

Chapter 24

Diurce permitted to auoide greater euil. 5. The newly married muft not goe to warre. 7. He that trateroufly felleth a man muft be flaine. 8. Difobedience to Priestes incurreth leprofie. 10. Such things may not be taken to pledge, as can not be wel fpared. 14. Poore laborers muft be prefently payed. 16. Not one punished for an others fault, but right iudgement to al, 18. and liberal almes to the poore.

If a man take a wife, and haue her, and she finde not grace before his eies for fome lothfomenes: he shal write a bil of diurce, and shal geue it in her hand, and ^ddimiffe her out of his houle. ² And being departed when she shal haue married an other husband, ³ and he alfo hateth her, and hath geuen her a bil of diurce, and hath dimiffed her out of his houle, or is deade: ⁴ the former husband can not take her againe to wife: becaufe she is polluted, and is made abominable before our Lord: lest thou make thy Land to finne, which our Lord thy God shal deliuer thee to poffesse. ⁵ When a man hath lately taken a wife, he shal not goe forth to battel, neither shal any publique neceffitie be inioyned him, but he shal attend to his owne houle without fault, that one yeare he may reioyce with his wife. ⁶ Thou shalt not take for a pledge the nether, or the vpper milftone: becaufe ^ahe hath pledged his life to thee. ⁷ If any man be taken foliciting his brother of the children of Ifrael, and felling him take a price, he shal be flaine, and thou shalt take away the euil from the middes of thee. ⁸ Obserue diligently that thou incurre not the plague of leprofie, but thou shalt doe whatfoeuer the priestes of the Leuitical ftocke shal teach thee, according to that, which I haue commanded them, and fulfil thou it carefully. ⁹ Remember what our Lord your God did to Marie, in the way when you came out of Ægypt. ¹⁰ When thou

^a This hebrew phrafe signifieth, that pledging the thing wherein the meanes of life confisteth is as if he pledged his life.

fhalt require of thy neighbour any thing, that he oweth thee, thou fhalt not enter into his houle to take away a pledge: ¹¹ but thou fhalt ftand without, and he fhall bring forth to thee that which he hath. ¹² But if he be poore, the pledge fhall not lodge with thee that night, ¹³ but forthwith thou fhalt reftore it to him before the going downe of the funne: that fleeping in his rayment, he may bleffe thee, & thou mayeft haue iuftice before our Lord thy God. ¹⁴ Thou fhalt not denie the hyre of the needie, and poore man thy brother, or the ftranger, that dwelleth with thee in the land, and is within thy gates: ¹⁵ but the fame day thou fhalt pay him the price of his labour, before the going downe of the funne, ^a)becaufe he is poore, and there withal fufteyneth his life: left he crie againft thee to our Lord, and it be reputed to thee for a finne. ¹⁶ The fathers fhall not be flaine for the children, nor the children for the fathers, but euerie one fhall die for his owne finne. ¹⁷ Thou fhalt not peruert the iudgement of the ftranger and the pupil, neither fhalt thou take away the widowes rayment for a pledge. ¹⁸ Remember that thou didft ferue in Ægypt, and our Lord thy God deliuered thee from thence. Therefore I command thee that thou doe this thing. ¹⁹ When thou haft reaped the corne in thy field, and forgetting haft left a fheafe, thou fhalt not returne to take it away: but thou fhalt fuffer the ftranger, and the pupil, and the widow to take it away, that our Lord thy God may bleffe thee in al the worke of thy handes. ²⁰ If thou haue gathered the fruites of thy oliue trees, whatfoeuer remaineth on the trees, thou fhalt not returne to gather it: but fhalt leaue it to the ftranger, the pupil, and the widow. ²¹ If thou make vintage of thy vineyard, thou fhalt not gather the clufter that remaine, but they fhall goe to the vfes of the ftranger, the pupil, and the widow. ²² Remember that thou alfo didft ferue in Ægypt, and therefore I command thee that thou doe this thing.

^a In cafe the laborer fufteyneth his life by his dailie wages, then not to pay him is in effect to kil him: and fuch finne crieth to God for reuenge.

ANNOTATIONS

1 Dimiffe her.) VWhether this diuorce was tollerated as a leffe finne, to auoide a greater, as S. Hierom (*li. 1. in Mat. c. 5. & li. 3. in c. 19.*) S. Chrysoftom (*ho. 12. in Mat. 5.*) and others teach; or difpenfed withal, and fo made lawful to the Iewes, which is alfo probable, for that none of the holie Prophetes did euer reprehend it; fure it is, that Chrift either by correcting a fault, or by recalling a former difpenfation, reftored the infolubilitie of mariage to the firft intitucion, faying: (*Mat. 19.*) *That vvvhich God hath ioyned together, let not man feparate.* Further anfwering the Pharefes, concerning this law: that *Moyfes for the hardnes of your hart permitted you to dimiffe you vviues: but from the beginning it vvas not fo.* And albeit he alloweth feparation of man and wife for fornication, yet for no caufe neither of them can marie againe, fo long as the other liueth. As S. Auguftin (*li. 1. de adulter. coniugijs. c. 11. & 12.*) by conference of three Euangeliftes wordes touching this point, plainly fheweth, concluding that *for fo much as holie Scripture calleth him* (that taketh a woman fo dimiffed) *not a husband, but an adulterer, she is ftill his vvife, by vvvhom for fornication she vvas dimiffed.* Likewise he proueth by S. Paules doctrin (*Rom. 7. & 1. Cor. 7.*) that though diuorce be made for adultrie, yet neither the guiltie nor innocent partie can marie an other, for the Apoftle faieth: *a vvoman is vnder the lavv of her husband, fo long as he liueth, if her husband be dead, she is loofed from his lavv. Therefore her husband liuing, she shal be called an aduoutrefse, if she be vvith an other man. If she part let her remaine vnmarried, or be reconciled to her husband. A vvoman is bond to the lavv fo long time, as her husband liueth, &c.* Thefe wordes of the Apoftle (fayeth he, *li. 2. c. 4.*) fo often repeted, fo often inculcated, are true, are liuelie, are found, are plaine. A woman beginneth not to be the wife of a later husband, except ſhe ceafe to be the wife of the former. And ſhe ceafeth to be the wife of the former, if he die, not if he (or ſhe) committe adultrie. Therefore a wife is lawfully dimiffed for fornication, but the bond of the former remaineth, for which caufe he is guiltie of adultrie, that marieth her that is dimiffed, yea, though it be for fornication. Thus and much more fayeth S. Auguftin in the fame, & in other bookes. And al the ancient fathers, and lerned ſchoolmen teach vniformly, that nothing but bodilie death can loofe the band of Mariage confummate; nor of vnconfummate, but death, or folemne vow in an approued rule of religion.

VWhether the band of mariage could be loofed or no in the old law, amongſt Chriftiās it can not be diffolued.

No not for adultrie.

Only before confummatiō Mariage is diffolued by folemne vow in Religion.