

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 Prieftes 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 ¹dimiffe her out of his houfe. ² And being departed when she shal haue married an other husband, ³ and he also hateth her, and hath geuen her a bil of diurce, and hath dimiffed her out of his houfe, or is deade: ⁴ the former husband can not take her againe to wife: because she is polluted, and is made abominable before our Lord: left thou make thy Land to finne, which our Lord thy God shal deliuer thee to poffeffe. 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 houfe 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: because ^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 Obferue diligently that thou incurre not the plague of leprofie, but thou shalt doe whatfoeuer the prieftes of the Leuitical focke 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 shalt require

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

of thy neighbour any thing, that he oweth thee, thou shalt not enter into his house to take away a pledge: ¹¹ but thou shalt stand without, and he shall bring forth to thee that which he hath. ¹² But if he be poore, the pledge shall not lodge with thee that night, ¹³ but forthwith thou shalt restore it to him before the going downe of the sunne: that sleeping in his rayment, he may blesse thee, & thou mayest haue iustice before our Lord thy God. ¹⁴ Thou shalt not denie the hire of the needie, and poore man thy brother, or the stranger, that dwelleth with thee in the land, and is within thy gates: ¹⁵ but the same day thou shalt pay him the price of his labour, before the going downe of the sunne, ^a)because he is poore, and there withal suffreth his life: lest he cry against thee to our Lord, and it be reputed to thee for a sinne. ¹⁶ The fathers shall not be flaine for the children, nor the children for the fathers, but euery one shall die for his owne sinne. ¹⁷ Thou shalt not peruert the iudgement of the stranger and the pupil, neither shalt thou take away the widows rayment for a pledge. ¹⁸ Remember that thou didst serue in Ægypt, and our Lord thy God deliuered thee from thence. Therefore I command thee that thou doe this thing. ¹⁹ When thou hast reaped the corne in thy field, and forgetting hast left a sheafe, thou shalt not returne to take it away: but thou shalt suffer the stranger, and the pupil, and the widow to take it away, that our Lord thy God may blesse thee in all the worke of thy handes. ²⁰ If thou haue gathered the fruites of thy oliue trees, whatsoever remaineth on the trees, thou shalt not returne to gather it: but shalt leaue it to the stranger, the pupil, and the widow. ²¹ If thou make vintage of thy vineyard, thou shalt not gather the clusters that remaine, but they shall goe to the vses of the stranger, the pupil, and the widow. ²² Remember that thou also didst serue in Ægypt, and therefore I command thee that thou doe this thing.

^a In case the laborer suffreth his life by his dailie wages, then not to pay him is in effect to kill him: and such sinne crieth to God for reuenge.

ANNOTATIONS

1 Dimiffē 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. Chryfoftom (*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 inftitution, faying: (*Mat. 19.*) *That vvhich God hath ioyned together, let not man feperate.* Further anfwering the Pharefes, concerning this law: that *Moyfes for the hardnes of your hart permitted you to dimiffē you vviues: but from the beginning it vvas not fo.* And albeit he alloweth feperation 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 ſtil his vvife, by vvhom for fornication ſhe vvas dimiffed.* Likewife 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 aduoutreffe, 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.* Theſe wordes of the Apoftle (ſayeth 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 ceaſe to be the wife of the former. And ſhe ceaſeth 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 ſayeth S. Auguftin in the ſame, & 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, amongft Chriftiās it can not be diffolued.

No not for adultrie.

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