

Chapter 18

Mariage prohibited in certaine degrees of confanguinitie and affinitie. 18. And diuers carnal, and execrable finnes committed in other nations, are ftrictly forbidden.

And our Lord fpake to Moyfes, faying: ² Speake to the children of Ifrael, and thou shalt fay to them: I the Lord your God, ³ according to the cuftome of the Land of Ægypt, wherin you haue dwelt, you fhall not doe: and according to the maner of the Countrey of Chanaan, into the which I wil bring you, you fhall not doe, nor walke in their ordināces. ⁴ You fhall doe my iudgements, and fhall obferue my precepts, and fhall walke in them. I the Lord your God. ⁵ Keepe my lawes and iudgements, which a man doing, fhall liue in them. I the Lord. ⁶ No man fhall approch to her that is ^anext of his bloud, to reueale her ^aturpitude. I the Lord. ⁷ The turpitude of thy father, and the turpitude of thy mother thou fhalt not difcouer: fhe is thy mother thou fhalt not reueale her turpitude. ⁸ The turpitude of thy fathers wife thou fhalt not difcouer: for it is the turpitude of thy father. ⁹ The turpitude of thy fifter by father, or by mother, which was borne at home or abroad, thou fhalt not reueale. ¹⁰ The turpitude of thy fonnes daughter or of thy neece by thy daughter, thou fhalt not reueale: becaufe it is thy turpitude. ¹¹ The turpitude of thy fathers wiues daughter, which she bare to thy father, and is thy fifter, thou fhalt not reueale. ¹² The turpitude of ^bthy fathers fifter thou fhalt not difcouer: becaufe she is the flesh of thy father. ¹³ The turpitude of thy mothers fifter thou fhalt not reueale, becaufe she is the flesh of thy mother. ¹⁴ The turpitude of thy fathers brother thou fhalt not reueale, neither fhalt thou

^a It is then turpitude when the act is vnlawful. But honeft in lawful Mariage. *S. Aug. li. 3. Locutionum. & li. de bono coniugali.*

^b See *chap. 20.* the difference of punifhmēts for violating thefe lawes in the firft and fecond degree. Alfo betwen confanguinitie & affinitie, in the fame collateral degree.

approch to his wife, who is ioyned to thee by affinitie.
15 The turpitude of thy daughter in law thou shalt not reueale, becaufe she is thy fonnes wife, neither shalt thou difcouer her ignominie. 16 The turpitude of thy brothers wife thou shalt not reueale: becaufe it is the turpitude of thy brother. 17 The turpitude of thy wife, and her daughter thou shalt not reueale. Her fonnes daughter, and her daughters daughter, thou shalt not take, to reueale her ignominie: becaufe they are her flesh, and fuch copulation is inceft. 18 Thou shalt not take thy wiues fifter for an harlote, to vexe her withal, neither shalt thou reueale her turpitude, whiles she is yet liuing. 19 To a woman, hauing her flowers, thou shalt not approch, neither shalt thou reueale her turpitude. 20 With thy neighbours wife thou shalt not companie, nor be polluted with commixtion of feede. 21 Of thy feede thou shalt not geue to be confecrated to the idol Moloch, nor pollute the name of thy God: I the Lord. 22 Companie not with mankind, as with womankind, becaufe it is abomination. 23 With no beaft shalt thou companie, neither shalt thou be polluted with it. A woman shal not lie downe to a beaft, nor companie with it: becaufe it is an hainous fact. 24 Neither be ye polluted in anie of the thinges wherwith al the nations haue bene contaminated, which I wil caft out before your fight, 25 and wherwith the land is polluted: whose abominations I wil vifite, that it vomite out the inhabitants therof. 26 Keepe my ordinances and iudgements, and doe not any of thefe abominations, as wel the fame councitman as the ftranger, that feiourneth with you. 27 For al thefe execrable thinges did the inhabitants of the land, that haue bene before you, and haue polluted it. 28 Beware therefore left in like maner it vomite out you alfo, when you shal doe the like thinges, as it vomited out the nation that was before you. 29 Euerie foule, that fhall doe anie of thefe abominations, shal perish from the middes of his people. 30 Keepe my commandements. Doe not the thinges which they haue done, that haue bene before you, and be not polluted in them: I the Lord your God.

ANNOTATIONS

- 6 Next of his blood.) Mariage is forbid firft and moft ftrictly by the law of nature, in al degrees in the right line afcending and defcending, both in confanguinitie and affinitie. S. Paul teftifying that *among the heathen, no man could haue his fathers vvife*. And in the right line God him felfe (who onlie can) neuer difpenfed. Secondly, the firft collateral degree in confanguinitie, that is, betwen brother and fifter, by one parent, or by both, is alfo vnlawful by the law of nature, except in the beginning of the world, when Adams children muft nedes marie together, God fo ordayingn that al mankind fhould be propagated by one man (for of him alfo the firft woman was made) but after this beginning it was neuer allowed, nor perhaps can be difpenfed withal, at leaft neuer was by anie man. Though Beza (*li. de repudijs & diuortijs.*) and fome English Bezites charge Pope Martin the fifth, to haue difpenfed with one, that had married his owne natural fifter: which is a falfe reporte. For it was with one, who hauing committed fornication with one fifter, afterwardes married the other, from whom he could not be feperated without great fcandal, the pretended mariage being publike, and the impediment fecrete: as S. Antoninus writeth. *par. 3. fum. Theol. tit. 1. c. 11.* But befides the right line, and the firft collateral degree in confanguinitie, no other collateral degrees are prohibited by the law of nature, but by pofitiue only. So this prefent law, written by Moyfes, forbade to marie in the firft collateral degree of affinitie, but the fame law commanded (*Deut. 25.*) that in cafe a married man died without iffue, his brother fhould marie the widow. VVherby is clere that this degree, and others more remote, were not prohibited by the law of nature. For then God would not haue made a contrarie general law, in anie cafe, for the whole nation of the Iewes, his people; and that vnder penaltie to be obserued, which is contrarie to the qualitie of indulgence or difpenfation, and no fuch neceffitie, as in the beginning of the world. VVherfore al proteftants that fay, the whole law written by Moyfes concerning degrees of confanguinitie and affinitie, is the law of nature, and fo pertaineth to Chriftians, muft neceffarily fay alfo, that if now a married man die without iffue, his brother muft marie his wife. VVhich fpecially they denie. It is alfo proued that this and fome other degrees expreffed in this place, were not againft the law of nature (which is common to al nations, commonly or eafely knowne to al men by difcourfe of reafon) becaufe no common wealth among the Gentiles did punifh, nor modeft men forbear, or reprehend fuch mariages: as appeareth by Laban, who after he had deceiued Iacob by geuing him one fifter for an other, offered him alfo the former promifed, whom without difficultie of confcience he accepted (*Gen. 29.*) neither did that holie Patriarch thinke it vnlawful to keepe them both. And when Iudas
- Mariage forbid in al degrees in the right line, by the law of nature.
- Secondarily in the firft collateral degree of cofanguinitie.
- Beza belieth Pope Martin.
- All other degrees depend on pofitiue lawes: which haue bene & may be altered.
- Proued by Scriptures, and reafons.
- Firft prooffe.
2. prooffe.
1. Cor. 5. v. 1.
- Act. 17. v. 26.
S. Aug. de bono
cōiug. c. 1.
- Ariftot. li. 2. Pol.

matched his second sonne, and promised the third to the wife of his first sonne, he did it according to the custome of that place & time. *Gen. 38.* And Noemi spoke according to the same custome. *Ruth. 1. v. 11.* Again where this law forbiddeth a man to marie, or companie with his wiues sister, it addeth, *vvhiles she is liuing*, not prohibiting marriage, when his first wife is dead. Yet his wiues sister is as nere in affinitie, as his brothers wife. Likewise the diversity of punishments (*chap. 20.*) for transgression of this law, either in the right line, or in the first collateral degree of consanguinitie, who were punished by death; and for transgressing in the first collateral degree of affinitie, or in the second either of consanguinitie or affinitie, who had lesse punishments, sheweth that the former degrees are prohibited by the law of nature, and not the other: for then the violation should be like sinne, and punished alike. Finally it is euident, that certaine of these degrees are not against the law of nature, by the example of holie Abraham, who in, and according, to the law of nature, married his brothers daughter called Sarai, otherwise Iefcha, *Gen. 11.* which marriage God approved by manie blessings. Also Iacob married two sisters together. Two sonnes of Iudas married the same woman successiue. And Amram (Moyfes father) married his aunt, his fathers sister. *Exod. 6. v. 20. Num. 26. v. 59.* VVherfore being neither the first collateral degree in affinitie, nor the second collateral in consanguinitie or affinitie, is forbid by the law of nature but by positive only, and that both ceremonial and iudicial lawes of the old Testament ceased in the New, and are abrogated by Christ, it resteth proued that the same bind not Christians, but as they are renewed and established by the Church, or Christian commonwelthes. And as this is donne in temporal causes by temporal States, partly by renewing and establishing the same, which was in the law of Moyfes, as by punishing wilful murder by death; *Exod. 21. v. 12.* partly with alteration, as by punishing theft in some countries with death, but not adultrie, which were contrarie in the old Testament, *Gen. 38. v. 24. 44. 17. Exod. 22. v. 1. Leuit. 20. v. 10.:* in like sorte the Church of Christ ordaineth lawes, altereth, & vpon iust occasions dispenceth, in all degrees of consanguinitie and affinitie, not forbid by the law of nature.

3. prooffe.

4. prooffe.

5. prooffe.

S. Hiero. queft.
Heb. in Gen.

Ceremonial & iudicial lawes of Moyfes are abrogated by Christ.

And new are established.