants to their misery and thraldome, much lesse 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 inseparable. To that a little patience untill this first part have amply discours't the grave and pious reasons of this divorsive Law; and then I doubt not but with one gentle stroking to wipe away ten thousand teares 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 selfe 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'nant whatsoever obliges against the main end both of it self, and of the parties cov'nanting.*

Of all sense and equity reclaims that any Law or Cov'nant, how solemne or strait soever, either between God and man, or man and man, though of Gods joyning, should bind against a prime and principall scope of its own institution, and of both or either party cov'nanting: neither can it be of force to ingage a blameles creature to his own perpetuall sorrow, mistak'n for his expected solace, without suffering charity to step in and doe a confest good work of parting those whom nothing holds together, but this of Gods joyning, falsly suppos'd against the expresse end of his own ordinance. And what his chiefe end was of creating woman to be joynd with man, his own instituting words declare, and are infallible to informe us what is mariage, and what is no mariage: unlesse 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 so plain, lesse cannot be concluded, nor is by any learned Interpreter, then that in Gods intention a meet and happy conversation is the chiefest and the noblest end of mariage: for we find here no expression so necessarily implying carnall knowledge, as this prevention of lonelines to the mind and spirit of man. To this, Fagius, Calvin, Pareus, Rivetus, as willingly and largely assent as can be wisht. 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, whenas the solace and satisfaction of the minde is regarded and provided for before the sensitive pleasing of the body. And with all generous persons married thus it is, that where the minde and person pleases aptly, there some unaccomplishment of the bodies delight may be better born with, then when the minde hangs off in an unclosing disproportion, though the body be as it ought; for there all corporall delight will soon become unsavoury and contemptible. And the solitarines of man, which God had namely and principally orderd to prevent by mariage, hath no remedy, but lies under a worse condition then the loneliest single life; for in single life the absence and remotenes of a helper might inure him to expect his own comforts out of himselfe, or to seek with hope; but here the continuall sight of his deluded thoughts without cure, must needs be to him, if especially his complexion incline him to melancholy, a daily trouble and paine of losse in som degree like that which Reprobats feel. Lest therefore so noble a creature as man should be shut up incurably under a worse evill by an easie mistake in that ordinance which God gave him to remedy a lesse evill, reaping to himselfe sorrow while he went to rid away solitarines, 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-forbidd'n lonelines which will in time draw on with it a generall discomfort and dejection of minde, not beseeing either Christian profession or morall 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 mariage can be no mariage whereto the most honest end is wanting: and the agrieved person shall doe more manly, to be extraordinary and singular in claiming the due right whereof he is frustrated, then to piece up his lost contentment by visiting the Stews, or stepping to his neighbours bed, which is the common shift in this mis-fortune, or els by suffering his usefull life to wast 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.

## CHAP. III.

*The ignorance and iniquity of Canon law, providing for the right of the body in mariage, but nothing for the wrongs and greivances 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 carefull provision against the impediment of carnall performance, and to have had no care about the unconversing inability of mind, so defective to the purest and most sacred end of matrimony: and that the vessell of voluptuous enjoyment must be made good to him that has tak'n it upon trust without any caution, when as the mind from whence must flow the acts of peace and love, a far more pretious mixture then the quintessence of an excrement, though it be found never so deficient and unable to performe the best duty of marriage in a cheerfull and agreeable conversation, shall be thought good enough, how ever flat and melancholious it be, and must serve though to the eternall disturbance and languishing of him that complains him. Yet wisdom and charity waighing Gods own institution, would think that the pining of a sad spirit wedded to lonelines should deserve to be free'd, aswell as the impatience of a sensuall desire so providently reliev'd. Tis read to us in the Liturgy, that *we must not marry to satisfie the fleshly appetite, like brute beasts that have no understanding*; but the Canon so runs, as if it dreamt of no other matter then such an appetite to be satisfy'd; for if it happen that nature hath stopt or extinguisht the veins of sensuality, that mariage is annull'd. But though all the faculties of the understanding and conversing part after triall appeare to be so ill and so aversly met through natures unalterable working, as that neither peace, nor any sociable contentment can follow, tis as nothing, the contract shall stand as firme 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 prescrib'd satisfaction of an irrational heat; which cannot be but ignominious to the state of mariage, dishonourable to the undervalu'd soule of man, and even to Christian doctrine it selfe. While it seems more mov'd at the disappointing of an impetuous nerve, then at the ingenuous grievance of a minde unreasonably yoakt; and to place more of mariage in the channell of concupiscence, then in the pure influence of peace and love, whereof the souls lawfull contentment is the 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 warinesse 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 sobrest and best govern'd men are least practiz'd in these affairs; and who knowes not that the bashfull mutenes of a virgin may oft-times hide all the unlivelines and naturall sloth which is really unfit for conversation; nor is there that freedom of accesse granted or presum'd, as may suffice to a perfect discerning till too late: and where any indisposition is suspected, what more usuall then the perswasion of friends, that acquaintance, as it increases, will amend all. And lastly, it is not strange though many who have spent their youth chastly, are in some things not so quick-sighted, while they hast too eagerly to

light the nuptial [torch](#); nor is it therefore that for a modest error a man should forfeit so great a happiness, and no charitable means to release him. Since they who have liv'd most loosely by reason of their bold accustoming, prove most successful in their matches, because their wild affections unsettling at will, have been as so many divorces to teach them experience. When as the sober man honouring the appearance of modesty, and hoping well of every sociall vertue under that veile, may easily chance to meet, if not with a body impenetrable, yet often with a mind to all other due conversation inaccessible, and to all the more estimable and superior purposes of matrimony uselesse and almost lifeless: and what a solace, what a fit help such a consort would be through the whole life of a man, is lesse pain to conjecture then to have experience.

### CHAP. III.

*The Second Reason of this Law, because without it, marriage as it happ'ns oft is not a remedy of that which it promises, as any rationally 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 conjugall love and helpfulnes.*

**A**nd that we may further see what a violent and cruell thing it is to force the continuing of those together, whom God and nature in the gentlest end of marriage never joynd, 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 this comes to passe, 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 then one contradiction, which I referre also thither. Lastly, the supreme dictate of charitie is hereby many wayes neglected and violated. Which I shall forthwith addresse to prove. First we know [St. Paul](#) saith, [It is better to marry then 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 carnall lust, nor the meer goad of a sensitive desire; God does not principally take care for such [cattell](#). 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 solitarines by uniting another body, but not without a fit soule to his in the cheerfull society of wedlock. Which if it were so needfull before the fall, when man was much more perfect in himselfe, how much more is it needfull now against all the sorrows and casualties of this life to have an intimate and speaking help, a ready and reviving associate in marriage; wherof who misses by chancing on a mute and spiritle mate, remains more alone then before, and in a burning lesse to be contain'd then that which is fleshly and more to be consider'd; as being more deeply rooted even in the faultles innocence of nature. As for that other burning, which is but as it were the venom of a lusty and over-abounding concoction, strict life and labour, with the abatement of a full [diet](#) may keep that low and obedient enough: but this pure and more inbred desire of [joyning to it selfe in conjugall fellowship](#) a fit conversing soul (which desire is properly call'd love) *is stronger then death*, as the spouse of Christ thought, [many waters cannot quench it, neither can the floods drown it](#). This is that rationally 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 asswage who by mis-hap hath met the most unmeetest and unsutable 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 unquencht, when the importunity of a [provender](#) burning is well enough appeas'd; and yet the soule hath obtain'd nothing of what it justly desires. Certainly such a one forbidd'n to divorce, is in effect forbidd'n to marry, and compell'd to greater difficulties then in a single life; for if there be not a more human burning which marriage must satisfie, or els may be dissolv'd, then that of copulation, marriage cannot be honorable for the [meer](#) reducing and terminating of lust between two; seeing many beasts in voluntary and chosen couples, live together as unadulterously, and are as truly married in that respect. But all ingenuous men will see that the dignity & blessing of marriage is plac't rather in the mutual enjoyment of that which the wanting soul needfully seeks, then of that which the plenteous body would joyfully give away. Hence it is that [Plato](#) in his festival discours brings in [Socrates](#) relating what he fain'd to have learnt from the Prophetesse [Diotima](#), how *Love* was the Sonne of *Penury*, begot of *Plenty* in the Garden of [Iupiter](#). Which divinely sorts with [that which in effect Moses tells us](#), that *Love* was the son of *Lonelines*, 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](#) mention'd by [S. Paul](#), whereof marriage ought to be the remedy; the Flesh hath other [naturall](#) and easie curbs which are in the power of any temperate man. When therefore this originall and sinles *Penury* or *Lonelines* of the soul cannot lay it selfe 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 formall wedlock, and still burnes in the proper meaning of [S. Paul](#). Then enters *Hate*, not that Hate that sins, but that which onely is naturall dissatisfaction, and the turning aside from a mistaken object: if that mistake have done injury, it fails not to dismisse 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 human end of marriage, thinks it better to part then to live sadly and injuriously to that cheerfull covnant (for not to be belov'd & 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 equall 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 lonelinesse 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 himselfe.

### CHAP. V.

*The Third Reason of this Law, because without it, he who hath happen'd where he finds nothing but remediles offences and discontents, is in more and greater temptations then ever before.*

**T**hirdly, Yet it is next to be fear'd, if he must be still bound without reason by a deafe rigor, that when he perceives the just expectance of his mind defeated, he will begin even against Law to cast about where he may find his satisfaction more compleat, unlesse he be a thing heroically vertuous, and that are not the common lump of men for whom chiefly the Laws ought to be made, though not to their sins, yet to their unsinning weaknesses, it being above their strength to endure the lonely estate, which while they shun'd, they are fal'n into. And yet there follows upon this a worse temptation; for if he be such as hath spent his youth unblamably, and layd up his chiefest earthly comforts in the enjoyment of a contented marriage, nor did neglect that furdurance which was to be obtain'd therein by constant prayers, when he shall find himselfe 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 withall that his bondage is now inevitable, though he be almost the strongest Christian, he will be ready to despair in vertue, and [mutin](#) against divine providence: and this doubtles is the reason of those lapses and that melancholy 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 extreme

danger; therefore when human frailty surcharg'd, is at such a losse, charity ought to venture much, and use bold physick, lest an over-tost faith endanger to shipwrack.

#### CHAP. VI.

*The Fourth Reason of this Law, that God regards Love and Peace in the family, more then a compulsive performance of marriage, which is more broke by a grievous continuance, then by a needfull divorce.*

**F**ourthly, Mariage is a cov'nant the very beeing wherof consists, not in a forc't cohabitation, and counterfet performance of duties, but in unfained love and peace. And of matrimoniall 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 fals and faining Desires that wander singly up and down in his likenes. 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 *suborned* striplings, as if they were his Mothers own Sons, for so he thinks them, while they suttly keep themselves most on his blind side. But after a while, as his manner is, when soaring up into the high Towr of his *Apogæum*, above the shadow of the earth, he darts out the direct rayes of his then most piercing eyesight upon the impostures, and trim disguises that were us'd with him, and discerns that this is not his genuin brother, as he imagin'd, he has no longer the power to hold fellowship with such a personated mate. For strait his arrows loose their golden heads, and shed their purple feathers, his silk'n *breades* untwine, and slip their knots, and that original and firie vertue giv'n him by Fate, all on a sudden goes out and leaves him undeif'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 & *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 esteemd it one of the highest arks that human contemplation circling upward, can make from the *glassy Sea* wheron she stands) but this is a deep and serious verity, shewing us that Love in mariage cannot live nor subsist unlesse it be *mutual*; and where Love cannot be, there can be left of wedlock nothing, but the empty husk of an outside matrimony; as undelightfull and displeasing to God, as any other kind of hypocrisy. So farre is his command from tying men to the observance of duties, which there is no help for, but they must be dissembl'd. If *Solomons* advice be not overfrolick, *Live joyfully*, saith he, *with the wife whom thou lovest, all thy dayes, 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 joyne; adding but more vexation and violence to that blisfull society by our importunate superstition, that will not heark'n to *St. Paul*, I *Cor.* 7. who speaking of mariage and divorce, determines plain enough in generall, that God therein *hath call'd us to peace and not to bondage*. Yea God himself commands in his Law more then 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 mariage, and quiet in the family*. Surely the Jewes had their saving peace about them, aswell as we, yet care was tak'n that this wholsom provision for houshold peace should also be allow'd them; and must this be deny'd to Christians? O perversnes! that the Law should be made more provident of peacemaking then 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 servil copulation, must be the only forc't work of a Christian mariage, oft times with such a yokefellow, from whom both love and peace, both nature and Religion *mourns* to be separated. I cannot therefore be so diffident, as not securely to conclude, that he who can receive nothing of the most important helps in mariage, being therby disinabl'd to return that duty which is his, with a clear and hearty countnance; and thus continues to grieve whom he would not, and is no lesse griev'd, that man ought even for loves sake and peace to move Divorce upon good and liberall conditions to the divorc't. And it is a lesse breach of wedlock to part with wise and quiet consent betimes, then still to soile and profane that mystery of joy and *union* with a polluting sadnes and perpetuall distemper; for it is not the outward continuing of mariage that keeps whole that cov'nant, but whosoever does most according to peace and love, whether in mariage, or in divorce, he it is that breaks mariage least; it being so often written, that *Love only is the fulfilling of every Commandment*.

#### CHAP. VII.

*The Fifth Reason, that nothing more hinders and disturbs the whole life of a Christian, then a matrimony found to be incurably unfit, and doth the same in effect that an Idolatrous match.*

**F**ifthly, 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 himselfe 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 teares, 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 dissimulation against his soule in the perpetuall and ceaseles duties of a husband, doubtles his whole duty of serving God must needs be blurr'd and tainted with a sad unpreparednesse and dejection of spirit, wherin God has no delight. Who sees not therefore how much more *Christianly* it would be to break by divorce that which is more brok'n by undue and forcible keeping, rather then to *cover the Altar of the Lord with continuall teares, so that he regardeth not the offering any more*, rather then 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 child'r'n of a second matrimony succeeding a divorce would not be a holy seed, it hinder'd not the Jewes from being so, and why should we not think them more holy then the off-spring of a former ill-twisted wedlock, begott'n only out of a bestiall necessitie 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 then 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 onely in bitternes and wrath, the canker of devotion, but in a desperate and vitious carelesnes; when he sees himselfe without fault of his, train'd by a deceitfull bait into a snare of misery, betray'd by an alluring ordinance, and then made the thrall of heavines and discomfort by an undivorcing Law of God, as he erroneously thinks, but of mans iniquitie, as the truth is; for that God preferres the free and cheerfull Worship of a Christian, before the grievous and exacted observance of an unhappy marriage, besides that the generall maximes of Religion assure us, will be more manifest by drawing a parallel argument from the ground of divorcing an Idolatresse, 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 unhelpfull and unfit society, and so drive him at last through murmuring and despair to thoughts of Atheisme; 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](#), unlesse we must set marriage above God and charity, which is the doctrine of devils, no lesse then 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 morall law.*

And here by the way to illustrate the whole question of divorce, ere this treatise end, I shall not be loath 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 resolving wherof 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 Evangelicall reason, having respect to that vision of *S. Peter*, wherein the distinction of clean and unclean being abolisht, all living creatures were sanctified to a pure and Christian use, and mankind especially, now invited by a general call to the cov'nant of grace. Therefore saith *S. Paul*, *The unbelieving wife is sanctify'd by the husband*; that is, made pure and lawfull 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 stil 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 forgoe their wives. And this reason is morall and perpetuall 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 legall pollution be now don off, yet there is a spirituall 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 alwayes ought to be a certain religious aversion and abhorring, which can no way sort with marriage: Therefore saith *S. Paul*, *What fellowship hath righteousness with unrighteousnesse? what communion hath light with darknes? what concord hath Christ with Belial? what part hath he that beleeveith with an infidel?* And in the next verse but one he moralizes and makes us liable to that command of *Isaiah*; *Wherfore 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 wheron *Ezra* grounded the pious necessity of divorcing. Neither had he other commission for what he did, then such a generall command in *Deut.* as this, may not so direct as this; for he is bid there not to [marry](#), but not bid to divorce, and yet we see with what a zeal and confidence he was the author of a generall divorce between the faithfull and unfaithfull seed. The Gospell is more plainly on his side according to three of the Evangelists, then 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 civill respect, or natural relation which is dearest, may be our plea to divide, or hinder, or but delay our duty to religion, we heare 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 onely by not consenting or not complying with them, for that were to be don, and roundly too, though being of the same faith they should but seek, out of a fleshly tendernes to weak'n our Christian fortitude with worldly perswasions, or but to unsettle our constancie with timorous and softning suggestions: as we may read with what a vehemence *Iob* the patientest of men, rejected the desperat 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 hopeles continuance in misbelief, then ev'n in the due progresse of reason, and that ever-equall proportion which justice proceeds by, it cannot be imagin'd that this cited place, commands lesse then a totall and finall separation from such an adherent; at least that no force should be us'd to keep them together: while we remember that God commanded *Abraham* to send away his irreligious wife and her son for the offences which they gave in a pious family. And it may be guest that *David* for the like cause dispos'd of *Michal* in such a sort, as little differ'd from a dismission. 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 dutie between such can be perform'd as it should be from the heart, when their thoughts and spirits flie asunder as farre as heaven from hell; especially if the time that hope should send forth her expected blossoms be past in vain. It will easily be true that a father or a brother may be hated [zealously](#), and lov'd civilly or naturally; for those duties may be perform'd at distance, and doe admit of any long absence, but how the peace and perpetuall 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 *Salomon* among the rest, if they may not hate and forsake as *Moses* enjoys, and the Gospell imports, will find it impossible not to love otherwise then will sort with the love of God, whose jealousy brooks no corrivall. 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 morall 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 & worship of God. As if when *Moses* had bid divorce absolutely, and Christ had said, hate & forsake, and his Apostle had said, no communion with Christ & *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 demurre, and to contemne all the divorsive engines in heaven or earth. Both which may now passe away if this be true, for more then many [jots or tittles](#), a whole morall Law is abolisht. But if we dare beleeve 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 civill ordinance, to the strict maintaining of a generall 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 *2 Chron.* 19. 2. *Shouldst thou love them that hate the Lord?* No [doubtlesse](#): 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 beleever ought to divorce an idolatrous heretick unlesse upon better hopes: however, that it is in the belevers 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 dis-joyns: for others born idolaters the morall reason of their dangerous keeping and the incommunicable antagony that is between Christ and *Belial*, will be sufficient to enforce the commandment of those two 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 lawfull, will appeare 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 may separate, it should not follow, that, whom he joyns not, but hates to joyn, those man ought to separate: but saith the Lawyer, that which ought not have been don, once don, 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 onely between them of the same faith. But what shall we say then to *S. Paul*, who seemes to bid us not divorce an Infidell 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 morall 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 beleev'd upon his own word; for what is this els but his counsell 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. Pauls* 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 out-face him. Neither doth it follow, but that the Apostle may interpose his judgement in a case of Christian liberty without the guilt of adding to Gods word. How doe 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 judgement*? Why shall not the like words have leave to signifie a freedom in this our present question, though *Beza* deny. Neither is the Scripture hereby lesse 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 expresse himself to Christian prudence in a matter which God thought best to leave uncommanded. *Beza* therefore must be warily read when he taxes *S. Austine* of *Blasphemy* for holding that *S. Paul* spake heer 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 joyne in consent to dwell with him* (which cannot utter lesse to us then a mutuall agreement) let him not put her away for the meer surmise of Judaicall uncleannes: and the reason follows, for the body of an infidell is not polluted, neither to benevolence, nor to procreation. Moreover, this note of mutuall complacencie 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 beleever into *bondage* heerby, which doubles might prove extreme, if Christian liberty and conscience were left to the humor of a pagan staying at pleasure to play with, or 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 beleever be not wearied out with endlesse waiting under many grievances sore to his spirit; but that respect be had rather to the present suffering of a true Christian, then the uncertain winning of an obdur'd heretick. The counsell we have from *S. Paul* to hope, cannot countermand the moral and Evangelick charge we have from God to feare seducement, to separate from the misbeleever, the unclean, the obdurat. 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 himselfe after which he may give over washing an *Ethiophe*, if he will heare the advice of the Gospell. *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 wherin he is call'd therin abide with God*, v. 24. that is, so walking in his inferior calling of marriage, as not by dangerous subjection to that ordinance, to hinder and disturb the higher calling of his Christianity. Last, and never too oft remembred, whether this be a command or an advice, we must looke that it be so understood as not to contradict the least point of morall religion that God hath formerly commanded, otherwise what doe we but set the morall Law and the Gospell at civill war together: and who then shall be able to serve these two masters?

#### CHAP. IX.

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

**N**ow 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 chiefe ends thereof agreed on; Godly society, next civill, 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 grosse and borish opinion, how common soever; as farre from the countenance of Scripture, as from the light of all clean philosophy, or civill nature. And out of question the cheerfull 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, civill or corporall 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 selfe, 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 numnesse of minde may justly be divorc't, by proving already that the prohibition therof opposes the expresse end of Gods institution, suffers not marriage to satisfie that intellectuall and innocent desire which God himself kindl'd in man to be the bond of wedlock, but only to remedy a sublunary and bestial burning, which frugal diet without marriage would easily chast'n. Next that it drives many to transgresse the conjugall bed, while the soule wanders after that satisfaction which it had hope to find at home, but hath mis't. Or els 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 shew'n also how it unties the inward knot of marriage, which is peace and love (if that can be unti'd which was never knit) while it aimes to keep fast the outward formalitie; how it lets perish the Christian man, to compell impossibly the married man.

#### CHAP. X.

*The Sixth Reason of this Law, that to prohibit divorce sought for natural causes is against nature.*

He sixt place declares this prohibition to be as respectlesse of human nature as it is of religion, and therefore is not of God. He teaches that an unlawfull marriage may be lawfully divorc't. And that those who having thoroughly discern'd each others disposition which oft-times cannot be till after matrimony, shall then find a powerful reluctance and recoile of nature on either side blasting all the content of their mutuall 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 sowe thy vineyard with divers seeds, lest thou defile both. Thou shalt not plow with an Oxe and an Asse together;* and the like. I follow the pattern of St. 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 Cor. 6.14. alludes from that place of Deut. to forbid mis-yoking marriage; as by the Greek word is evident, though he instance but in one example of mis-matching with an Infidell: yet next to that what can be a fouler incongruity, a greater violence to the reverend secret of nature, then to force a mixture of minds that cannot unite, and to sowe the furrow of mans nativity with seed of two incoherent and uncombining dispositions; which act being kindly and voluntarie, as it ought, the Apostle in the language he wrote call'd *Eunoia*, and the Latines *Benevolence*, intimating the original therof 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 unnaturall tribute that can be extorted from a person endew'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 powerfull causes he cannot like, or from unequall causes finds not recompence. And that there is a hidden efficacie of love and hatred in man as wel as in other kinds, not morall, but naturall, which though not always in the choyce, yet in the successe of marriage wil 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 Starre, or whether the supernall influence of Schemes and angular aspects or this elementall *Crisis* here below, whether all these jointly or singly meeting friendly, or unfriendly in either party, I dare not, with the men I am likest to clash, appear so much a Philosopher as to conjecture. The ancient proverb in *Homer* lesse abstruse intitles this worke of leading each like person to his like, peculiarly to God himselfe: which is plain enough also by his naming of a meet or like help in the first espousall instituted; and that every woman is meet for every man, none so absurd as to affirm. Seeing then there is indeed a twofold Seminary or stock in nature, from whence are deriv'd the issues of love and hatred distinctly flowing through the whole masse of created things, and that Gods doing ever is to bring the due likenesses and harmonies of his workes 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 imbarkt 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 wisht, if from the bent of just and honest intentions beginning what was begun, and so continuing, all that is equall, all that is fair and possible hath been tri'd, and no accommodation likely to succeed, what folly is it still to stand combating and battering against invincible causes and effects, with evill upon evill, till either the best of our dayes be linger'd out, or ended with some speeding sorrow. The wise *Ecclesiasticus* advises rather, 37. 27. *My sonne, prove thy soule in thy life, see what is evill for it, and give not that unto it.* Reason he had to say so; for if the noysomness or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more wil 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 fundamentall law book of nature; which *Moses* never thwarts, but reverences: therefore he commands us to force nothing against sympathy or naturall 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 then the indefinite likeness of womanhood; nor are they to be made waste paper on, for the dulnesse of Canon divinity: no nor those other allegorick precepts of beneficence fetcht out of the closet of nature to teach us goodnes and compassion in not compelling together unmatchable societies, or if they meet through mischance, by all consequence to dis-joyn them, as God and nature signifies and lectures to us not onely 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 mariage may be evidently the shortning or endangering of life to either party, both Law and divinitie concluding, that life is to be prefer'd before mariage the intended solace of life.*

Eventhly, 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 mariage is greater then a sin against the bed: the one destroyes, the other defiles: The same may be said touching those persons who being of a pensive nature and cours of life, have sum'd up all their solace in that free and lightsome conversation which God and man intends in marriage: wherof when they see themselves depriv'd by meeting an unsociable consort, they oft-times resent one anothers mistake so deeply, that long it is not ere grieffe end one of them. When therefore this danger is foreseen that the life is in perill by living together, what matter is it whether helpes grieffe, or wilfull practice be the cause; This is certain that the preservation of life is more worth then the compulsory keeping of marriage; and it is no lesse then crueltie to force a man to remain in that state as the solace of his life, which he and his friends know will be either the undoing or the disheartning of his life. And what is life without the vigor and spiritfull exercise of life? how can it be usefull either to private or publick employment? shall it therefore be quite dejected, though never so valuable, and left to moulder away in heavines for the superstitious and impossible performance of an ill driv'n bargain? Nothing more inviolable then vowes 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 breake 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 man be Lord of the Sabbath, to the curing of a Fevor, can he be lesse then Lord of mariage in such important causes as these?

#### CHAP. XII.

*The eighth reason, It is probable, or rather certain, that every one who happ'ns to marry, hath not the calling, and therefore upon unfitnesse found and consider'd, force ought not to be us'd.*

Eventhly, It is most sure that some ev'n 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; unlesse nothing be requisite therto but a meer instrumentall 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 doe 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 unfitnes of mind, what wearisomnesse, what scruples and doubts to an incredible offence and displeasure are like to follow between, may be soon imagin'd: whom thus [to immure and shut up together](#), the one with a mischosen mate, the other in a mistak'n calling, is not a cours that Christian "wisdom" and tendernesse ought to use. As for the custome that some parents and guardians have of forcing mariages, it will be better to say nothing of such a savage inhumanity, but only this, that the Law which gives not all freedom of divorce to any creature endu'd with reason so assassinated, is next in cruelty.

#### CHAP. XIII.

*The ninth reason, Because marriage is not a meer carnall coition, but a human Society, where that cannot reasonably be had, there can be no true matrimony. Marriage compar'd with all other cov'nants and vowes warrantably broken for the good of man. Marriage the Papists Sacrament, and unfit marriage the Protestants Idoll.*

**N**Intly, I suppose it will be allow'd us that marriage is a human Society, and that all human society must proceed from the mind rather than the body, els it would be but a kind of animall or beastish meeting; if the mind therefore [cannot](#) have that due company by marriage, that it may reasonably and humanly desire, that marriage can be no human society, but a certain formality; or guilding over of little better then a brutish congresse, and so in very wisdom and purenesse to be dissolv'd.

But marriage is more then human, *the Covnant 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 chiefe society thereof to be in the soule rather than in the body, and the greatest breach therof to be unfitnesse of mind rather than defect of body: for the body can have least affinity in a covnant 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 wherof God hath farre 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 onely permits, but commands to break the Sabbath. What covnant more contracted with God, and lesse in mans power, then the vow which hath once past his lips? yet if it be found rash, if offensive, if unfruitfull either to Gods glory or the good of man, our doctrine forces not error and unwillingnes 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 first Table, which is a most prodigious doctrine.

Next, Whereas they cite out of the *Proverbs*, that it is the *Covnant of God*, and therefore more then human, that consequence is manifestly false; for so the covnant which *Zedechiah* made with the Infidell King of *Babel*, is call'd the [Covnant of God](#), Ezek. 17. 19. which would be strange to heare counted more then a human covnant. So every covnant between man and man, bound by oath, may be call'd the covnant of God, because God therein is attested. So of marriage he is the authour and the witnes; yet hence will not follow any divine [astriction](#) more then what is subordinate to the glory of God and the main good of either party; for as the glory of God and their esteemed fitnessse one for the other, was the motive which led them both at first to think without other revelation that God had joynd them together, So when it shall be found by their apparent unfitnesse, that their continuing to be man and wife is against the glory of God and their mutuall happinesse, it may assure them that God never joynd 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 tyrannesse or a goddessse over the enfranchiz'd life and soul of man; for wherin can God delight, wherin be worshipt, wherein be glorify'd by the forcible continuing of an improper and ill-yoking couple? He that lov'd not to see the disparity of severall cattell at the plow, cannot be pleas'd with vast unmeetnesse in marriage. Where can be the peace and love which must invite God to such a house, may it not be fear'd that the not divorcing of such a helplesse disagreement, will be the divorcing of God finally from such a place? But it is a triall 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 generall 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 awfull sanctity, and give such [adamantine chains](#) to bind with, as if it were to be worshipt like some *Indian* deity, when it can conferre no blessing upon us, but works more and more to our misery. To such teachers the saying of *S. Peter* at the Councell of *Jerusalem* will doe well to be [apply'd](#): *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 Familisms, Antinomianisme, and why it may be thought that such opinions may proceed from the undue restraint of some just liberty, then which no greater cause to contemne discipline.*

**T**O 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 amisse) be such most commonly as are by nature addicted to Religion; of life also not debausht, 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 lawfull liberty, which ought to be giv'n men, and is deny'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 themselvs much the more to whoredom and adulteries, loving the corrupt and venial discipline of clergie 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 skilfull men in Theology, and the reason of things: and lastly to examine whether some undue and ill grounded strictnesse upon the blamelesse 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 *literality*, so prepare themselves as to share in the account for all these transgressions, when it shall be demanded at the last day by one who will scan and sift things with more then a literall wisdom of equity. For if these reasons be duly ponder'd, and that the Gospell is more jealous of laying on excessive burdens then ever the Law was, lest the soule 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 selfe never alters, may cause dislike of conversing even between the most sanctify'd, which continually grating in harsh tune together may breed some jarre and discord, and that end in rancor and strife, a thing so opposite both to mariage and to Christianity, it would perhaps be lesse schandall to divorce a naturall disparity, then to link violently together an unchristian dissention, committing two ensnared soules inevitably to kindle one another, not with the fire of love, but with a hatred *inconcilable*, who were they dissevered, would be straight friends in any other relation. But if an *alphabeticall* servility must be still urged, it may so fall out, that the true Church may unwittingly use as much cruelty in forbidding to divorce, as the Church of Antichrist doth wilfully in forbidding to marry.