

Ratramnus of Corbie on Lothar II and Theutberga's Divorce

Draft translation by Charles West, Feb 2021

This text is edited as in the MGH series as Text D of the Council of Metz in 862, because it survives in the manuscript [Vatican Pal. Lat. 576](#) next to a version of that council's acts. However, it seems more likely to have been a response to that council.

The text in its current form does not name its author. The MGH edition suggests it was 'some bishops'. However, Karl Ubl has argued that the author was probably the monk Ratramnus of Corbie. This suggestion has been strengthened by the attribution of another, shorter text about incest to Ratramnus.¹ It is not clear who commissioned the treatise, either. But one possibility is Archbishop Gunthar of Cologne, since the manuscript in which the treatise survives is connected to him.

In the first part of the treatise, Ratramnus deals with the question of whether a husband can remarry if he puts away his wife for fornication. After working systematically through the relevant Gospel passages, and the commentaries on them by the church fathers (Augustine, Ambrose, Jerome, Bede), his conclusion is no. In the second part he considers the question of whether Theutberga's incest could be an impediment to marriage. Here he has less to go on, and he seems to use the issue of adultery as a comparison. But his argument is again no – whatever she had done before marriage is not relevant to her life after marriage.

In this treatise, Ratramnus firmly closes the door on Lothar's divorce from a theological/legal point of view. As Ubl suggested, the treatise 'brings clearly to sight the shaky foundations on which the argument of Hincmar and the Lotharingian bishops rested.'²

Edition: https://www.dmgh.de/mgh_conc_4/index.htm#page/78/mode/1up

This is very much a draft translation made in some haste, and suggestions for improvement are welcome. Biblical quotations are from Douay Rheims, with adjustments.

TRANSLATION

We have taken care to respond briefly and appropriately to the question (*quaestio*), which your Reverence asked us about, to tell you what could be seen in the works of the fathers.³

This is the heart of the question: if a man is permitted to put away his wife and marry another while the first is still alive.⁴

In the Gospel according to Matthew, it says

And it hath been said, whosoever shall put away [dimiserit] his wife, let him give her a bill of divorce [libellum repudii]. But I say to you, that whosoever shall put away his wife, excepting for the cause of fornication, maketh her to commit adultery: and he that shall marry her that is put away, committeth adultery [Matthew 5:31-32].

¹ Hoffman and Pokorny, 'Ratramnus von Corbie, De propinquorum coniugiis: ein zweites Blatt des fragmentarischen Briefgutachtens', *Deutsches Archiv* 67 (2011) p. 1-18.

² Ubl, *Inzestverbot und Gesetzgebung*, 2008.

³ The name of the commissioner is not given.

⁴ Ie, the core problem facing Lothar II.

Here the Lord attests that a wife can be put away (*dimitti*), but only for the cause of fornication. He says there is no other reason why she can be put away. And after she is put away, except if it was for fornication, she cannot marry someone else, and nor can she be married by anyone else. For adultery would be recognised in both of them.

Whether the man who has put his wife away for the reason of fornication is not able to marry another woman is not explicitly (*aperte*) indicated in this passage. But it is more clearly expressed in another passage in this Gospel, when the Lord was questioned by the Pharisees,

Is it lawful for a man to put away his wife for every cause? Who answering, said to them: Have ye not read, that he who made man from the beginning, made them male and female? And he said: For this cause shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh. Therefore now they are not two, but one flesh. What therefore God hath joined together, let no man put asunder' [Matthew 19:3-6]

At the same time, it seems to be required that a wife should not be put away, since putting her away makes a division in the one flesh. When He says '*Therefore now they are not two, but one flesh*', He shows that whoever puts her away dissolves that one flesh, that is one body.

And He says more clearly below, *And I say to you, that whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and he that shall marry her that is put away, committeth adultery* [Matthew 19:9]. <p. 79> What He put in his previous speech more obscurely, here He shows more clearly. For there He says *whosoever shall put away his wife, excepting for the cause of fornication, maketh her to commit adultery*, noting the case of the woman if she marries and of the man who marries her, and not being explicit about the case of the man who put her away. But here He says *whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery*, indicating that if he puts her away, it is not permitted for him to marry if he does not wish to be an adulterer. But He makes a point, which raises a question, by saying *except for the reason of fornication*.

But let us see what the other evangelists say. In Mark, it is read *Whosoever shall put away his wife and marry another, committeth adultery against her. And if the wife shall put away her husband, and be married to another, she committeth adultery* [Mark 10:11-12]. There is no mention of a reason, but it is simply instructed that a man, if he should 'put away his wife and marry another', is stained with adultery. And this matter is also similarly taken for the woman, that if she puts her husband away for any reason and marries another, she will be marked with adultery. We see that in this Gospel what was placed in Matthew and led to the question is excluded. That is, that the reason of fornication was mentioned, for if a woman was put away for fornication, he who put her away could marry another woman. But in the words of this testimony, we recognise that if a woman is put away for adultery or any other reason, it is not at all permitted to the man to marry another woman, and that if he does so, he will not be immune from the blame of adultery.

Luke: *Every one that putteth away his wife, and marrieth another, committeth adultery: and he that marrieth her that is put away from her husband, committeth adultery* [Luke 10:18]. Gradually it is developed, and what was less clear in one part becomes more clear in another. Matthew mentioned the reason of fornication, for which a wife was put away. Mark says that she should be put away for no reason, and if she is put away she should not be joined to anyone else. Luke in truth says that a woman can be put away, we may understand for the reason of religion or fornication, but that no other woman can be married. By all these we are

taught that a wife cannot be put away by her husband unless for the reason of fornication or religion, and that if she is put away, then neither can the husband who put her away marry another woman, nor can she who was put away marry someone else, until either one, that is either he who put away or she who was put away, is widowed (*superstes fuerit*).

The Apostle Paul: *But to them that are married, not I but the Lord commandeth, that the wife depart not from her husband. And if she depart, that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife.* [1 Corinthians 7:10-11]. He clearly decides the case of the wife of the man putting her away [??], that *she remain unmarried, or be reconciled to her husband*. But whether the husband if he puts away his wife is constrained by the same law raises a question, because of what is read in the commentary of St Ambrose, which since you have it with you, we do not need to quote here.⁵ But we say that Paul did not in any way dissent from the Gospel, nor teach anything other than what Christ taught. And what the Gospels understand, the testimonies provided above clearly show. From this, what is less determined here by the apostle about the condition of the husband who puts away his wife is given to be understood from earlier comments of this Apostle, and from the testimony of the Gospels. For when he says *And if she depart, that she remain unmarried, or be reconciled to her husband*, he shows that she either should not depart or that if she does depart, she should remain unmarried, or finally, at the end, be reconciled to her husband. When he adds *And let not the husband put away his wife*, adding nothing more, it is implied from the earlier comments that either he should not send his wife away or if he does, he should not marry another woman, or finally, should be reconciled to his wife. <p. 80> This decision is confirmed as following from the words of the Apostle and consonant with the Gospels.

Let us move on to the words of the Doctors on this present passage. The venerable Augustine says on the sermon of the Lord according to Matthew,⁶

‘For He who gave the commandment that a bill of divorce (*libellum repudii*) should be given, did not give the commandment that a wife should be put away; but whosoever shall put away, says He, let him give her a bill of divorce, in order that the thought of such a writing might moderate the rash anger of him who was getting rid of his wife. And, therefore, He who sought to interpose a delay in putting away, indicated as far as He could to hard-hearted men that He did not wish separation [*discidium*]. And accordingly the Lord Himself in another passage, when a question was asked Him as to this matter, gave this reply: Moses did so because of the hardness of your hearts. Our Lord, therefore, in order to confirm that principle, that a wife should not lightly be put away, made the single exception of fornication; but enjoins that all other annoyances, if any such should happen to spring up, be borne with fortitude for the sake of conjugal fidelity and for the sake of chastity; and he also calls an adulterer that man who marries her that has been divorced by her husband. And the Apostle Paul shows the limit of this state of affairs, for he says it is to be observed as long as her husband lives; but on the husband's death he gives permission to marry.’

This author says that a dissolution of a woman from a man is not to be done easily, and it is possible only for the reason of fornication, and once the dissolution has been made they

⁵ This commentary (in fact by Ps. Ambrose) was quoted in the Council of Metz 862 acts. It argued that men could be treated differently from women in the case of adultery.

⁶ Augustine, *De sermone domini in Monte I*, 14. I have drawn on the online translation at <https://www.newadvent.org/fathers/16011.htm>

should either be reconciled to one another, or neither should be joined in the law of marriage to another person.

In the commentary of Jerome on Matthew,⁷

'And it hath been said, whosoever shall put away his wife, let him give her a bill of divorce. But I say to you, that whosoever shall put away his wife, etc. In the later part the Saviour explains this passage more clearly: that Moses ordered a bill of divorce to be given because of the hardness of husbands' hearts, not conceding a divorce (*discidium*) but removing murder. For it is much better to permit a sad separation than for blood to be spilled through hatred.'

This author leans on the authority of the Lord to prefer choosing a separation than for a murder to happen. But he does not say whether the person who is dismissed can marry again while the other person is still alive.

In the same commentary:

'It is fornication alone which conquers a wife's affection, indeed divides one flesh into another, and she separates herself with fornication from her husband. And a husband does not have to keep her, to avoid coming under the curse as Scripture says, 'Who keeps an adulteress is a fool'. Wherever there is fornication and the suspicion of fornication, a wife can be freely put away. And since it can happen that someone can calumny an innocent person, and for a second marriage can bring up an old crime, thus he orders the first wife to be put away, so that he may not have a second while she is alive.'

The blessed Jerome does not prohibit putting away a wife caught in adultery and, what is more, even marked by the stain of suspicion of adultery, if the husband's wrath cannot be restrained in any other way. But he excludes the motive of marrying another wife in the zeal of casting aside one's own chastity, and says that he who was not willing to keep the first wife cannot marry a second one.

In the commentary of the venerable Bede on Matthew,⁸

There is only one carnal reason, fornication, and one spiritual fear of God, so that the wife is put away, as many are read to have done for the sake of religion. But there is no justification written in the law of God that says another woman can be married while the one who was put away is still alive.

And he does not deny that a woman can be put away whether for the reason of fornication or for religion. But following the authority of his elders, he does not agree that another woman can be married while the first is still alive.

<p.81> Saint Ambrose in his exposition on the Gospel of Luke,⁹

'We must first speak, I think, of the law of marriage, in order then to deal with the prohibition of divorce. For some think that all marriage is of God, especially since it is written: *What God has united, let man not separate* (Matt, XIX, 6). If, then, all marriage is of God, all marriage must not be dissolved; and how did the Apostle say, *If the unbelieving go away, let him go away* (I Cor. VII, 15)? In this he admirably both did not wish that there should remain among the Christians a cause of divorce, and he

⁷ Jerome, Commentary on Matthew, I, 5.

⁸ Bede, *Commentary on Matthew*, III, 10.

⁹ Ambrose, *Expositio Evangelicae secundam Lucam*, VIII, 2. I have drawn on the online translation <https://sites.google.com/site/aquinasstudybible/home/luke-commentary/ambrose-on-luke-16>

showed that all marriage is not of God: for the Christians do not unite with the Gentiles by the authority of God, since the law forbids it.’

From the words of this doctor it is given to be understood that not every marriage is from God, and in what cases this should be understood: that is if a Christian marries a non-believer or a Christian woman marries a Jew, this kind of marriage should be dissolved, since it is not from God. But if a Christian man marries a Christian woman, and those things which should legally be done in marriage are completed, then such a marriage cannot be denied to be from God.

Ambrose continues

‘Beware therefore of putting away your wife: it would be to deny that God is the author of your union. Indeed, if you must tolerate and amend the morals of others, especially those of your wife. Listen to what the Lord has said: *To put away his wife is to make her adulterous* (Matt. V 32). So indeed that it is not permissible for her to change home during her husband's lifetime, the pleasure of sin can slip into her home. Thus the one who caused his misguidance is guilty and at fault.;

Here he declares that a wife should not be put away at all. For if after she is put away she marries or secretly corrupts herself, the blame will redound upon the author of the separation.

And he continues:

‘You therefore put away your wife as of right, without grievance, and you believe it to be permissible because human law does not forbid it; but that of God forbids it. You obey men: fear God. Listen to the law of the Lord, to which those who enact the laws defy themselves: *What God has united, let not man separate.*’

In this place he touches on what customarily happens amongst secular men in putting away their wives. This is wholly prohibited by divine law but human laws concede it. But blessed Ambrose says that divine laws ought more to be followed than human ones. And heavenly law is to be preferred to human law, the heavenly law to which those who establish earthly law are themselves subject.

And Ambrose continues:

‘Will you allow, I ask you, that during your lifetime your children depend on a father-in-law, or, while their mother is still living, live under a stepmother? Suppose the separated woman does not marry: should she displease you when you were her husband, when she kept faith to you as an adulterer? Suppose she gets married: that necessity is your fault, as is the marriage you think is adultery. What does it matter whether you commit adultery by openly displaying your fault or by pretending to be a husband, except that it is more serious to commit the crime on principle than by stealth.’

Here he links together many issues, which dissuade against separation which is wicked and unjust. Wicked, if you have children with the woman who is put away, and she marries and her children grow up with a step-father, which often happens when the children are driven out with their mother; or if only the mother is driven away and the children remain, and the father marries again and the children lead an ignoble (*inliberalis*) life under a stepmother. All these things establish an impiety. And it is unjust to be put away as a chaste woman by an incontinent man. For if the man marries another woman, he is no less wicked, since he acts against the law of God, and therefore in this way he is wicked. <p. 82> Ambrose therefore teaches that a woman should in no way be put away, that if she is put away another woman should not be married, nor can there be said to be a free marriage or one without sin

whenever there is a marriage against the laws of Christ, even if protection seems to be obtained from the law of the world.

Augustine on his books *On Adulterous Marriages* discusses this more than adequately. If someone reads these books carefully, his spirit will not be able to entertain any hesitation about this question. From these books, we have taken care to annotate a few things in brief in this chapter, so that whoever either cannot or is unwilling to read the whole work in its fullness will be able to understand from a few parts what this Catholic author wishes to be held in this matter by Catholics. In the first book, after many things, he says:¹⁰

‘Why is this? What if in his account Matthew did not relate the whole of what was said on the matter but related a part of it in such a way that the whole is implicit in that part, whereas Mark and Luke, to make this evident, preferred to state it fully, so that the whole doctrine would be clear. We have no doubt to begin with that what we read in Matthew is true, *‘If anyone puts away his wife except for the reason of fornication and marries someone else, he commits adultery.* But we wanted to find out whether it is only the one who puts away his wife when it is not for fornication commits adultery, or whether everyone who marries someone else after putting away his wife commits adultery, including the one who puts his wife away for committing fornication. Do we not have our answer in Mark? *Anyone who puts away his wife and marries someone else commits adultery.* Are we not also told in Luke? *Why are you uncertain whether someone who puts his wife away for the reason of fornication and remarries is guilty of adultery? Everyone who puts away his wife and marries someone else commits adultery* [Luke 16:18]. So, because we may not say that when the evangelists use different words to speak about the same matter, they disagree in their understanding of the same doctrine, the only alternative is to understand that Matthew intended the part to stand for the whole. The view he held however was the same. Hence there cannot be the slightest doubt that it is not true that one man who puts away his wife and remarries is an adultery, namely that man who puts her away not for fornication, while another, the man who puts her away because of fornication, is not an adulterer. But everyone who puts his wife away and marries again is guilty of adultery.

How can those next words in Luke be true? *Anyone who marries a woman who has been put away by her husband commits adultery.* How is he guilty of adultery, if not because the woman he has married is still someone else’s wife, as long as the man who put her away is still living. It clearly would not be adultery if the woman he is sleeping with now were his own wife. But it is adultery; therefore the woman he is sleeping with is someone else’s wife. So if she is someone else’s wife, namely the wife of the man who put her away, then she has not yet ceased to be the wife of the man who put her away, even if she was put away for the reason of fornication. On the other hand, if she has ceased to be his wife, then she is now the wife of this man she then married; and if she is his wife, then he cannot be considered an adulterer, but her husband. But since Scripture does not call him her husband, but an adulterer, she is still the wife of the man who put her away, even if it was because of fornication. It follows also that anyone he himself takes as a wife after putting her away is also an adulteress, because she is sleeping with someone else’s husband. If it is agreed then

¹⁰ Augustine, *De coniugiis adulterinis*, I, 12. I have drawn on the translation in *Saint Augustine: Marriage and Virginity*, tr. Kearney.

that he makes that woman he marries an adulteress, how can it be that he too is not an adulterer?’

The venerable Augustine shows with many reasons that anyone who puts his wife away, whether for the reason of fornication or without it, and marries another woman commits adultery. And that she who marries another man while her husband is still alive, whether she was put away for or without the reason of fornication, commits adultery. <p. 83> Nor are such weddings considered to be legitimate marriages by the laws of the church (*ecclesie leges*) since they are agreed to be dissolved by adultery.

And again in his second book:

‘I am speaking of course to Christian men, who listen with faith to the words ‘the man is the head of the woman [Eph 5:23], and so acknowledge that they are the leaders and women their companions. It follows that in the way he lives a man must be careful not to go down any path where he is frightened his wife might follow by imitating him. The people we are speaking about however are not happy to have the same rule of chastity apply to husband and wife, but prefer to be subject to the laws of the world rather than those of Christ, because in the matter of chastity the laws of the courts do not seem to place the same restrictions on men as they do on women. Let them read however what the emperor Antoninus, certainly no Christian, decreed about this. A husband is not allowed to bring a charge of adultery against his wife, unless he himself in his conduct has given her the example of chastity, and if the hearing established that both alike have been unchaste, both will be convicted. Those are the words of that emperor, as we read them in the Gregorian Codex:

My rescript will not prejudice the case in any way. If it was your fault that the marriage was dissolved and in accordance with the Julian law your wife Euphasia married, she will not be condemned for adultery because of this through my decree, unless there is proof that she committed it. They will have it before their minds to investigate this, to see whether, while you yourself lived chastely, you also led her to cultivate good habits. It seems iniquitous to me that a man should demand from his wife chastity that he himself does not practice. This can be a reason for condemning the man too, and not deciding the case between them, on the ground that the two offences cancel each other, or extinguishing the grounds for the action.

If these are the rules that have to be observed for the honour of the earthly city, how much more must the heavenly homeland and the community of angels require its citizens to be chaste? This being so, is the unchastity of men therefore less serious, rather than worse and more serious, in the light of the superior qualities they flaunt with such licentious arrogance?’

This chapter is interposed so that we can see that the penalty for the crime of adultery is the same for the man as the woman, although it is usually easier to punish the woman, not for an inequality of the matter but in the absence of an accuser. The two chapters above agree with the sentences of the fathers provided earlier, that is that whether the man or the wife has been put away, they should either be reconciled with each other, or not marry anyone else.

<p. 84>

Up to this point we have tried to show that he [i.e. Lothar II] who this is about should either remain celibate or should be reconciled to his wife [i.e. Theutberga], if he wishes to obey divine letters and the authority of the fathers. It is countered that this union was not a

legitimate marriage, because she did not marry her husband as a virgin but as a corrupted woman, and this by her brother. Whatever she was before she married, if she kept her faithfulness to her husband after she married by preserving her chastity, the previous corruption does not prejudice the subsequent chastity. Even if she had been a courtesan or a prostitute, or had been exposed to many corruptors, if she has kept the marital bond uncontaminated, then the later cleanliness washes away the stains of her former life. For the Apostle says *And such some of you were; but you are washed, but you are sanctified, but you are justified* [1 Cor 6:11].

And Augustine writing to Pollens says¹¹

‘You think it is difficult for a husband or wife to be reconciled with the other partner after adultery, but it will not be difficult, if there is faith. In fact why do we still call them adulterers, when we believe they have been either cleansed by baptism or healed by penance’.

We see therefore that the corruption of the previous life is cleansed by conjugal sanctity (*sanctimonia*), and what has been removed through baptism or penance, that is the profession of continence, which testimony is confirmed by the conjugal promises (*pacta*), should not be called up as a sin again. Nor should someone who casts aside the filth of pollution and carefully preserves the cleanliness of chastity in the conjugal union be considered as unclean, so that we do not seem to go against the apostolic doctrine and the faith of the church.

In the Council of Agde:¹²

‘We reserve no mercy for incestuous unions, unless they heal the adultery with separation. Incests (*incestos*) are not to be considered with the name of marriage, and even to label them as such is deadly.’

You will recognise this passage was placed in the chapter present in the letters you brought to mind. Those who put it there wanted to prove that the marriage this is about should be called rather an incest (*incestus*) than a marriage. But let us see how it continues:

‘These we consider to be incests: if anyone pollutes himself in carnal union with the widow of his wife, who was previously like a sister to him. If anyone takes his brother’s sister as a wife. If anyone marries his stepmother. If anyone associates himself to his cousin. If anyone mixes himself with the widow or with the daughter of his paternal uncle, or pollutes himself through sex with or takes as a wife the daughter of his maternal or his stepdaughter’, or anyone from his own kindred, or anyone who a kinsman has married.

We therefore do not doubt that if someone marries a kinswoman or a woman his kinsman has married, it is incest and should not be called a marriage, and such weddings should be spurned. <[p. 85](#)>

But the people this is about are not joined together by any closeness of blood. And even if she is said to have been polluted by her brother [i.e. Hubert], she was not taken as his wife. And whether the crime was secret (*latet*) or cleansed, since it has not been proven with certain witnesses or acceptable accusers or manifest conviction, or whether it was committed in the fragile adolescence of boyhood, the satisfaction purged [her] through marital confederation with appropriate amends. Thus examples in the decrees of the elders teach us how lenient we

¹¹ Note that Ratramnus cuts the quotation short before Augustine states that in the Old Testament there was no question of taking back a wife after adultery.

¹² Agde 506, ch. 61 – in fact from the council of Epaon. The text is quoted in a Pseudo-Isidorian recension.

should be to the slips of youth, since they say that a youth who has slipped with his sister should be cured through the remedy of penance, not at all separated from his spouse. This matter is clearly proven through the words of the saints.

And the marriage of the above chapter which we mentioned is not covered here, since they are distant from any closeness of blood. Even if some carnal pollution occurred through the slipperiness of youth, it should be removed by the remedy of penance, and not punished in the separation of the spouse. Nor is the husband polluted through the slip of his wife, if he was involved in neither the act nor the consent. If it is accepted that to some extent she fell into pollution, how does it affect the husband, if he lived chastely with her? Nor should it be feared that a husband linked to such a woman is cursed, because of what Solomon said *He who keeps an adulteress wife is a fool* [Proverbs 18:22]. Since after she married him, she kept her chastity, her ancient misdeeds (*delicta*) should not be counted if a better conversion has purged them. Just like a faithful person is now no longer unfaithful, and a humble person is no longer proud, and like a holy person is no longer unclean, so a chaste person is no longer impure, and so too a marriage clean with the holiness of continence is not bound to the sins of adultery. Even if perhaps it happened that either of the sexes polluted themselves through some illicit things before they married. And even if she perhaps contracted some corruption before she married, the legitimate marriage cannot be called an adultery, if she kept the faith of chastity to her husband.

If things are so, then how can she be put away for the reason of fornication by her husband, since she has remained chaste with him, whatever either of them did of corruption previously. And it is not licit to dissolve the marriage unless the stain of fornication intervenes. Nor should this marriage be treated as incest, since even if perhaps she was incestuous before, now she is not what she was, since she entered the bond of a legitimate marriage bed, and by living chastely with her legitimate spouse, she condemned what she might have done through her adolescence.

For if we wish to consider every illicit sex as incest,¹³ then there is no doubt, but when the canons talk about incestuous people they talk about spouses, not about those who everywhere have illicit sex, who it is clear should be called luxurors or adulterers. Adulterers, if they are placed in a marriage and either of them does not keep the faith owed to the other, by having illicit sex with another man or woman. But those who are not yet married, or who are separated from their spouse by death, if they sleep with some other man or woman, they are marked by the crime not of adultery but of luxury. And therefore when the canons speak of these people, they do not call them incestuous, as if every illicit sex was incest, but as polluted with the lust of corruption.

As a result, the man this is about will not be called incestuous if he keeps her who is said to have been polluted by her brother, nor is it as if he is keeping an adulteress, since she was not an adulteress since she did not have a husband, even if she was polluted by not preserving her chastity. And rejecting her sin, she kept the chastity of her marriage and preserved her faith to her husband, thus she can be called neither an adulteress nor an incestuous person. Whatever she did before she married reflects on her, not on her husband, and if she purged herself of it,

¹³ Cf here Jonas of Orleans, II. ch 8.

and remained chaste after she married, she is no longer what she was. As the blessed Augustine says in his book *On the Good of Marriage*,¹⁴

‘Thus a woman, if, having broken her marriage faith, she keep faith with her adulterer, is certainly evil: but, if not even with her adulterer, worse. Further, if she repents of her sin, and returning to marriage chastity, renounces all adulterous compacts and resolutions, I count it strange if even the adulterer himself will think her one who breaks faith.’

There is no doubt that a woman is polluted in a union with an adulterer. But if she returns to her own marriage bed and repudiates the adulterer and lives chastely, then according to the authority of St Augustine she should not longer be called an adulterer, and nor will he who is joined to her be judged as a fool, nor does he fall under the curse as keeping an adulteress, since she is no longer an adulteress, she has rejected the crime of adultery and has chosen henceforth to live with her husband. Otherwise if whatever was committed before a marriage was kept as a crime after the marriage, not a small licence would be given to dissolving the marriage of man and wife.

And leaving aside women, there is rarely or never a man who comes to his wife as a virgin. And if it was allowed for the stains of prior life to bring a husband into dispute, he will be judged as if an adulterer, whether he had a concubine or perhaps committed fornication before he married. But there is no law that this says this, nor any author that tries to assert this. Rather it seems unjust and supported by no authority that he should undergo judgement for something which he has now repented for and has condemned.

So it seems just to maintain the marriage this is about, nor can the husband be judged as if he is keeping an incestuous person or an adulteress, since she was neither incestuous after they married, nor can she be called an adulteress since even if she had sex with someone else, she did this before and not after she married. Such sex is *luxuria*, it is not adultery.

We have written these words of the fathers as we were asked. Whether they were rightly said, you will judge.

¹⁴ Augustine, *De bono conjugali* IV, 4. I have drawn on the online translation <https://www.newadvent.org/fathers/1309.htm>