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BIA ANATON.

A.

# DECLARATION

OF THAT  
PARADOXE,

OR  
THESIS.

*That Self-homicide is not so naturally Sin,  
that it may never be otherwise.*

Wherein

The **Nature** and the **extent** of all those **Lawes**,  
which seeme to be violated by this Act,  
are diligently surveyed.

---

Written by **John Donne** who afterwards received **Orders** from the  
Church of **England** and dyed **Deane** of St Pauls, **London**.

---

Jo: Saresb. de nugis Curial. Prolog.

Non omnia vera esse profiteor. Sed legentium uisibus inservire.

**Published by Authority.**

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**LONDON.**

Printed for **Humphrey Moseley** and are to be sold at his  
shop at the **Princes Armes** in St **Pauls** Churchyard. **1648.**

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DECLARATION  
OF THAT  
PARADOX  
OR  
THESES

The Self-homicide is not a naturally sin  
but it may never be other wise.

Which  
The Nation and the extension of all the Law  
which seems to be violated by this Act  
are diligently surveyed.

Written by John Dunscombe of the Middle Temple  
Esq. Barrister at Law and of the Inner Temple  
Esq. Barrister at Law.

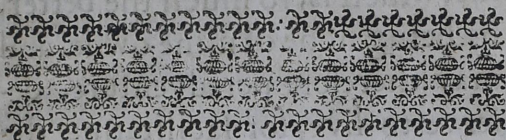
In the Year 1794  
Printed by J. Dunscombe at the Sign of the Crown  
in the Strand.

Published by Authority.

LONDON  
Printed by J. Dunscombe at the Sign of the Crown  
in the Strand.

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TO THE  
Right Honourable  
THE LORD  
PHILLIP HARBERT.

*My Lord,*



Lthough I have  
not exactly obey-  
ed your com-  
mands, yet, I hope,  
I have exceeded  
them, by presen-  
ting to your Honor, the *Trea-*  
tise,



## The Epistle

tise, which is, so much the better, by being none of mine owne, and may therefore peradventure, deserve to live, for facilitating the Issues of Death.

It was writ, long since, by my Father, and by him, \*forbid both the Presse, and the Fire; neither had I subjected it now, to the publique view, but that, I could finde no certaine way to defend it from the one, but by committing it to the other; For, since the beginning of this War, my Study having been often searched, all my Books (and almost my braines, by their continuall allarums sequestred, for the use of the Committee; two dangers appeared

But could it  
Thou not  
have buried  
it Ten foot  
under ground  
It is hard  
hardly been  
possible for  
it then to  
have done  
any harm  
as now it  
may



*Dedicatory.*

appeared more eminently to hover over this, being then a Manuscript; a danger of being utterly lost, and a danger of being utterly found; and sathered, by some of those wild Atheists, who, as if they came into the World by conquest, owne all other mens Wits, and are resolved to be learned, in despite of their Starres, that would fairely have enclined them, to a more modest, and honest course of life.

Your Lordships Protection will defend this Innocent from these two Monsters, Men that cannot write, and Men that cannot reade, and, I am very confident, all those that can, will think



*The Epistle, &c.*

it may deserve this favour from  
your Lordship ; For, although  
this Booke appeare under the no-  
tion of a Paradox, yet, I desire  
your Lordship, to looke upon  
this Doctrine, as a firme and  
established truth.

*Da vida osar morir.*

Your Lordships

*most humble Servants*

From my house in  
Covent-Garden. 28.

Io: D O N N E.



Authors cited in this Booke.

<p><b>B</b> EZA.          B. Dorotheus.          Bosquierus.          Athenagoras.          Canſans.          Trismegistus.          Theodoricus A. Niem.          Steuchius Engubi.          Ennodius.          Pererius          Zambranus          Alcoran          Corpus Iur: Canon.          Carbo, Summa Summarum          Polidorus Virgilius.          Matallius Metellus, Pra-          fat. in Oſor. Hiſtor.          Pierius          S. Ambroſius          Cardanus          Tholoſa: Syntagm.          S. Cyprianus          Hadri: Junius</p>	<p>Emanuel Sâ          Nicephorus          S. Gregorius          Vaſques          Clarus Bonarſcius          Corpus Iur: Civil.          Binnius          Bracton          Plowden          A: Gellius          Tertullian          Climachus          Baſil          Fileſacius          Campianus          S. Hieronimus          Ben: Gorion          Plinius          Paleotus de Noth.          Canones Pœnitenti:          Clemens Alex:          Sotus          Bodin</p>
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(\*)

Sil.



Sylvius  
 Middendorpius  
 Lucidus  
 Arpilcueta  
 Fabricius Hist: Cicero.  
 Windeckus  
 Lipsius  
 Porphyrius  
 Damasus  
 Feuardentius  
 Eusebius  
 Vincentii Speculum  
 Prateolus  
 Diodorus Siculus  
 Tho: Morus  
 Anto: Augustin.  
 P. Manutius  
 Sebast: Medices  
 Scotus  
 Calvinus  
 Forestus de Vener.  
 Serarius  
 Biblia Sacra  
 Humfredus Angl.  
 Mallonius in Paleotti Sin-  
 don.  
 S. Chrysostomus  
 Pontius Paulinus  
 Aquinas  
 Azorius  
 Sayr

Elianus  
 Cajetanus  
 S. Augustinus  
 Artemidorus  
 I. Caesar  
 Josephus  
 Vegetius  
 Acacius  
 Jo: Picus  
 Henrnius  
 Latinus Pacatus  
 Platina  
 Baronius  
 Ignatius  
 Alfon: Castro  
 Schultingius  
 Plato  
 Simancha  
 Alb: Gentilis  
 Pruckmannus  
 P. Pomponatius  
 Buxdorfus  
 Anto: de Corduba  
 Thyreus  
 Lavater  
 Naclerus  
 Quintilianus  
 Toletus  
 Sulpitius  
 Adrianus Quodlib.  
 Beccaria



*Vita Phil: Neri*

*Maldonatus*

*Bonaventura*

*Gregor: Nazianz.*

*Canones Apostolorum*

*Lucas de Penna*

*Optinellus*

*Laertius*

*Binsfeldius*

*Pedraça*

*Sexius Semensis*

*Paracelsus*

*Metaphrastes.*

*Sarius*

*Gregor: de Valentia*

*Brentius*

*Theophilaet*

*Hesicius*

*Marloratus*

*Schlusselfurgius*

*Agapetus*

*Reuchlin*

*Martialis ad Tholo:*

*Saravia*

*Sylvester*

*Liber Coformitatum S.*

*Franc. et Christi.*

*Cassianus*

*Procop. Gazaeus*

*Ardoinus*

*Greg. Turon*

*Supplem Chronic.*

*Nazarius Paneg.*

*Menghi*

*Ioan. de Lapide*

*Hippocrates*

*Bellarminus*

*Revelation. Brigida*

*Regul. Iesuit.*

*Franc. Gregorius*

*Oecumenius*

*Origenes*

*Alcuinus*

*Corn Celsus*

*Idiota Contemplatio de  
morte*

*Baldus*

*Aristoteles*

*Stanford*

*Bartolus*

*P. Martyr*

*Declaration des Doctes en  
France*

*Sedulius Minorita*

*Io. Gerson*

*Lylius Geraldus*

*Mariana*

*Saxovinus*

*Lambert*

*Fra. a Victoria*

*Wierus*



*Keplerus*  
*Lyra*  
*Burgensis*  
*P. Lombard*  
*Sophrenius*

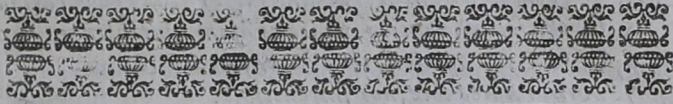
*Schultetus*  
*Euthymius*  
*Paterculus*  
*Cassaneus*

**I**N citing these authors, for those which I produce only for ornament and illustration, I have trusted my owne old notes; which though I have no reason to suspect, yet I confess here my lazines; and that I did not refresh them with going to the Originall. Of those few which I have not scene in the bookes themselves, (for there are some such, even of places cited for greatest strength,) besides the integrity of my purpose, I have this safe defence against any quarreller, that what place soever I cite from any Catholique Author, if I have not considered the Book it selfe, I cite him from another Catholique Writer. And the like course I hold in the Reformers. So that I shall hardly be condemned of any false citation, except to make me Accessorie, they pronounce one of their owne friends principall.

**A**



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## A distribution of this Book, into Parts, Distinctions, and Sections.

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### Preface.

- 1 **T**He Reason of this Discourse.
- 2 Incitements to charity towards those which doe it.
- 3 Incitements to Charity towards the Author.
- 4 Why it is not inconvenient now to handle this.
- 5 Descentions among schollars more, and harder to end then among others.
- 6 In such perplexities we ought to incline to that side which favours the dead.
- 7 Why I make it so publique.
- 8 What reader I desire to have.
- 9 The reasons why there are so many citations.
- 10 God punisheth that sin most, which occasions most sin in others.

### The first part, first Distinction, first Section.

- 1 Why we first prove, that this sin is not irremissible.

#### Sect. 2.

- 1 Three sorts of mistakers of this sin.

#### Sect. 3

- 1 That all desperation is not haynous; and that Self-homicide doth not alwaies proceed from desperation.
- 2 It may be without Infidelity.

A

3 When



## The Contents.

- 3 *When it is poena peccati it is involuntarium.*
- 4 *The reason why men ordinarily aggravate desperation*
- 5 *Of the second opinion, which is of impenitiblenes.*
- 6 *Of Calvins opinion, that it may be.*
- 7 *None impeccable, nor impenitible.*

### Sect. 4.

- 1 *Of the third sort, which presume actuall impenitence by reason of this Act.*
- 2 *Which is the safer side in doubtfull cases.*
- 3 *In Articulo Mortis, the Church ever interprets favourably.*
- 4 *What true repentance is by Clement.*
- 5 *Witnesses which acquit, more credited, then they which accuse, in the Cannon Law.*

### Sect. 5.

- 1 *Why we mayve the Ordinary definition of Sin taken from Saint Augustine, and follow another taken from Aquinas.*
- 2 *Of the torturing practice of Casuists.*
- 3 *Of the eternall Law of God, in Saint Augustines Definition, against which a man may doe without sinne.*
- 4 *Of the Definition which we follow.*

### Sect. 6.

- 1 *How Law of Nature, and of reason, and of God, exhibited in this definition, are all one; and how diversly accepted.*
- 2 *In some cases all these three Lawes may be broken at once. As*
- 3 *In revealing a secret.*
- 4 *In Parricide.*

### Sect. 7.

- 1 *Of the Law of Nature, and that against it strictly taken, either no sinne, or all sinne is done.*
- 2 *To doe against Nature makes us not guilty of a greater sinne, but more inexcusable.*
- 3 *No action so evill, that it is never good.*



# The Contents.

4 No evill in act, but disobedience.

5 Lying naturally worse then Selfe-homicide.

6 Fame may be neglected: yet we are as much bound to preserve fame, as life.

7 God cannot command a sinne, yet he can command a murther.

8 Originall sin, cause of all sin, is from nature.

Sect. 8.

1 That if our Adversaries by Law of nature mean only sensitive Nature, they say nothing, for so most vertuous actions are against nature.

Sect. 9.

1 As the Law of nature is recta ratio, that is, Jus gentium. So immolation, and Idolatry are not against law of Nature.

Sect. 10.

1 As reason is the form, and so the nature of a man, every sinne is against nature: yea, whatsoever agrees not exactly with Christian Religion.

2 Vertue produced to Act, differs so from Reason, as a medicine made and applyed, from a boxe of drugs.

Dist. 2. Sect. 1.

1 Sinnes against Nature in a particular sense, are by schoolmen said to be unnatural Lusts, and This. But in Scripture only the first is so called.

2 Of the example of the Levite in the Judges, where the Vulgate Edition, calls it sin against Nature.

3 S. Pauls use of that phrase Law of Nature, in long haire.

4 Vegetius use of that phrase.

Sect. 2.

1 Self preservation is not so of particular Law of Nature, but that Beasts naturally transgresse it, Whom it binds more then us. And we, when the reason of it ceases in us, may transgresse it, and sometimes must.

2 Things naturall to the Species, are not alwaies so to the Individuall.

J 2

3 There-



## The Contents.

- 3 Thereupon some may retire into Solitude.
- 4 The first principles in Naturall law, are obligatory, but not deductions from thence, and the lower we descend the weaker they are.
- 5 Pellicans. And by S. Ambrose, Bees kill themselves.
- 6 The Reason of almost every law is mutable.
- 7 He that can declare where the reason ceases, may dispence with the Law.
- 8 In what manner dispensations worke.
- 9 As nothing can annull the prerogatives of Princes or of Popes, though their own act seem to provide against it, so no law so much destroyes mans liberty, but that he returns to it, when the reason of that law ceases.
- 10 Self-preservation, which is but an appetition of that which is good in our opinion, is not violated by Self-homicide.
- 11 Liberty, which is naturally to be preserved, may be departed withall, when our will is to doe so.

### Sect. 3.

- 5 That cannot bee against law of nature, which men have ever affected, if it be also (as this is) against sensitive nature, and so want the allurements which other sins have.
2. There are not so many examples of all other vertues, as are of this one degree of fortitude.
- 3 Of Romane Gladiators. Of their great numbers, great persons, and women.
- 4 With how small persuasions Eleazar in Iosephus drew men to it.
- 5 Wives in the Indies doe it yet.
- 6 The Samanæi Priests in the Indies, notorious for good life and death did it.
- 7 Latinus Pacatus expresth this desire pathetically.
- 8 By what means the Spaniards corrected this natural desire in the Indies. Dist. 3. Sect. 1.
- 1 After civility and christianity quenched this naturall desire, in the place thereof succeeded a thirst of Martyrdome.

How



## The Contents.

2 How leasurely the custome of killing at funerals more out.

3 Philosophers saw, and Moses delivered the state of the next life, but unperfectly,

### Sect. 2.

1 That Martyrdome was by the Fathers insinuated into men, for the most part by naturall Reasons, and much upon humane respects.

2 So proceeded Clement.

3 So did Tertullian.

4 So did Cyprian.

5 Externall honours to Martyrs.

6 Monoply of Martyrdome

7 Gods punishments upon their persecutors encouraged men to it.

8 Priviledges of Martyrs extended to many.

9 Contrary Reasons cherisht this desire in them.

10 Libellatici, or compounders with the state, in Cyprian.

11 Flight in persecution condemned by Tertullian.

12 Death grew to be held necessary to make one a Martyr.

13 In times when they exceeded in indiscreet exposings of themselves, they taught that Martyrs might be without death.

14 Professors in Cyprian, men who offered themselves before they were called.

15 Enforcers of their own Martyrdome.

16 Examples of inordinate affecting of Martyrdome.

17 Lawes forbidding more executions, made to despise Christians.

18 Glory in their number of Martyrs.

### Sect. 3.

1 That Hereticks noting the dignity gaine by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.

2 They laboured the Magistrate to oppose this desire.

3 Basilides denied Christ to have been crucified; and



## The Contents.

that therefore they dyed madly.

4 Helchegar, that outward profession of Religion was not needfull ; much lesse Martyrdome.

5 Which also the Gnostici taught : and why they prevailed not.

### Sect. 4.

1 That Heretiques missing their purpose herein, tooke the naturall way of overtaking the Orthodox in numbers of Martyrs.

2 Petilians new way of Martyrdome.

3 Another new way of the Circumcelliones, or Circuitores.

4 The Cataphrygæ exceed in number.

5 The Euphemita for their numbers of Martyrs called Martyrians.

### Sect. 5.

1 Hereupon Councils tooke it into their care to distinguish Martyrs, from those who dyed for naturall and humane respects.

### Sect. 6.

1 Therefore later Authors doe somewhat remit the dignity of Martyrdome.

2 The Jesuits still professe an enormous love to such death.

### Distinction 4. Sect. 1.

1 Lawes and Customes of well polished Estates having admitted it, it were rash to say it to be against Law of Nature.

2 True and Ideated Common-wealthes have allowed it.

3. 4. Athenians, Romans.

5 Of Depontani.

6 Ethiopians.

7 All Lawes presume this desire in men condemned.

8 In Utopia authorized.

9 And by Plato in certaine cases.

10 Conclusion of the first Part.

The



## The Contents.

### *The Second Part of the Law of Reason.*

#### Distinct. 1. Sect. 1.

1 *That the Law of Reason is, Conclusions drawn from primary Reason or light of Nature, by discourse.*

2 *How much strength such deduced reasons have.*

#### Sect. 2.

1 *Of this kind of reasons, generall Lawes have greatest authoritie.*

2 *For it is of their essence that they agree with the Law of Nature.*

3 *And there is better testimony of their producing, then of particular mens opinions.*

#### Sect. 3.

1 *Of Lawes, the Emperiall Law ought first to be considered.*

2 *The reason of that Law is not abolished; but the confession of our dependencie upon it.*

3 *Why it is called Civill Law.*

4 *Of the vastnes of the books from whence it is concocted, and of the large extent thereof.*

5 *That yet in this so large Law there is nothing against our case.*

6 *Of the Law of Adrian concerning this in Souldiers.*

7 *Of the other Law concerning this in offenders already accused.*

#### Dist. 2. Sect. 1.

1 *Of the Cannon Law.*

2 *The largenes of the subject, and object thereof.*

3 *Of Codex Canonum, or the body of the Canon Law, in use in the primitive Church.*

*Of the Additions to this Code since.*

4 *Canon Law apter to condemn then the Civil, and why.*

#### Sect. 2.

1 *That this proposition is not hereticall by the Canon Law.*

2 *Simancha*



## The Contents.

- 2 Simancha his large Definition of Heresy.
- 3 No d cision of the church in the point.
- 4 Nor Canon nor Bull.
- 5 Of the common opinion of Fathers, and that that varies by times, and by places by Azorius.
- 7 Gratian cites but two Fathers, whereof one is on our side.

8 That that part of Canon Law, to which Canonists will stand, condemns not this.

9 A Catholique Bps. censure of Gratian, and his decret.

### Sect. 3

- 1 What any Conncells have done in this point.
- 2 Of the Conncell of Antisidore under Greg. 1. 590.
- 3 That it only refusd their oblations.
- 4 That it was only a Diocesan Conncell.
- 5 The Conncell of Braccar. inflicts two punishments.
- 6 The first, of not praying for them is meant of them who did it, when they were excommunicate.
- 7 The second, which is denying of buriall, is not always inflicted as a punishment, to an offender; as appears in a punishment, to an offender; as appears in a locall interdict.
- 8 Romans buried such offenders as had satisfied the law within the Towne, as they did Vestalls and Emperours.

### Dist. 3 Sect. 1

- 1 Of the Laws of particular Nations.
- 2 Of our Law of Felo de se.
- 3 That this is by our Law Murder, and what reasons entitle the King to his good.
- 4 That our naturall desire to such dying, probably induced this customary Law.
- 5 As in States abounding with slaves, Law-makers quenched this desire, lest there should have beene no use of them.
- 6 Forbid lest it should draw too many: as hunting, and usury: and as wine by Mahomet.
- 7 Upon reason of generall insinuations we have severe Laws against theft.
- 8 When



# The Contents.

I

8 When a man is bound to steale.

9 Sotus his opinion of Day-theenes.

10 Of a like law against Self-homicide in the Earldome of Flaunders. Sect. 2.

1 Severe Laws are arguments of a generall inclination, not of a hainousnes in the fact.

2 Fasting upon Sundays extremely condemned upon that reason.

3 So Duells in France.

4 So Bull-baitings in Spaine.

5 The hainousnes of Rape, or Witch-craft are not diminished, where the Laws against them were but easie.

6 Publike benefit is the rule of extending odious Laws, and restraining favourable.

7 If other nations concur in like Laws, it sheweth the inclination to be generall.

Sect. 3.

1 The Custome of the Iews not burying till Sunn-set, and of the Athenians cutting off the dead hand evict not.

Sect 4.

1 The reasons drawne from remedies, used upon some occasions to prevent it, prove as little.

Dist. 4. Sect. 1.

1 Of the reasons used by particular men, being divines.

2 Of S. Aug. and of his argument against Donatus.

3 Of S. Augustine comparatively with other Fathers.

4 Comparison of Navar and Sotus.

5 Jesuits often beholding to Calvin for his expositions.

6 In this place we differ not from S. Augustine.

7 Nor in the second cited by Gratian.

8 That there may be Causa puniendi sine culpa.

9 As Valens the Emperor did misse Theodosius, So S. Augustine pratermitted the right case.

10 Of Cordubensis rule, how we must behave our selves in perplexities.

11 How temporall reward may be taken for spirituall offices.

A

12 Of



## The Contents.

12 Of Pindarus death praying for he knew not what.

13 In one place we depart from S. Augustine upon the same reason, as the Jesuite Thyraus doth depart from him in another.

## Sect. 2.

1 The place cited by Gratian out of S. Hierome, is on our side.

## Sect. 3.

1 Lavaters confession, that Augustine, Hierome, Chrysostome, Lactantius, are of this opinion.

## Sect. 4.

1 Of Peter Martyrs reason, Mors malum.

2 Clement hath long since destroyed that reason.

3 Of Malum poenæ, how farre it may bee misbed, and how farre it condemnes.

4 Possessed men are not alwaies so afflict for sinne.

5 Damnation hath not so much rationem mali, as the least sinne.

6 If Death were of the worst sort of evill, yet there might be good use of it, as of Concupiscence.

7 In what sense S. Paul calles Death Gods enemy.

8 Death, since Christ, is not so evill as before.

## Sect. 5.

1 Of Peter Martyrs reason, Vita donum Dei.

## Sect. 6.

1 Of Lavaters reason of Iudges in all causes.

2 Where Confession is not in use, there is no Iudge of secret sinne.

3 Of the Popes Iurisdiction over himselfe.

4 Of such Iurisdiction in other persons by Civil lawes.

5 Io: 22. elected himselfe Pope.

6 Iurisdiction over our selves is therefore denyed us;

7 because we are presumed favourable to our selves, not in cases esteemed hurtfull.

8 In cases hurtfull we have such Iurisdiction.

9 Oath of Gregory in the great Schisme.

10 When



## The Contents.

3

10 When a man becomes to be sui Juris.

11 Warre is just betweene Sovereigne Kings, because they have no Iudge.

12 Princes give not themselves priviledges; but declare that in that case they will exercise their inherent generall Priviledge.

### Sect. 7.

1 Josephus reason of Depositum.

2 A Depositarie cannot be accused De Culpa, but De Dolo.

3 A secret received Data fide is In natura Depositum.

### Sect. 8.

1 Of similitudinary reasons in Authors not Divine.

### Sect. 9.

1 Of Josephus his reason of Hostis.

### Sect. 10.

1 Of Josephus reason of Servus.

### Sect. 11.

1 Of Josephus reason of a Pilot.

### Distinct. 5. Sect. 1.

1 Of Saint Thomas two reasons from Justice, and Charitie.

2 Of that part of injustice, which is stealing himselfe from the State.

3 Monastike retyring is, in genere rei, the same fault.

4 The better opinion is, that there is herein no injustice.

5 Of the other Injustice, of usurping upon anothers Servant.

6 Though we have not Dominium, we have Usum of this life: And we may relinquish it when we will.

7 The State is not Lord of our life, yet may take it away.

8 If injustice were herein done to the State, then by a licence from the State it may be lawfull.

9 And the State might recompence her Damage upon the goods or Heir of the Delinquent.

10 In a man necessary to the State, there may bee some Injustice herein.

A 2

II No



## The Contents.

- 11 *No man can doe injurie to himselfe.*  
 12 *The question whether it be against Charity, respited to the third part.*

## Sect. 2.

- 1 *Of Aristotles two reasons of Misery and Pusillanimitie.*

## Distinct. 6. Sect. 1.

- 1 *Of reasons on the other side.*  
 2 *Of the Law of Rome, of asking the Senate leave to kill himselfe.*  
 3 *Of the case upon that Law in Quintillian.*

## Sect. 2.

- 1 *Comparisons of desertion and destruction.*  
 2 *Of Omissions equall to committings.*

## Sect. 3.

- 3 *In great faults the first step imprints a guiltines, yet many steps to self-homicide are allowable.*  
 4 *Draco's lawes against homicide were retained for the hainousnes of the fault.*  
 5 *Tolets five Species of Homicide.*  
 6 *Foure of those were to be found in Adams first Homicide in Paradise.*

## Sect. 4.

- 7 *Of Tolets first and second Species, by Precept, and by Advise, or Option.*  
 8 *We may wish Malum poenæ to our selves, as the Eremitte prayed to be possessed.*  
 9 *That we may wish death for wearines of this life.*  
 10 *It is sin to wish the evill were not evill, that then we might wish it.*  
 11 *Of wishing the Princes Death.*  
 12 *In many opinions by contrary Religion, a true King becomes a Tyrant.*  
 13 *Why an oath of fidelity to the Pope binds no man.*  
 14 *Who is a Tyrant by the declaration of the learned men of France.*



## The Contents.

5

- 15 How Death may be wished by Calvins opinion.
- 16 How we may wish death to another for our own advantage.
- 17 Phil. Nerijs consented that one who wished his own death might have his wish.

### Sect. 5.

- 1 Of Tolets third Species of Homicide, by permission, which is Mors Negativa.
- 2 Of standing mute at the Barre.
- 3 Three Rules from Scotus, Navar, and Maldonate, to guide us in these desertions of our selves.
- 4 That I may suffer a Theif to kill me, rather then kill him.
- 5 Of Se defendendo in our Law.
- 6 That I am not bound to escape from prison if I can. Nor to eat, rather then starve,
- 7 For ends better then this life we may neglect this.
- 8 That I may give my life for another.
- 9 Chrysostomes opinion of Sarahs lie, and her consent to Adultery. And S. Augustines opinion of this, and of that wife, who prostituted her selfe to pay her husbands debts.
- 10 That to give my life for another, is not to preferre another before my selfe, as Bonaventure and August. say; But to prefer vertue before life; which is lawfull.
- 11 For spirituall good it is without question.
- 12 That I may give another that without which I cannot live.
- 13 That I may lawfully wear out my self with fasting.
- 14 That this in S. Hier. opinion is selfe-homicide.
- 15 Of the Fryer whom Cassianus calls a Self-homicide, for refusing bread from a theife, upon an indiscreet Vow.
- 16 Of Christs fast.
- 17 Of Philosophers inordinate fasts.
- 18 Of the Devils threatening S. Francis, for fasting.
- 19 Examples of long fasts.
- 20 Reasons, effects, and obligations to rigorous fastings.



## Corollary of this Section of Desertion.

## Sect. 6.

1 Of another Species of homicide, which is not in Tolets division by Mutilation.

2 Of Delivering ones selfe into bondage.

3. By divers Cannons homicide and mutilation is the same fault.

4 Of Calvins argument against Divorce, upon this ground of Mutilation.

5 The example of S. Mark, cutting off his thumbe to escape Priesthood

6 In what cases it is clear, that a man may maim himself.

## Sect. 7.

1 Of Tolets fourth Species of Homicide, by actual helping.

2 Ardoynus reckons a flea amongst poysons, because it would destroy

3 David condemned the Amalekite, who said he had helped Saul to kill himselfe.

4 Mariana the Iesuite is of opinion, that a King which may be removed by poyson, may not be put to take it by his owne hands though ignorantly, for he doth then kill himself.

5 That a malefactor unaccused may accuse himself.

6 Of Sanfovins relation of our custome at executions, and withdrawing the pillow in desperate cases.

7 Of breaking the leggs of men at executions, and of breaking the halter.

8 Of the forme of purgations used by Moses Law in cases of jealousy.

9 Of formes of Purgation called Vulgares.

10 Charlemaine brought in a new forme of purgation.

11 And Britius a Bishop, being acquitted before, extorted another purgation upon himselfe.

12 Both kindes of Ordallium, by water, and fire, in use here, till King Johns time.

13 In all these purgations, and in that by Battaille, the party himself assisted.

14 Exam-



# The Contents.

7

14 *Examples of actuall helpers to their owne destruction in S. Dorotheus doctrine.*

15 *Of Ioseph of Arimathæa his drinking of poyson.*

16 *Of S. Andrew and S. Lawrence.*

17 *Casuits not cleere whether a condemned man may doe the last act to his death.*

18 *But in cases without condemnation, it is sub precepto to Priests, Curats, to goe to infected houses.*

## Sect. 8.

1 *Of Tolets last species of Homi-cide which is the act it selfe.*

2 *How farre an erring conscience may justify this act.*

3 *Of Pythagoras philosophicall conscience, to dy, rather then hurt a Beane, or suffer his schollers to speak.*

4 *Of the apparition to Hero a most devout Eremit, by which he killed himself, out of Cassianus.*

5 *That the Devill sometime sollicitates to good.*

6 *That by Valsques his opinion, it is not Idolatry to worship God in the devil.*

7 *Rules given to distinguish evil spirits from God are all fallible.*

8 *Good Angels sometimes move to that which is evil, being ordinarily and morally accepted.*

9 *As in mis-adoration by Valsques, invincible ignorance excuses, so it may in our cases.*

10 *Of S. Augustines first reason against Donatus, that we may save a mans life against his will.*

11 *Of his second reasons, which is want of examples of the faithfull. And of S. Augustines assured escape, if Donatists had produced Examples.*

12 *Divorce in Rome on either part, And in Jury, on the womans part long without example.*

13 *Saint Augustines Schollers in this point of examples, as stubborne as Aristotles, for the inalterablenesse of the Heavens, though the reason of both be ceased.*

14 *Of the Martyr Apollonia who killed her selfe.*

15 *Of*



- 15 *Of answers in her excuse.*
- 16 *Of the Martyr Pelagia who killed her selfe.*
- 17 *Though her History bee very uncertaine, yet the Church seems glad of any occasion to celebrate such a fact.*
- 18 *Saint Augustines testimony of her.*
- 19 *Saint Ambroses Meditation upon her.*
- 20 *Eusebius his Oration incitatory, imagined in the person of the Mother.*
- 21 *Saint Augustines first of any doubting of their fact, sought such shifts to defend it, as it needed not.*
- 22 *S. Augustines example hath drawne Pedraca a Spanish Casuist, and many others, to that shift of speciall Divine inspiration, in such cases.*
- 23 *And so sayes Peter Martyr of the Midwives, and of Rahabs lye.*
- 24 *To preserve the Seale of Confession, a man may in some case be bound to doe the intire act of killing himselfe.*

*The Third Part, which is of the Law of God.*

*Distinct. 1. Sect. 1.*

- 1 *An introduction to the handling of these places of Scripture.*
- 2 *Why I forbear to name them who cite these places of Scripture.*
- 3 *If any oppose an answer, why I intreat him to avoide bitterness.*
- 4 *Why Clergy men, which by Canons may fish, and hunt, yet may not hunt with dogs.*
- 5 *Of Bezas answer to Ochius Polygamy.*

*Distinction 2. Sect. 1.*

1 *No place against this Self-homicide, is produced out of the Iudiciall or Ceremoniall Law.*

Sect. 2. 1 *Of the place Gen. 9. 5. I will require your blood.*

2 *We are not bound to accept the interpretation of the Rabbins.*

3 *Of*



# The Contents.

9

3 Of Lyra, and of Emmanuel Sā, both abounding in Hebrewisms, yet making no such note upon this place,

Sect. 3. 1 Of the place Deut. 33. 39. I kill, and I give life.

2 Jurisdiction of Parents, Husbands, Masters, Magistrates, must consist with this place.

3 This place must be interpreted as the other places of Scripture, which have the same words. And from them, being three, no such sense can be extorted.

Sect. 4. 1 Of the place Iob 7. 1. vita milita.

2 Why they cite this place according to the vulgate copy.

3 Of Soldiers priviledges of absence by Law.

4 Iobs scope is, That as warre works to peace, so heere we labour to death.

5 Of Christs letter to King Abgarus.

Sect. 5. 1 Of another place in Iob 7. 15. Anima elegit suspendium.

2 Why it was not lawfull to Iob to kill himself.

3 His words seeme to shew some steps toward a purpose of Self-homicide.

4 Of Sextus Senensis, and of Gregories exposition therof

5 How I differ from the Anabaptists, who say that Iob despaired.

6 S. Hierome, and the Trent Councell incurre this error of condemning all which a condemned man says.

7 Very holy and learned men impute a more dangerous despaire to Christ, then I doe to Iob.

Sect. 6. 1 Of the place Io. 2. 4. Skin for Skin &c.

Sect. 7. 1 Of the place Eccles. 30. 16. There is no riches above a sound body.

2 This place is not of safety, but of health.

Sect. 8. 1 Of the place Exod. 20. Thou shalt not kill.

2 S. Augustine thinks this Law to concerne ones self more directly, then another.

3 This Law hath many exceptions.

4 Laws of the first table are strictioris vinculi, then of the second.

B

5 A



## The Contents.

5 A case wherein it is probable that a man must kill himself, if the person be exemplar.

6 As Laws against Day-theeves may be deduced from the Law of God authorizing Princes, So may this from the commandement, of preferring Gods glory.

7 Whatsoever might have been done before this Law, this Law forbids not.

Sect. 9. 1 Of the place Wild. 1. 12. Seek not death.  
Distinct. 3. Sect. 1.

1 Of the place Mat. 4. 6. Cast thy self downe.

2 That Christ when it conduced to his owne ends, did as much, as the devill tempted him to, in this place.

Sect. 2. 1 Of the place Acts 16. 17. Do thy self no harme.

2 S. Paul knew Gods purpose of baptizing the Iaylour.

3 For else saith Calvin, he had frustrated Gods way of giving him an escape by the Iaylours death.

Sect. 3. 1 Of the place Rom. 3. 8. Do not evill for good.

2 In what sence Paul forbids this.

3 God always inflicts malum poenæ by instruments.

4 Induration it selfe is sometimes medicinall.

5 We may inflict upon our selves one disease, to remove another.

6. In things evill, in that sence as S. Paul takes the word here, Popes daily dispence.

7 So doe the Civill Lawes.

8 So doe the Cannons.

9 So doth God occasion lesse sins to avoid greater.

10 What any other may dispence withall in us, in cases of extremity, we may dispence with it our selves.

11 Yet no dispensation changes the nature of the thing, and therefore that particular thing was never evill.

12 The Law it self, which measures actions, is neither good nor evill.

13 Which Picus notes well, comparing it to the firmament.

14. What.



# The Contents.

II

14 What evil S. Paul forbids here, and why.

15 Nothing which is once evil, can ever recover of that.

16 These Acts were in Gods decree preserved from those stains of circumstances, which make things evil: So as Miracles were written in his book of Nature, though not in our copy thereof; and so, as our Lady is said to be preserved from Originall sinne.

17 Of that kind was Moses killing of the Egyptian.

18 If this place of Paul, be understood of all evil.

19 Yet it must admit exceptions, as well as the Decalogue it selfe.

20 Otherwise that application which Bellarmine and others doe make of it will be intollerable.

Sect. 4. 1. Of divers places which call us, Temples of God.

2 The dead are still his Temples and Images.

3 Heathen Temples might be demolished, yet the Soyle remained Sacred.

4 S. Pauls reason holds in cases where we avile our bodies, here we advance them.

5 How we must understand that our body is not our own.

Sect. 5. 1. Of the place, Eph. 4. 15. One body with Christ.

2 This place gives Arguments to all which spare not themselves for releif of others, and therefore cannot serve the contrary purpose.

Sect. 6. 1. Of the place Eph. 5. No man hates his own flesh.

2 How Marlorate expounds this Hate.

Distinct. 4. Sect. 1.

1 Of the places of Scripture on the other part.

2 We may, but our Adversaries may not make use of Examples. To which the answer of Martyr and Lavater is weake

3 The Nature, Degrees, and Effects of Charity.

4 S. Augustines description of Her. Of her highest perfection beyond that which Lombard observed out of Aug.

5 He who loves God with all his heart, may love him more.



6 Any suffering in Charity, hath infallibly the grace of God; by Aquin.

Sect. 2. 1. Of the place 1 Cor. 13. 4. Though I give my Body.

2 By this, it was in common reputation, a high degree of perfection to die so, and Charity made it acceptable.

3 S. Paul speaks of a thing which might lawfully be done, for such are all his gradations in this Argument.

4 Tongues of Angels, in what sense in this place.

5 Speech in the Affe, understandings of prophecies in Iudas, or miraculous faith, make not the possessor the better.

6 How I differ from the Donatists, arguing from this place, that in charity there Self-Homicides were alwayes lawfull.

7 To give my body, is more then to let it be taken.

8 How Nicephorus the Martyr gave his Body in Sappritius his roome who recanted.

9 There may be some case that a man who is bound to give his body, cannot doe it otherwise then by self-homicide.

Sect. 3. 1. Of the place Joh. 10. 11. & Joh. 15. 13. The good Shepheard.

2 That a man is not bound to purge himself, if anothers crime be imputed to him.

Sect. 4. 1. Of the place Ioh. 13. 37. I will lay down my life.

2 Peters readines was naturall; Pauls deliberate.

Sect. 5. 1. Of the place Ioh. 10. 15. Of Christs example.

2 Why Christ spoke this in the present time.

3 Of the abundant charity of Christ.

4 Of his speech going to Emmaus.

5 Of his Apparition to S. Charles.

6 Of the Revelation to S. Brigid.

7 Of his mothers charity.

8 That none could take away Christs soule.

9 His owne will the onely cause of his dying so soon by S. Augustine.

10 And by Aquinas, because he had still all his strength.

11 And



## The Contents.

13

11 And by Marlorate because he bowed his head, and it fell not, as ours do in death.

12 In what sense it is true that the Iewes put him to Death.

13 Of Aquinas opinion, and of Silvesters opinion of Aquinas.

14 Christ was so the cause of his death, as he is of his wetting, which might, and doth not shut the window when it rains.

15 Who imitated Christ in this actuall emission of the soul.

16 Upon What Reasons this manner of dying in Christ is called Heroique, and by like Epithets.

17 Christ is said to have done herein, as Saul, and Appollonia, and such.

Sect. 6. 1 Of the places Ioh. 12. 25. Luc. 14. 26. Of Hating this life.

2. Iesuits apply particularly this Hate.

3. If the place in the Ephes. No man hateth his flesh, be against self-homicide, this place must by the same reason be for it.

4 S. Augustine denying that this place justifies the Donatists, excludes not all cases.

Sect. 7. Of the place 1 Ioh. 3. 16. We ought to lay down our lives, &c.

2 All these places direct us to doe it so, as Christ did it, unconstrained.

Sect. 8. 1. Of the place Phil. 1. 23. Cupio dissolvi.

2. Of S. Pauls gradations to this wish, and of his correcting of it.

Sect. 9. 1 Of the place Gal. 4. 15. You would have plucked out your own eyes.

2 This was more then vitam profundere by Calvin.

Sect. 10. 1. Of the place, Rom. 9. 3. Anathema.

2 That he wished herein Damnation.

3 That he considered not his Election at that time.

B 3

Sect. 11.



Sect. 11. *Of the place, Exod. 32. 32. Dele me de libro.*

2 *That this imprecation was not onely to be blotted out of the History of the Scripture as some say.*

3 *It was stranger that Christ should admit that which might seeme a slip downward, when he wisht an escape from death, then that Moses should have such an exaltation upward, as to save his Nation by perishing, yet both without inordinatenesse.*

4 *How by Paulinus, a just man may safely say to God, Dele me.*

Distinct. 5. Sect. 1.

1 *Of Examples in Scripture.*

2 *The phrase of Scripture never imputes this Act to any as a sinne, when it relates the History.*

3 *Irenæus forbids man to accuse where God doth not.*

4 *Beza his answer to Ochius reason, that some Patriarchs lived in Polygamy, reaches not home to our case.*

5 *For it is not evident by any other place of Scripture, that this is siene, and here many examples concur.*

Sect. 2. 1 *Examples of Acts which were not fully selfe-homicides, but approaches.*

2 *Of the Prophet who punished him that would not strike him.*

3 *That when God doth especially invite men to such violence, he says so plainly. And therefore such particular invitations may not be presumed where they are not expressed.*

Sect. 3. 1 *Of Jonas.*

2 *Why S. Hierome calls only Jonas of all the Prophets holy.*

Sect. 4. 1 *Of Samson.*

2 *The Church celebrates him as a Martyr.*

3 *Paulinus wishes such a death as Samsons.*

4 *They which deny that he meant to kill himself, are confuted by the text.*

5 *They which say, he intended not his owne death principally, say the same as we doe.*

6 *That*



# The Contents.

15

6 That S. Augustines answer to this fact, that it was by speciall instinct, hath no ground in the history.

7 Of Sayr his reason, in confirmation of Augustine, That Samson prayed.

8 Of Pedraca his reason, that it was therefore the work of God, because God effected it so, as it was desired.

9 That he had as much reason, and as much authority to kill himselfe, as to kill the Philistims. And that was only the glory of God.

10 That in this manner of dying, hee was a type of Christ.

Sect. 5. 1 Of Saul.

2 Whether the Amalekite did helpe to kill Saul. Whether Saul be saved or no.

3 In what cases the Iewes, and Lyra confesse, that a man may kill himselfe.

4 Lyra's reasons why Saul is to be presumed to have dyed well.

5 Burgenfis reason to the contrary ; That if Saul were excusable, the Amalekite was so too, is of no force.

5 Of Sauls Armour-bearer.

Sect. 6. 1 Of Achitophel.

2 He set his house in order, and he was buried.

Sect. 7. 1 Of Judas.

2 He dyed not by hanging in the opinion of Euthymius, Oecumenius, Papias S. Johns disciple, and Theophilact.

3 By what meanes many places of Scripture have been generally otherwise accepted, then the text enforceth.

4 Judas not accused of this in the story, nor in the two Prophetickall Psalmes of him.

5 Origens opinion of his repentance.

6 Calvin acknowledgeth all degrees of Repentance, which the Romane Church requires to Salvation to have been in Judas.

7 Petilians opinion that Judas was a Martyr.

8 His Act had some degrees of Iustice, by S. August.

Sect. 8. 1 Of Eleazar.

2 All



- 2 *All confesse that it was an Act of vertue.*
- 3 *His destruction was certaine to him.*
- 4 *He did as much to his owne death, as Samson.*
- 5 *The reasons of this Act, alleudged in the Text, are Morall.*
- 6 *Saint Ambrose extols this by many concurrences.*
7. *Cajetans reason for justification thereof, is applicable to very many other cases of Selfe-homicide.*
- Sect. 9. 1 *Of Rasis.*
- 2 *His reasons in the Text Morall.*
- 3 *Whether it be Pusillanimity, as Aristotle, August. and Aquinas urge.*
- 4 *Saint Augustine confesseth that in Cleombrotus it was greatnesse of minde.*
- 5 *How much great Examples governe.*
- 6 *That it was reputed Cowardinesse in Antisthenes, being extremely sicke, not to kill himselfe.*
- 7 *Vpon what reasons Lyra excuses this, and like actions.*
- 8 *Burgenhis his reason confesseth that there might have beene just causes for this act.*

## Conclusion

- 1 *Why I refrained discourse of destiny herein.*
- 2 *Alan made of shadow, and the Devill of fire by the Alcoran.*
- 3 *Our adversaries reasons contradict one another.*
- 4 *No precept given of loving our selves.*
- 5 *Encouragemens to contempt of death.*
- 6 *Why I abstaine from particular directions.*
- 7 *Laws forbid ordinary men to cure by extraordinary meanes, yet Kings of England, Fra. and Spaine doe it.*
- 8 *As Hierom Origen Chrysost. and Cassianus are excused for following Plato, in toleration of a ly, because the church had not then pronounced; so may it be in this.*



THE PREFACE  
Declaring the Reasons, the  
Purpose, the way, and the end  
of the AVTHOR.



**B**EZA, A man as eminent and illustrious, in the full glory and Noone of Learning, as others were in the dawning, and Morning, when any, the least sparkle was notorious, (a) confesseth of himself, that only for the anguish of a Scurffe, which over-ranne his head, he had once drown'd himselfe from the Millers bridge in *Paris*, if his Uncle by chance had not then come that way; I have often such a sickely inclination. And, whether it be, because I had my first breeding and conversation with men of a suppressed and afflicted Religion, accustomed to the despite of death, and hungry of an imagin'd Martyrdome; Or that the common Enemy find that doore worst locked against him in mee;

C

Or

i. The reason of this discourse.

a Epist. ante confessionem.

*Why then wouldst  
Thou propagate thy  
Disease, by sending  
it into the world  
Couldst Thou not  
have kept it to  
thy Self & not*

*have run the Hazard of doing Mischief? &c*



Incitements  
to charity to-  
wards the  
doer.

b B. Dorotheus  
doctrin. 6.

c Bosq. conc 2.

d lib. de pati-  
entia.

\*  
As Thm. without  
sal. - without gain  
a profit to any

Or that there bee a perplexitie and flexibility in the doctrine it selfe; Or because my Conscience ever assures me, that no rebellious grudging at Gods gifts, nor other sinfull concurrence accompanies these thoughts in me, or that a brave scorn, or that a faint cowardlinesse beget it, whensoever any affliction assailes me, mee thinks I have the keyes of my prison in mine owne hand, and no remedy presents it selfe so soone to my heart, as mine own sword. Often Meditation of this hath wonne me to a charitable interpretation of their action, who dy so: and provoked me a little to watch and exagitate their reasons, which pronounce so peremptory judgements upon them.

(b) A devout and godly man, hath guided us well, and rectified our uncharitableness in such cases, by this remembrance, [*Scis lapsus, &c. Thou knowest this mans fall, but thou knowest not his wrestling; which perchance was such, that almost his very fall is justified and accepted of God.*] For, to this end, saith one, (c) [*God hath appointed us tentations, that we might have some excuses for our finnes, when he calles us to account.*] ?

An uncharitable mis-interpreter unchristily demolishes his own house, and repaires not anothers. He loseth without any gain or profit to any. And, as (d) *Tertullian* comparing and making equall, him which provokes another, and him who will be provoked by another, sayes, [*There is no difference, but that the provoker offended first, And that is nothing, because in evil there is no respect*



# Preface.

19

respect of Order or Prioritie.] So wee may soone become as ill as any offendor, if we offend in a severe increpation of the fact. For, (e) *Climachus* in his *Ladder of Paradise*, places these two steps very neere one another, when hee sayes, [Though in the world it were possible for thee, to escape all defiling by actuall sinne, yet by judging and condemning those who are defiled, thou art defiled.] In this thou art defiled, as (f) *Basil* notes, [That in comparing others sinnes, thou canst not avoid excusing thine owne.] Especially this is done, if thy zeale be too fervent in the reprehension of others: For, as in most other Accidents, so in this also, Sinne hath the nature of Poyson, that (g) [It enters easiest, and works fastest upon cholerique constitutions.] It is good counsell of the Pharises stiled, (h) [Ne judices proximum donec ad ejus locum pervingas. Feele and wrattle with such tentations as he hath done, and thy zeale will be ramer. For, (i) Therefore (saith the Apostle) it became Christ to be like us, that he might be mercifull.]

If therefore after a Christian protestation of an innocent purpose herein, And after a submission of all which is said, not only to every Christian Church, but to every Christian man, and after an entreaty, that the Reader will follow this advise of *Tabaus*, [ (k) *Qui litigant, sint ambo in conspectu tuo mali & rei*, and trust neither me, nor the adverse part, but the Reasons, there be any scandall in this enterprize of mine, it is Taken, not Given. And though I know, that the

C 2

mali-

e *Scala parad.*  
grad. 3.

f *In quest. fufe*  
di. p. ad q. 6.

g *Forest. de*  
*venen. not. in*  
*observat. 2.*

h *Serap. Tri-*  
*harez. l. 2. cap.*  
17.

i *Heb. 2. 17.*

Incitements to  
charity toward  
the Author.

k *Serap. Tri-*  
*harez. l. 2. cap.*  
17.



1 Io. 5. 2.

m Athenag. de  
resur.

Why it is not  
inconvenient  
now to han-  
dle this point.

n Filescus de  
authoris. Epif.  
cap. 1. § 7.

Dissentions a-  
mong schol-  
lars more and  
harder to end  
then others.

o Dan. 10.

p Humf. Iesui.  
part. 2. ad rat. 5

malitious prejudged man, and the lazy affectors of ignorance, will use the same calumnies and obtreactions toward me, (for the voyce and sound of the Snake and Goose is all one) yet because I thought, that as in the poole of *Bethsaida*, (1) there was no health till the water was troubled, so the best way to finde the truth in this matter, was to debate and vex it, (for (m) [*We must as well dispute de veritate, as pro veritate,*]) I abstained not for feare of mis-interpretation from this undertaking. Our stomachs are not now so tender, and queasie, after so long feeding upon solid Divinity, nor we so umbragious and startling, having been so long enlightened in Gods path, that wee should thinke any truth strange to us, or relapse into that childish age, in which (n) a Councell in *France* forbad *Aristotles Metaphysiques*, and punished with Excommunication the exscribing, reading, or having that booke.

Contemplative and bookish men, must of necessity be more quarrellsome then others, because they contend not about matter of fact, nor can determine their controversies by any certaine witnesses, nor judges. But as long as they goe towards peace, that is Truth, it is no matter which way. (o) The tutelare Angels resisted one another in *Persia*, but neither resisted Gods revealed purpose. (p) *Hierome* and *Gregorie* seem to be of opinion, that *Salomon* is damned; *Ambrose* and *Augustine*, that he is saved: All Fathers,  
all



## Preface.

all zealous of Gods glory. (q) At the same time when the *Romane* Church canonized *Bec- ket*, the Schooles of *Paris* disputed whether hee could be saved; both Catholique Judges, and of reverend authoritie. And after so many Ages of a devout and religious celebrating the memory of Saint *Hierome*, *Causans* hath spoken so dangerously, that (r) *Campion* saies, hee pronounces him to be as deepe in hell as the Devill. But in all such intricacies, where both opinions seeme equally to conduce to the honor of God, his Justice being as much advanced in the one, as his Mercie in the other, it seemes reasonable to me, that this turne the scales, if on either side there appeare charity towards the poore soule departed. (s) The Church in her Hymnes and Antiphones, doth often salute the Nayles and Crosse, with Epithets of sweetnesse, and thanks; But the Speare which pierced Christ when he was dead, it ever calles, *dirum Mucronem*.

This pietie, I protest againe, urges me in this discourse, and what infirmity soever my reasons may have, yet I have comfort in *Tresmegistus* Axiome, (t) [ *Qui pius est, summè Philosophatur.* ] And therefore without any disguising, or curious and libellous concealing, I present and object it, to all of candor, and indifferencie, to escape that just taxation. (u) [ *Novam malitiæ genus est, & intemperantis, scribere quod occultes.* ] For as, (x) when *Ladislau* tooke occasion of the great schisme, to corrupt the Nobility in *Rome*, and ho-

q ejusd. part 1.  
præfat. ad Com.  
Leiceſt.

r Ratio 3.  
n Such per-  
plexities wee  
ought to en-  
clin to that ſide  
that favoureth  
the dead.

f Notæ Maſſon.  
in Paleor. Sin.  
part. 1. cap. 2.

t De pietate et  
philosophia.  
Why I make  
it ſo publique.

u Hier. Apol.  
adverſ. Ruſſin.

x Theodor. a  
Niem. l. 2. ca.  
37.



ped thereby to possesse the Towne, to their seven Governours whom they called *Sapientes*, they added three more, whom they called *Bonos*, and confided in them; So doe I wish, and and as much as I can, effect, ) that to those many learned and subtle men which have travelled in this point, some charitable and compassionate men might be added.

y *Teſſarid. 6.*  
What reader I  
wish.

z *Gen. 3. 6.*  
et 7.

By the way,  
They had bet  
ter have bin  
shut.

a *Hom. de S.*  
*Susanna.*

b *Steuch. de*  
*Valla de Don.*  
const.

If therefore, of Readers, which y<sup>n</sup> *Gorionides* observes to be of foure sorts, (Sponges which attract all without distinguishing; Howre-glasses, which receive and powre out as fast; Bigges, which retaine onely the dregges of the Spices, and let the Wine escape; And Sives, which retaine the best onely,) I finde some of the last sort, I doubt not but they may bee hereby enlightened. And (z) as the eyes of *Eve*, were opened by the taste of the Apple, though it bee said before that shee saw the beauty of the tree, So the digesting of this, may, though not present faire objects, yet bring them to see the nakednesse and deformity of their owne reasons, founded upon a rigorous suspition, and winne them to be of that temper, which (a) *Chrysostome* commends, [*He which suspects benignly would faixe be deceived, and bee overcome. and is piously glad, when he findes it to be false, which he did uncharitably suspect.*] And it may have as much vigour (as (b) one observes of another Author) as the Sunne in *March*, it may stirre and dissolve humors, though not expell them; for that



## Preface.

23

that must bee a worke of a stronger power.

Every branch which is excerpted from other authors, and engrafted here, is not written for the readers faith, but for illustration and comparison. Because I undertooke the declaration of such a proposition as was controverted by many, and therefore was drawne to the citation of many authorities, I was willing to goe all the way with company, and to take light from others, as well in the iourney as at the iourneys end. If therefore in multiplicity of not necessary citations there appeare vanity, or ostentation, or digression my honesty must make my excuse and compensation, who acknowledg as (c) *Pliny* doth [ *That to chuse rather to be taken in a theft, then to give every man due, is obnoxii animi, et infelicis ingenii.* ] I did it the rather because scholastique and artificiall men use this way of instructing; and I made account that I was to deale with such, because I presume that naturall men are at least enough inclinable of themselves to this doctrine.

This my way; and my end is to remove scandall. For certainly God often punisheth a sinner much more severely, because others have taken occasion of sinning by his fault. If therefore wee did correct in our selves this easines of being scandalized, how much easier and lighter might we make the punishment of many transgressors? for God in his judgements hath almost made us his assistants, and counsellors, how far he shall punish; and our interpretation of anothers sinne doth

The reason of  
so many cita-  
tions.

c *Epist. Tit.*  
*Vesp.*

God punishes  
that sinne most  
which occasi-  
ons most sinne  
in others.



d Paulin. Ep.  
4. Severo.

e Epist. ad  
Astryum.

doth often give the measure to Gods Justice or Mercy.

If therefore, since (d) [*disorderly long haire which was pride and wantonnesse in Absolon, and squallor and horridnes in Nebuchodonozor, was vertue and strength in Samson, and sanctification in Samuel,*] these severe men will not allow to indifferent things the best construction they are capable of, nor pardon my inclination to do so, they shall pardon this opinion, that their severity proceeds from a self-guiltines, and give me leave to apply that of Ennodius, (e) [*That it is the nature of stiffe wickednesse, to think that of others, which themselves deserve and it is all the comfort which the guilty have, not to find any innocent.*]

THE





THE  
FIRST PART.  
OF  
LAW and NATURE.

Distinction I.

SECT. I.



S (a) Lawyers use to call that impossible, which is so difficult; that by the rules of law it cannot be afforded, but by the indulgence of the Prince, and exercise of his Prerogative: So Divines are accustomed to call that sinne, which for the most part is so, and which naturally occasions and accompanies sinne. Of such condition is this SELF-HO-

1. Why wee first prove that this sinne is not irremissible.

a Palæotus de nothis. c. 28.



**HOMICIDE**: which to be sinne every body hath so sucked, and digested, and incorporated into the body of his Faith and Religion, that now they prescribe against any opposer; and all discourse in this point is upon the degrees of this sinne, and how farre it exceeds all other: So that none brings the metall now to the test, nor touch, but onely to the balance. Therefore although whatsoever is in our appetite good or bad, was first in our understanding true or false, and therefore if wee might proceed orderly, our first disquisition should be employd upon the first source, and origen, which is, whether this opinion be true or false, yet finding our selves under the iniquity and burden of this custome, and prescription, we must obey the necessitie, and preposterously examine: First, why this fact should be so resolutely condemned, and why there should be this precipitation in our judgement, to pronounce this above all other sins irremissible: and then, having removed that which was neereft us, and delivered our selves from the tyranny of this prejudice: our judgment may be brought neerer to a straightnesse, and our charity awakned, and entended to apprehend, that this act may be free not onely from those enormous degrees of sinne, but from all.

## SECT. II.

1. Three sorts  
of mistakers  
of this sinne.

They who pronounce this sinne to be so necessarily



family damnable, are of one of these three persuasions. Either they mis-affirme that this act alwaies proceeds from desperation; and so they load it with all thole comminations with which from Scriptures, Fathers, Histories, that common place abounds. Or else they entertaine that dangerous opinion, that there is in this life an impenitiblenesse, and impossibilitie of returning to God, and that apparent to us (for else it could not justifie our uncharitable censure,) Or else they build upon this foundation, that this act being presum'd to be sinne, and all sinne unpardonable without repentance, this is therefore unpardonable, because the very sin doth preclude all ordinary wayes of repentance.

## SECT. III.

To those of the first Sect, if I might be as vainly subtile, as they are uncharitably severe, I should answer, that all desperation is not sinnefull. For in the devill it is not sinne, nor doth hee demerit by it, because he is not commanded to hope. Nor in a man which undertook an austere and disciplinary raming of his body by fasts or corrections; were it sinfull to despaire that God would take from him *stimulum carnis*. Nor in a Priest employ'd to convert infidels, were it sinfull to despaire; that God would give him the power of miracles; If therefore to quench and extinguish this *stimulum carnis*, a man should kill himselfe;

D 2

the

1. That all desperation is not hainous; and that this act doth not alwaies proceed from desperation.



2. It may bee  
without infidelitie.

a Tho. 2. 2. q. 2.  
ar. 2.

3 When it is  
*pœna peccati* it  
is *involuntarium*.

b Perer. Exod.  
c. 1. disp. 4.

4. The reason  
why men ordinarily ag-  
gravate it.

c Can. 17.

the effect and fruit of this desperation were evill, and yet the root it selfe not necessarily so. No detestation nor dehortation against this sinne of desperation when it is a sinne) can be too earnest. But yet (a) since it may be without infidelitie, it cannot be greater then that. And though *Aquinas* there calls it sinne truly, yet he sayes hee doth so, because it occasions many sinnes. And if it bee as (b) others affirme, *Pœna peccati*, it is then *involuntarium*, which will hardly consist with the nature of sinne: Certainly, though many devout men have justly imputed to it the cause and effect of sin, yet as in the (c) penitentiall Cannons, greater Penance is inflicted upon one who kills his wife, than one who kills his mother; and the reason added, not that the fault is greater, but that otherwise more would commit it; So is the sinne of desperation so earnestly aggravated; because springing from Sloth, and Pusillanimity, our nature is more slippery and inclinable to such a descent, than to presumptions, which yet without doubt do more wound and violate the Majesty of God, then desperation doth. But howsoever, that none may justly say, that all which kill themselves, have done it out of a despaire of Gods mercy, ( which is the onely sinnefull despaire ) we shall in a more proper place, when we come to consider the examples exhibited in Scriptures, and other Histories; finde many who at that act have been so far from despaire, that they have esteemed it a great degree of Gods mercy,  
to



to have been admitted to such a glorifying of his name, and have proceeded therein as religiously as in a sacrifice; and as (d) one sayes, elegantly, of *Job*, *venere in gloriosa Proverbia*, and of whom we may properly say, that which *Moses* said, when they punished upon one another their Idolatry, *Consecrastis manus vestras Domino*.

When I come to consider their words who are of the second opinion, and which allow an impenitibleness in this life ( of which *Calvin* is a strong Authorizer, if not an Authour; who sayes, that actuall impenitence is not the sinne intimated in *Matth.* 12. 30, & 31. But it is a willing resisting of the holy Ghost, into which who-soever falls, *Tenendum est*, saith he, we must hold that he never riseth again ) because these hard and mis-interpretable words fall from them, when they are perplexed, and intricated with that heavy question of sinne, against the holy Ghost, and because I presume them to speak proportionally and analogally to their other Doctrine, I rather incline to afford them this construction, that they place this impenitibleness onely in the knowledge of God, or that I understand them not, then either beleve them literally, or beleve that they have clearly expressed their own meanings. For I see not why we should be lother to allow, that God hath made some impeccable, then impenitible. Neither do I perceive, that if they had their purpose, and this were granted to them, that therefore such an impenitibleness must of necessity

d Bosquier  
Con. 2.

Exod. 32.  
29.

5. Of the second opinion, impenitibleness.

6. Of *Calvins* opinion, *Mat.* 12. 30.

7. None impeccable, nor impenitible.



be concluded to have been in this person, by reason of this act.

SECT. II. III.

1. Of the third sort, and that we ought not to presume actually impenitence in this case.

a Azor. Mor. Instit. pa. 1. l. 2. c. 16.

2. Which is the safer side in doubts.

b Zambran. de pœnitent. dub. 2. n. 39.

2. In articulo mortis, the Church interprets ever favourably.

But the third sort is the tamest of all the three, and gives greatest hope of being reduced, and rectified: For though they pronounce severely upon the fact, yet it is onely upon one reason, that the fact precludes all entrance to repentance. Wherein I wonder why they should refuse to apply their opinions to the milder rules of the Casuists (a) which ever in doubtfull cases, teach an inclination to the safer side. And though it be safer to thinke a thing to be sin, then not, yet that rule serves for your own information, and for a bridle to you, not for anothers condemnation. They use to interpret that rule of taking the safer side, that in things necessary (*necessitate finis*, as repentance is to salvation) wee must follow any probable opinion, though another bee more probable; and that, directly that opinion is to be followed, *Quæ favet animæ*: which they exemplifie thus. (b) That though all Doctors hold that baptisme of a childe not yet thoroughly born, in the hand or foot to be ineffectuall, yet all Doctors counsell to baptize in that case, & to beleeve of good effect. And the example of the good theise informes us, that repentance works immediately; and from that history Calvin collectts, That such paine in articulo mortis, is naturally apt to



Part. 1. Dist. 1. Sect. 4.

31

to beget repentance; Since the Church is so indulgent, and liberrall to her children; (c) that at the point of death shee will afford her treasure of baptisme to one which hath been mad from his birth, by the same reason as to a child; (d) yea, to one fallen lately into madnesse, though it appeare he were in mortall sinne, if he have but attrition, which is but a teare of hell, & no tast of Gods glory; And such attrition shall be presum'd to be in him, if nothing appeare evidently to the contrary: (e) If she be content to extend and interpret this point of death, of every danger by sea, or travell; (f) If she will interpret any mortall sinne, in a man provoked by sodain passion, and proceeding from indeliberation, to be no worse nor of greater malignity, then the act of a childe. If being unable to succour one before (g) she will deliver him from excommunication after he is dead. (h) If she bee content that both the penitent and confessor, bee but *diligentes*, not *diligentissimi*; (i) If rather then she will be frustrate of her desire to dispense her treasure, she yeelds that mad and possessed men, shall be bound till they may receive extreame unction. (k) If lastly she absolve some whether they will or no, why should we abhorre our mothers example, and being brethren, be severer than the Parent? Not to pray for them which dye without faith is a precept so obvious to every Religion, that even (l) *Mahomet* hath inhibited it: But to presume impenitence, because you were not by, and heard it, is an usurpation.

This

c *Idem de bap.*  
dub. 8. n. 1.

d *Ibid.* n. 2.

e *Idem pralud.*  
1. n. 7.  
f *Idem de pœ-*  
*nitent.* dub. 3.  
nu. 2.

g *Ibidem.*  
h *Dub.* 7. nu. 9.

i *Idem de unct.*  
dub. 2. nu. 3.

k *Sayr Thesaur*  
*cas. consci. tom.*  
1. l. 2. c. 21. nu.  
2.

l *Alcor. azgar.*  
19.



m *Stromat. l. 2*  
4. What true  
repentance is.

n *Lib. 3. ad a-*  
*mandum. ep. 1.*

5. Witnesses  
which acquit,  
more accepta-  
ble then accu-  
sers.

o *Dist. 81. ca.*  
*Clerici.*

p *12. q. 1. c.*  
*duo sunt.*

r. Why wee  
wave the ordi-  
nary definiti-  
on of sinne ta-  
ken from S.  
*Augustine*, and  
follow that of  
*Aquinas*.  
a *Lib. 2. Dist.*  
35. A.

This is true repentance (saith *Clement*) [(m) To doe no more, and to speake no more, those things, whereof you repent; and not to be ever sinning, and ever asking pardon.] Of such a repentance as this our case is capable enough.

And of (n) one who died before he had repented, good *Paulinus* would charitably interpret his haste, [That he chose rather to go to God *debitor quam liber*] and so to die in his debt rather than to carry his acquittance. As therefore in matters of fact, the delinquent is so much favor'd that (o) a Lay-man shall sooner be beleev'd which acquits him, then a Clerk which accuseth (though in (p) other cases there be much disproportion betweene the value of these two testimonies;) So, if any will of necessitie proceede to judgement in our case, those reasons, which are most benigne, and which, (as I sayd) *favent animæ*, ought to have the best acceptation and entertainment.

#### SECT. V.

Of all those definitions of sinne, which the first Rhapsoder *Pet. Lombard* hath presented out of ancient learning, as well the *Summists* as *Casuits* doe most insist upon that which he brings from (a) S. *Augustine*, as, commonly, where that Father serves their turnes, they never goe further. This definition is, that sinne is *dictum, factum, concupitum, contra æternam legem Dei*. This they stick too, because this definition (if it be one) best beares their de-  
scant



scant; and is the easiest conveyance, and carriage, and vent for their conceptions; and applying rules of Divinitie to particular cases: by which they have made all our actions perplex'd and litigious, in *foro interiori*, which is their tribunall: by which torture they have brought mens consciences to the same reasons of complaint, which (b) *Pliny* attributes to *Rome*, till *Trajan's* time; that *Civitas summa aat legibus, legibus evertitur*. For as Informers vex them with continuall delations upon penall Lawes, so doth this act of sinning entangle wretched consciences in manifold and desperate anxieties.

But for this use this definition cannot be thought to be applyable to sinne onely, since it limits it to the externall Law of God, (which word though *Lombard* have not, (c) *Sayr* and all the rest retain) for this eternall Law is (d) *ratio gubernativa Dei*, which is no other then his eternall decree for the government of the whole world, and that is Providence. And certainly against this, because it is not alwayes revealed, a man may without sinne both think and speak and doe: as I may resist a disease, of which God hath decreed I shall die. Yea though he seeme to reveale his will, we may resist it, with prayers against it, because it is often conditioned, and accompanied with limitations and exceptions. Yea though God deale plainly by *Nathan*, (e) [ *The child shall surely die.* ] *David* resisted Gods decree by prayer and penance. We must therefore seek another definition of sinne,

E

which

Of the torturing practise of Casuists.

b *Panegy. Traian.*

c *Theaur. Caf. Conf. l. 1. Ca. 5. d Tho. 22. q. 91. ar. 2.*

3. Of the eternall Law of God in *Augustines* definition against which a man may doe without sinne.

c 2. *Sam. 12. 14.*



f 22. q. 64. ar.

1. Con.

4. Of the Definition which we follow.

which I think is not so well delivered in those words of *Aquinas* (f) [ *Omnis defectus debiti actus habet rationem peccati* ] as in his other ; [ *Peccatum est actus devians ab ordine debiti finis, contra regulam naturæ rationis, aut legis æternæ* ] For here *lex æterna* being put as a member and part of the definition, it cannot admit that vast and large acceptation, which it could not escape in the description of *S. Augustine*, but must in this place be necessarily intended of *lex divina*. Through this definition therefore, we will trace this act of *Self-homicide*, and see whether it offend any of those three sorts of Law.

## SECT. VI.

1. How the law of nature, of reason, and of God, exhibited in this definition, are all one; and how diversly accepted.

a Dist. 1. Omnes.

Of all these three Laws, of Nature, of Reason, and of God, every precept which is permanent, and binds alwayes, is so compos'd and elemented and complexion'd, that to distinguish and separate them is a Chymick work : And either it doth only seeme to be done, or is done by the torture and vexation of schoole-limicks, which are exquisite and violent distinctions. For that part of Gods Law which bindes alwayes, bound before it was written, and so it is but *dictamen recte rationis*, and that is the Law of nature. And therefore *Ffidore* as it is related into the (a) Canons, dividing all Law into divine and humane, addeth [ Divine consists of nature, Humane of custome ] Yet though these three be almost all one ; yet because



cause one thing may be commanded divers waies, and by divers authorities, as the common Law, a Statute, and a Decree of an arbitrary Court, may bind me to do the same thing, it is necessary that we weigh the obligation of every one of these Laws which are in the Definition.

But first I will only mollify and prepare their crude and undigested opinions and prejudice which may be contracted from the often iteration, and specious but sophisticate inculcations of Law, and Nature, and Reason, and God, with this Antidote, that many things which are of Naturall and Humane and Divine Law may be broken. Of which sort (b) to conceale a secret delivered unto you is one. And the Honour due to Parents is so strictly of all these Laws, as none of the second Table more. Yet in a iust warre a Parricide is not guilty; yea by a law of *Venice*, though (c) *Bodin* say, it were better the Towne were sunk then ever there should be any example or president therein; A sonne shall redeeme himselfe from banishment by killing his Father being also banished. And we (d) read of another state (and Laws of Civil Commonwealths may not easily be pronounced to be against Nature) where when Fathers came to be of an unprofitable and uselesse age, the sons must beat them to death with clubs: And of another, where all persons of above 70 years were dispatched.

E 2 S E C T.

2. In some cases all these three lawes may be broke at once.

3. Revealing a secret.  
b *Soto de reg. Secr. membr. 1. q. 2.*

4. Parricide.  
c *de Rep. l. 1. cap. 4.*

d *Ælian. l. 4. cap. 1.*



## SECT. VII.

1. Of the law, of nature; and that against it strictly taken, either no sin, or all sinne is done.

2. To doe against nature, makes us not guilty of a greater sinne, but more inexcusable.

3. Nothing so evill, that is never good.

4. No evill but disobedience.

5. Lying naturally worse then Selfe-homicide.

a *Theaur. cas. conf. l. 7. c. 9. n. 9.*

b *sup. 22. q. 37. ar. 2.*

c *de reg. sec. memb. 1. q. 3.*

This terme the law of Nature, is so variouſly and unconstantly deliver'd, as I confesse I read it a hundred times before I understand it once, or can conclude it to signifie that which the author should at that time meane. Yet I never found it in any sence which might justifie their vociferations upon sinnes against nature. For the transgressing of the Law of nature in any act doth not seeme to me to increase the haynousnesse of that act, as though nature were more obligatory than divine Law: but only in this respect it aggravates it, that in such a sin we are inexcusable by any pretence of ignorance since by the light of nature we might discern it. Many things which we call sin, and so evill have been done by the commandement of God; by *Abraham* and the *Israelites* in their departing from *Egypt*. So that this evill is not in the nature of the thing, nor in the nature of the whole harmony of the world, and therefore in no Law of nature, but in violating, or omitting a Commandement: All is obedience or disobedience. Whereupon our Country-man (a) *Sayr* confesseth, that this SELF-HOMICIDE is not so intrinsically ill, as to Ly. Which is also evident by *Cajetan* (b) where he affirms, that I may not to save my life, accuse my self upon the Racke. And though *Cajetan* extend no farther herein, then that I may not bely my self: Yet (c) *Soto* evicts,



evidts, that *Cajetans* reasons, with as much force forbid any accusation of my self, though it be true. So much easier may I depart with life then with truth, or with fame, by *Cajetan*. And yet we find that of their fame many holy men have been very negligent. For not onely *Augustine*, *Anselm*, and *Hierome*, betray themselves by unurged confessions, but (d) *St. Ambrose* procur'd certain prostitute women, to come into his chamber, that by that he might be defamed, and the People thereby abstaine from making him Bishop. This intrinsique and naturall evill therefore will hardly be found. For, (e) God who can command a murder, cannot command an evill, or a sinne; because the whole frame and government of the world being his, he may vse it as he will. As, though he can doe a miracle, he can do nothing against nature; because (f) [That is the nature of every thing, which he works in it.] Hereupon, & upon that other true rule, (g) [whatsoever is wrought by a superior Agent, upon a patient, who is naturally subject to that Agent, is naturall] we may safely infer, that nothing which we call sinne is so against nature, but that it may be sometimes agreeable to nature.

On the other side, nature is often taken so widely and so extensively, as all sinne is very truly said to be against nature. Yea, before it come to be siane. For *S. Augustine* sayes (h) [Every vice, as it is vice, is against nature.] And vice is but habite which being produced to act, is then sinne. Yea

E 3

the

6 Fame may be neglected; yet we are as much bound to preserve it, as life. d *Soto ibid.*

e *Th. 22. q. 104. ar. 4. ad 2. m.*

7 God cannot command a sin, yet he can command murder.

f *Aug. cont. faust. l. 26. ca.*

3. g *Th. 1. q. 105. ar. 6. ad. 1.*

h *De li. Arb. l. 13. ca. 13.*

8 Originall sin is from nature.



i 12. q. 81. ar.  
4.

k 3. q. 8. ar. 5.  
ad 7.

l 1. q. 100. ar.  
1 ad 3.

m 12. q. 81. ar.  
4.

the parent of all sinne, which is hereditary originall sin, which (i) *Aquinas* calls, [ a languor and faintnesse in our nature, and an indisposition, proceeding from the dissolution of the harmony of originall Justice ] is by him said to be in us, [ (k) *quasi naturale* ] And is, as he saith in another place, so (l) naturall, [ that though it is propagated with our nature, in generation, though it be not caused by the principles of nature. ] So (m) as if God would now miraculously frame a man, as he did the first woman, of another's flesh and bone, and not by way of generation, into that creature, all infirmities of our flesh would be derived but not originall Sin. So that originall sinne is traduced by nature onely, and all aQuall sinne issuing from thence, all sinne is naturall.

# SECT. VIII.

1 That if our adversaries by law of Nature meane onely Sensitive Nature, they say nothing, for so most vertuous actions are against Nature.

a *Tho.* 12. q.  
71. ar. 2. *Con.*  
b *Carbo Cas.*  
*Cons. To.* 2. pa.  
1. 6. 5.

But to make our approaches neerer. Let us leave the consideration of the Law of nature, as it is Providence, and Gods decree for his government of the great world; and contract it only to the law of nature in the lesse world, our selves. There is then in us a (a) double law of nature, Sensitive and Rationall; and (b) the first doth naturally lead and conduce to the other. But because by the languor and faintnesse of our nature, we lazily rest there, and for the most part goe no further in our journeys therefore out of this ordinary



nary indisposition, *Aquinas* pronounceth, that the inclination of our sensitive nature is against the law of reason. And this is that which the Apostle calls the law of the flesh, and opposeth against the law of the spirit.

Now although it be possible to sinne and transgresse against this sensitive nature, which naturally and lawfully (c) is inclined upon *bonum delectabile*, by denying to it lawfull refreshings, and fomentations; yet I think this is not that law of nature which these abhorers of SELF-HOMICIDE complaine to be violated by that Act. For so they might aswell accuse all discipline and austeritie, and affectation of Martyrdome, which are as contrarie to the Law of sensitive Nature.

## SECT. IX.

And therefore, by law of nature, if they will meane any thing, and speak to be understood, they must entend the law of rationall nature: which is that light which God hath afforded us of his eternall law; and which is usually call'd *recta ratio*. Now this law of nature as it is onely in man and in him directed upon Piety, Religion, Sociableness; and such (for as it reacheth to the preservation both of Species and individualls, there are lively prints of it in beasts) is with most authors confounded and made the same with *jus gentium*. So (a) *Azorius*, and so (b) *Syl-*

Rom. 7. 23.

c Tho. *ibid.*

1 As the law of Nature is *Recta Ratio*, it is *jus gentium*. So Immolation of men and Idolatry, are not against Nature.

2 Mor. Inst. p. 1. l. 3. cap. 1.



b *Com. ad leg. Reg. pra.*

c *De Som. sign.*

d *Pol. Virg. de Invent. rer. l. 5. cap. 8.*

e *Middendorp. de Acad. l. 6. ex Io. Bormo.*

f *Caesar. Bell. Gall. l. 6.*

g *Mar. Met. praef. ad Oser. Hist.*

1 A reason is the forme, and so the Nature of man, every sin is against Nature, yea, whatsoever agrees not exactly with Christian Religion.

a 12. q. 71. ar. 2. *Con.*

(b) *Sylvius* delivers [ That the law of nature, as it concerns only reason is *jus gentium*. ] and therefore whatever is *jus gentium* that is, practised ( and accepted in most, especially civil'd nations ) is also law of nature, which (c) *Artemidorus* exemplifies, in these two, *Deum colere, mulieribus vinci.*

How then shall we accule Idolatry, or immolation of men to be finnes against nature? For (not to speak of the first, which like a deluge overflowed the whole world, and only *Canaan*, was a little Ark swimming upon it, delivered from utter drowning, but yet not from stormes and and leakes, and dangerous weather-bearings, ) immolation of men was so ordinary, that (d) [almost every nation, though not barbarous, had received it. ] the (e) *Druids* of *France* made their divinations from sacrifices of men. (f) And in their wars they presaged also after the same fashion. And for our times it appears by the Spanish relations, (g) that in only *Hispaniola* they sacrifice'd yearly 20000 children.

### SECT. X.

However since this is receiv'd [ (a) that the nature of every thing is the forme by which it is constituted, and that to doe against it, is to doe against nature ] since also this forme in man is reason and so to commit against reason is to sin against nature, what sin can be exempt from that charge, that it is a sin against nature, since every sin is



is against reason. And in this acceptation (b) *Lucius* takes the law of nature, when he sayes [ God hath written in our hearts such a law of nature, as by that, we are saved in the coming of Christ. ] And so every act which concurreth not exactly with our religion shall bee sinne against nature. Which will appeare evidently out of (c) *Jeremies* words, where God promiseth as a future blessing, that he will write his lawes in their hearts, which is the Christian law. So that the Christian law, and the law of nature, ( for that is the law written in hearts ) must be all one. Sinne therefore against nature is not so enormous, but that that may stand true, which *Navar* saith (d), [ that many lawes both naturall and divine doe bind onely *ad veniale*. ] And so ( not disputing at this time, whither it be against reason alwaies or no, ) ( for reason and vertue differ no otherwise than a close box of druggs, and an emplaister or medicine made from thence and applyed to a particular use and necessitie; and in the box are not onely aromatike simples, but many poysons, which the nature of the disease, and the art of the Administerer make wholsome. ) This SELF-HOMICIDE is no more against the law of nature, then any other sinne, nor in any of the acceptations which we touch'd before. And this is as much as I determined for this first Distinction.

F

Distinct.

b *Epistola*  
*multis epist.*

c 31. 33.

d *Manual. ca.*  
23. nu. 50.2. Vertue  
produced to  
act, differs  
so from rea-  
son, as a me-  
dicine made  
and applyed,  
from a box of  
druggs.



## Distinction II.

## SECT. I.

1. Sinnes against nature in a particular sense, are by Schoolmen said to be unnaturall lusts; and this. But in Scriptures onely the first is so called.

a *Mor. Instit. p.*

1. l. 4. cap. 1.

b 22. q. 154.

ar. 11. Con.

c *Rom. 1. 20.*

d *Judg. 19. 24*

2. Of the example of the *Levite* in the *Judges*.

c *Antiq. l. 5.*

6. 2.

There is a lower and narrower acceptation of this law of nature ( which could not well be discerned but by this light, and fore-discour-  
sing ) against which law, this sinne, and a very few more, seeme to be directly bent, and opposed. For (a) *Azorins* sayes, [ That there are sinnes peculiarly against nature, which are *contra naturalem usum hominis* ] which he exemplifies in unnaturall lusts, and in this. And of the former example (b) *Aquinas* sayes, [ That there are some kinds of lusts which are sinnes against nature, both as they are generally vices, and as they are against the naturall order of the act of generation. ] In the Scriptures also this sinne of mis-using the Sexe, is called against nature, by (c) *S. Paul*. And once ( in the vulgar edition ) in the (d) old Testament. But ( as I intimated once before ) this sinne against nature is so much abhor'd, not because the being against nature makes it so abominable, but because the knowledge therof is so domestique, so neare, so inward to us, that our conscience cannot slumber in it, nor dissemble it, as in most other sinnes it doth. For, in that example of the *Levite* in the booke of *Judges*, ( if those wicked men did seeke him for that abominable use, which (c) *Iosephus* sayes,



sayes, was onely for his wife; And when himself relates to the people the history of his injury in the next chapter, he complains that they went about to kill him to enjoy his wife, and of no other kind of injury; ) though the Host which had harbor'd him dissuade the men thus, [ *solum non operemini hoc contra naturam* ] will any man say, that the offer which he made them to extinguish their furious lust, to expose to them his owne daughter, a virgine, and the wife of his guest, ( which *Iosephus* encreases by calling her a *Levite* and his kins-woman, ) was a lesse sinne, then to have given way to their violence, or lesse against nature, because that which they sought was *contra naturalem usum*. Is not every voluntary pollution, *in genere peccati*, as much against the law of nature, as this was, since it strays and departs from the way, and defeats the end of that facultie in us, which is generation? The violating therefore of the law of nature, doth in no acceptation aggravate the sinne. Neither doth the Scripture call any other sinne, then disorderly lust by that name; *S. Paul* once appeals to the law of nature, when arguing about the covering of heads, of men or women at publique prayer, hee sayes, [ *Judge in your selves;* ] And [ *Doth not nature teach you, that if a man have long haire, it is a shame.* ] Not that this was against that law of nature to which all men were bound, for it was not alwayes so. For, in most places, shavings and cuttings, and pullings, are by the *Satyriques* and *Epigrammatists*

1 Cor. 11. 14.  
3. *S. Pauls* use  
of the phrase  
Law of nature  
in long haire.



of those times, reprehended for delicacy and effeminatenesse. And the *Romans* till forrain corruption had envenom'd them, were ever call'd gloriously *Intonsi*; but because (sayes *Calvine*) [ it was at that time received as a custome throughout all *Greece*, to weare short haire, *S. Paul* calls it naturall. ]

f *De re milit.*

l. 4. c. 39.

4. *Vegetius* use of that phrase.

g *Pierius de  
barbis Sacerdo-  
tum.*

1. Selfe-preservation is not so of particular law of nature, but that beasts naturally transgresse it, whom it binds more then us; and we, when the reason thereof ceases in us, may transgresse it, and sometimes must.

So *Vegetius* sayes [ That from (f) *November* to *March* the Seas are shut up, and intractable *lege natura*, ] which now are tame and tractable enough, and this also *lege natura*. And that custome which *S. Paul* call'd naturall in *Greece*, was not long naturall there. For the Bishops of *Rome*, when they made their Canons for Priests shavings, (g) did it because they would have their Priests differ from the Priests of the *Greek Church*. So that *S. Paul* mentioning the law of nature, argues not from the weight and hainousnesse of the fault, as our adversaries use; but useth it as the nearest and most familiar and easie way to lead them to a knowledge of decencie, and a departing from scandalous singularity in those publique meetings.

#### SECT. II.

And though *Azorius* (as I said) and many others, make this *Selfe-homicide* an example of sin, against particular Law of Nature; yet it is onely upon this reason, that *selfe-preservation* is of Naturall Law. But that Naturall Law is so generall, that



that it extends to beasts more then to us, because they cannot compare degrees of obligation and distinctions of duties and offices, as we can. For we know that (a) [some things are naturall to the *species*, and other things to the particular *person*] and that the latter may correct the first. And therefore when (b) *Cicero* consulted the oracle at *Delphos*, he had this answer, [*Follow your owne nature.*] And so certainly that place, (c) [*It is not good for the man to be alone.*] is meant there, because if he were alone, Gods purpose of multiplying mankinde had beene frustrate. Yet though this be ill for conservation of our *species* in generall, yet it may be very fit for some particular man, to abstaine from all such conversation of marriage or men, and retire to a solitude. For some may need that counsell of (d) *Chrysostome*, [*Depart from the high way, & transplant thy self in some inclosed ground: for it is hard for a tree which stands by the way side, to keep her fruit, till it be ripe.*] Our safest assurance, that we be not misled with the ambiguity of the word *Naturall Law*, and the perplex'd variety thereof in Authors, will be this, That [all the precepts of *Naturall Law*, result in these, *Fly evill, seek good;*] That is, doe according to Reason.

For these, as they are indispenfable by any authority, so they cannot be abolished nor obscur'd, but that our hearts shall ever not onely retaine, but acknowledge this Law. From these are deduced by consequence, other precepts

F3

which

a *Tho. 12. 9.*  
51. ar. 7. Con.

2. Things naturall to the *species*, are not alwaies so to the *individuum*  
b *Fabricius Hist. Cicero, Ann. 30.*

c *Gen. 2. 18.*

3 Therefore some may abandon the world.

d *Homil. 36. Oper. imperf. in Matth.*

e *Th. 12. 9. 94. ar. 4.*

4 First principles in naturall Law are obligatory, but not deductions from thence, and the lower we descend, the weaker they are.



f De privilegijs  
Juris. l. 1. c. 8.

g Sylvius Com-  
ment. ad leg.  
reg. prefat. c. 1.

s Pellicans,  
and Bees, by S.  
Ambrose, kill  
themselves.

h Hexam. l. 5.  
cap. 1.

which are not necessary alwaies; as *Redde depositum*. For though this seeme to follow of the first, *Do* according to reason, yet it is not alwaies just. And as *Aquinas* saies, The lower you goe towards particulars, the more you depart from the necessitie of being bound to it. So (f) *Acacius* illustrates it more clearely, [ It is naturall, and bindes all alwaies, to know there is a God. From this is deduced by necessary consequence, that God (if he be) must be worshipped; and after this, by likely consequence, that he must be worshipped in this or this manner.] And so every Sect will a little corruptly and adulterately call their discipline *Naturall Law*, and enjoyn a necessary obedience to it. But (g) though our substance of nature, (which is best understood of the foundations and principles, and first grounds of *Naturall Law*,) may not be changed, yet *functio natura*, (which is the exercise and application therof,) and deduction from thence may, and must. The like danger is in deducing consequences from this naturall Law, of *Selfe-preservation*; which doth not so rigorously, and urgently, and illimitedly binde, but that by the Law of Nature it selfe, things may, yea must neglect themselves for others; of which the Pellican is an instance, or an embleme.

And (h) St. *Ambrose* Philosophyng divinely in a contemplation of Bees, after he hath afforded them many other prayes, sayes [ *That when they finde themselves guilty of having broken any of their Kings*



*Kings Lawes, Penitent condemnatione se multant, ut immoriantur aculei sui vulnere.* ] Which magnanimity and justice, he compares there with the Subjects of the Kings of *Persia*, who in like cases are their owne executioners. As this naturall instinct in beasts, so rectified reason belonging onely to us, instructs us often to preferre publique and necessary persons, by exposing our selves to unevitable destruction.

No law is so primary and simple, but it fore-imagines a reason upon which it was founded: and scarce any reason is so constant, but that circumstances alter it. In which case a private man is Emperor of himselfe; for so (i) a devout man interprets those words, [ *Faciamus hominem ad imaginem nostrum, id est, sui juris.* ] And he whose conscience well tempered and dispassion'd, assures him that the reason of selfe-preservation ceases in him, may also presume that the law ceases too, and may doe that then which otherwise were against that law.

And therefore if it be true that [ it (k) belongs to the Bishop of Rome, to declare, interpret, limit, distinguish the law of God, ] as their Doctors teach, which is, to declare when the reason of the Law ceases: it may be as true which this Author, and the (l) Canons affirme, that he may dispense with that Law: for hee doth no more, then any man might doe of himselfe, if he could judge as infallibly. Let it be true that no man may at any time doe any thing against the law of nature, yet,

(m) [As

6 The reason of almost every Law is mutable.

i B. Dorotheus Doctrina 12.

k Windeck. Canonum & legum consens. & dissens. ca. 12.

7 He that can declare when the reason ceases, may dispence with the Law. l 25. q. 1. sunt quidam.



m Tho. 22. q.  
88. ar. 10.  
8. How dis-  
pensations  
worke.

n Tho. 22. q.  
89. ar. 9.

o Acacius de  
privilegijs l. 1.  
ca. 3.

9. As nothing  
can annull the  
prerogative of  
Princes or  
Popes, though  
their own act  
seeme to pro-  
vide against  
it; so no law  
doth so de-  
stroy mans li-  
berty, but that  
he returnes to  
it, when the  
reason of the  
law ceases.

(m) [ *As a dispensation workes not thus, that I may by it disobey a law, but that that law becomes to me no law, in that case wher the reason ceases;* ] So may any man be the Bishop & Magistrate to himselfe, and dispense with his conscience, where it can appeare that the reason which is the soule and forme of the law, is ceased. Because, (n) as in Oathes and Vowes, so in the Law, the necessitie of dispensations proceedes from this, that a thing which universally considered in it selfe is profitable and honest, by reason of some particular event, becomes either dishonest or hurtfull; neither of which, can fall within the reach, or under the Commandement of any law; and in these exempt and priviledged cases, (o) [ *the priviledge is not contra jus universale, but contra universalitatem juris.* ] It doth onely succor a person, not wound, nor infirme a law. No more, then I take from the vertue of light, or dignitie of the Sunne, if to escape the scorching thereof, I allow my selfe the reliefe of a shadow.

And, as neither the watchfulnesse of Parliaments, nor the descents and indulgences of Princes, which have consented to lawes derogatory to themselves, have beene able to prejudice the Princes *non obstantes*, because prerogative is incomprehensible, and over-flowes and transcends all law. And as those Canons which boldly (and as some School-men say) blasphemously say, *Non licebit Papa*, diminish not his fulnesse of power, nor impeach his *motus proprio*res, (as they call them)



them) nor his *non obstante jure divino*, because they are understood ever to whisper some just reservation, *sine justa causa*, or *rebus sic stantibus*, so, what law soever is cast upon the conscience or liberty of man, of which the reason is mutable, is naturally condition'd with this, that it binds so long as the reason lives.

Besides, *Self-preservation*, which wee confesse to be the foundation of generall naturall Law, is no other thing then a naturall affection and appetition of good, whether true or seeming. For certainly the desire of Martyrdome, though the body perish, is a *Self-preservation*, because thereby, out of our election our best part is advanc'd. For heaven which we gaine so, is certainly good, Life, but probably and possibly. For here it holds well which (p) *Athenagoras* sayes, [ *Earthly things and Heavenly differ so, as Veri-simile, & Verum;* ] And this is the best description of felicitie that I have found, That [ (q) it is *reditus uniuscujusque rei ad suum principium.* ] Now since this law of *Self-preservation* is accomplish'd in attaining that which conduces to our ends, and is good to us, ( for (r) liberty, which is a faculty of doing that which I would, is as much of the law of nature as preservation is; yet if for reasons seeming good to me, ( as to preserve my life when I am justly taken prisoner, I will become a slave; I may doe it without violating the law of nature. ) If I propose to my selfe in this *SELF-HOMICIDE* a greater good, though I mistake it, I perceive not

G

wherein

10. Selfe-preservation being but an appetition of that which is good to us, is not violated by this act.

p De resurrect.

q Heptapl. 10. Pici. l. 7. proem.

r Sylvius Com. ad leg. reg. prefat. l. 1. 11. Liberty, which is naturally to be preserved, may be departed with.



wherein I transgresse the generall law of nature, which is an affection of good, true, or seeming : and if that which I affect by death, bee truly a greater good, wherein is the other stricter law of nature, which is rectified reason, violated ?

## SECT. III.

1. That cannot be against Law of Nature, which men have ever affected ; if it be also, (as this is) against sensitive Nature, and so want the allurement of other sins.  
a *De Subtil.*  
lib. 5.

Another reason which prevails much with me, and delivers it from being against the Law of nature, is this, that in all ages, in all places, upon all occasions, men of all conditions, have affected it, and inclin'd to doe it. And as (a) *Cardan* sayes it, [*Mettall is planta sepulta, and that a Mole is Animal sepultum.*] So man, as though he were *Angelus sepultus*, labours to be discharged of his earthly Sepulchre, his body. And though this may be said of all other finnes, that men are prone to them, and yet for all that frequency, they are against nature, that is rectified reason, yet if this sinne were against particular Law of nature, (as they must hold, which aggravate it by that circumstance,) and that so it wrought to the destruction of our species, any otherwise then intemperate lust, or surter, or incurring penall Lawes, and such like doe, it could not be so generall ; since being contrary to our sensitive nature, it hath not the advantage of pleasure and delight, to allure us withall, which other finnes have.

And when I frame to my selfe a Martyrologe  
of



Part 1. Dist. 2. Sect. 3.

51

of all which have perished by their own meanes for Religion, Countrey, Fame, Love, Ease, Feare, Shame; I blush to see how naked of followers all vertues are in respect of this fortitude; and that all Histories afford not so many examples, either of cunning and subtile devises, or of forcible and violent actions for the safeguard of life, as for destroying.

*Petronius Arbiter* who served *Nero*, a man of pleasure, in the office of Master of his pleasures, upon the first frowne went home, and cut his Veines. So present and immediate a step was it to him, from full pleasure to such a death.

How subtilly and curiously *Attilius Regulus* destroyed himselfe? Wo being of such integritie, that he would never have lyed to save his life, lyed to lose it; falsely pleading, that the *Carthaginians* had given him poyson, and that within few dayes he should dye, though he stayed at *Rome*.

Yet *Codrus* forcing of his death, exceeded this, because in that base disguise he was likely to perish without fame.

*Herennius* the *Sicilian*, could endure to beat out his own braines against a post; and as though he had owed thanks to that braine which had given him this devise of killing himselfe, would not leave beating, till he could see and salute it.

*Comas* who had been a Captaine of theeves, when he came to the ture of examination, scorning all forraigne and accessorie helps to dye,

2. There are not so many examples of all other vertues, as of this one degree of Fortitude.

*Petr. Arbiter.*

*Attil. Regulus.*

*Codrus.*

*Herennius.*

*Comas.*



*Annibal.*

made his owne breath, the instrument of his death, by stopping and recluding it.

*Annibal*, because if hee should be overtaken with extreame necessitie, he would be beholden to none for life nor death, dyed with poyson which he alwaies carryed in a ring.

*Demosthence.*

As *Demosthenes* did with poyson carryed in a penne.

*Aristarchus.*

*Aristarchus* when he saw that 72 yeares, nor the corrupt and malignant disease of being a severe Critique, could weare him out, sterved himselfe then.

*Homer.*

*Homer* which had written a thousand things, which no man else understood, is said to have hanged himselfe, because he understood not the Fishermens riddle.

*Othryades.*

*Othryades* who onely survived of 300 Champions, appointed to end a quarrell between the *Lacedemonians* and *Athenians*, when now the lives of all the 300 were in him, as though it had been a new victory to kill them over again, kill'd himselfe.

*Democles.*

*Democles*, whom a Greeke Tyrant would have forced, to show that he could suffer any other heat, scalded himselfe to death.

*Portia. Lucatius.*

*Portia*, *Cato's* daughter, and *Catulus Lucatius* sought new conclusions, and as *Quintilian* calls them, [*Nova Sacramenta percundi*,] and dyed by swallowing burning coales.

*Declam. 17.**Terence.*

Poore *Terence* because he lost his 108 translated Comedies, drown'd himselfe.

And



And the Poet *Labiennus*, because his Satyricall Bookes were burned by Edict, burnt himselfe too.

*Labiennus.*

And *Zeno*, before whom scarce any is preferr'd, because he stumbled, and hurt his finger against the ground, interpreted that as a Summons from the earth, and hang'd himselfe, being then almost .oo yeares old. For which act, *Diogenes Laertius* proclaimes him to have been [*Mira felicitate vir, qui incolumis, integer, sine Morbo excessit.*]

*Zeno.*

To cure himselfe of a quartane, *Portius Latro* killed himselfe.

*Por. Latro.*

And *Festus*, *Domicians* Minion, onely to hide the deformity of a Ringworme in his face.

*Festus.*

*Hippionas* the Poet rimed *Bubalus* the Painter to death with his Iambiques.

*Hippionas.*

*Macer* bore well enough his being called into question for great faults, but hanged himselfe when hee heard that *Cicero* would plead against him, though the *Roman* condemnations at that time inflicted not so deep punishments.

*Macer.*

And so *Cassius Licinius* to escape *Cicero's* judgement, by choaking himselfe with a napkin, had (as *Tacitus* calls it) *precium festinandi*. You can scarce imagine any person so happy, or miserable, so repos'd or so vaine, or any occasion either of true losse, or of shamefastnesse, or forwardnesse, but that there is some example of it.

*Licinius.*

*Annal. lib. 5.*

Yet no man, to me seemes to have made harder shift to dy, then *Charondas*, who fi. st having

*Charondas.*



3. Of the *Romane* Gladiators in great persons, and great numbers  
b *L. 1. cap. 12. de Gladiator.*

c *Idem. l. 2. cap. 3.*

d *De bell. Judai. l. 7. c. 28.*

4 Small persuasions drew men to it.

5 By the *Soldurii* in *France* it may be gathered, that more dyed so, then naturally.

e *Lib. 3. com. Bell. Gall.*  
f *Tholosa. Synt. lib. 14. cap. 10. N. 14.*

made a new law, that it should be death to enter the Counsell Chamber armed, not onely offended that Law, but punished it presently by falling upon his sword.

But the generall houre of such death is abundantly expressed, in those swarmes of the *Roman* Gladiatory Champions, which, as (b) *Lipsius* collects, in some one month cost *Europe* 30000 men, and to which exercise and profusion of life, till expresse Lawes forbade it, (c) not onely men of great birth, and place in the State, but also women covered to be admitted.

By *Eleazars* Oration recorded in (d) *Josephus*, we may see how small perswasions moved men to this. [ *Hee onely told them, that the Philosophers among the Indians did so. And that we and our children were borne to dy, but neither borne to serve.* ]

And we may well collect, that in *Cesars* time, in *France*, for one who dyed naturally, there dyed many by this devout violence. For (e) hee sayes there were some, whom he calls *Devotes*, and *Clientes*, ((f) the latter Lawes call them *Soldurios*) which enjoying many benefits, and commodities, from men of higher ranke, alwaies when the Lord dyed, celebrated his Funerall with their owne. And *Cesar* adds, that in the memorie of man, no one was found that ever refused it.

Which devotion I have read some where continues



tinues yet in all the wives in the Kingdome of *Bengala* in the *Indies*.

And there not onely such persons, as doe it in testimony of an entire dependency, and of a gratitude, but the (g) *Samanai*, (which did not in herite Religion, and Priesthood, and wisdom, as *Levites* did amongst the *Jewes*, and the *Gymnosophists* amongst them, but were admitted by election, upon notice taken of their sanctity) are sayd to have studied wayes how to dye, and especially then when they were in best state of health. And yet (h) these Priests whose care was to dye thus, did ever summe up, and abridge all their precepts into this one, *Let a pious death determine a good life*. Such an estimation had they of this manner of dying. (i) How pathetically *Latinus Pacatus* expresses the sweetnesse of dying when we will; [Others, sayth he, after the conquest, making a braver bargain with *Destiny*, prevented uncertaine death by certaine; and the slaves scaped whipping by strangling. For who ever fear'd, after there was no hope? Or who would therefore forbear to kill himselfe, that another might? Is anothers hand easier then thine owne? Or a private death fouler then a publique? Or is it more paine to fall upon thy sword, and to oppresse the wound with thy body, and so receive death at once, then to divide the torment, bend the knee, stretch out the necke, perchance to more then one blow? ] And then wondering why *Maximus*, who had before murdered *Gratian*, and was now suppressed by *Theodosius*, had not enjoyed the common benefit of killing himselfe,

6. Wives in *Bengala* doe so yet.

7. The *Samanai* which were Priests in the *Indies* used to doe it. g *Porphy. de Abst. antiq.*

h *Hennius de philosoph. Barbar. l. 2. ca. 2.*

i *Panegy.*

*Theodosio.*

8. *Lat. Pacat.* expresseth this death pathetically.



himselfe, he turnes upon *Gratian*, and sayes, [ *Thou Reverend Gratian, hast chased thine Executioner, and would' st not allow him leasure for so honest a death, least he should staine the sacred Imperiall robe with so impious blood, or that a Tyrants hand should performe thy revenge, or thou bee beholden to him for his owne death.* ] And with like passion speakes another *Panegyrique* to *Constantine*, who after a victorie, tooke their swords from the conquered, *Ne quis incumberet dolori*. By which language one may see, how naturall it was to those times, to affect such dispatch.

k *Maral. Metel.*  
præfat. in hist.  
Oforij.

9. How the  
*Spaniards* cor-  
rected this na-  
turall desire in  
the *Indians*.

And in our age, (k) when the *Spaniards* extended that Law, which was made onely against the *Canibals*, that they who would not accept Christian Religion, should incurre bondage; the *Indians* in infinite numbers elcaped this by killing themselves; and never ceased, till the *Spaniards* by some counterfeittings made them thinke, that they also would kill themselves, and follow them with the same severity into the next life.

And thus much seeming to me sufficient, to defeat that argument which is drawn from *Self-preservation*, and to prove that it is not so of particular law of Nature, but that it is often transgressed naturally, wee will here end this second Distinction.

Distinct.



## Distinction III.

## SECT. I.

**A**fter this when men by civillie and mutuall use one of another, became more thrifty of themselves, and sparing of their lives, this solemnity of killing themselves at funeralls wore out and vanish'd; yet leysurely, and by unsensible dimunitions. (a) [*For first in shew of it, the men wounded themselves, and the women scratch'd and defaced their cheekes, and sacrific'd so by that aspersion of blood. After that, by their friends graves they made graves for themselves, and entred into them alive, (as Nunnes doe when they renounce the world.) And after in shew of this show, they onely tooke some of the earth, and wore it upon their heads: and so for the publique benefit were content to forfeit their custome of dying*]

And after Christianitie, which besides the many advantages above all other Phylosophies, that it hath made us clearely to understand the state of the next life: which *Moses* and his followers (though they understood it) disguis'd ever under earthly rewards, and punishments; either because humane nature after the first fall, till the restitution and dignification thereof by Christ, was generally incapable of such mysteries, or, because it was reserved to our blessed Saviour to interpret and comment upon his owne Law, and that

H

great

a *Sylvius Com.*  
ad leg. reg. c.

24.

1. After civility and christianity quenched this naturall desire, in the place thereof, there succeeded a thirst of Martyrdom.

2. How leysurely the custome of killing at funeralls wore out.

3. *Moses* delivered, and the philosophers saw the state of the next life, but unperfectly.



great successive Trinity of humane wisdom, *Socrates, Plato, and Aristotle*, saw but glimmeringly and variously; as also for matters of this life, the most Stoick and severe Sect that ever cast bridle upon mankind, I say, after Christianity had quench'd those respects of fame, ease, shame, and such, how quickly naturally man snatch'd and embraced a new way of profusing his life by Martyrdome?

## SECT. II.

1 That this was for the most part insinuated into men by Naturall reasons, and much upon humane respects.

*Stromat. l. 4.*

2 So proceeded *Clement*.

For whil't the famous acts, or famous sufferings of the *Jews*, for defence even of Ceremonies, (many thousands of them being slaine, onely because they would not defend themselves upon the Saboth;) And whil't the custome of that Nation ever embrued in sacrifices of blood, and all, most of all other Nations devout and earnest even in the immolation of men. And whil't the example of our blessed Saviour, who chose that way for our Redemption to sacrifice his life, and profuse his blood, was now fresh in them, and govern'd all their affections, it was not hard for their Doctors even by naturall reasons, and by examples to invite, or to cherish their propensness to Martyrdome.

*Clement* therefore when he handles this point, scarce presents to them any other argument then naturall men were capable of, and such food, and such fuell, as would serve the tast and fer-

VOUR



vour of such an one as were not curious above Nature. As, that Death was not naturally evil: That Martyrdome was the beginning of another life. That the Heathen endured greater paines for lesse reward. That a Barbarous people immolated every yeare a principall Philosopher to *Xamolxis* an Idol; and they upon whom the lot fell not, mourn'd for that. And with most earnestnesse that Martyrdome is in our owne power: which be arguments better proportioned to Nature, then to Divinity; and therefore *Clement* presumed them men inclined, or inclinable by nature to this affection.

*Tertullians* Reasons are somewhat more sublime; yet rather fine, and delightfull, then solid and weighty; As, That God knowing man would sin after Baptisme, provided him, *Secunda solatia, lavacrum sanguinis*: That the death of Saints, which is said to be precious in Gods sight, cannot bee understood of the naturall death common to all: And that from the beginning in *Abel* righteousness was afflicted. And these reasons were not such as would have entred any, in whom a naturall inclination had not set open the gates before.

*Cyprian* also takes the same way; and insists upon application of Prophecies of these two sorts; That they should bee despised in this world, and that they should be rewarded in the next.

To these were added externall Honours,

H 2

(a) An-

*L. cont. Gnostic.*  
3. So did *Tertullian*.

*Lib. de exhort.*  
*Martyrii ad*  
*fortunatum.*  
So did *Cyprian*.



a *Tertul. de Corona Milit.*

4 Externall Honours to Martyrs.

b *Damasc. & Platin.*

c *Hadr. Junius in Eunapii vita*

5 Monopolie of Martyrdome

d *Feuardentius l. 8. c. 13.*

*Baron. Martyr. cap. 10.*

e *Carbo. Cas. Conf. To. 2. pa. 2. c. 6.*

f *De peniten. Dist. 1. Si qui autē. Ex Aug. de penitent.*

6 Gods punishments upon their persecutors, encouraged men to Martyrdome.

g *Ad Scapulam.*

7. Extending priviledges of Martyrs to many.

h *Aug. Epist. ad Hieron. 28.*

*De Nat. & Orig. Anim.*

(a) Annuall celebrating their Memories, and entitling their deaths, *Natalitia*; And (b) that early instituting of the office of Notaries to regulate their passions, even in *Clemens* time; And (c) the proposing their *Salita capita* to bee worshipped; which word (though *Eunapius* speake it prophanely) was not undeserved by the generall misuse of such devotion.

And (d) after the Monopoly of appropriating Martyrdome, and establishing the benefit thereof upon them onely which held the integritie of faith, and were in the unity of the Church; of which persuasion *Augustine*, and *Hierom*, and most of the Ancients are cired to be; and then by continuall increasing the dignity and merit of it, as that (e) *ex opere operato*, it purged actuall sinne, as Baptisme did originall; And (f) that without Charitie, and in Schisme, though it merited not salvation, yet it diminished the intensnesse of Damnation.

And by these they incited mans nature to it, which also might be a little corruptly warmed towards it, by seeing them ever punished who afflicted them, for so (g) *Tertullian* saies, that [*no City escaped punishment, which had shed Christian blood.*]

After this, they descended to admit more into their fellowship, and communicate and extend these priviledges: for by such indulgence are (h) *Herods* Infants Martyrs: So is *John Baptist*, though he dyed not for a matter of Christian



ftian faith : So (i) is he which suffers for any vertue, and he which dyes in his mothers womb, if she be a Martyr. (k) And so is he which being for Christian profession wounded deadly, recovers : and hee which being not deadly wounded, dyes after of sicknesse contracted by his owne negligence, if that negligence amounted not to mortall sinne.

So not onely the sickly and infirme succeeding Ages, but even the purest times did cherrish in men this desire of death, even by contrary reasons ; both which notwithstanding by change of circumstances, had apparance of good. For as fire is made more intense, sometimes by sprinkling water, sometimes by adding fuell. So when their teachers found any coolenesse or remissenesse in them, and an inclination to flight, or composition with the State, then (l) Cyprian noted such with the ignominy of *Libellatici*, becaule they had taken an acquittance of the State, and sayes of them [*Culpa minor sacrificatorum, sed non innocens conscientia.*]

And then (m) *Tertullian* equally infames flying away, and such marchandizing, when hee sayes, [*Persecution must not be redeemed ; for running away is a buying of your peace for nothing, and a buying of your peace for money is a running away*]

And then we shall finde that even against the nature of the word Martyre, it became the common opinion, that death was requisite and necessarie to make one a Martyr.

H 3

So

i Aphoriz: E-man. Sa. verbo Martyr.

k Tho. 2. 2. r. g.

124. ar. 4. ad quart.

8. Contrary reasons cheerrished this desire in them.

9 Cyprian *Libellatici*. Compounders with the State.

l Sermo de lapsis.

m De fuga. propositio. 2.

10 *Tertullian* condemnes flying in persecution.

11 Death, became to be held necessary to make one a Martyr.



n Hist. l. 5. c. 2.

12. In times when they exceeded in discreet exposing themselves, they taught that Martyres might be without dying.

o Azor. Mor.  
Inst. p. 2. l. 5.  
cap. 7.

Ad Polycarp.

p Ad Smirnen.

So in (n) *Eusebius*, the Christians though afflicted, modestly refuse the name of Martyrs, and professe that they have not deserved it, except they may be kill'd.

Contrarywise in other times when the disease of head-long dying at once, seemed both to weare out their numbers, and to lay some scandall upon the cause, which wrought such a desire in men, which understood not why they did it, but uninstructed, uncatechized, yea unbaptized, (but that the charity of the Supervisors imputed to them *Baptisma fluminis*, as they hope, or at least, *Sanguinis*, for that they saw) did onely, as they saw others doe; Then I say (as (o) a Learned Writer of our time sayes, [That the Church abstaines from easie Canonizing, *Ne vilesceret Sanctitas*] (which is not here Holinesse, but Saintship) least the dignity of Martyrdome should be aviled by such promiscuous admittance to it, they were often contented to allow them the comfort of Martydome without dying; which was but a returning to the naturall sense of the word.

So *Ignatius* styles himselfe in his Epistles, Martyr. Yea more then the rest he brought down the value thereof, and the deare purchase, for he sayes (p) [That as he which honors a Prophet in the name of a Prophet, shall have a Prophets reward; So hee shall have a Martyrs reward which honors [vinctum Christi.] And so our most blessed Saviour, proceeding in his mercifull purpose of encreasing his King-



Kingdome upon earth, yet permitting the Hea-  
then Princes to continue theirs as yet, the Christi-  
an Religion was dilated and oppressed, and the  
professors thereof, so dejected and worne with  
confiscations and imprisonments, thought that as  
in the (q) *Passover* from *Egypt* every doore was  
sprinkled with blood, So Heaven had no doore  
from this world but by fires, crosses, and bloody  
persecutions: and presuming Heaven to be at the  
next step, they would often stubbornly or stu-  
pidly winke, and so make that one step.

God forbid any should be so malignant, so to  
mis-interpret mee, as though I thought not *the*  
*blood of Martyrs to be the seed of the Church*, or dimi-  
nished the dignity thereof, yet it becomes any in-  
genuity to confesse, that those times were affected  
with a disease of this naturall desire of such a  
death; and that to such may fruitfully be applyed  
those words of the good B: *Paulinus*, (r) [*Athleta*  
*non vincit statim, quia eruitur: nec ideo transnatant,*  
*quia se spoliant.*] Alas! we may fall & drown at the  
last stroke; for, to sayle to heaven it is not enough  
to cast away the burdenous superfluities which  
we have long carried about us, but we must also  
take in a good frayte. It is not lightnesse, but an  
even-reposed stedfastnesse, which carries us thi-  
ther.

But (s) *Cyprian* was forced to finde out an an-  
swer to this lamentation, which he then found to  
be common to men on their death beds, [*Wee*  
*mourne because with all our strength we had vowed our*  
*selves*

q *Exod. 12.7.*

r *Severo. ep. 2.*

s *De Contemptu*  
*mortis.*

t3 *Cyprian.*  
*profes.* Men  
who offered  
their lives be-  
fore they were  
called.



1 Baroni. Mar.  
2. Ian. H.

14 Enforcers  
of their owne  
Martyrdome.  
u Euseb. Hist.  
l. 8. c. 9.

15 Examples  
of inordinate  
affecting of  
Martyrdome.  
Germanus.  
z Hist. l. 4. c.  
14.

y Hist. l. 4. c.  
10.

Meir. & Ioseph.  
z Ioseph. de bel.  
Iud. l. 7. c. 11.

a Ignati. epist.  
ad Roman.

16 Ignatiue  
solicitation for  
it.

selves to Martyrdome, of which we are thus deprived, by being prevented by naturall death. ] And ( r ) for them who before they were called upon, offered themselves to Martyrdome, he is faine to provide the glorious and satisfactory name of Professors.

From such an inordinate desire, too obedient to nature, proceeded the fury of some Christians ( u ) who when sentence was pronounced against others, standing by, cryed out, *Wee also are Christians.*

And that inexcusable forwardnesse of Germanus, ( x ) who drew the beast to him, and enforced it to teare his body; And why did he this? Eusebius delivers his reason, That he might bee the sooner delivered out of this wicked and sinfull life. Which ( y ) acts Eusebius glorifies with this prayse, [ That they did them *mente digna Philosophis* ] So that it seemes wisest men provoked this by their examples; As ( z ) at the burning of the temple at Hierusalem, Meirus and Iosephus, though they had way to the Romans, cast themselves into the fire. How passionately ( a ) Ignatius sollicites the Roman Christians not to interrupt his death. [ *I feare saith he, your charity will hurt me, and put me to beginne my course again, except you endeavour that it may be sacrificed now. I professe to all Churches, quod voluntarius morior* ] And after, Blandiciis demulcere teras; entice and corrupt the Beasts to devoure me, and to be my sepulchre, truar best is, Let me enjoy those beasts, whom I wish much more cruell then they are; and if they



they will not attempt me, I will provoke and draw them by force ] And what was Ignatius reason for this, being a man necessary to those Churches, and having allowable excuses of avoiding it? [ *quia mihi utile mori est.* ] such an intemperance urged the woman of Edissa, (b) when the Emperour Valens had forbidden the Christians one temple, to which particular reasons of devotion invited them, to enrage the Officers with this Contumely, when they asked her, why thus squallid, and headlong she dregg'd her sonne through the streets, I do it least when you have slaine all the other Christians, I and my sonne should come to late to partake that benefit. And such a disorderly heate possessed that (c) old wretched man, which passing by after the execution of a whole legion of 6666, by iterated decimation, under Maximianus, although he were answered that they dyed, not onely for resisting the Roman Religion, but the State, for all that, wish't that he might have the happines to be with them, and so extorted a Martyrdome. For that age was growne so hungry and ravenous of it, that many were baptized onely because they would be burnt, and children taught to vex and provoke Executioners, that they might be thrown into the fire.

And this assurednesse that men in a full perswasion of doing well would naturally runne to this, made (d) the proconsul in Africk proclaimne, Is there any more Christians which desire to dy,

I

and

Ediffena.  
b Nicephor. l.  
11. c. 21.

c Speculum  
vinc. To. 4. l.  
11. c. 40.

d Bod. Daemon.  
l. 4. c. 3. ex Ter-  
tullii.  
17 Lawes  
forbidding  
more executi-  
ons made to  
despite Chri-  
stians.



e *Alc. 7. 2. Az.*f *Ex Tertul.  
Bodin. supra*18 Glory in  
the numbers  
of Martyrs.g *Specul. Vin.  
To. 4. l. 10. c.  
88.*h *supra fo. 66.*i *Baron. Mart.  
22. June.*k *Homil. 27. in  
Evangel.*l *Martyrolog.  
cap. 8.*

and when a whole multitude by generall voice discovered themselves, he bid them [*Goe hang and drown your selves and ease the Magistrate.*] And this naturall disposition, (e) afforded Mahomet an argument against the *Jews*, [*if your Religion be so good, why doe you not dy?*] for our primitive Church was so enamored of death, and so satisfied with it, that to vex and torture them more, (f) the Magistrate made lawes to take from them the comfort of dying, and encreased their persecution by easing it, for they gloried in their Numbers.

And as in other warfares men muster and reckon how many they bring into the field, their confidence of victory was in the multitudes of them which were lost. So they admit into the Catalogue *Herods* Infants, and the 10000 Virgins. And (g) when 9000 Souldiers under *Adrian* by apparition of an Angel, are said to have embraced Christian Religion, and when the Emperour sent others to execute them, 1000 of those executioners joyn'd to them, and so the whole 10000 were crucified (h) And of an intire legion massacred at once we spoke but now. And *Baronius* (i) speakes of 10000 crucified in *Armenia*, celebrated upon the 22<sup>th</sup>. of *June*: whether divers from the 10000 under *Adrian* or no, I have not examined. (k) Saint *Gregory* says, [*Let God number our Martyrs, for to us they are more in number then the sands.*] And (l) *Baronius* saies, That excepting the first of *January*, (which yet in the Roman

MIR-



Martyrologe records as many, as most other daies ) there is no day which hath not 500 Martyres ; almost every one hath 900, or 800.

## SECT. III.

And when the Church encreased abundantly under all these pressures, (for, As in profane and secular wars, the greater the Triumphs of a Conquerour are, the greater also are his Armies, because then more and more concur to his splendor, and to participate his fortunes, So in this spirituall warfare, the greater the triumphant Church was, the greater grew the Militant, assisted both with the Example & Prayers of the other.) And when all these treadings downe did but harrow our Saviours field, and prepare and better it for his Harvest, The blood of the Martyrs (for though, as I say still, very many dyed out of a naturall infirmity of despising this life, a great number had their direct marke upon the glory of God, and went to it awake) having, as a (a) *Nicophorus* sayes, almost strangled the Devill, hee tryed by his two greatest Instruments, (when they are his) the Magistrate, and the Learned, to avert them from this inclination.

For, suggesting to the Magistrate that their forwardnesse to dye, grew onely from their faith in the Resurrection, he (b) procur'd there bo dyes to be burnt, and their ashes scatter'd into

1. That Heretiques seeing the dignity gained by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.

a Lib. 4. cap. 2.

2. The Devill labours the Magistrates to quench their desire of dying  
b *Specul. Vinc.*  
To. 3. cap. 102.  
lib. 10.



Rivers, to frustrate and defeat that expectation; And he raised up subtile Heretiques, to infirme and darken the verrue and majestie of Martyrdome.

*Basilides heres.*

Anno 134.

3. *Basilides* denyed Christ to have been crucified, & that therefore they dyed madly.

c *Alfon. Castr.*  
verb. *Martyr.*  
ex *Philast.*

d *Pratcolus l.*

5. ex *Niceph.*

4. *Helchesar* that outward profession of Religion was not needfull.

5. That also the *Gnostici* taught, and why they prevailed not.

Of which the most pestilently cunning *Basilides*, fore-suspecting that hee should not easily remove that desire of dying, which Nature had bred, and Custome confirmed in them, tryed to remove that which had root onely in their Religion, as being yet of tenderer growth, and more removable then naturall impressions. Therefore he offered not to impugne their exposing themselves to death in all cases, but onely said, (c) that it was madnesse to dye for Christ, since he, by whose example they did it, was not crucified, but *Symon* who bore the Crosse.

Another (d) Heretique, called *Helchesar*, perceiving that it was too hasty to condemne the act of Martyrdome even for Christ, thought onely to slacken their desire to it, by teaching, that in time of Persecution, so wee kept our heart at Anchor safe, we were not bound to testifie our Religion by any outward act, much lesse by dying.

Which Doctrine the *Gnostici* also taught, but prevailed little, both because the contrary was rooted in Nature, and because they accompanied this doctrine, with many others, foule and odious even to sense; and because they were resisted by *Tertullian*, a man mighty, both in his generall abilities, and in his particular and profes-

sed



sed earnestnesse to magnifie Martyrdome: And against these he writ his *Scorpiacum*.

SECT. IIII.

This way giving no advantage to Hereticks, they let loose the bridle of their owne nature too, and apprehended any occasion of dying as forwardly as the Orthodoxall Christians. And because the other prescrib'd against them, and were before hand with them in number, to redeeme time and overtake them, they constituted new occasions of Martyrdome.

(a) *Petilian* against whom *St. Aug.* writ, taught, that whosoever kill'd himself as a Magistrate, to punish a sinne committed before, was a Martyr.

And they who are by *Saint Augustine*, and others, called *Circumcelliones*, and *Circuitores*, (because (I thinke) as their Master, they went about to devoure) would entreate, perswade, enforce others to kill them, and frustrated after all those provocations, would doe it themselves, and by their survivors bee celebrated for Martyrs. These were of the (b) *Donatists*, of whom *Saint Augustine* sayes, To kill themselves out of respect of Martyrdome, was *Ludus Quotidianus*.

Other Hereticks also, whose errors were not about Martyrdome, hastened to it. So the (c) *Cataphryga* who erroneously baptizing the dead, Ordaining Women, Annelling second Marriges, and erring in such points, (d) could soone boast of their number of Martyrs; per-

1. That Heretiques failing herein, tooke naturall ways, of overtaking the Orthodox in Numbers of Martyrs.

2. *Petilian* new way of Martyrdome.  
a *Alf. Castr.*  
ver. *Martyrium*

3. Another new way of the *Circumcelliones* & *Circuitores*.

b *To. 2. Ep. 50.*

4. The *Cataphryga* exceed in Number.  
c *Pratsolus*.

d *Baron. Martyr. C. 10.*



e Hist. l. 5. c. 15

f Baron. Martyrol. ca. 10. Ex Epiph. Har. 80  
g Schullingius, To. 3. ca. 177.  
10. Euphemiae therefore called Martyrians

1. Hereupon Councils took it into their care to distinguish true Martyrs, from those who dyed for naturall and humane respects.  
a Conc. Laodic. Can. 33.

b Conc. Carth. 1. C. 2.

chance because *Tertullian* being then on their part, they found him, as he was wheresoever he came, a hot encourager of men to Martyrdome. It is complain'd in (e) *Ensebius*, that Heretiques seeing their arguments confuted, fled now to their number of Martyrs, in which they pretended to exceed the others. And from their numbers of Martyres, (f) the *Euphemite* called themselves *Martyrians*. And thereupon (g) *Baronius* saies, [Amongst the heathen, perchance you may heare, and there find one *Empedocles*, which will burne himself, but amongst the *Donatists*, *Hominum examina*.]

## SECT. V.

So that the authoritie gained by their forwardnesse to equall the number of true Martyrs, was so great, and began so farre to perplex the world, that some Councils foreseeing, that it both sides did it equally, it would all be imputed to humane respects, began to take it into their care to provide against it. And thereupon a iour Council exhibites an expresse Canon, That no Christian leaving true Martyrs, should goe to false, *Quia alieni a Deo*. And (b) another corrects the other Heresie of diminishing the reputation of Martyrs thus, *Martyrum dignitatem nemo profanus infamet*.

## SECT.



## SECT. VI.

Thus when the true Spirit of God drew many, the spirit of Contention many, and other naturall infirmities more, to expose themselves easily to death, it may well be thought, that from thence the Authors of these latter Ages, have somewhat remitted the intensnesse of Martyrdome, and mingled more allayes, or rather more metall, and not made it of so great value alone, as those earnest times did: for since (a) Saint Thomas said, [ *That though Martyrdome be a worke of greatest perfection, yet it is not of it selfe, but as it is wrought by charity, and expressees that.* ]

Kasquius (b) reprehends Cordubensis for saying that it is any worship of God: for [ *it is not sayes he, a Sacrifice nor worke of Religion, but of fortitude, which is but a morall vertue* ] Therefore it is now (c) taught, [ *that it is a mortall sinne to provoke another to inflict Martyrdome.* ] And (d) a Martyr, (though Martyrdome purge much) is bound to cleanse himselfe by every one of the Degrees of penance, for saith Carbo, [ *it is not Sacramentum, but opus privilegiatum.* ] So they seeme tender and loth by addition of religious incitements, to cherish or further that desire of dying, to which by reason of our weaknesse, and this worlds encumbrances, our nature is too propense and inclined.

Onely the Jesuits boast of their hunting out of Mar-

1 Therefore later Authors do somewhat remit the Dignity of Martyrdome.

3 27. q. 124. ar. 3.

b De Adorati-  
one l. 1. N. 42.

c Navar. Man.  
c. 1. Nu. 40.  
d Carbo. Caf.  
Conf. To. p. 2. c.  
6.

2 The Jesuits still professe an enormous love to such death.



e. *Clara Bo-*  
*maricus Amphi-*  
*theat. Hono. l. 1.*  
64.

Martyrdome in the new worlds, and of their rage till they finde it. (e) He which hath brought them all upon one Scene, lies that [Altonsus Castro at his execution in the Molucca, was so overjoyed that he forgot his modesty [Rapi-mus Martyrium, sayes he, Ipontranea irruptione,] And [one would think that it were a disease in us.] [Which we doe, least the rest of our life should be Meritis sterile, & gloria vacuum] [we bargain and contract with our profession, upon that Condition, that we may prodigere animas in hostili ferro,] [And we possesse no more, then such small matters as onely serve to cut off our life.] So that, if this desire of dying be not agreeable to the nature of man, but against it, yet it seemes that it is not against the nature of a Iesuite. And so we end this Distinction, which we purposed onely for the consideration of this desire of Martyrdome, which swallowed up all the other inducements, which, before Christianity contracted them, tickled and inflamed mankind.

### Distinction III.

#### SECT. I.

r Lawes and  
customes of  
well policed  
estates having  
admitted it, it  
is not likely to  
be against law  
of Nature.

**T**Here remains onely for the fourth and last Distinction of this first part, our reason by which this SELF-HOMICIDE seemes to me to escape



escape the breach of any Law of Nature, which is, that both expresse literall Lawes, and mute Law, custome, hath authorized it, not onely by suffering, and connivency, but by appointing it.

And it hath the countenance not onely of many flourishing and well policed states, but also of Imaginary Common-wealths, which cunning Authors have Idæated, and in which such enormous faults are not like to be admitted. Amongst the *Athenians* condemned men were their own executioners by poyson. And amongst the *Romans* often by bloodlettings. And it is recorded of many places, that all the *Sexagenarii*, were by the lawes of wise States, precipitated frō a bridge. Of which, if (a) *Pierius* his conjecture be true, that this report was occasioned by a custome in *Rome*, by which men of that age were not admitted to surffage; And because the way to the Senate was *per pontem*, they which for age were not permitted to come thither, were called *Depontani*, yet it is more certaine, that (b) amongst the *Ceans* unprofitable old men poysoned themselves; which they did crown with garlands, as triumphers over humane misery. And the (c) *Ethiopians* loved death so well, that their greatest Malefactors being condemned to banishment, escaped it Ordinarily by killing themselves. (d) The civill law, where it appoints no punishment to the delinquent in this case, neither in his estate nor memory, punishes

K

a

2 True and Idæated common-wealths have allowed it.

*Atbenians.*

*Romans.*

*Depontum.*

a Hieroglyph.  
l. 17.

*Ceans.*  
b *Ælianus.*  
l. 3. cap. 26.

c *Diod. Sicul.*  
l. 2. bib.

*Æthiopians.*

d *Dig. l. 48.*

tit. 3. leg.

final.

3 Civill law and all others, presume it, in condemned men.



a keeper, if his prisoner kill himselfe; out of a prejudice, that if meanes may be afforded them, they will all doe so.

c *Vtop. l. 2. c. de  
serois.*

4 In *Vtopia*  
authorised.

5 And by  
*Plato* in cer-  
taine cases.  
f *Deleg. 9.*

And do not we see it to be the custome of all Nations now, to manacle and disarme condemned men, out of a fore assurance that else they would escape death by death? (e) Sir *Thomas Moore* (a man of the most tender and delicate conscience, that the world saw since Saint *Augustine*) not likely to write any thing in jest mischieuously interpretable, sayes, That in *Vtopia*, the Priests and Magistrates did use to exhort men afflicted with incurable diseases, to kill themselves, and that they were obeyed as the interpreters of Gods will; But that they who killed themselves without giving an account of their reasons to them, were cast out unburied. And (f) *Plato* who is usually cited against this opinion, disputes in it, in no severer fashion, nor more peremptory then thus, [ *What shall we say of him, which kills his nearest and most deare friend? which deprives himselfe of life, and of the purpose of destiny? And not urged by any Sentence, or Heavy Misfortune, nor extreame shame, but out of a cowardlinesse, and weaknesse of a fearfull minde, doth unjustly kill himselfe? What Purgatory, and what buriall by law belongs to him, God himselfe knowes. But let his friends inquire of the Interpreters of the law, and doe as they shall direct.* ] You see nothing is delivered by him against it, but modestly, limitedly, and perplexedly.

And



And this is all which I will say of the first member of that definition of sinne which I undertooke, which is, transgressing of the Law of Nature. Wherein I make account that I have sufficiently delivered and rescued this *Selfe-homicide*, from any such violating of the Law, as may aggravate the fact, or make it hainous.

6 Conclusion  
of the first  
part.

## Second Part.

### Distinction I.

#### Of the Law of Reason.

##### SECT. I.

**T**hat part of the Definition of sin, which wee received for the second place, is, That it be against the Law of Reason; where, if we should accept Reason for *Recta Ratio*, (especially primarily, and originally,) it would be the same as Law of Nature. Therefore I rather choose to admit such an acceptation thereof, as may bring most doubts into disputation, and so into clearenesse.

1. That the  
law of reason,  
is, conclusi-  
ons drawne  
from pri-  
mary rea-  
son by dis-  
course.



2. How much strength, Reasons deduced have.

1. Of this sort of Reasons, generall lawes have the greatest authority.

Reason therefore in this place shall signifie conclusions drawne and deduced from the primary Reason, by our discourse and ratiocination: And so sinne against reason, is sinne against such arguments and conclusions as may by good consequence be derived from primary and originall Reason, which is light of nature.

This primary reason therefore, against which none can plead lycense, law, custome, or pardon, hath in us a soveraigne, and masculine force, and by it, through our Discourse, which doth the motherly office of shaping them, and bringing them forth and up, it produces conclusions and resolutions.

#### SECT. II.

And as in earthly Kingdoms, the Kings children, and theirs, and their race, as farre as we may reasonably presume any tincture of blood, have many priviledges and respects due to them, which yet were forfeited if there appeared any bastardy or interruption of lawfull descent from that roote; And though these respects and obsequiousnesse, belong to them as they are propagated from that roote, and as some sparks of that Sovereignty glimmer in them, yet their Servants and Officers take them where they finde them, and consider them onely as Dukes, or Lords, and possessors of patrimoniall estates, but every mans heart and allegiance is directed and



and fastned upon the Prince, and perchance a step or two lower, with a present and immediate relation to the father, and what they have from him. So when from those true propositions, which are the eldest children and issue of our light of Nature, and of our discourse, conclusions are produced, those conclusions also have now the Nature of propositions, and beget more; and to all these there belongs an assent and submission on our parts, if none by the way have beene corrupted and bastarded by fallacy. And though (as in the other case) men of a weake disposition, or lazy, or flattering, looke no farther into any of these propositions, then from whose mouth it proceeds, or what authority it hath now, not from whence it was produced, yet upon the heire apparent, which is, every necessary consequence from naturall light, every mans resolution is determin'd, and arrested by it, and submitted to it. And though humane lawes, by which Kingdomes are policed, be not so very neare to this Crown of certaine Truth, and first light, (for if they were necessary consequences from that law of nature, they could not be contrary in divers places and times, as we see lawes to be) yet I doe justly esteeme them neerer, and to have more of that bloud royall in them, then the resolutions of particular men, or of Schooles.

Both because it is of the essence of all humane law, that it agrees with nature, (I meane for the obligation *in interiori foro*, without which a law

K 3

hath

2. For that is of there essence that they agree with law of Nature.



3. And there is better testimony of their producing, then of private mens opinions

a Dig. l. 1. tit. 3  
le. 1. lex est.

hath no more strength, then an usurper, whom they which obey, watch an opportunity to dispossesse. )

And because Assemblies of Parliaments, and Councels, and Courts, are to be presumed more diligent for the delivery and obftriction of those children of naturall law, and better witness that no false nor supposititious issue be admitted, then any one man can be. For (a) the law is therefore well call'd *Communis Reip. sponsio*, because that word signifies as well, that, to which they have all betroth'd themselves, as, the security and stipulation which the State gives for every mans direction and assurance in all his civill actions. Since therefore we have in the first part thoroughly examined, whether this *Selfe homicide* be alwayes of necessity against the law of nature, it deserves the first consideration in this second part, to inquire how farre humane Lawes have determin'd against it, before wee descend to the arguments of particular Authors, of whatsoever reverence or authority.

### SECT. III.

1. Of lawes, the Imperiall law ought first to be considered.

a Dig. l. 1. T. 1.  
le. 9. omnes.

And because in this disquisition, that law hath most force and value, which is most generall, and there is no law so generall, that it deserves the name of *Jus gentium*; or if there be, (a) it will bee the same, (as wee said before) as *Recta Ratio*, and so not differ from the law of Nature.

To



To my understanding, the Civill or Imperiall law, having had once the largest extent, and being not abandon'd now, in the reason, and essence, and nature thereof, but onely least the accepting of it should testifie some dependencie upon the Empire, we owe the first place in this consideration to that Law.

This therefore which we call the Civill Law, ( for, though properly the Municipall Law of every Nation be her Civill Law, yet *Romes* Emperors esteeming the whole world to be one City, as her Bishops doe esteeme it one Diocesse, the *Romane* Law hath wonne the name of Civill Law, being a (b) decoction and composition of all the Regall Lawes, Decrees of the Senate, *Plebescites*, *Responsa Prudentum*, and Edicts of Emperors, from 1400. yeares before *Iustinian*, to so long time after, as the *Easterne* Emperors made them authentique; being of such largeness, as (c) *Iustinians* part thereof consists of 150000. of those distinctions which he calls verses, and is the summe and marrow of many millions, extracted from 2000. Volumes.

This Law which is so abundant, that (d) almost all the points controverted betwene the *Romane* and the reformed Churches, may be decided and appointed by it. This Law, I say, which both by penalties, and Anathemaes, hath wrought upon bodies, fortunes, and consciences, hath pronounced nothing against this *Selfe-homicide*, which we have now in disputation.

It

2 The reason of that law is not abolished, but our dependency upon it.

3 Why this is called civill Law.

4 Of the vastnes of the books from whence it is concocted, and of the extent thereof.  
b *Iustinian.ep. ad Trebonian.*  
c *Iustinian.epi. ad DD.de Fur. docend. arte.*

d *Wind. Theolog. Iur.*

5 Nothing in this law against our case.



6. Of the law  
of *Adrian*.  
d. *Dig. lib. 48.*  
*tit. 19. le. 38.*  
*Si quis aliquid.*  
§ *Qui miles.*

e. *Dig. lib. 49.*  
*tit. 10. le. 6.*  
*Omne deli-*  
*ctum.*

It is true that of *Adrian* the Emperor, who was about 120. yeares after Christ, we finde one Rescript, in the body of the Law, [ (d) *That if a Souldier do attempt to kill himselfe, and not effect it, except he offred it upon impatience of griefe, or sicknesse, or sorrow, or some other cause, capite plectatur.* ] Which Rescript is repeated againe in another (e) Title, and there ( though the other generall clause, or some other cause, might seeme to have reach'd farre inough, ) are added especially for excusing causes, [ *wearinesse of life, madnesse, or shame.* ] You see with what moderate gradations this Law proceeded, which being ( as it seemes ) to contend and wrestle with a thing customary, and naturally affected, extends not at all to punish it when it is done, as in many other crimes the Lawes doe, by confiscation, and by condemning the memory of the delinquent, and ignobling his race.

Nor embraces it all manners of doing it, ( yea scarce any, considering how benignly, and favorably penall Lawes are to be interpreted : ) Nor overtakes it all men, but onely such as being of present use, as well much disadvantage might grow to the Army, if sodainly any numbers of them should be suffered to turne upon this naturall and easie way of delivering themselves from painfull danger, as much dammage to the State, if those men matriculated for Souldiers, to whom there belong'd by the lawes, as many priviledges and immunities under the *Romane* Emperors, as e-

ver



ver did to the Clergy under their *Romane* Bishops, after they had thus maym'd themselves, and defrauded the State of their service, should by this inhærent character of Souldiership, enjoy all those advantages, which those Lawes afforded them.

There is (h) one law more in the body of the Civill Law, which seemes to reach farther, because it binds not it selfe to any one condition of men; which is, [ *That if a man already accus'd, or taken in the manner, for any such crime, upon which his goods should be forfeited upon conviction, kill himselfe before judgement, his goods shall be forfeit;* ] else not. For the Law addes her opinion of the fact. [ *Non facti celeritas est obnoxia, sed conscientia metus* ] And proceeds, [ *Qui causam mortis habet, habeat successorem.* ] So that that Law presumes there are just causes to worke such an effect. And upon the consideration of this Civill Law, I determin'd to bestow this first Distinction.

*h Dig. l. 48. tit. 21. le. 3. Qui rei.*

*7 Of the other law for guilty men.*

## Distinction II.

### SECT. I.

**T**Hat which they call the Canon Law is of larger extent then this; for it reaches to bind the Princes themselves, at least by their acceptance and submission to it.

*i Of the Canon Law.*

L

And



2 The largnes  
of the subject,  
and object  
thereof.

3 Of *Codex  
Canonum*, or  
the body of  
the law, in use  
in the primi-  
tive Church.  
2 Dist. 10.  
*certum est.*

b Dist. 10.  
*vestrum.*

4 Of the Ad-  
ditions to this  
*Codex.*

And as the subject of it, is greater, being people and Prince, so is the object, being the next and eternall life. Yea it is so vast and undetermin'd, as we know not in what books to seeke the limits thereof, nor by what rules to set the land-marks of her jurisdiction.

For, (for the booke,) it is evident that the Primitive Church had *Codicem Canonum*, which was inserted into the body of the *Romane Law*, and had no other subsistence, but as it was incorporated there. Thereupon (a) *Gelatus* writes to *Theodorus* the *Goth*, King of *Italy*, to intreat him, that as by his authoritie the *Romane Law* was observed in Civill matters, so it might be still in Ecclesiastique. And after the expulsion of the *Goths*, (b) *Leo* 4. intreated and obtained the same from *Lotharius*. From this *Codex Canonum*, the Emperors determined and decreed in many Ecclesiastique causes; From this *Codex* the Councils after were governed in making their Canons: as wee may see particular Canons of this Booke cited, the booke being oftencall'd for in the Councils, and being then ordinarily named, *The body of the Canon Law*. This body consisted of the Canons of nine Councils authorized by the Emperors.

But for those immense additions growne to it since that time, of Bulls, and Decretall Letters of Popes, Decrees of suspicious and partiall and Schismatick Councils, (for nothing is more properly Schisme, and *Solutio continui*, than a rent betweene the Civill and Ecclesiastique State, which occa-



occasion'd many of the later Councils, ) the rags of Fathers decerpted and decocted by *Gratian*, and the glosses of these made also as authentique as the Text. I perceiv not what title they have to bee of the body of the Canon Law, except where the Princes have incorporated and denizen'd them.

But least to quarrell with their authority now, might seeme in us a subter-fuge and shift to decline them, as though they were heavy against us, in this point which we have now in hand; wee will accept them as they are obtruded, and dissemble nothing, which in them seemes to resist this opinion, though in common entendment this law is likely to be severe against it, because the civill lawes content themselves ever with any excuse or colour in favour of the Delinquents, because when a fault is proved it punishes severely, but (c) the Canon Lawes which punish onely medicinally, and for the soules health, are apt to presume or beleieve a guiltinesse, upon light evidence, because those punishments ever worke good effects, whether just or no.

## SECT. II.

And first because heresie which is *lasa Majestas Divina*, of all crimes is the principall object of that Court, I say, that this proposition, is not by anything exrant in the Canon law, (and therefore not at all) hereticall, allowing to them their

L 2

largest

5 Canon law  
apert to con-  
demne then  
Civill, and  
why.

c Paleotus de  
nothis c. 19.

1 That this  
proposition is  
not hereticall.



a *Simancha*  
*Enchirid. Iud:*  
*tit. 24. nu. 2.*  
 2 A large de-  
 finition of he-  
 relie.

largest definition of heresie; which is, (a) [ *Any thing which is against Catholique faith, that is Scriptures rightly understood; Or the traditions and definitions of the Church, or generall Counsell lawfully gathered, or definition of the sea Apostolique, or the common opinion of Fathers, in a matter of faith.* ]

The proposition may perchance seeme to some so ill qualified, as it may be male *sonans*, or *temeraria*, or perchance *sapiens heresis*, for all these proceed from the indisposition and distempred taste of the apprehendor, which must not alwaies be idly flattered and pampred, but invited to the search and discovery of truth, who else being the greatest Prince in the world, should have no progresse, but be straightned in a wretched corner. First therefore, (to cast a glance upon every part of the definition of heresie) whether it be against the Scriptures rightly understood or no will be more properly and naturally examined, when we come to the last part, which is of Divine law.

3 No defini-  
 tion of the  
 Church in the  
 point.

4 Nor Canon

5 Nor Bull.

b *Moral. Instr.*

10. 1. 1. 2. c. 13.

6 Of the co-  
 mon opinion  
 of Fathers,  
 how it varies  
 in times and  
 places.

Next, there is no tradition nor definition of the Church in the point at all, much lesse as of a matter of faith, which is the second limbe of the definition.

No decree of any generall Councell. No rescript or Bull of any Pope. And for the common opinion of the Fathers (besides that it can be no safe rule, because (b) as [ *Azorius notes, Controversers often say on both sides, this is the common opinion; And certainly that is the common opi-*

nion



nion in one Age which is not in another; yea, in one Kingdome at the same time, which is not in another, though both be Catholik: As in Germany and France, by the common opinion Latreia is not due to the Crosse, in Spaine by the common opinion it is, ] it cannot appeare, by the Canon law, that this is the common opinion of the Fathers; for (c) *Gratian* who onely of the Compilers of the Canon law toucheth the point, (as farre as either my reading or search hath spied out) cites but two Fathers, *Augustine*, and *Hierome*. Whereof the latter is of opinion, that there may be some cause to do it. But in the Canon law I finde no words, not onely to lay the infamous name of heresie upon it, but that affects it with the mark or stile of sinne, or condemnes the fact, by inflicting any punishment upon the offender.

I speake here of the Canon law, to which the Canonist will stand: which are the Decretall letters, and all the extravagants. For, of *Gratians Decret.* that learned and ingenious Bishop of *Tar-rakon*, hath taught us what we should thinke, when he sayes, [ (d) *That he is scarce worth so much reprehension; who having nothing that is profitable or of use, except he borrows it, is admired of the ignorant, and laughed at of the learned,* ] (e) [ *whenever saw the bookes of the Councells, nor the works of the Fathers, nor the Registers of the Popes letters.* ] (f) *And whose compilation had not that confirmation from Eugenius 3, as is fasly attributed to it.* ] Yet although *Gratian* have not so much authority, that

L 3

by

c 23. q. 5.

7 *Gratian* cites but two fathers, one of which is of our side.

8 Of that part of the Canon Law, to which Canonists will stand.

d *Anto. Augustin.* l. de commendat. *Gratian.* l. 1. dial. 1. de titulo.

9 A Cathol. Bishops censure of *Gratians Decret.*

e *Idem* dial. 4.

f *Idem* dial. 3.



g De libris ju-  
ris Canon. c. 2.

by his inserting an imperiall law, or fragment of a Father, it should therefore be canoniz'd and grow into the body, and strength of the Canon law, (for then though that law were abrogated againe by the Emperour, it should still be alive and binde by a stronger obligation in the Canon, which (g) *Alb. Gentilis* proves to be against the common opinion.) yet by consent, thus much is afforded him, that places cited by him, have as much authority in him, as they had in the Author from whom he tooke them. And therefore when we come to handle the Reasons of particular Authors, we will pretermitt none whom *Gratian* hath cited, for that is their proper place.

### SECT. III.

1 What any  
Councils  
have done in  
this point.

a 23. q. 5.  
placuit.

b Concil. Anti-  
fidor. sub Greg.  
v. An. 590.

And in this Distinction where we handle the opinion of the Canon Law in the point (not because *Gratian* cites it, but because the Canons of all Councils are now usurped as Canon Law) we will consider (a) a Canon of the *Braccarense* Councell cited by him.

But first, (although he have it not) wee will not conceale the (b) *Antisidorense* Council, (which was before the other, under *Gregor. I. Anno 590.*) For as the Civill Lawes by limitation of persons and causes, gave some restraint and correction to this naturall desire of dying when we would, which they did out of a duty to sinew and strengthen, as much as they were able



able, the Doctrine of our blessed Saviour, who having determined all bloody sacrifices; enlightens us to another Doctrine, that to endure the miseries & afflictions of this life, was wholesome, and advantageous to us; the Councils also perceiving that this first ingrafted and inborne desire, needed all restraints, contributed their help.

This (c) Canon then hath these words, [*If any kill themselves, Istorum oblata non recipiantur.*] For it seemes, that Preaching and Catechizing had wraстled, and fought with their naturall appetite, and tamed them to a perplexity whether it might be done or no; and so thinking to make sure worke, in an indiscreet devotion, they gave oblations to the Church, to expiate the fault, if any were. These oblations the Council forbids to bee accepted, not decreeing any thing of the point, as of matter of faith, but providing against an inconvenient practice.

Neither was it much obligatory, or considerable, what it had decreed, being onely (d) a Dioceſan Council, of one Bishoppe, and his Abbats, and whose Canons *Binnius* presents, because (though some of them be out of use, of which this may be one) yet they are (saies he) some discoverers of Antiquity.

The other Council which (e) *Gratian* cites and besides which two I finde none) hath these words, [*For those that kill themselves, there shall be no commemoration at the oblation, nor shall they be brought to buriall with Psalmes.*] which intimates,

as

c Canon. 17.  
3 The Council of *Antisid.* onely refused their oblations

3 This was but a Dioceſan Council.  
d *Notæ Binnij in Conc. Antisid.* To. 2. fi. 955.

e 23. q. 5. placuit.

4 The *Braccar* Council inflicts two punishments.



f 24. q. 2. *Sane quid.*

5 The first, not praying for them, is of them who did it when they were excommunicate.

g Decret. l. 5. tit. 13. de tor-  
neamentis.

6 The second, which is deni-  
all of buriall,  
is not alwayes  
inflicted for  
offences; as  
appears in an  
interdict lo-  
call.

h 13. q. 2. *anim.*

i Li. 3. tit. 7. de  
sepulchris. *Eos qui.*

as the language of the Canon Law is, *Canisam sepulturam.*

But the (f) glosse upon this doth evict from another Canon, that if the person were not under excommunication, it is not so; [*For we may communicate with him dead, with whom we may communicate living.*] Which shoves that his act of dying so, put him not into worse state in this respect. This answers the first punishment inflicted by that Canon. And for the second which is deniall of Cristian buriall, it is very rigorous to conclude a hainousnesse of the fact, from that, since the (g) true Canon Law denyes that to men flaine at Tilt, though it afford them, if they be not presently dead, all the Sacraments applyable in that extremitie, as Penance, Eucharist, and Uction.

So that, though since it denies buriall to men whom they esteeme in state and way of salvation, the Glosse here collects reasonably, [*That this punishment reaches not to the dead, but onely to deterre the living;*] referring to this purpose an (h) Epistle of Gregory, saying, [*So much as a sumptuous funerall profits a wicked man, so much a base, or none at all hurts a godly.*]

Lastly, that (i) Clementine which reckons up many causes for which Christian buriall is denyed, amongst which one is a locall interdict, at what time the holiest man which dyes in that place cannot bee buried, which sometimes extends to whole Kingdomes, instructs us suffici-  
ently



ently, that one may be subject to that punishment, (if it be any in that Law) and yet not guilty of such a crime as this is reputed to be.

And (k) the *Romans* in their Religious Discipline, refused solemne buriall, to any which perished by lightnings, (l) though they buried offenders in the towne, as they did Vestals and Emperours; because as their Dedication to God had delivered the Nunnes, and Sovereignty the Emperours from bondage of Law; so did Justice, to which they had made full satisfaction deliver offenders punished. And since both Saint *Hierome*, and the *Bracarense* Councell, inflict the same punishments upon those *Catechumeni*, who although they had all other preparations, and degrees of maturity in the Christian Faith, yet departed out of this world without Baptisme, as they doe upon *Selfe murderers*, and so made them equall in punishment, and consequently in guiltinesse; I thinke it will ill become the Doctrines of our times, and the *Analogy* thereof, to pronounce so desperately of either of their damnations. *Sert. Senen. lib. 6. Annot. 7. p. 311.*

And here wee end our second Distinction of this second Part, which was allotted for the examination of the Canon Law.

M

Distin-

k *Sylo. ad leg.*  
Reg. c. 11.

l *P. Manut. de*  
*leg. Rom.*

7 *Romans* buried such offenders as had satisfied the Law within the towne, as Vestals, and Emperours.



## Distinction III.

## SECT. I.

<sup>1</sup> Of the laws  
of particular  
Nations.

<sup>2</sup> Of our law  
of *Felo de se*.  
*Br act. f. 150.*

<sup>3</sup>

<sup>b</sup> *Flomd. Com.*  
*Hales his case.*

<sup>3</sup> That this is  
murder in our  
law; And the  
reasons which  
entitle the  
King.

OF Arguments of this Nature, which are conclusions deduced out of reason and discourse, next to these generall Lawes of the Empire, and of the Church, ( which though it might seeme for the generality thereof, to have deserved the first place, we handled in the second roome, because the power thereof hath beene ever litigious and questionable,) I may justly ranke the Lawes of particular states.

By our Law therefore, as it hath not beene long in practise, ( for (a) *Bracton* seemes not to know such a Law, when allowing an intire chapter to that title, he onely repeats the words in that Emperiall Law, which I cited before, and so admits, ( if he admit that Law, that exception, *Sine justa causa* ) he which kills himselfe is reputed *felo de se*; and whether he be chargeable with any offence or no, he forfeits his goods: which devolving to the Kings Almoner, should on the Kings behalfe be employed in pious and charitable uses.

And (b) it is not onely Homicide, but Murder, And yet the reasons alledged there, are but these, That the King hath lost a Subject, that his Peace is broken, and that it is of evill example.

Since



Since therefore, to my understanding, it hath no foundation in Naturall nor Emperiall Law, nor receives much strength from those reasons, but having by custome onely put on the nature of law, as most of our law hath, I beleve it was first induced amongst us, because we exceeded in that naturall desire of dying so. For it is not a better understanding of nature, which hath reduced us from it; But the wisdom of Law-makers and observers of things fit for the institution and conservation of states.

For in ancient Common-wealths, the numbers of slaves were infinite, as ever both (c) in Rome and Athens, there were 10 slaves for one Citizen; and (d) Pliny sayes that in Augustus time, Isidorus had above 4000. And (e) Vedio Pollio so many, that he alwayes fed his fish in ponds with their blood; and since servitude hath worne out, yet the number of wretched men exceeds the happy ( for every labourer is miserable and beastlike in respect of the idle abounding men; ) It was therefore thought necessary by lawes, and by opinion of Religion, ( as (f) Scævola is alleaged to have said, *Expetit in Religione Civitates falli*, ) to take from these weary and macerated wretches, their ordinary and open escape, and ease, voluntary death.

And therefore it seemes to be so prohibited, as a (g) Lawyer sayes, hunting and usury is, [ *Ne inescarentur homines* ] and as (h) Mahomet to withdraw his Nation from wine, brought them

4 Our naturall desire to such dying, probably induced this law.

5 As in States abounding with slaves, the Law-makers quenched this desire.

c Bodin Rep. l. 1. c. 2. & l. 6. c. 1.  
d l. 33. c. 10.  
e Schast. Med. de Venat. Pisc. et aucup. q. 41.

f Aug. de Civi. Dei l. 4. c. 27.

6 Least it should draw too fast, as Hunting and Usury are; and as wine by Mahom.

g Pruckinan. de Venat. Pisc. & Aucup. c. 4.  
h Pompon. de Incantat. c. 10.



7 And as severall lawes against stealing

i B. Dorotheus doct. 11.

k Binnius to. 3. par. 2. f. 1476. An. 1237.

8 When a man is bound to steale.

9 Scorus opinion of day thieves.

14. Dist. 15.

4. 3. m Exod. 22. 3.

to a religious believe, that in every grate there was a Devill.

As therefore amongst us a naturall disease of stealing, (for as all other, so this vice may as well abound in a Nation as in a particular man, and (i) *Dorotheus* relates at large, the sicknesse of one of his fryars, who could not abstaine from stealing, though he had no use of that which he stole) hath drawn from a (k) Councell holden at London under Hen. 3. a Canon which excommunicates the Harbourers of Theeves (*quibus abundat Regio Anglie*, and mentions no other fault but this, and from the Custome, and Princes, and Parliaments severe Lawes against theft, then are justifiable by Nature, or the Jewes Judiciall Law, (for our Law hangs a man for stealing in extreame necessity, when not onely all things, to him, returne to their first community, but he is bound in conscience to steale, and were, in some opinions, (though others say he might neglect this priviledge) a *Selfe-murderer* if he stole not.

And (l) *Scorus* disputing against the Lawes of those Nations, which admit the death of a heife robbing by day, because (m) whoever kills such a theife, is expressly by Gods Law, a murderer, ask where have you read an exception of such a theife from the Law, *Non occides*, or where have you seene a Bull fallen from Heaven to justifie such executions? So it may be, a naturall declination in our people to such a manner of death,



death, which weakned the state, might occasion severer Lawes, then the common ground of all Lawes seemes well to beare.

And therefore, as when the Emperour had made a Law, to cut off a common abuse of misdevout men, that no man might give any thing to the Clergy, no not by Testament, Saint *Hierome* said, I lament and grieve, but not that such a Law is made, but that our manners have deserved such a Law, so doe I in contemplation of these Lawes mourne, that the infirmity and sicknesse of our Nation should neede such Medicines.

The like must be said of the like Law in the Earldome of *Flaunders*; If it be true, (n) That they allow confiscation of goods, in onely five cases, whereof this is one; and so it is rankt with Treason, Heresie, Sedition, and forsaking the Army against the Turk, which be strong and urgent circumstances to reduce men from this desire.

## SECT. II.

For wheresoever you finde many and severe Lawes against an offence it is not safe from thence to conclude an extreame enormity or hainousnesse in the fault, but a propensnesse of that people, at that time, to that fault. Thereupon (a) *Ignatius* and many others, even intire Councells, were forced to pronounce, that who-

n *Tholos. Syn.*  
l. 36. c. 22. nu.  
13. ex Buteler.  
in *summa ru-*  
*ralli.*  
10 Of such a  
law in *Flann-*  
*ders.*

1 Severe lawes  
are arguments  
of the peoples  
inclination,  
not of the hai-  
nousnesse of  
the fault, *see*  
a *Epist. ad*  
*Philip.*



2 Sunday fast  
extremely con-  
demned there-  
upon.

3 So Duells in  
*France*.

4 So Bull-bai-  
tings in *Spain*.

*Navar. Manu.*  
li. 15. nu. 18.

5 Gentle laws  
diminish not  
the nature of  
rape, nor  
witchcraft.

b Cap. 67.

c H. de his qui  
not. infam. l. 2.

s. 1. nu. 2.

6 Publique  
benefit is the  
rule of exten-  
ding or re-  
straining all  
lawes by *Bar-  
tol.*

7 If other  
Nations con-  
cur in like  
lawes, it shews  
their inclina-  
tion to be ge-  
nerall.

soever fasted upon Sundayes were Murderers of  
Christ.

So in *France* the Lawes abound against Duells,  
to which they are headlongly apt.

So are the resolutions of the Spanish Ca-  
suits, and the Bulls of the Popes, iterated and  
aggravated in that Nation, against there Bull-  
bayting, to which they are so enormously addi-  
sed, which yet of it selfe is no sinne, as *Navar*  
retracting his opinion after 70 yeares holds at  
last.

These severe lawes therefore do no more ag-  
gravate a fault, then milde punishments dimi-  
nish it. And no man thinks Rape a small fault,  
though *Solon* punish it, if sh. be a Virgin, and  
freeborn, with so much money as would amount  
to our five shillings: and the (b) *Salique* law  
punishes a witch, which is convict to have eaten  
a man, pecuniarily, and at no high price. And  
therefore (c) *Bartolus* allowes that in cases of  
publique profit or detriment, the Judges may  
extend an odious and burdalous law beyond  
the letter, and restraine a favourable and bene-  
ficiall law, within it, though this be against the  
Nature and common practise of both these  
lawes.

If therefore our, and the Flemish law be se-  
vere in punishing it, and that this argument have  
the more strength, because more Nations con-  
curre in such lawes, it may well from hence be  
retorted, that every where men are inclinable

to



to it: which establisheth much our opinion, considering that none of those lawes, which prescribe Civill restraints from doing it, can make it sinne; and the act is not much discredited, if it be but therefore evill, because it is so forbidden, and binds the conscience no farther, but under the generall precept of obedience to the law, or to the forfeiture.

## SECT. III.

It seemes also by the practise of the *Jewes*, (for (a) *Iosephus* speaks of it, as of a thing in use) that they did not bury such as killed themselves, till the Sunne set. But though I know not upon what Law of theirs they grounded this, and I finde not by writers of either of their Policies since their dispersion, (for though they have no Magistracie, but bee under the Lawes of those places into which they are admitted, in all cases except where they be exempted by priviledg, yet they doe also testifie a particular detestation of some sins by outward penances among themselves, (b) as in theft, they binde, and whip, and enioyne to publike confession, and in Adultery the offender sits a day in Winter in freezing water, and in Sommer upon an Anthill, or amongst hives of Bees naked, though, I say, I finde not by *Galatine*, *Sigonius*, *Buxdorfius*, nor *Molther*, that this was or is in use amongst them, yet because *Iosephus*, though but Oratorily sayes it,

we

r The custome  
of the *Iewes*,  
and the law of  
the *Athenians*  
evict nothing.  
a *De bello Jud.*  
l. 3. c. 13.

b *Buxdor. Syn.*  
*Iudais* c. 34.



we will accept it; and beleieve that it was upon the reason common almost to all Nations to deterre men from doing it, and not to punish it being done. And of like use, that is, *in terrorem*, was also that Law of the *Athenians*, who cut off that hand after death which perpetrated that fact; which Law *Iosephus* remembers in the same place.

## SECT. IIII.

That reason which is grounded upon the Edict of *Tarquinius Priscus*, (a) who when this desire of Death raigned amongst his men like a contagion, cured it by an opprobrious hanging up their bodies, and exposing them to birds and beasts. And (b) upon that way of reducing the Virgins of *Milesum*, who when they had a wantonneffe of dying so, and did it for fashion, were by Decree dishonourably exhibited as a spectacle to the people naked, prevailes no farther then the argument before, and proves onely a watchfull solicitude in every State, by all meanes to avert men from this naturall love of ease, by which their strength in numbers would have been very much empaired. And thus wee determine this Distinction.

SECT.

<sup>1</sup> The reason drawne from remedies against it, proves no more.

a *Pliny. li. 36.*

cap. 13.

b *A. Gellius li. 15. c. 10.*



## Distinct. I V.

**W**Ee will now descend to those reasons which particular men have used for the detestation of this action. And first we will pay our debt to *Gratian*, in considering the places cited by him, and after, the other reasons of Divine Authors, if they bee not grounded upon places of Scriptures, which we repose for the last part, shall have there ventilation in this Distinction.

## SECT. I.

The (a) first place then, is in an Epistle of Saint *Augustine* to *Donatus* the Heretique; who having beene apprehended by the Catholikes, fell from his Horse, and would have drown'd himselfe: and after complaines of violence used towards him, in matter of Religion, wherein he claimes the freedome of Election, and conscience. Saint *Augustine* answers, wee have power to endeavour to save thy soule against thy will, as it was lawfull to us, to save thy body so. If thou wert constrained to doe evill, yet thou oughtest not to kill thy selfe. Consider whether in the Scriptures, thou finde any of the faithfull that did so, when they suffered much

N

from

1. Of reasons used by particular men, being Divines.

1. OF S. *Augustine* and his Argument.  
a 23. q. 5. *Duplicet.*



2. Of St. *Aug.*  
comparatively  
with other Fa-  
thers.

3. Comparison  
of *Navar* and  
*Sotus*.

4. Jesuits of-  
ten beholden  
to *Calvin* for  
expositions.

from them, who would have forced them to do things to their soules destruction.

To speake a little of Saint *Augustine* in generall, because from him are derived almost all the reasons of others, he writing purposely thereof, from the 17 to the 27 Chapter of his first book *De Civitate Dei*, I say, as the Confessaries of these times, comparing *Navar* and *Sotus*, two of the greatest *Casuits*, yeeld sometimes that *Navar*, is the founder and learner, but *Sotus* more usefull and applyable to practise Divinitie; So, though Saint *Augustine* for sharpe insight, and conclusive judgement, in exposition of places of Scripture, which he alwaies makes so liquid, and perview, that he hath scarce been equalled therein, by any of all the Writers in the Church of God, except *Calvin* may have that honour, whom (where it concerns not points in Controversie,) I see the *Jesuits* themselves often follow, though they dare not name him, have a high degree and reverence due to him, yet in practise learning, and morall Divinity, he was of so nice, and refin'd, and rigorous a conscience, (perchance to redeeme his former licentiousnesse, as it fals out often in such Convertits, to be extremely zealous) that for our direction in actions of this life, Saint *Hierome*, and some others, may bee thought sometimes fitter to adhere unto, then St. *Augustine*, Yet I say not this, as though wee needed this medicament for this place.

For



For I agree with Saint *Augustine* here, That neither to avoid occasion of sinne, nor for any other cause, wherein my selfe am meerely or principally interested, I may doe this act; which also serves justly for answer to the same zealous Father in the other place, (b) cited by *Gratian*; for with him I confesse, [*That he which kills himselfe, is so much the more guilty herein, as hee was guiltlesse of that fact for which hee killed himselfe.*]

Though, by the way, this may not passe so generally, but that it must admit the exception, which the (c) Rule of Law upon which it is grounded, carries with it, [*Nemo sine culpa puniendus, nisi sub sit causa.*] And so, as Saint *Augustine*, we, with as much earnestnesse, say, [*Hoc asserimus, hoc dicimus, hoc omnibus modis approbamus. That neither to avoid temporall trouble, nor to remove from others occasion of sinne, nor to punish our owne past sinnes, nor to prevent future, nor in a desire of the next life, (where these considerations are only, or principally) it can be lawfull for any man to kill himselfe.*] But neither Saint *Augustine* nor we deny but that if there be cases, wherein the party is dis-interested, and only or primarily the glory of God is respected and advanced, it may be lawfull.

So that, as *Valens* the Emperour, having surprised *Jamblicus*, when his divining cock had described three letters of his name who should succede, slew all whose names were *Theodorus*,

N 2

*Theodotes*,

5. In this place we differ not from St. *Aug.*

6. Nor in the second.  
b 22. q. 5. si non.

7. That then may be *Causa puniendi sine culpa.*  
c Reg. sur. 6.

8. As *Valens* missed *Theodorus*; So did *Augustine* pre-termit the right cause.



*Theodotes*, or *Theodulus*, but escaped *Theodosius* who fulfilled the Prophecy, So Saint *Augustine* hath condemned those causes which we defend not, but hath omitted those wherein it is justifiable.

9 Of *Cordubensis* rule, how we must do in perplexities;

d *Ant. Cordub. de simonia* q.

27. *Editione.*

*Hispani.*

10 How temporall reward may be taken for spirituall office.

*Hesychius vitæ philosophorum.*

11 Of *Pindarus* death praying for he knew not what.

In which case being hard to be discern'd and distinguished from others arising from humane infirmity, if that rule which (d) *Antonius de Corduba*, gives in cases of simony, be as he sayes it is, a good guide in all perplexities, it will ease very much.

He sayes, because in the case of simony, many difficulties grow, because not onely by cleare and common judgements, temporall reward may be taken for spirituall offices, by way of gift, stipend, wages, almes, sustenation, or fulfilling the law or custome of that place, but also by some Doctors, even by way of price, and bargain, if not directly for the spirituall part thereof, yet for the labour necessarily annexed to it, because every Curate cannot distinguish in these cures, he bids him [ever doe it, with an intention to doe it so, as God knowes it may be done, and as wise men know and would teach that it might be done: For thus saith he, humbly remitting our selves to the learned, which are our fathers instruction, what ever defect be in us, yet *Saluamur in fide parentum.*] And in this sort (e) *Pindarus* making an implicate prayer to God, that he would give him that which he knew to be best for him, died in that very petition.

Except



Except therefore (f) Saint *Augustine* have that moderation in his resolution; That a better life never receives a man after a death whereof himselfe was guilty, we will be as bould with him, as (g) one who is more obliged to him then we, who repeating *Augustines* opinion, That the Devill could possesse no body, except he entred into him by sinne, rejects the opinions, and saies, The holy Father speaks not, of what must of necessity be, but what for the most part uses to bee.

SECT. II.

And in our case we ought (as I thinke rather to follow (a) Saint *Hieromes* temper, who in his exposition upon *Jonas*, (which I wonder why *Gratian* cited being so farre from his end and advantage) sayes, [ *In persecution I may not kill my selfe, absque eo, ubi callitas periclitatur* ] where I am so farre from agreeing with (b) *Gratian*, that [ *Absque eo, is inclusively spoken, and amounts to this phrase, no not though* ] as I thinke that good learned father, included in that word *Castitas*, all purity of Religion and manners; for to a man so rectified death comes ever, and every way seasonably and welcome. For [ (c) *qualem mors invenit hominem, ita homo invenit mortem.* ]

N 3 SECT.

f *Vbi supra.*  
2 In our place we depart from St. *Aug.* upon the same reason as the Jesuit *Thyrens* doth.  
g *Thyrs. Jesuit. de Dæmoniis c. 31. nu. 428.*

1 The place out of S. *Hierome* cited by *Gratian.*  
a 23. g. 5.  
Non est,

b *Gloss. in locum supra.*

c *Idiora Contemplatio de morte.*