

# **THE JUDGMENT OF Martin Bucer CONCERNING DIVORCE**

MARTIN BUCER

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WRITTEN

To EDWARD the Sixth, in his Second Book of the Kingdom of CHRIST.

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## THE JUDGMENT OF Martin Bucer CONCERNING DIVORCE

And now English'd.

Wherein a late Book, restoring the Doctrine and Discipline of Divorce, is here confirm'd and justify'd by the Authority of MARTIN BUCER.

To the Parliament of England.

JOHN III. 10. Art thou a Teacher of Israel, and knowest not these Things?

Publish'd by Authority.

Testimonies of the high Approbation which Learned Men have given of MARTIN BUCER.

Simon Grineus, 1533.

Among all the Germans, I give the Palm to Bucer for Excellence in the Scriptures. Melancthon in human Learning is wondrous fluent; but greater knowledge in the Scripture, I attribute to Bucer, and speak it unfeignedly. John Calvin 1539.

Martin Bucer, a most faithful Doctor of the Church of Christ, besides his rare Learning, and copious knowledge of many things, besides his clearness of Wit, much Reading, and other many and various Vertues, wherin he is almost by none now living excell'd, hath few Equals, and excels most; hath this praise peculiar to himself, that none in this Age hath used exacter diligence in the Exposition of Scripture.

And a little beneath.

Bucer is more large than to be read by over-busied Men, and too high to be easily understood by unattentive Men, and of a low capacity.

Sir John Cheek, Tutor to K. Edward VI. 1551.

We have lost our Master, than whom the World scarce held a greater, whether we consider his knowledge of true Religion, or his integrity and innocence of Life, or his incessant study of holy things, or his matchless labour of promoting Piety, or his authority and amplitude of teaching, or whatever else was praise-worthy and glorious in him. Script. Anglican. pag. 864.

John Sturmius of Strasburgh.

No man can be ignorant what a great and constant opinion and estimation of Bucer there is in Italy, France and England. Whence the saying of Quintilian hath oft come to my mind, that he hath well profited in Eloquence whom Cicero pleases. The same say I of Bucer, that he hath made no small progress in Divinity, whom Bucer pleases; for in his Volumes, which he wrote very many, there is the plain impression to be discerned of many great Virtues, of Diligence, of Charity, of Truth, of Acuteness of Judgment, of Learning. Wherin he hath a certain proper kind of writing, wherby he doth not only teach the Reader, but affects him with the sweetness of his Sentences, and with the manner of his arguing, which is so teaching, and so logical, that it may be perceiv'd how learnedly he separates probable Reasons from necessary, how forcibly he confirms what he has to prove, how sutt'ly he refutes, not with sharpness, but with truth.

Theodore Beza, on the Portraiture of M. Bucer.

This is that countenance of Bucer, the mirror of mildness, temper'd with gravity; to whom the City of

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Strasburgh owes the Reformation of her Church. Whose singular Learning, and eminent Zeal, join'd with excellent Wisdom, both his learned Books, and public Disputations in the general Diets of the Empire, shall witness to all ages. Him the German Persecution drove into England; where honourably entertain'd by Edward the 6th, he was for two years chief Professor of Divinity in Cambridge, with greatest frequency and applause of all learned and pious Men until his death, 1551. Bez<sup>3</sup>/<sub>4</sub> Icones.

Mr. Fox's Book of Martyrs, Vol. 3. p. 763.

Bucer, what by writing, but chiefly by reading and preaching openly, wherein being painful in the Word of God, he never spar'd himself, nor regarded his Health, brought all Men into such an admiration of him, that neither his Friends could sufficiently praise him, nor his Enemies in any point find fault with his singular Life, and sincere Doctrine. A most certain token wherof may be his sumptuous burial at Cambridge, solemnized with so great an assistance of all the University, that it was not possible to devise more to the setting out and amplifying of the same.

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

Cardinal Pool, about the fourth year of Queen Mary, intending to reduce the University of Cambridge to Popery again, thought no way so effectual, as to cause the Bones of Martin Bucer and Paulus Fagius, which had been four years in the Grave, to be taken up and burnt openly with their Books, as knowing that those two worthy Men had bin of greatest moment to the Reformation of that place from Popery, and had left such powerful Seeds of their Doctrine behind them, as would never die, unless the Men themselves were digg'd up, and openly condemn'd for Heretics by the University itself. This was put in execution, and Doctor Pern, Vice-Chancellor, appointed to preach against Bucer: Who, among other things, laid to his charge the Opinions which he held of the Marriage of Priests, of Divorcement, and of Usury. But immediately after his Sermon, or somewhat before, as the Book of Martyrs for a truth relates, Vol. 3. p. 770. the said Doctor Pern smiting himself on the Breast, and in manner weeping, wish'd with all his heart, that God would grant his Soul might then presently depart, and remain with Bucer's; for he knew his Life was such; that if any Man's Soul were worthy of Heaven, he thought Bucer's in special to be most worthy. *Histor. de Combust. Buceri Fagii.*

Acworth the University-Orator.

Soon after that Queen Elizabeth came to the Crown, this condemnation of Bucer and Fagius by the Cardinal and his Doctors, was solemnly repealed by the University; and the Memory of those two famous Men celebrated in an Oration by Acworth the University-Orator, which is yet extant in the Book of Martyrs, Vol. 3. p. 773. and in Latin, *Scripta Anglic.* p. 936.

Nicholas Carre, a learned Man; Walter Haddon, Master of the Requests to Queen Elizabeth; Matthew Parker, afterwards Primate of England, with other eminent Men, in their funeral Orations and Sermons, express abundantly how great a Man Martin Bucer was; what an incredible loss England sustained in his death; and that with him died the hope of a perfect Reformation for that Age. *Ibid.*

Jacobus Verheiden of Grave, in his Elogies of famous Divines.

Though the Name of Martin Bucer be famous, yet thou Martin Bucer, for Piety, Learning, Labour, Care, Vigilance, and Writing, art not to be held inferior to Luther. Bucer was a singular instrument of God, so was Luther. By the death of this most learned and most faithful Man, the Church of Christ sustained a heavy loss, as Calvin witnesseth; and they who are studious of Calvin, are not ignorant how much he ascribes to Bucer; for thus he writes in a Letter to Viretus: What a manifold loss befel the Church of God in the Death of Bucer, as oft as I call to mind, I feel my heart almost rent asunder.

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Peter Martyr Epist. to Conradus Hubertus.

He is dead, who hath overcome in many Battles of the Lord. God lent us for a time this our Father, and our Teacher, never enough prais'd. Death hath divided me from a most unanimous Friend, one truly according to mine own heart. My Mind is over-press'd with Grief, insomuch that I have no power to write more. I bid thee in Christ farewell, and wish thou mayst be able to bear the loss of Bucer, better than I can bear it.

Testimonies given by Learned Men to Paulus Fagius, who held the same Opinion with Martin Bucer, concerning Divorce.

Paulus Fagius, born in the Palatinate, became most skilful in the Hebrew Tongue. Being call'd to the Ministry at Isna, he publish'd many ancient and profitable Hebrew Books, being aided in the expences by a Senator of that City, as Origen sometime was by a certain rich Man call'd Ambrosius. At length invited to Strasburgh, he there famously discharged the Office of a Teacher; until the same Persecution drove him and Bucer into England, where he was preferr'd to a Professor's place in Cambridge, and soon after died.

Melchior Adamus writes his Live among the famous German Divines.

Sleidan and Thuanus mention him with honour in their History: And Verheiden in his Elogies.

To the PARLAMENT.

The Book which, among other great and high points of Reformation, contains as a principal part therof, this Treatise here presented, Supreme Court of Parliament, was by the famous Author Martin Bucer, dedicated to Edward the sixth: whose incomparable Youth doubtless had brought forth to the Church of England, such a glorious Manhood, had his Life reach'd it, as would have left in the affairs of Religion, nothing without an excellent pattern for us now to follow. But since the secret purpose of divine Appointment hath reserved no less perhaps than the just half of such a sacred Work to be accomplish'd in this Age, and principally, as we trust, by your successful Wisdom and Authority, religious Lords and Commons, what wonder if I seek no other, to whose exactest judgment and review I may commend these last and worthiest Labours of this renowned Teacher? whom living, all the pious Nobility of those reforming Times, your truest and best-imitated Ancestors, reverenc'd and admir'd. Nor was he wanting to a recompence as great as was himself; when both at many times before, and especially among his last Signs and Prayers, testifying his dear and fatherly affection to the Church and Realm of England, he sincerely wish'd in the hearing of many devout Men, That what he had in this his last Book written to King Edward concerning Discipline, might have place in this Kingdom. His hope was then, that no calamity, no confusion, or deformity would happen to the Commonwealth; but otherwise he feared, lest in the midst of all this ardency to know God, yet by the neglect of Discipline, our good Endeavours would not succeed. These remarkable words of so godly and so eminent a Man at his death, as they are related by a sufficient and well-known witness, who heard then, and inserted by Thuanus into his grave and serious History; so ought they to be chiefly considered by that Nation for those sake they were uttered, and more especially by that general Council which represents the Body of that Nation. If therefore the Book, or this part therof, for necessary causes, be now reviv'd and recommended to the use of this undisciplin'd Age; it hence appears, that these Reasons have not err'd in the choice of a fit Patronage for a discourse of such importance. But why the whole Tractate is not here brought entire, but this matter of Divorcement selected in particular, to prevent the full speed of some mis- interpreter, I hasten to disclose. First, it will be soon manifest to them who know what wise Men should know, that the constitution and reformation of a Commonwealth, if Ezra and Nehemiah did not mis-reform, is, like a building, to begin orderly from the foundation therof, which is Marriage and the Family, to set right first whatever is amiss therein. How can there else grow up a race of warrantable Men, while the house and home that breeds them, is troubled and disquieted under a bondage not of God's constraining with a natureless constraint (if his most righteous judgments may be our rule) but laid upon us imperiously in the worst and weakest Ages of

Knowledge, by a canonical tyranny of stupid and malicious Monks: who having rashly vow'd themselves to a single Life, which they could not undergo, invented new Fetters to throw on Matrimony, that the World thereby waxing more dissolute, they also in a general looseness might sin with more favour. Next, there being yet among many, such a strange iniquity and perverseness against all necessary Divorce, while they will needs expound the Words of our Saviour, not duly by comparing other places, as they must do in the resolving of a hundred other Scriptures, but by persisting chiefly in the abrupt and papistical way of a literal apprehension against the direct Analogy of Sense, Reason, Law, and Gospel; it therefore may well seem more than time to apply the sound and holy Persuasions of this Apostolic Man, to that part in us, which is not yet fully dispossess'd of an error as absurd, as most that we deplore in our blindest Adversaries; and to let his Authority and unanswerable Reasons be vulgarly known, that either his Name, or the force of his Doctrine may work a wholesome effect. Lastly, I find it clear to be the Author's intention, that this point of Divorcement should be held and receiv'd as a most necessary and prime part of discipline in every Christian Government. And therefore having reduc'd his model of Reformation to fourteen heads, he bestows almost as much time about this one point of Divorce, as about all the rest; which also was the judgment of his Heirs and learned Friends in Germany, best acquainted with his meaning; who first publishing this his Book by Oporinus at Basil, (a City for Learning and Constancy in the true Faith, honourable among the first) added a special note in the title, that there the Reader should find the Doctrine of Divorce handled so solidly, and so fully, as scarce the like in a Writer of that Age: and with this particular commendation they doubted not to dedicate the Book, as a most profitable and exquisite Discourse, to Christian the 3d, a worthy and pious King of Denmark, as the Author himself had done before to our Edward the sixth. Yet did not Bucer in that Volume only declare what his constant opinion was herein, but also in his Comment upon Matthew, written at Strasburgh divers years before, he treats distinctly and copiously the same Argument in three several places; touches it also upon the 7th to the Romans, and promises the same Solution more largely upon the 1st to the Corinthians, omitting no occasion to weed out this last and deepest mischief of the Canon-Law, sown into the opinions of modern Men, against the Laws and Practice both of God's chosen People, and the best primitive Times. Wherin his faithfulness and powerful evidence prevail'd so far with all the Church of Strasburgh, that they publish'd this doctrine of Divorce, as an Article of their Confession, after they had taught so eight and twenty years, through all those times, when that City flourish'd, and excell'd most, both in Religion, Learning, and Government, under those first restorers of the Gospel there, Zelius, Hedio, Capito, Fagius, and those who incomparably then govern'd the Commonwealth, Farrerus and Sturmius. If therefore God in the former Age found out a Servant, and by whom he had convert'd and reformed many a City, by him thought good to restore the most needful Doctrine of Divorce from rigorous and harmful mistakes on the right hand, it can be no strange thing, if in this age he stir up by whatsoever means whom it pleases him, to take in hand and maintain the same assertion. Certainly if it be in man's discerning to sever Providence from Chance, I could alledge many instances, wherein there would appear cause to esteem of me no other than a passive instrument under some power and counsel higher and better than can be human, working to a general good in the whole course of this matter. For that I owe no light, or leading receiv'd from any Man in the discovery of this Truth, what time I first undertook it in the Doctrine and Discipline of Divorce, and had only the fallible grounds of Scripture to be my guide; he who tries the inmost heart, and saw with what severe industry and examination of myself, I set down every period, will be my witness. When I had almost finish'd the first Edition, I chanc'd to read in the Notes of Hugo Grotius upon the 5th of Matth. whom I strait understood inclining to reasonable terms in this Controversy: and something he whisper'd rather than disputed about the Law of Charity, and the true end of Wedloc. Glad therefore of such an able assistant, however at much distance, I resolv'd at length to put off into this wild and calumnious World. For God, it seems, intended to prove me, whether I durst alone take up a rightful Cause against a World of disesteem, and found I durst. My Name I did not publish, as not willing it should sway the Reader either for me or against me. But when I was told, that the stile, which what it ails to be so soon distinguishable, I cannot tell, was known by most Men, and that some of the Clergy began to inveigh and exclaim on what I was credibly inform'd they had not read; I took it then for my proper season, both to shew them a Name that could easily condemn such an indiscreet kind of Censure, and to reinforce the question with a more accurate diligence: that if any of them would be so good as to leave railing, and to let us hear so much of his Learning and Christian

Wisdom, as will be strictly demanded of him in his answering to this Problem, care was had he should not spend his Preparations against a nameless Pamphlet. By this time I had learnt that Paulus Fagius, one of the chief Divines in Germany, sent for by Frederic the Palatine, to reform his Dominion, and after that invited hither in King Edward's days, to be a Professor of Divinity in Cambridge, was of the same Opinion touching Divorce, which these Men so lavishly traduc'd in me. What I found, I inserted where fittest place was, thinking sure they would respect so grave an Author, at least to the moderating of their odious Inferences. And having how perfected a second Edition, I referr'd the judging therof to your high and impartial Sentence, honour'd Lords and Commons. For I was confident, if any thing generous, any thing noble, and above the Multitude, were left yet in the Spirit of England; it could be no where sooner found, and no where sooner understood, than in that House of Justice and true Liberty where ye sit in Council. Nor doth the Event hitherto, for some reasons which I shall not here deliver, fail me of what I conceiv'd so highly. Nevertheless, being far otherwise dealt with by some, of whose Profession and supposed Knowledge I had better hope, and esteem'd the deviser of a new and pernicious Paradox, I felt no difference within me from that peace and firmness of Mind, which is of nearest kind to Patience and Contentment: both for that I knew I had divulg'd a truth link'd inseparably with the most fundamental rules of Christianity, to stand or fall together, and was not un-inform'd that divers learned and judicious Men testify'd their daily Approbation of the Book. Yet at length it hath pleased God, who had already given me satisfaction in myself, to afford me now a means wherby I may be fully justify'd also in the eyes of Men. When the Book had bin now the second time set forth well-nigh three Months, as I best remember, I then first came to hear that Martin Bucer had written much concerning Divorce: whom earnestly turning over, I soon perceiv'd, but not without amazement, in the same Opinion, confirm'd with the same Reasons which in that publish'd Book, without the help or imitation of any precedent Writer, I had labour'd out and laid together. Not but that there is some difference in the handling, in the order, and the number of Arguments, but still agreeing in the same Conclusion. So as I may justly gratulate mine own mind with due acknowledgment of assistance from above, which led me, not as a learner, but as a collateral Teacher, to a sympathy of judgment with no less a Man than Martin Bucer. And he, if our things here below arrive him where he is, does not repent him to see that point of Knowledge which he first, and with an uncheck'd freedom preach'd to those more knowing times of England, now found so necessary, though what he admonish'd were lost out of our memory; yet that God doth now again create the same doctrine in another unwritten Table, and raises it up immediately out of his pure Oracle to the convincement of a perverse Age, eager in the reformation of Names and Ceremonies, but in Realities as traditional and as ignorant as their Forefathers. I would ask now the foremost of my profound Accusers, Whether they dare affirm that to be licentious, new, and dangerous, which Martin Bucer so often, and so urgently avouch'd to be most lawful, most necessary, and most Christian, without the least blemish to his good Name, among all the worthy Men of that Age, and since, who testify so highly of him? If they dare, they must then set up an Arrogance of their own against all those Churches and Saints who honoured him without this exception: If they dare not, how can they now make that licentious Doctrine in another, which was never blam'd or confuted in Bucer, or in Fagius? The truth is, there will be due to them for this their unadvised rashness, the best Donative that can be given them, I mean a round Reproof, not that where they thought to be most magisterial, they have display'd their own want, both of reading, and of judgment. First, to be so unacquainted in the Writings of Bucer, which are so obvious and so useful in their own faculty; next, to be so caught in a prejudicating weakness, as to condemn that for lewd, which (whether they knew or not) these elect Servants of Christ commended for lawful; and for new, that which was taught by these almost the first and greatest Authors of Reformation, who were never tax'd for so teaching; and dedicated without scruple to a royal Pair of the first reforming Kings in Christendom, and confest in the public Confession of a most Orthodoxal Church and State in Germany. This is also another fault which I must tell them; that they have stood now almost this whole year clamouring afar off, while the Book hath bin twice printed, twice bought up, and never once vouchsafed to be shewn an Error, either by private dispute, or public Answer, and could retract, as well as wise Men before him; might also be worth the gaining, as one who heretofore hath done good service to the Church by their own confession. Or if he be obstinate, their confutation would have render'd him without excuse, and reclaim'd others of no mean parts, who incline to his Opinion. But now their work is more than doubl'd; and how they will hold up their heads against the sudden aspect of these two great

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and reverend Saints whom they have defam'd, how they will make good the censuring of that, for a novelty of licence, which Bucer constantly taught to be a pure and holy Law of Christ's Kingdom, let them advise. For against these my Adversaries, who before the examining of a propounded truth in a fit time of Reformation, have had the conscience to oppose naught else but their blind reproaches and surmises, that a single innocence might not be oppress'd and overborn by a crew of mouths, for the restoring of a Law and Doctrine falsly and unlearnedly reputed new and scandalous, God, that I may ever magnify and record this his Goodness, hath unexpectedly rais'd up as it were from the dead, more than one famous Light of the first Reformation to bear witness with me, and to do me honour in that very thing, wherein these Men thought to have blotted me: And hath given them the proof of a capacity which they despis'd, running equal, and authentic with some of their chiefest Masters unthought of, and in a point of sagest moment. However, if we know at all when to ascribe the Occurrences of this Life to the work of a special Providence, as nothing is more usual in the talk of good Men, what can be more like to a special Providence of God, than in the first Reformation of England, that this question of Divorce, as a main thing to be restor'd to just freedom, was written, and seriously commended to Edward the sixth, by a Man call'd from another Country to be the instructor of our Nation; and now in this present renewing of the Church and Commonwealth, which we pray may be more lasting, that the same Question should be again treated and presented to this Parliament, by one enabled to use the same reasons without the least sight or knowledge of what was done before. It were no trespass, Lords and Commons, though something of less note were attributed to the ordering of a heavenly Power; this question therfore of such prime concernment both to Christian and Civil Welfare, in such an extraordinary manner, not recover'd, but plainly twice born to these latter Ages, as from a divine hand I tender to your Acceptance, and most considerate Thoughts. Think not that God rais'd up in vain a Man of greatest Authority in the Church, to tell a trivial and licentious Tale in the ears of that good Prince, and to bequeath it as his last Will and Testament, nay rather as the Testament and Royal Law of Christ to this Nation; or that it should of itself after so many years, as it were in a new Field where it was never sown, grow up again as a vicious plant in the mind of another, who had spoke honestest things to the Nation; though he knew not that what his Youth then reasoned without a pattern, had bin heard already, and well allow'd from the Gravity and Worth of Martin Bucer: till meeting with the envy of Men ignorant in their own undertaken Calling, God directed him to the forgotten Writings of this faithful Evangelist, to be his defence and warrant against the gross imputation of broaching Licence. Ye are now in the glorious way to high Virtue, and matchless Deeds, trusted with a most inestimable Trust, the asserting of our just Liberties. Ye have a Nation that expects now, and from mighty sufferings aspires to be the example of all Christendom to a perfectest reforming. Dare to be as great, as ample, and as eminent in the fair progress of your noble designs, as the full and goodly stature of Truth and Excellence itself; as unlimited by petty Precedents and Copies, as your unquestionable Calling from Heaven gives ye power to be. What are all our public Immunities and Privileges worth? and how shall it be judg'd that we fight for them with Minds worthy to enjoy them, if we suffer ourselves in the mean while not to understand the most important freedom that God and Nature hath given us in the family; which no wise Nation ever wanted, till the Popery and Superstition of some former Ages attempted to remove and alter divine and most prudent Laws for human and most imprudent Canons: wherby good men in the best portion of their lives, and in that Ordinance of God, which entitles them from the beginning to most just and requisite contentments, are compell'd to civil Indignities, which by the Law of Moses bad Men were not compell'd to? Be not bound about, and straiten'd in the spacious Wisdom of your free Spirits, by the scanty and unadequate and inconsistent Principles of such as condemn others for adhering to Traditions, and are themselves the prostrate Worshippers of Custom; and of such a tradition as they can deduce from no antiquity, but from the rudest, and thickest Barbarism of Antichristian times. But why do I anticipate the more acceptable, and prevailing voice of learned Bucer himself, the Pastor of Nations? And O that I could set him living before ye in that Doctoral Chair, where once the learnedest of England, thought it no disparagement to sit at his feet! He would be such a Pilot, and such a Father to ye, as ye would soon find the difference of his hand and skill upon the helm of Reformation. Nor do I forget that faithful Associate of his Labours, Paulus Fagius; for these their great Names and Merits, how precious soever, God hath now join'd with me necessarily, in the good or evil report of this doctrine which I leave with you. It was written to a religious King of this Land; written earnestly, as a main matter wherein this Kindgom needed a reform, if it

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purpos'd to be the Kingdom of Christ: Written by him, who if any, since the Days of Luther, merits to be counted the Apostle of our Church: whose unwearied pains and watching for our sakes, as they spent him quickly here among us, so did they, during the shortness of his Life, incredibly promote the Gospel throughout this Realm. The Authority, the Learning, the Godliness of this Man consulted with, is able to out-balance all that the lightness of a vulgar opposition can bring to counterpoise. I leave him also as my compleat Surety and Testimonial, if Truth be not the best witness to itself, that what I formerly presented to your reading on this Subject, was good, and just, and honest, not licentious. Not that I have now more confidence by the addition of these great Authors to my party; for what I wrote was not my Opinion, but my Knowledge; even then when I could trace no footstep in the way I went: nor that I think to win upon your apprehensions with Numbers and with Names, rather than with Reasons; yet certainly the worst of my detractors will not except against so good a bail of my integrity and judgment, as now appears for me, They must else put in the Fame of Bucer and of Fagius, as my Accomplices and Confederates, into the same Indictment; they must dig up the good Name of these prime Worthies (if their Names could be ever buried) they must dig them up and brand them as the Papists did their Bodies; and those their pure unblamable Spirits, which live not only in Heaven, but in their Writings, they must attain with new Attaintures, which no Protestant ever before aspers'd them with. Or if perhaps we may obtain to get our Appeachment new drawn, a Writ of Error, not of Libertism, that those two principal Leaders of Reformation may not now come to be sued in a Bill of Licence, to the scandal of our Church; the brief result will be, that for the Error, if their own Works be not thought sufficient to defend them, there lives yet, who will be ready, in a fair and christianly discussive way, to debate and sift this matter to the utmost ounce of Learning and Religion, in him that shall lay it as an Error, either upon Martin Bucer, or any other of his Opinion. If this be not enough to qualify my Traducers, and that they think it more for the Wisdom of their Virulence, not to recant the Injuries they have bespoke me, intermit the prosecution of those Thoughts which may render me best serviceable, either to this Age, or if it so happen, to Posterity; following the fair path which your illustrious Exploits, honour'd Lords and Commons, against the breast of Tyranny have open'd; and depending so on your happy successes in the hopes that I have conceiv'd either of myself, or of the Nation, as must needs conclude me, who most affectionately wishes and awaits the prosperous issue of your noble and valorous Counsels.

THE

JUDGMENT of MARTIN BUCER,

TOUCHING

D I V O R C E.

Taken out of the Second Book entitled, Of the Kingdom of Christ; written by MARTIN BUCER to EDWARD the Sixth, King of England.

### CHAP. XV

The 7th Law of the sanctifying and ordering of Marriage.

Besides these things, Christ our King, and his Churches require from your Sacred Majesty, that you would take upon you the just care of Marriages. For it is unspeakable how many good Consciences are hereby entangled, afflicted, and in danger, because there are no just Laws, no speedy way constituted according to God's Word, touching this holy Society and Fountain of Mankind. For seeing Matrimony is a civil thing, Men, that they may rightly contract, inviolably keep, and not without extreme necessity dissolve Marriage, are not only to be taught by the Doctrine and Discipline of the Church, but also are to be acquitted, aided, and compell'd by Laws and Judicature of the Commonwealth. Which thing pious Emperors acknowledging, and therein framing themselves to the Law of Nations, gave Laws both of contracting and preserving, and also

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where an unhappy need requir'd, of divorcing Marriages. As may be seen in the Code of Justinian, the 5th Book, from the beginning through twenty-four titles. And in the Authentic of Justinian the 22d, and some others.

But the Antichrists of Rome, to get the Imperial Power into their own hands, first by fraudulent persuasion, afterwards by force drew to themselves the whole authority of determining and judging as well in matrimonial causes, as in most other matters. Therefore it hath bin long believ'd, that the care and government therof doth not belong to the Civil Magistrate. Yet where the Gospel of Christ is receiv'd, the Laws of Antichrist should be rejected. If therefore Kings and Governors take not this care, by the power of Law and Justice to provide that Marriages be piously contracted, religiously kept, and lawfully dissolv'd, if need require, who sees not what confusion and trouble is brought upon this holy Society; and what a rack is prepar'd, even for many of the best Consciences, while they have no certain Laws to follow, no Justice to implore, if any intolerable thing happen. And how much it concerns the honour and safety of the Commonwealth, that Marriages, according to the Will of Christ, be made, maintained, and not without just cause dissolv'd, who understands not? For unless that first and holiest Society of Man and Woman be purely constituted, that household Discipline may be upheld by them according to God's Law, how can we expect a race of good Men? Let your Majesty therefore know that this is your duty, and in the first place, to reassume to yourself the just ordering of Matrimony, and by firm Laws to establish and defend the Religion of this first and divine Society among Men, as all wise Law-givers of old, and Christian Emperors have carefully done.

The two next Chapters, because they chiefly treat about the Degrees of Consanguinity and Affinity, I omit; only setting down a passage or two concerning the Judicial Laws of Moses, how fit they be for Christians to imitate rather than any other.

### CHAP. XVII. toward the end.

I confess that we being free in Christ, are not bound to the Civil Laws of Moses in every circumstance; yet seeing no Laws can be more honest, just, and wholesome, then those which God himself gave, who is eternal Wisdom and Goodness, I see not why Christians, in things which no less appertain to them, ought not to follow the Laws of God, rather than of any Men. We are not to use Circumcision, Sacrifice, and those bodily Washings prescrib'd to the Jews; yet by these things we may rightly learn, with that purity and devotion both Baptism and the Lord's Supper should be administer'd and receiv'd. How much more is it our duty to observe diligently what the Lord hath commanded, and taught by the Examples of his People concerning Marriage, wherof we have the use no less than they?

And because this same worthy Author hath another passage to this purpose, in his Comment upon Matthew, Chap. 5. 19. I here insert it from p. 46.

Since we have need of Civil Laws, and the power of punishing, it will be wisest not to contemn those given by Moses; but seriously rather to consider what the meaning of God was in them, what he chiefly requir'd, and how much it might be to the good of every Nation, if they would borrow thence their manner of governing the Commonwealth; yet freely all things and with the Spirit of Christ. For what Solon, or Plato, or Aristotle, what Lawyers or C<sup>3</sup>asars could make better Laws than God? And it is no light argument, that many Magistrates at this day, do not enough acknowledge the Kingdom of Christ, though they would seem most Christian, in that they govern their States by Laws so diverse from those of Moses.

The 18th Chapter I only mention as determining a thing not here in question, that Marriage without consent of Parents ought not to be held good; yet with this qualification fit to be known.

That if Parents admit not the honest desires of their Children, but shall persist to abuse the power they have over them; they are to be mollify'd by Admonitions, Entreaties, and Persuasions, first of their Friends and

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Kindred, next of the Church— Elders. Whom if still the hard Parents refuse to hear, then ought the Magistrate to interpose his Power: lest any by the evil mind of their Parents be detain'd from Marriage longer than is meet, or forc'd to an unworthy match: in which case the Roman Laws also provided. C. de nupt. l. 11, 13, 26.

### CHAP. XIX.

Whether it may be permitted to revoke the Promise of Marriage.

Here ariseth another Question concerning contracts, when they ought to be unchangeable? for religious Emperors decreed that the Contract was not indissoluble, until the spouse were brought home, and the Solemnities perform'd. They thought it a thing unworthy of divine and human Equity, and the due consideration of Man's infirmity in deliberating and determining, when space is given to renounce other Contracts of much less moment, which are not yet confirm'd before the Magistrate, to deny that to the most weighty contract of Marriage, which requires the greatest care and consultation. Yet lest such a covenant should be broken for no just cause, and to the injury of that person to whom Marriage was promised, they decreed a Fine, that he who deny'd Marriage to whom he had promis'd, and for some cause not approv'd by the Judges, should pay the double of that pledge which was given at making sure, or as much as the Judge should pronounce might satisfy the damage, or the hindrance of either party. It being most certain, that oft—times after contract, just and honest causes of departing from promise, come to be known and found out, it cannot be other than the duty of pious Princes to give Men the same liberty of unpromising in these causes, as pious Emperors granted: especially where there is only a promise, and not carnal knowledge. And as there is no true Marriage between them, who agree not in true consent of Mind; so it will be the part of godly Magistrates to procure that no Matrimony be among their Subjects, but what is knit with love and consent. And tho' your Majesty be not bound to the Imperial Laws, yet it is the duty of a Christian King to embrace and follow whatever he knows to be any where piously and justly constituted, and to be honest, just, and well—pleasing to his People. But why in God's Law and the Examples of his Saints, nothing herof is read; no marvel, seeing his ancient People had power, yea a precept, that whoso could not bend his mind to the true love of his Wife, should give her a Bill of Divorce, and send her from him, though after carnal knowledge and long dwelling together. This is enough to authorize a godly Prince in that indulgence which he gives to the changing of a Contract; both because it is certainly the invention of Antichrist, that the promise of Marriage de pr<sup>3</sup>/<sub>4</sub>senti, as they call it, should be indissoluble, and because it should be a Prince's care that Matrimony be so join'd, as God ordain'd; which is, that every one should love his Wife with such a love as Adam express'd to Eve: So as we may hope that they who marry may become one flesh, and one also in the Lord.

### CHAP. XX.

Concerns only the Celebration of Marriage.

### CHAP. XXI.

The Means of preserving Marriage holy and pure.

Now since there ought not to be less care that Marriage be religiously kept, than that it be piously and deliberately contracted, it will be meet that to every Church be ordained certain grave and godly Men, who may have this care upon them, to observe whether the Husband bear himself wisely toward the Wife, loving, and inciting her to all Piety, and the other duties of this life; and whether the Wife be subject to her Husband, and study to be truly a meet help to him, as first to all Godliness so to every other use of life. And if they shall find each to other failing of their duty, or the one long absent from the other without just and urgent cause, or giving suspicion of irreligious and impure life, or of living in manifest Wickedness, let it be

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admonish'd them in time. And if their Authority be contemn'd, let the names of such contemners be brought to the Magistrate, who may use punishment to compel such Violators of Marriage to their duty, that they may abstain from all probable suspicion of transgressing; and if they admit of suspected company, the Magistrate is to forbid them; whom they not therein obeying, are to be punish'd as Adulterers, according to the Law of Justinian, Authent. 117. For if holy Wedlock, the fountain and seminary of good Subjects, be not vigilantly preserved from all blots and disturbances, what can be hop'd, as I said before, of the springing up of good Men, and a right Reformation of the Commonwealth? We know it is not enough for Christians to abstain from foul deeds, but from the appearance and suspicion thereof.

### CHAP. XXII.

Of lawful Divorce, what the ancient Churches have thought.

Now we shall speak about that dissolving of Matrimony which may be approv'd in the sight of God, if any grievous necessity require. In which thing the Roman Antichrists have knit many a pernicious entanglement to distressed Consciences: for that they might here also exalt themselves above God, as if they would be wiser and chaster than God himself, is, for no cause, honest or necessary, will they permit a final Divorce; in the mean while, Whoredoms and Adulteries, and worse things than these, not only tolerating in themselves and others, but cherishing and throwing Men headlong into these evils. For although they also disjoin married persons from Board and Bed, that is, from all conjugal Society and Communion, and this not only for Adultery, but for ill Usage, and matrimonial Duties deny'd; yet they forbid those thus parted, to join in Wedlock with others, but, as I said before, any dishonest associating they permit. And they pronounce the Bond of Marriage to remain between those whom they have thus separated. As if the Bond of Marriage, God so teaching and pronouncing, were not such a league as binds the married couple to all society of life, and communion in divine and human things; and so associated keeps them. Something indeed out of the later Fathers they may pretend for this their Tyranny, especially out of Austin and some others, who were much taken with a preposterous admiration of single life; yet though these Fathers, from the words of Christ not rightly understood, taught that it was unlawful to marry again, while the former Wife liv'd, whatever cause there had bind either of Desertion or Divorce; yet if we mark the custom of the Church, and the common judgment which both in this time and afterward prevail'd, we shall perceive that neither these Fathers did ever cast out of the Church any one for marrying after a Divorce, approv'd by the Imperial Laws.

Nor only the first Christian Emperors, but the latter also, even to Justinian, and after him, did grant for certain causes approv'd by Judges, to make a true Divorce; which made and confirm'd by Law, it might be lawful to marry again: which if it could not have bin done without displeasing Christ and his Church, surely it would not have bin granted by Christian Emperors, nor had the Fathers then wink'd at those doings in the Emperors. Hence ye may see that Jerom also, though zealous of single life more than enough, and such a condemner of second Marriage, though after the death of either party, yet forc'd by plain equity, defended Fabiola, a noble Matron of Rome, who having refus'd her Husband for just Causes, was married to another. For that the sending of a Divorce to her Husband was not blame-worthy, he affirms, because the Man was heinously vitious; and that if an adulterous Wife may be discarded, an adulterous Husband is not to be kept. But that she married again, while yet her Husband was alive; he defends in that the Apostle hath said, It is better to marry than to burn; and that young widows should marry, for such was Fabiola, and could not remain in Widow-hood.

But some one will object that Jerome there adds, Neither did she know the vigour of the Gospel, wherein all cause of marrying is debarr'd from Women, while their Husbands live; and again, while she avoided many wounds of Satan, she receiv'd one ere she was aware. But let the equal Reader mind also what went before; Because, saith he, soon after the beginning, there is a rock and storm of slanderers opposed against her, I will not praise her converted, unless I first absolve her guilty. For why does he call them slanderers who accus'd Fabiola of marrying again, if he did not judge it a matter of Christian Equity and Charity, to pass by and

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pardon that fact, though in his own opinion he held it a fault? And what can this mean? I will not praise her, unless I first absolve her. For how could he absolve her, but by proving that Fabiola, neither in rejecting her vitious Husband, nor in marrying another, had committed such a sin, as could be justly condemned? Nay, he proves both by evident reason, and clear testimonies of Scripture, that she avoided Sin.

This also is hence understood, that Jerome by the vigour of the Gospel, meant that height and perfection of our Saviour's precept, which might be remitted to those that burn; for he adds, But if she be accused in that she remained not unmarried, I shall confess the fault, so I may relate the necessity. If then he acknowledg'd a necessity, as he did, because she was young, and could not live in Widowhood, certainly he could not impute her second Marriage to her much blame: but when he excuses her out of the Word of God, does he not openly declare his thoughts, that the second Marriage of Fabiola was permitted her by the Holy Ghost himself, for the necessity which he suffer'd, and to shun the danger of Fornication, though she went somewhat aside from the vigour of the Gospel? But if any urge that Fabiola did public penance for her second Marriage, which was not imposed but for great faults; 'tis answer'd, she was not enjoin'd to this penance, but did it of her own accord, and not till after her second Husband's death. As in the time of Cyprian, we read that many were wont to do voluntary penance for small faults, which were not liable to excommunication.

### CHAP. XXIII.

That Marriage was granted by the ancient Fathers, even after the Vow of single Live.

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

Some will say perhaps, Wherefore all this concerning Marriage after vow of single life, whenas the question was of Marriage after Divorce? For this reason, that they whom it so much moves, because some of the Fathers thought Marriage after any kind of Divorce, to be condemned of our Saviour, may see that this conclusion follows not. The Fathers thought all Marriage after Divorce to be forbidden of our Saviour, therefore they thought such Marriage was not to be tolerated in a Christian. For the same Fathers judg'd it forbidden to marry after vow; yet such Marriages they neither dissolved nor excommunicated: For these words of our Saviour, and of the Holy Ghost, stood in their way; All cannot receive this saying, but they to whom it is given. Every one hath his proper gift from God, one after this manner, another after that. It is better to marry than to burn. I will that younger Widows marry; and the like.

So there are many Canons and Laws extant, wherby Priests, if they married, were remov'd from their office, yet is it not read that their Marriage was dissolv'd, as the Papists now—a—days do, or that they were excommunicated, nay expresly they might communicate as Laymen. If the consideration of human infirmity, and those testimonies of divine Scripture which grant Marriage to every one that wants it, persuaded those Fathers to bear themselves so humanely toward them who had married with breach of vow to God, as they believed, and with Divorce of that Marriage wherin they were in a manner join'd to God; who doubts but that the same Fathers held the like humanity was to be afforded to those who after Divorce and Faith broken with Men, as they thought, entered into a second Marriage? For among such are also found no less weak, and no less burning.

### CHAP. XXIV.

Who of the ancient Fathers granted Marriage after Divorce.

This is clear both by what hath bin said, and by that which Origen relates of certain Bishops in his time, Homil. 7. in Matth. I know some, saith he, which are over Churches, who without Scripture have permitted

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the Wife to marry while her former Husband liv'd. And did this against Scripture, which saith, The wife is bound to her Husband so long as he lives; and she shall be call'd an Adultress, if, her Husband living, she take another Man; yet did they not permit this without cause, perhaps for the infirmity of such as had not continence, they permitted evil to avoid worse. Ye see Origen and the Doctors of his Age, not without all cause, permitted Women after Divorce to marry, though their former Husbands were living; yet writes that they permitted against Scripture. But what cause could they have to do so, unless they thought our Saviour in his precepts of Divorce had so forbidden, as willing to remit such perfection to his weaker ones, cast into danger of worse faults?

The same thought Leo, Bishop of Rome, Ep. 85. to the African Bishops of Mauritania C<sup>3</sup>/<sub>4</sub>sariensis, wherein complaining of a certian Priest, who divorcing his Wife, or being divorc'd by her, as other copies have it, had married another, neither dissolves the Matrimony, nor excommunicates him, only unpriests him. The Fathers therefore, as we see, did not simply and wholly condemn Marriage after Divorce.

But as for me, this remitting of our Saviour's precepts, which these Ancients allow to the infirm in marrying after Vow and Divorce, I can in no ways admit; for whatsoever plainly consents not with the Commandment, cannot, I am certain, be permitted, or suffered in any Christian: for heaven and earth shall pass away, but not a tittle from the Commands of God among them who expect life eternal. Let us therefore consider, and weigh the words of our Lord concerning Marriage and Divorce, which he pronounced both by himself, and by his Apostle, and let us compare them with other Oracles of God; for whatsoever is contrary to these, I shall not persuade the least tolerating therof. But if it can be taught to agree with the Word of God, yea to be commanded that most Men may have permission given to them to divorce and marry again, I must prefer the Authority of God's Word before the Opinion of Fathers and Doctors, as they themselves teach.

### CHAP. XXV.

The words of our Lord, and of the Holy Ghost, by the Apostle Paul concerning Divorce, are explain'd.

But the words of our Lord, and of the Holy Ghost, out of which Austin and some others of the Fathers think it concluded that our Saviour forbids Marriage after any Divorce, are these; Mat. v. 31, 32. It hath bin said, And Mat. xix. 7. They say unto him, why did Moses then command? And Mark x. and Luke xvi. Rom. vii. 1, 2, 3. 1 Cor. vii, 10, 11. Hence therefore they conclude that all Marriage after Divorce is call'd Adultery; which to commit, being no ways to be toleratd in any Christian, they think it follows that second Marriage is in no case to be permitted either to the Divorce, or to the Divorced.

But that it may be more fully and plainly perceiv'd what force is in this kind of reasoning, it will be the best course to lay down certain grounds wherof no Christian can doubt the truth. First, it is a wickedness to suspect that our Saviour branded that for Adultery, which himself, in his own Law which he came to fulfil, and not to dissolve, did not only permit, but also command; for by him the only Mediator, was the whole Law of God given. But that by this Law of God, Marriage was permitted after any Divorce, is certain by Deut. xxiv. 1.

### CHAP. XXVI.

That God in his Law did not only grant, but also command Divorce to certain Men.

Deut. xxiv. 1. When a Man hath taken a Wife, But in Mal. ii. 15, 16. is read the Lord's command to put her away whom a Man hates, in these words: Take heed to your Spirit, and let none deal injuriously against the wife of his youth. If he hate, let him put away, saith the Lord God of Israel. And he shall hide thy violence with his garment, that marries her divorc'd by thee, saith the Lord of hosts; but take heed to your Spirit, and

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do no injury. by these Testimonies of the divine Law, we see that the Lord did not only permit, but also expresly and earnestly commanded his people, by whom he would that all holiness and faith of Marriage–covenant should be observed, that he who could not induce his mind to love his Wife with a true conjugal love, might dismiss her that she might marry to another.

### CHAP. XXVII.

That what the Lord permitted and commanded to his antient people concerning Divorce belongs also to Christians.

Now what the Lord permitted to his first–born people, that certainly he could not forbid to his own among the Gentiles, whom he made coheirs, and into one body with his people; nor could he ever permit, much less command aught that was not good for them, at least so us'd as he commanded. For being God, he is not chang'd as Man. Which thing who seriously considers, how can he imagine that God would make that wicked to them that believe, and serve him under Grace, which he granted and commanded to them that serv'd him under the Law? Whenas the same causes require the same permission. And who that knows but human matters, and loves the truth, will deny that many Marriages hang as ill together now, as ever they did among the Jews? So that such Marriages are liker to Torments than true Marriages. As therefore the Lord doth always succour and help the oppressed, so he would ever have it provided for injur'd Husbands and Wives, that under pretence of the marriage– bond, they be not sold to perpetual vexations, instead of the loving and comfortable marriage– duties. And lastly, as God doth always detest hypocrisy and fraud, so neither doth he approve that among his people, that should be counted Marriage, wherein none of those duties remain, wherby the league of wedloc is chiefly preserved. What inconsiderate neglect then of God's Law is this, that I may not call it worse, to hold that Christ our Lord would not grant the same remedies both of Divorce and second Marriage to the weak, or to the evil, if they will needs have it so, but especially to the innocent and wrong'd; whenas the same urgent causes remain as before, when the discipline of the Church and Magistrate hath try'd what may be try'd?

### CHAP. XXVIII.

That our Lord Christ intended not to make new Laws of Marriage and Divorce, or of any civil matters.

It is agreed by all who determine of the Kingdom and Offices of Christ by the holy Scriptures, as all godly Men ought to do, that our Saviour upon Earth took not on him either to give new Laws in civil affairs, or to change the old. But it is certain that Matrimony and Divorce are civil things. Which the Christian Emperors knowing, gave conjugal Law, and reserv'd the administration of them to their own Courts; which no true ancient Bishop ever condemn'd.

Our Saviour came to preach Repentance and Remission: seeing therefore those who put away their Wives without any just cause, were not touch'd with conscience of the sin, through misunderstanding of the Law, he recall'd them to a right interpretation, and taught that the Woman in the beginning was so join'd to the Man, that there should be a perpetual union both in body and spirit: where this is not, the Matrimony is already broke, before there be yet any divorce made, or second Marriage.

### CHAP. XXIX.

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

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

### CHAP. XXX.

That all places of Scripture about the same thing are to be joined, and compared, to avoid Contradictions.

This he demonstrates at large out of sundry places in the Gospel, and principally by that precept against swearing, which compar'd with many places of the Law and Prophets, is a flat contradiction of them all, if we follow superstitiously the letter. Then having repeated briefly his four Axioms, he thus proceeds.

These things thus pre-admonish'd, let us enquire what the undoubted meaning is of our Saviour's words, and enquire according to the rule which is observ'd by all learned and good men in their expositions; that praying first to God, who is the only opener of our hearts, we may first with fear and reverence consider well the words of our Saviour touching this question. Next, that we may compare them with all other places of Scripture treating of this matter, to see how they consent with our Saviour's words, and those of his Apostle.

### CHAP. XXXI.

This Chapter disputes against Austin and the Papists, who deny second Marriage even to them who divorce in case of Adultery; which because it is not controverted among true Protestants, but that the innocent person is easily allow'd to marry, I spare the translating.

### CHAP. XXXII.

That a manifest Adultress ought to be divorc'd, and cannot lawfully be retained in Marriage by any true Christian.

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

### CHAP. XXXIII.

That Adultery is to be punish'd by Death.

This chapter also I omit for the reason last alledg'd.

### CHAP. XXXIV.

That it is lawful for a Wife to leave an Adulterer, and to marry another Husband.

This is generally granted, and therefore excuses me the writing out..

### CHAP. XXXV.

Places in the Writings of the Apostle Paul, touching Divorce explain'd.

Let us consider the answer of the Lord given by the Apostle severally. Concerning the first, which is Rom. vii. 1. Know ye not, brethren, for I speak to them that know the law, Ver. 2. The woman is bound by the law to her Husband so long as he liveth. Here it is certain that the Holy Ghost had no purpose to determine aught of Marriage, or Divorce, but only to bring an example from the common and ordinary law of Wedloc, to shew that as no covenant holds either party being dead, so now that we are not bound to the law, but to Christ

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our Lord, seeing that through him we are dead to sin, and to the law; and so joined to Christ that we may bring forth fruit in him from a willing godliness, and not by the compulsion of law, whereby our sins are more excited, and become more violent. What therefore the holy Spirit here speaks of Matrimony, cannot be extended beyond the general rule.

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

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

The like answer is to be given to all the other places both of the Gospel and the Apostle, that whatever exception may be prov'd out of God's law, be not excluded from those places. For the Spirit of God doth not condemn things formerly granted and allowed, where there is like cause and reason. Hence Ambrose, upon that place, 1 Cor. vii. 15. A brother or a sister is not under bondage in such cases, thus expounds; The reverence of marriage is not due to him who abhors the author of Marriage; nor is that Marriage ratify'd which is without devotion to God: he sins not therefore who is put away for God's cause, though he join himself to another. For the dishonour of the Creator dissolves the right of Matrimony to him who is deserted, that he be not accus'd, though marrying to another. The faith of wedloc is not to be kept with him who departs, that he might not hear the God of Christians to be the author of wedloc. For if Ezra caused the misbelieving Wives and Husbands to be divorc'd, that God might be appeased, and not offended, though they took others of their own faith, how much more shall it be free, if the misbeliever depart, to marry one of our own Religion. For this is not to be counted Matrimony, which is against the law of God.

Two things are here to be observed toward the following Discourse, which truth itself, and the force of God's word hath drawn from this holy Man. For those words are very large, Matrimony is not ratify'd, without devotion to God. And the dishonour of the Creator dissolves the right of Matrimony. For devotion is far off, and dishonour is done to God by all who persist in any wickedness and heinous crime.

### CHAP. XXXVI.

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

Now is to be dealt with this question, Whether it be lawful to divorce and marry again for other causes besides Adultery, since our Saviour express'd that only? To this question, if we retain our principles already laid, and must acknowledge it to be a cursed blasphemy, if we say that the words of God do contradict one another, of necessity we must confess that our Lord did grant Divorce, and Marriage after that, for other causes besides Adultery, notwithstanding what he said in Matthew. For first, they who consider but only that place, 1 Cor. vii which treats of believers and misbelievers match'd together, must of force confess, That our Lord granted just Divorce, and second Marriage in the cause of Desertion, which is other than the cause of Fornication. And if there be one other cause found lawful, then is it most true, that Divorce was granted not only for Fornication.

Next, it cannot be doubted, as I shew'd before, by them to whom it is given to know God and his Judgments out of his own word, but that, what means of peace and safety God ever granted and ordain'd to his elected

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people, the same he grants and ordains to Men of all ages who have equally need of the same remedies. And who, that is but a knowing Man, dares say there be not Husbands and Wives now to be found in such a hardness of heart, that they will not perform either conjugal affection, or any requisite duty thereof, though it be most deserv'd at their hands?

Neither can any one defer to confess, but that God whose property it is to judge the cause of them that suffer injury, hath provided for innocent and honest persons wedded, how they might free themselves by lawful means of Divorce, from the bondage and iniquity of those who are falsly term'd their Husbands or their Wives. This is clear out of Deut. xxiv. 1. Malach. ii. Matth. xix. 1 Cor. vii. and out of those principles which the Scripture every where teaches, That God changes not his mind, dissents not from himself, is no acceptor of persons; but allows the same remedies to all Men oppress'd with the same necessities and infirmities; yet, requires that we should use them. This he will easily perceive, who considers these things in the Spirit of the Lord.

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

### CHAP. XXXVII.

For what causes Divorce is permitted by the civil Law ex l. Consensu Codic. de Repudiis.

It is also manifest that the Law of Theodosius and Valentinian, which begins Consensu, touching Divorce, and many other Decrees of pious Emperors agreeing herewith, are not contrary to the word of God; and therefore may be recalled into use by any Christian Prince or Commonwealth; nay, ought to be with due respect had to every nation. For whatsoever is equal and just, that in every thing is to be sought and used by Christians. Hence it is plain that Divorce is granted by divine approbation, both to Husbands and to Wives, if either party can convict the other of these following offences before the Magistrate.

If the Husband can prove the Wife to be an Adultrous, a Witch, a Murtheress, to have bought or sold to slavery any one free-born, to have violated Sepulchres, committed Sacrilege, favour'd thieves and robbers, desirous of feasting with strangers, the husband not knowing, or not willing, if she lodge forth without a just and probable cause, or frequent theatres and sights, he forbidding; if she be privy with those that plot against the State, or if she deal falsly, or offer blows. And if the wife can prove her Husband guilty of any those forenamed crimes, and frequent the company of lewd women in her sight; or if he beat her, she had the like liberty to quit herself; with this difference, that the Man after Divorce might forthwith marry again; the Woman not till a year after, lest she might chance to have conceiv'd.

### CHAP. XXXVIII.

An Exposition of those places wherein God declares the nature of holy Wedloc.

Now to the end it may seem that this agrees with the divine law, the first institution of Marriage is to be considered, and those texts in which God establish'd the joining of male and female, and describ'd the duties of them both. When God had determin'd to make Woman, and give her as a Wife to Man, he spake thus, Gen. ii. 18. It is not good for Man to be alone, I will make him a help-meet for him. And Adam said, but in the spirit of God, v. 23, 24. This is now bone of my bone, and flesh of my flesh; Therefore shall a Man leave his Father and Mother, and shall cleave to his Wife, and they shall be one flesh.

To this first institution did Christ recall his own; when answering the Pharisees, he condemn'd the licence of unlawful Divorce. He taught therefore by his example, that we, according to this first institution, and what God

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hath spoken thereof, ought to determine what kind of Covenant Marriage is, how to be kept, and how far; and lastly, for what causes to be dissolv'd. To which Decrees of God these also are to be join'd, which the Holy Ghost hath taught by his Apostle, that neither the Husband nor the Wife hath power of their own body, but mutually each of either's. That the Husband shall love the Wife as his own body, yea as Christ loves his Church; and that the Wife ought to be subject to her Husband, as the Church is to Christ.

By these things the nature of holy Wedloc is certainly known; wherof if only one be wanting in both or either party, and that either by obstinate malevolence or too deep inbred weakness of mind, or lastly, through incurable impotence of Body, it cannot then be said that the covenant of Matrimony holds good between such; if we mean that covenant which God instituted and call'd Marriage, and that wherof only it must be understood that our Saviour said, Those whom God hath join'd, let no Man separate.

And hence is concluded, that Matrimony requires continual cohabitation and living together, unless the calling of God be otherwise evident; which union if the parties themselves disjoin either by mutual consent, or one against the other's will depart, the Marriage is then broken. Wherin the Papists, as in other things, oppose themselves against God; while they separate for many causes from bed and board, and yet will have the bond of Matrimony remain, as if this covenant could be other than the conjunction and communion not only of bed and board, but of all other living and helpful duties. This we may see in these words; I will make him a help-meet for him; bone of his bone, and flesh of his flesh: for this cause shall he leave Father and Mother, and cleave to his Wife, and they twain shall be one flesh. By which words who discerns not, that God requies of them both so to live together, and to be united not only in body but in mind also, with such an affection as none may be dearer and more ardent among all the relations of Mankind, nor of more efficacy to the mutual offices of love and loyalty. They must communicate and consent in all things both divine and human, which have any moment to well and happy living. The Wife must honour and obey her Husband, as the Church honours and obeys Christ her head. The Husband must love and cherish his Wife, as Christ his Church. Thus they must be to each other, if they will be true Man and Wife in the sight of God, whom certainly the Churches ought to follow in their judgment. Now the proper and ultimate end of Marriage is not copulation, or children, for then there was not true Matrimony between Joseph and Mary the Mother of Christ, nor between many holy persons more; but the full and proper and main end of Marriage, is the communicating of all duties, both divine and human, each to other with utmost benevolence and affection.

### CHAP. XXXIX.

The Properties of a True and Christian Marriage more distinctly repeated.

By which definition we may know that God esteems and reckons upon these four necessary properties to be in every true Marriage. 1. That they should live together, unless the calling of God require otherwise for a time. 2. That they should love one another to the height of dearness, and that in the Lord, and in the communion of true Religion. 3. That the Husband bear himself as the head and preserver of his Wife, instructing her to all godliness and integrity of Life; that the Wife also be to her Husband a help, according to her place, especially furthering him in the true worship of God, and next in all the occasion of civil life. And 4. That they defraud not each other of conjugal benevolence, as the Apostle commands, 1 Cor. vii. Hence it follows, according to the sentence of God, which all Christians ought to be rul'd by, that between those who either through obstinacy, or helpless inability, cannot or will not perform these repeated duties, between those there can be no true Matrimony, nor ought they to be counted Man and Wife.

### CHAP. XL.

Whether those Crimes recited Chap. xxxvii. out of the Civil Law, dissolve Matrimony in God's account.

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Now if a Husband or Wife be found guilty of any of those crimes, which by the Law consensu are made causes of Divorce, 'tis manifest that such a Man cannot be the head and preserver of his Wife, nor such a Woman be a meet help to her Husband, as the divine Law in true Wedloc requires; for these faults are punish'd either by death, or deportation, or extreme infamy, which are directly opposite to the covenant of Marriage. If they deserve death, as Adultery and the like, doubtless God would not that any should live in Wedloc with them whom he would not have to live at all. Or if it be not death, but the incurring of notorious infamy, certain it is neither just, nor expedient, nor meet that an honest Man should be coupled with an infamous Woman, nor an honest Matron with an infamous Man. The wise Roman Princes had so great regard to the equal honour of either wedded person, that they counted those Marriages of no force which were made between the one of good repute, and the other of evil note. How much more will all honest regard of Christian expedience and comeliness beseem and concern those who are set free and dignified in Christ, than it could the Roman Senate, or their Sons, for whom that Law was provided?

And this all godly Men will soon apprehend, that he who ought to be the head and preserver not only of his Wife, but also of his Children and Family, as Christ is of his Church, had need be one of honest name: so likewise the Wife, which is to be the meet help of an honest and good Man, the Mother of an honest Offspring and Family. The Glory of the Man, even as the Man is the Glory of Christ, should not be tainted with ignominy; as neither of them can avoid to be, having bin justly appeach'd of those forenamed crimes; and therefore cannot be worthy to hold their place in a Christian Family: yea, they themselves turn out themselves and dissolve that holy covenant. And they who are true Brethren and Sisters in the Lord, are no more in bondage to such violaters of Marriage.

But here the patrons of wickedness and dissolvers of Christian discipline will object, that it is the part of Man and Wife to bear one another's cross, whether in calamity or infamy, that they might gain each other, if not to a good name, yet to repentance and amendment. But they who thus object, seek the impunity of wickedness, and the favour of wicked Men, not the duties of true charity; which prefers public honesty before private interest, and had rather the remedies of wholesome punishment appointed by God should be in use, than that by remissness, the licence of evil doing should encrease. For if they who, by committing such offences, have made void the holy knot of Marriage, be capable of repentance, they will be sooner mov'd when due punishment is executed on them, than when it is remitted.

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

But if any Husband or Wife see such signs of repentance in their transgressor, as that they doubt not to regain them by continuing with them, and partaking of their miseries and attainures, they may be left to their own hopes, and their own mind, saving ever the right of Church and Commonwealth, that it receive no scandal by the neglect of due severity, and their Children no harm by this invitation to licence, and want of good education.

From all these considerations, if they be thought on, as in the presence of God, and out of his word, any one may perceive, who desires to determine of these things by the Scripture, that those causes of lawful Divorce, which the most religious Emperors Theodosius and Valentinian set forth in the forecited place, are according to the law of God, and the prime institution of Marriage; and were still more and more straiten'd, as the Church and State of the Empire still more and more corrupted and degenerated. Therefore pious Princes and Commonwealths both may and ought establish them again, if they have a mind to restore the honour, sanctity, and religion of holy wedloc to their people, and disentangle many consciences from a miserable and perilous condition, to a chaste and honest life.

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To those recited causes wherfore a Wife might send a Divorce to her Husband, Justinian added four more, Constit. 117. And four more, for which a Man might put away his Wife. Three other causes were added in the Code de repudiis, l. Jubemus. All which causes are so clearly contrary to the first intent of Marriage, that they plainly dissolve it. I set them not down, being easy to be found in the body of the civil Law.

It was permitted also by Christian Emperors, that they who would divorce by mutual consent, might without Impediment. Or if there were any difficulty at all in it, the law expresses the reason, that it was only in favour of the children; so that if there were none, the law of those godly Emperors made no other difficulty of a Divorce by consent. Or if any were minded without consent of the other to divorce, and without those causes which have bin nam'd, the Christian Emperors laid no other punishment upon them, than that the Husband wrongfully divorcing his Wife, should give back her dowry, and the use of that which was called Donatio propter nuptias; or if there were no dowry nor no donation, that he should them give her the fourth part of his goods. The like penalty was inflicted on the Wife departing without just cause. But that they who were once married, should be compell'd to remain so ever against their wills, was not exacted. Wherin those pious Princes follow'd the Law of God in Deut. xxiv. 1. and his express charge by the Prophet Malachi to dismiss from him the Wife whom he hates. For God never meant in Marriage to give to Man a perpetual torment instead of a meet-help. Neither can God approve that to the violation of this holy league (which is violated as soon as true affection ceases and is lost) should be added murder, which is already committed by either of them who resolvedly hates the other, as I shew'd out of 1 John xv. Whoso hateth his Brother is a Murderer.

### CHAP. XLI.

Whether the Husband or Wife deserted, may marry to another.

The Wife's desertion of her Husband, the Christian Emperors plainly decreed to be a just cause of Divorce, whenas they granted him the right therof, if she had but lain out one Night against his will without probable cause. But of the Man deserting his Wife they did not so detemine: Yet if we look into the word of God, we shall find, that he who though but for a year without just cause forsakes his Wife, and neither provided for her maintenance, nor signifies his purpose of returning, and good-will towards her, whenas he may, hath forfeited his right in her so forsaken. For the Spirit of God speaks plainly, that both Man and Wife have such power over one another's person, as that they cannot deprive each other of living together, but by consent, and for a time.

Hither may be added, that the holy Spirit grants desertion to be a cause of Divorce, in those Answers given to the Corinthians concerning a Brother or Sister deserted by a misbeliever. If he depart, let him depart, a Brother or a Sister is not under Bondage in such cases. In which words, who sees not that the Holy Ghost openly pronounced, that the party without cause deserted, is not bound for another's wilful desertion?

But some will say, that this is spoken of a misbeliever departing. But I beseech ye, doth not he reject the faith of Christ in his deeds, who rashly breaks the holy covenant of Wedloc instituted by God? And besides this, the holy Spirit does not make the misbelieving of him who departs, but the departing of him who misbelieves, to be the just cause of freedom to the Brother and Sister.

Since therefore it will be agreed among Christians, that they who depart from Wedloc without just cause, do not only deny the faith of Matrimony, but of Christ also, whatever they profess with their Mouths; it is but reason to conclude, that the party deserted is not bound in case of causless desertion, but that he may lawfully seek another consort, if it be needful to him, toward a pure and blameless conversation.

**CHAP. XLII.**

That Impotence of Body, Leprosy, Madness, are just causes of Divorce.

Of this, because it was not disputed in the Doctrine and Discipline of Divorce, him that would know further, I command to the Latin original.

**CHAP. XLIII.**

That to grant Divorce for all the causes which have bin hitherto brought, disagrees not from the words of Christ, naming only the cause of Adultery.

Now we must see how these things can stand with the words of our Saviour, who seems directly to forbid all Divorce except it be for Adultery. To the understanding wherof, we must ever remember this: That in the words of our Saviour there can be no contrariety: That his words and answers are not to be stretch'd beyond the question propos'd: That our Saviour did not there purpose to treat of all the causes for which it might be lawful to divorce and marry again; for then that in the Corinthians of marrying again without guilt of Adultery could not be added. That it is not good for that Man to be alone, who hath not the special gift from above. That it is good for every such one to be married, that he may shun Fornication.

With regard to these principles, let us see what our Lord answer'd to the tempting Pharisees about Divorce, and second Marriage, and how far his answer doth extend.

First, no Man who is not very contentious, will deny that the Pharisees ask'd our Lord whether it were lawful to put away such a Wife, as was truly, and according to God's law, to be counted a Wife; that is, such a one as would dwell with her Husband, and both would and could perform the necessary duties of Wedloc tolerably. But she who will not dwell with her Husband, is not put away by him, but goes of herself: and she who denies to be a meet-help, or to be so hath made herself unfit by open Misdemeanors, or through incurable Impotencies cannot be able, is not by the Law of God to be esteemed a Wife; as hath bin shewn both from the first institution, and other places of Scripture. Neither certainly would the Pharisees propound a question concerning such an unconjugal Wife; for their depravation of the Law had brought them to that pass, as to think a Man had right to put away his Wife for any cause, though never so slight. Since therefore it is manifest that Christ answer'd the Pharisees concerning a fit and meet Wife according to the Law of God, whom he forbid to divorce for any cause but Fornication; who sees not that it is a Wickedness so to wrest and extend that Answer of his, as if it forbade to divorce her who hath already forsaken, or hath lost the place and dignity of a Wife, by deserved infamy, or hath undertaken to be that which she hath not natural ability to be?

This truth is so powerful, that it hath mov'd the Papists to grant their kind of Divorce for other causes besides Adultery, as for ill usage, and the not performing of conjugal duty; and to separate from bed and board for these causes, which is as much Divorce, as they grant for Adultery.

But some perhaps will object, that though it be yielded that our Lord granted Divorce not only for Adultery, yet it is not certain that he permitted Marriage after Divorce, unless for that only cause. I answer, first, that the Sentence of Divorce, and second Marriage, is one and the same. So that when the right of Divorce is evinc'd to belong not only to the cause of Fornication, the power of second Marriage is also prov'd to be not limited to that cause only; and that most evidently, whenas the Holy Ghost, 1 Cor. vii. so frees the deserted party from Bondage, as that he may not only send a just Divorce in case of Desertion, but may seek another Marriage.

Lastly, Seeing God will not that any should live in danger of Fornication and utter ruin for the default of

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another, and hath commanded the Husband to send away with a Bill of Divorce her whom he could not love; it is impossible that the charge of Adultery should belong to him who for lawful causes divorces and marries, or to her who marries after she hath bin unjustly rejected, or to him who receives her without all fraud to the former wedloc. For this were a horrid blasphemy against God, so to interpret his words, as to make him dissent from himself; for who sees not a flat contradiction in this, to enthrall blamelss Men and Women to miseries and injuries, under a false and soothing title of Marriage, and yet to declare by his Apostle, that a Brother or Sister is not under bondage in such cases? No less do these two things conflict with themselves, to enforce the innocent and faultless to endure the pain and misery of another's perverseness, or else to live in unavoidable temptation; and to affirm elsewhere that he lays on no Man the burden of another Man's sin, nor doth constrian any Man to the endangering of his Soul.

### CHAP. XLIV.

That to those also who are justly divorc'd, second Marriage ought to be permitted.

This although it be well prov'd, yet because it concerns only the Offender, I leave him to search out his own Charter himself in the Author.

### CHAP. XLV.

That some persons are so ordain'd to Marriage, as that they cannot obtain the gift of Continance, no not by earnest Prayer; and that therin every one is to be left to his own Judgment and Conscience, and not to have a burden laid upon him by any other.

### CHAP. XLVI.

The words of the Apostle concerning the praise of single Life unfolded.

These two Chapters not so immediately debating the right of Divorce, I chose rather not to insert.

### CHAP. XLVII.

The Conclusion of this Treatise.

These things, most renowned King, I have brought together, both to explain for what causes the unhappy, but sometimes most necessary help of Divorce ought to be granted, according to God's Word, by Princes and Rulers: as also to explain how the words of Christ do consent with such a grant. I have bin large indeed both in handling those Oracles of God, and in laying down those certain principles, which he who will know what the mind of God is in this matter, must ever think on and remember. But if we consider what mist and obscurity hath bin pour'd out by Antichrist upon this question, and how deep this pernicious contempt of Wedloc, and admiration of single life, even in those who are not call'd therto, hath sunk into many Men's persuasions, I fear lest all that hath bin said, be hardly enough to persuade such that they would cease at length to make themselves wiser and holier than God himself, in being so severe to grant lawful Marriage, and so easy to connive at all, not only whoredoms, but deflowerings and adulteries: Whenas among the people of God, no whoredom was to be tolerated.

Our Lord Jesus Christ, who came to destroy the works of Satan, send down his Spirit upon all Christians, and principally upon Christian Governors both in Church and Commonwealth (for of the clear judgment of your royal Majesty I nothing doubt, revolving the Scripture so often as ye do) that they may acknowledge how much they provoke the anger of God against us, whenas all kind of unchastity is tolerated, fornications an

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adulteries wink'd at: but holy and honourable Wedlock is oft with-held by the mere persuasion of Antichrist, from such as without this remedy, cannot preserve themselves from damnation! For none who hath but a spark of honesty will deny that Princes and States ought to use diligence toward the maintaining of pure and honest life among all Men, without which all Justice, all fear of God, and true Religion decays.

And who knows not that chastity and pureness of life can never be restor'd, or continued in the Commonwealth, unless it be first establish'd in private houses, from whence the whole breed of Men is to come forth? To effect this, no wise Man can doubt that it is necessary for Princes and Magistrates first with severity to punish Whoredom and Adultery; next to see that Marriages be lawfully contracted, and in the Lord; then that they be faithfully kept; and lastly, when that unhappiness urges, that they be lawfully dissolv'd, and other Marriage granted, according as the law of God, and of Nature, and Constitutions of pious Princes have decreed; as I have shewn both by evident authorities of Scripture, together with the writings of the ancient Fathers, and other testimonies. Only the Lord grant that we may learn to prefer his ever just and saving Word, before the Comments of Antichrist, too deeply rooted in many, and the false and blasphemous Exposition of our Saviour's words. Amen.

### A POSTSCRIPT.

Thus far Martin Bucer: Whom, where I might without injury to either part of the cause, I deny not to have epitomiz'd; in the rest observing a well-warranted rule, not to give an Inventory of so many words, but to weigh their force. I could have added that eloquent and right Christian discourse, written by Erasmus on this Argument, not disagreeing in effect from Bucer. But this, I hope, will be enough to excuse me with the mere Englishman, to be no forger of new and loose opinions. Others may read him in his own phrase on the first to the Corinthians, and ease me who never could delight in long citations, much less in whole traductions; whether it be natural disposition or education in me, or that my Mother bore me a speaker of what God made mine own, and not a translator. There be others also whom I could reckon up, of no mean account in the Church (and Peter Martyr among the first) who are more than half our own in this Controversy. But this is a providence not to be slighted, that as Bucer wrote this tractate of Divorce in England and for England, so Erasmus professes he begun here among us the same subject, especially out of compassion, for the need he saw this Nation had of some charitable redress herein; and seriously exhorts others to use their best industry in the clearing of this point, wherein custom hath a greater sway than verity. That therefore which came into the mind of these two admired strangers to do for England, and in a touch of highest prudence which they took to be not yet recover'd from monastic superstition, if I a native am found to have done for mine own Country, altogether suitably and conformly to their so large and clear understanding, yet without the least help of theirs, I suppose that hence-forward among conscionable and judicious persons, it will no more be thought to my discredit, or at all to this Nation's dishonour. And if these their Books, the one shall be printed often with best allowance in most religious Cities, the other with express authority of Leo the tenth, a Pope, shall for the propagating of truth, be publish'd and republish'd, though against the receiv'd opinion of that Church, and mine containing but the same thing, shall in a time of reformation, a time of free speaking, free writing, not find a permission to the Press; I refer me to wisest Men, whether truth be suffer'd to be truth, or liberty to be liberty now among us, and be not again in danger of new fetters and captivity after all our hopes and labours lost: and whether Learning be not (which our enemies too prophetically fear'd) in the way to be trodden down again by ignorance. Whereof while time is, out of the faith owing to God and my Country, I bid this Kingdom beware; and doubt not but God who hath dignify'd this Parliament already to so many glorious degrees, will also give them (which is a singular blessing) to inform themselves rightly in the midst of an unprincipled age; and to prevent this working mystery of ignorance and ecclesiastical thralldom, which under new shapes and disguises begins a-fresh to grow upon us.