

THE WOMAN IN THE ROMAN SOCIETY

Ideals – Law – Practice

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Meeting 8 Does Christianity bring about an ideological change?
Limitation of divorces in the imperial law: why?

A. Women's Place

1. Paul, 1 Letter to Corinthians, ch. 7

Now concerning the things whereof ye wrote unto me: *It is* good for a man not to touch a woman. Nevertheless, *to avoid* fornication, let every man have his own wife, and let every woman have her own husband. Let the husband render unto the wife due benevolence: and likewise also the wife unto the husband. The wife hath not power of her own body, but the husband: and likewise also the husband hath not power of his own body, but the wife. Defraud ye not one the other, except *it be* with consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not for your incontinency. But I speak this by permission, *and* not of commandment. For I would that all men were even as I myself. But every man hath his proper gift of God, one after this manner, and another after that.

I say therefore to the unmarried and widows, It is good for them if they abide even as I. But if they cannot contain, let them marry: for it is better to marry than to burn. And unto the married I command, *yet* not I, but the Lord, Let not the wife depart from *her* husband: But and if she depart, let her remain unmarried, or be reconciled to *her* husband: and let not the husband put away *his* wife. But to the rest speak I, not the Lord: If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away. And the woman which hath an husband that believeth not, and if he be pleased to dwell with her, let her not leave him. For the unbelieving husband is sanctified by the wife, and the unbelieving wife is sanctified by the husband: else were your children unclean; but now are they holy. But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such *cases*: but God hath called us to peace. For what knowest thou, O wife, whether thou shalt save *thy* husband? or how knowest thou, O man, whether thou shalt save *thy* wife? But as God hath distributed to every man, as the Lord hath called every one, so let him walk. And so ordain I in all churches. Is any man called being circumcised? let him not become uncircumcised. Is any called in uncircumcision? let him not be circumcised. Circumcision is nothing, and uncircumcision is nothing, but the keeping of the commandments of God. Let every man abide in the same calling wherein he was called. Art thou called *being* a servant? care not for it: but if thou mayest be made free, use *it* rather. For he that is called in the Lord, *being* a servant, is the Lord's freeman: likewise also he that is called, *being* free, is Christ's servant. Ye are bought with a price; be not ye the servants of men. Brethren, let every man, wherein he is called, therein abide with God.

Now concerning virgins I have no commandment of the Lord: yet I give my judgment, as one that hath obtained mercy of the Lord to be faithful. I suppose therefore that this is good for the present distress, *I say*, that *it is* good for a man so to be. Art thou bound unto a wife? seek not to be loosed. Art thou loosed from a wife? seek not a wife. But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned. Nevertheless such shall have trouble in the flesh: but I spare you. But this I say, brethren, the time *is* short: it remaineth, that both they that have wives be as though they had none; And they that weep, as though they wept not; and they that rejoice, as though they rejoiced not; and they that buy, as though they possessed not; And they that use this world, as not abusing *it*: for the fashion of this world passeth away. But I would have you without carefulness. He that is unmarried careth for the things that belong to the Lord, how he may please the Lord: But he that is

married careth for the things that are of the world, how he may please *his* wife. There is difference *also* between a wife and a virgin. The unmarried woman careth for the things of the Lord, that she may be holy both in body and in spirit: but she that is married careth for the things of the world, how she may please *her* husband. And this I speak for your own profit; not that I may cast a snare upon you, but for that which is comely, and that ye may attend upon the Lord without distraction. But if any man think that he behaveth himself uncomely toward his virgin, if she pass the flower of *her* age, and need so require, let him do what he will, he sinneth not: let them marry. Nevertheless he that standeth stedfast in his heart, having no necessity, but hath power over his own will, and hath so decreed in his heart that he will keep his virgin, doeth well. So then he that giveth *her* in marriage doeth well; but he that giveth *her* not in marriage doeth better. The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord. But she is happier if she so abide, after my judgment: and I think also that I have the Spirit of God.

2. Paul, 1 Letter to Corinthians, 11.2

Now I praise you, brethren, that ye remember me in all things, and keep the ordinances, as I delivered *them* to you. But I would have you know, that the head of every man is Christ; and the head of the woman *is* the man; and the head of Christ *is* God. Every man praying or prophesying, having *his* head covered, dishonoureth his head. But every woman that prayeth or prophesieth with *her* head uncovered dishonoureth her head: for that is even all one as if she were shaven. For if the woman be not covered, let her also be shorn: but if it be a shame for a woman to be shorn or shaven, let her be covered. For a man indeed ought not to cover *his* head, forasmuch as he is the image and glory of God: but the woman is the glory of the man. For the man is not of the woman; but the woman of the man. Neither was the man created for the woman; but the woman for the man. For this cause ought the woman to have power on *her* head because of the angels. Nevertheless neither is the man without the woman, neither the woman without the man, in the Lord. For as the woman *is* of the man, even so *is* the man also by the woman; but all things of god. Judge in yourselves: is it comely that a woman pray unto God uncovered? Doth not even nature itself teach you, that, if a man have long hair, it is a shame unto him? But if a woman have long hair, it is a glory to her: for *her* hair is given her for a covering. But if any man seem to be contentious, we have no such custom, neither the churches of God.

3. Paul, 1 Letter to Timothy, 2.8

I will therefore that men pray every where, lifting up holy hands, without wrath and doubting. In like manner also, that women adorn themselves in modest apparel, with shamefacedness and sobriety; not with broided hair, or gold, or pearls, or costly array; But (which becometh women professing godliness) with good works. Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence. For Adam was first formed, then Eve. And Adam was not deceived, but the woman being deceived was in the transgression. Notwithstanding she shall be saved in childbearing, if they continue in faith and charity and holiness with sobriety.

4. Gospel of Mary Magdalene

(From The Nag Hammadi Library in English, J M Robinson, Harper Collins)

In this gnostic gospel, Mary Magdalene appears as a disciple, singled out by Jesus for special teachings. In this excerpt, the other disciples are discouraged and grieving Jesus' death. Mary stands up and attempts to comfort them, reminding them that Jesus' presence remains with them. Peter asks her to tell them the words of Jesus which she remembers. To his surprise, she does not reminisce about past conversations with Jesus, but claims that Jesus spoke to her that very day in a vision.

But they were grieved. They wept greatly, saying, "How shall we go to the gentiles and preach the gospel of the kingdom of the Son of Man? If they did not spare him, how will

they spare us?" Then Mary stood up, greeted them all, and said to her brethren, "Do not weep and do not grieve nor be irresolute, for His grace will be entirely with you and will protect you. But rather let us praise His greatness, for He has prepared us and made us into men." When Mary said this, she turned their hearts to the Good, and they began to discuss the words of the [Saviour].

Peter said to Mary, "Sister, we know that the Saviour loved you more than the rest of women. Tell us the words of the Saviour which you remember - which you know (but) we do not, nor have we heard them." Mary answered and said, "What is hidden from you I will proclaim to you." And she began to speak to them these words: "I," she said, "I saw the Lord in a vision and I said to him, 'Lord, I saw you today in a vision.' He answered and said to me, 'Blessed are you that you did not waver at the sight of me. For where the mind is, there is the treasure.' I said to him, 'Lord, how does he who sees the vision see it through the soul or through the spirit?' The Saviour answered and said, 'He does not see through the soul nor through the spirit, but the mind which [is] between the two - that is [what] sees the vision...'

(the mid-section of the original text is missing)

"[S] it. And desire that, 'I did not see you descending, but now I see you ascending. Why do you lie, since you belong to me?' The soul answered and said, 'I saw you. You did not see me nor recognise me. I served you as a garment, and you did not know me.' When it had said this, it went away rejoicing greatly.

"Again it came to the third power, which is called ignorance. It (the power) questioned the soul saying, 'Where are you going? In wickedness are you bound. But you are bound; do not judge!' And the soul said, 'Why do you judge me although I have not judged? I was bound though I have not bound. I was not recognised. But I have recognised that the All is being dissolved, both the earthly (things) and the heavenly'.

When the soul had overcome the third power, it went upwards and saw the fourth power, (which) took seven forms. The first form is darkness, the second desire, the third ignorance, the fourth is the excitement of death, the fifth is the kingdom of the flesh, the sixth is the foolish wisdom of flesh, the seventh is the wrathful wisdom. These are the seven [powers] of wrath. They ask the soul, "Whence do you come, slayer of men, or where are you going, conqueror of space?" The soul answered and said, "What binds me has been slain, and what surrounds me has been overcome, and my desire has been ended and ignorance has died. In a [world] I was released from a world, [and] in a type from a heavenly type, and (from) the fetter of oblivion which is transient. From this time on will I attain to the rest of the time, of the season, of the aeon, in silence."

When Mary had said this, she fell silent, since it was to this point that the Saviour had spoken with her. But Andrew answered and said to the brethren, "Say what you (wish to) say about what she has said. I at least do not believe that the Saviour said this. For certainly these teachings are strange ideas." Peter answered and spoke concerning these same things. He questioned them about the Saviour: "Did He really speak with a woman without our knowledge (and) not openly? Are we to turn about and all listen to her? Did He prefer her to us?"

Then Mary wept and said to Peter, "My brother Peter, what do you think? Do you think that I thought this up myself in my heart, or that I am lying about the Saviour? Levi answered and said to Peter, "Peter, you have always been hot - tempered. Now I see you contending against the woman like the adversaries. But if the Saviour made her worthy, who are you indeed to reject her? Surely the Saviour knows her very well. That is why He loved

her more than us. Rather let us be ashamed and put on the perfect man and acquire him for ourselves as He commanded us, and preach the gospel, not laying down any other rule or other law beyond what the Saviour said.” ... and they began to go forth [to] proclaim and to preach.

5. Tertullian: on the veiling the virgins:

Chapter XII. ---Womanhood Self-Evident, and Not to Be Concealed by Just Leaving the Head Bare.

[1] Recognise the *woman*, ay, recognise the *wedded woman*, by the testimonies both of body and of spirit, which she experiences both in conscience and in flesh. These are the earlier tablets of *natural* espousals and nuptials. Impose a veil externally upon her who has (already) a covering internally. Let her whose lower parts are not bare have her upper likewise covered. [2] Would you know what is the authority which age carries? Set before yourself each (of these two); one prematurely⁴² compressed in *woman's* garb, and one who, though advanced in maturity, persists in *virginity* with its appropriate garb: the former will more easily be denied to be a woman than the latter believed a *virgin*. Such is, then, the honesty of age, that there is no overpowering it even by garb. [3] What of the fact that these (*virgins*) of ours confess their change of age even by their garb; and, as soon as they have understood themselves to be *women*, withdraw themselves from *virgins*, laying aside (beginning with their head itself) their former selves: dye⁴³ their hair; and fasten their hair with more wanton pin; professing manifest *womanhood* with their hair parted from the front. [4] The next thing is, they consult the looking-glass to aid their beauty, and thin down their over-exacting face with washing, perhaps withal vamp it up with cosmetics, toss their mantle about them with an air, fit tightly the multiform shoe, carry down more ample appliances to the baths. [5] Why should I pursue particulars? But their manifest appliances alone⁴⁴ exhibit their perfect *womanhood*: yet they wish to play the *virgin* by the sole fact of leaving their head bare---denying by one single feature what they profess by their entire deportment.

6. Tertullian On the Apparel of Women. I

[Translated by the Rev. S. Thelwall.]

Chapter I. ---Introduction. Modesty in Apparel Becoming to Women, in Memory of the Introduction of Sin into the World Through a Woman.

[1] If there dwelt upon earth a faith as great as is the reward of faith which is expected in the heavens, no one of you at all, best beloved sisters, from the time that she had first “known the Lord,”¹ and learned (the truth) concerning her own (that is, woman's) condition, would have desired too gladsome (not to say too ostentatious) a style of dress; so as not rather to go about in humble garb, and rather to affect meanness of appearance, walking about as Eve mourning and repentant, in order that by every garb of penitence² she might the more fully expiate that which she derives from Eve,---the ignominy, I mean, of the first sin, and the odium (attaching to her as the cause) of human perdition. “In pains and in anxieties dost thou bear (children), woman; and toward thine husband (is) thy inclination, and he lords It over thee.”³ And do you not know that you are (each) an Eve? [2] The sentence of God on this sex of yours lives in this age:⁴ the guilt must of necessity live too. *You* are the devil's gateway: *you* are the unsealer⁵ of that (forbidden) tree: *you* are the first deserter of the divine law: *you* are she who persuaded⁶ him whom the devil was not valiant enough to attack. *You* destroyed so easily God's image, man. On account of *your* desert---that is, death---even the Son of God had to die. And do you think about adorning yourself over and above your tunics of skins?⁷ [3] Come, now; if from the beginning of the world⁸ the Milesians sheared sheep, and the Serians⁹ spun trees, and the Tyrians dyed, and the Phrygians embroidered with the needle, and the Babylonians with the loom, and pearls gleamed, and onyx-stones flashed; if gold itself also had already issued, with the cupidity (which accompanies it), from the

ground; if the mirror, too, already had licence to lie so largely, Eve, expelled from paradise, (Eve) already dead, would also have coveted *these* things, I imagine! No more, then, ought she *now* to crave, or be acquainted with (if she desires to live again), what, when she *was* living, she had neither had nor known. Accordingly these things are all the baggage of woman in her condemned and dead state, instituted as if to swell the pomp of her funeral.

Book II, Chapter VI. ---Of Dyeing the Hair.

[1] I see some (women) turn (the colour of) their hair with saffron. They are ashamed even of their own nation, (ashamed) that their procreation did not assign them to Germany and to Gaul: thus, as it is, they transfer their *hair*⁵² (*thither*)! *Ill, ay, most ill*, do they augur for themselves with their flame-coloured head,⁵³ and think that graceful which (in fact) they are polluting! [2] Nay, moreover, the force of the cosmetics burns ruin into the hair; and the constant application of even any undrugged moisture, lays up a store of harm for the head; while the sun's warmth, too, so desirable for imparting to the hair at once growth and dryness, is hurtful. What "grace" is compatible with "injury? "What "beauty" with "impurities? "Shall a Christian woman heap saffron on her head, as upon an altar?⁵⁴ For, whatever is wont to be burned to the honour of the unclean spirit, that---unless it is applied for honest, and necessary, and salutary uses, for which God's creature was provided---may seem to be a sacrifice. But, however, God saith, [3] "Which of you can make a white hair black, or out of a black a white? "⁵⁵ And so they refute the Lord! "Behold!" say they, "instead of white or black, we make it *yellow*,---more winning in grace."⁵⁶ And yet such as repent of having lived to old age do *attempt* to change it even from white to black! O temerity! The age which is the object of our wishes and prayers blushes (for itself)! a theft is effected! youth, wherein we have sinned,⁵⁷ is sighed after! the opportunity of sobriety is spoiled! Far from Wisdom's daughters be folly so great! The more old age tries to conceal itself, the more will it be detected. [4] Here is a veritable eternity, in the (perennial) youth of your head! Here we have an "incorruptibility" to "put on,"⁵⁸ with a view to the new house of the Lord⁵⁹ which the divine monarchy promises! Well do you speed toward the Lord; well do you hasten to be quit of this most iniquitous world,⁶⁰ to whom it is unsightly to approach (your own) end!

Chapter VII. ---Of Elaborate Dressing of the Hair in Other Ways, and Its Bearing Upon Salvation.

[1] What service, again, does all the labour spent in *arranging* the hair render to salvation? Why is no rest allowed to your hair, which must now be bound, now loosed, now cultivated, now thinned out? Some are anxious to force their hair into curls, some to let it hang loose and flying; not with good simplicity: beside which, you affix I know not what enormities of subtle and textile perukes; now, after the manner of a helmet of undressed hide, as it were a sheath for the head and a covering for the crown; now, a mass (drawn) backward toward the neck. [2] The wonder is, that there is no (open) contending against the Lord's precepts! It has been pronounced that no one can add to his own stature.⁶¹ *You*, however, *do* add to your *weight* some kind of rolls, or shield-bosses, to be piled upon your necks! If you feel no shame at the enormity, feel some at the pollution; for fear you may be fitting on a holy and Christian head the slough⁶² of some one else's⁶³ head, unclean perchance, guilty perchance and destined to hell.⁶⁴ Nay, rather banish quite away from your "free"⁶⁵ head all this slavery of ornamentation. In vain do you labour to seem adorned: in vain do you call in the aid of all the most skilful manufacturers of false hair. God bids you "be veiled."⁶⁶ I believe (He does so) for fear the heads of some should be seen! [3] And oh that in "that day"⁶⁷ of Christian exultation, I, most miserable (as I am), may elevate my head, even though below (the level of) your heels! I shall (then) see whether you will rise with (your) ceruse and rouge and saffron, and in all that parade of headgear:⁶⁸ whether it will be women thus tricked out whom the angels carry up to meet Christ in the air⁶⁹ If these (decorations) are *now* good, and of God, they will *then* also present themselves to the rising bodies, and will recognise their several places. But nothing can rise except flesh and spirit sole and pure.⁷⁰ Whatever, therefore, does not rise in (the form of)⁷¹ spirit and flesh is condemned, because it is not of God. From things which are condemned abstain, even at the present day. At the present day let God see you such as He will see you *then*.

6. St Augustine, From "On Marriage and Concupiscence"(tr. Peter Holmes, Robert Ernest Wallace and Benjamin B. Warfield. *Select Library of Nicene and Post-Nicene Fathers*, Ser. I, Vol. V (New York, 1893).)

BOOK I, CHAP. 10 --WHY IT WAS SOMETIMES PERMITTED THAT A MAN SHOULD HAVE SEVERAL WIVES, YET NO WOMAN WAS EVER ALLOWED TO HAVE MORE THAN ONE HUSBAND. NATURE PREFERS SINGLENES IN HER DOMINATIONS.

Now, if to the God of our fathers, who is likewise our God, such a plurality of wives had not been displeasing for the purpose that lust might have a fuller range of indulgence; then, on such a supposition, the holy women also ought each to have rendered service to several husbands. But if any woman had so acted, what feeling but that of a disgraceful concupiscence could impel her to have more husbands, seeing that by such licence she could not have more children? That the good purpose of marriage, however, is better promoted by one husband with one wife, than by a husband with several wives, is shown plainly enough by the very first union of a married pair, which was made by the Divine Being Himself, with the intention of marriages taking their beginning therefrom, and of its affording to them a more honourable precedent. In the advance, however, of the human race, it came to pass that to certain good men were united a plurality of good wives, - many to each; and from this it would seem that moderation sought rather unity on one side for dignity, while nature permitted plurality on the other side for fecundity. For on natural principles it is more feasible for one to have dominion over many, than for many to have dominion over one. Nor can it be doubted, that it is more consonant with the order of nature that men should bear rule over women, than women over men. It is with this principle in view that the apostle says, "The head of the woman is the man;" and, "Wives, submit yourselves unto your own husbands." So also the Apostle Peter writes: "Even as Sara obeyed Abraham, calling him lord." Now, although the fact of the matter is, that while nature loves singleness in her dominations, but we may see plurality existing more readily in the subordinate portion of our race; yet for all that, it was at no time lawful for one man to have a plurality of wives, except for the purpose of a greater number of children springing from him. Wherefore, if one woman cohabits with several men inasmuch as no increase of offspring accrues to her therefrom, but only a more frequent gratification of lust, she cannot possibly be a wife, but only a harlot.

BOOK I, CHAP. 11 --THE SACRAMENT OF MARRIAGE; MARRIAGE INDISSOLUBLE; THE WORLD'S LAW ABOUT DIVORCE DIFFERENT FROM THE GOSPEL'S.

It is certainly not fecundity only, the fruit of which consists of offspring, nor chastity only, whose bond is fidelity, but also a certain sacramental bond in marriage which is recommended to believers in wedlock. Accordingly it is enjoined by the apostle: "Husbands, love your wives, even as Christ also loved the Church." Of this bond the substance undoubtedly is this, that the man and the woman who are joined together in matrimony should remain inseparable as long as they live; and that it should be unlawful for one consort to be parted from the other, except for the cause of fornication. For this is preserved in the case of Christ and the Church; so that, as a living one with a living one, there is no divorce, no separation for ever. And so complete is the observance of this bond in the city of our God, in His holy mountain - that is to say, in the Church of Christ - by all married believers, who are undoubtedly members of Christ, that, although women marry, and men take wives, for the purpose of procreating children, it is never permitted one to put away even an unfruitful wife for the sake of having another to bear children. And whosoever does this is held to be guilty of adultery by the law of the gospel; though not by this world's rule, which allows a divorce between the parties, without even the allegation of guilt, and the contraction of other nuptial engagements, - a concession which, the Lord tells us, even the holy Moses extended to the people of Israel, because of the hardness of their hearts.

The same condemnation applies to the woman, if she is married to another man. So enduring, indeed, are the rights of marriage between those who have contracted them, as long as they both live, that even they are looked on as man and wife still, who have separated from one another, rather than they between whom a new connection has been formed. For by this new connection they would not be guilty of adultery, if the previous matrimonial relation did not still continue. If the husband die, with whom a true marriage was made, a true marriage is now possible by a connection which would before have been adultery. Thus between the conjugal pair, as long as they live, the nuptial bond has a permanent obligation, and can be cancelled neither by separation nor by union with another. But this permanence avails, in such cases, only for injury from the sin, not for a bond of the covenant. In like manner the soul of an apostate, which renounces as it were its marriage union with Christ, does not, even though it has cast its faith away, lose the sacrament of its faith, which it received in the laver of regeneration. It would undoubtedly be given back to him if he were to return, although he lost it on his departure from Christ. He retains, however, the sacrament after his apostasy, to the aggravation of his punishment, not for meriting the reward.

Constantine Forbids Divorces

CTh. 3,16,1 (a. 331)

Emperor Constantine Augustus to Alabius Praetorian Praefect

It is pleasing that a woman not be permitted to send a notice of divorce to her husband because of her own depraved desires, for some carefully contrived cause, such as his being a drunkard or gambler or womanizer. However, neither should husbands be permitted to divorce their own wives for just any reason whatsoever. But in the sending of the notice of divorce by a woman these crimes only are to be looked into: if she has proven that her husband is a murderer or a preparer of poisons or a disturber of tombs, so that only then after being praised, she shall receive back her entire dowry. For if she has sent a notice of divorce to her husband for any reason other than these 3 crimes, she should leave it down to a hairpin in her husband's home, and in return in great confidence in herself should be deported to an island. Also in the case of men, if they send a notice of divorce, it is fitting that these three crimes be inquired into: if the wanted to repudiate an adulteress, or a preparer of poisons or a go-between. For if he has ejected a woman who is free of these crimes he ought to restore the entire dowry and not marry another woman. But if he does, the former wife will be given an opportunity to invade his home and to transfer to herself all the dowry of the second wife, in return for the injury brought against her.

The Church and Divorce

1. Julian the Apostate may have returned the original liberty of divorces: a Late Antique preacher, commonly known under the name of Ambrosiaster wrote in one of his sermons: (*Quaest. de utr. test.* 115.2): *ante Iuliani edictum mulieres viros suos dimittere nequibant. Accepta autem potestate coeperunt facere quod prius facere non poterant: coeperunt enim cottidie licenter viros suos dimittere. Ubi latuit fatum tantis temporibus? Timore, credo, legis occultabat se.* [Before the edict of Julian the women were not able to divorce their husbands. But once they had got this authority, they have started doing things they they had been previously not allowed to do. They have started therefore to divorce from their husbands at wish. Where did the (good) fate go these days? I think it has concealed itself because of the fear of the law.
1. Matthew: 5.32 But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery.
2. 19.9 And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

Problematic: “*ektos porneias*” and “*mê epi porneia*” (“but for the case of fornication” or “even in case of fornication”).

Augustine, On the good of marriage

7. But I marvel, if, as it is allowed to put away a wife who is an adulteress, so it be allowed, having put her away, to marry another. For holy Scripture causes a hard knot in this matter, in that the Apostle says, that, by commandment of the Lord, the wife ought not to depart from her husband, but, in case she shall have departed, to remain unmarried, or to be reconciled to her husband; whereas surely she ought not to depart and remain unmarried, save from an husband that is an adulterer, lest by withdrawing from him, who is not an adulterer, she cause him to commit adultery. But perhaps she may justly be reconciled to her husband, either he being to be borne with, if she cannot contain herself, or being now corrected. But I see not how the man can have permission to marry another, in case he have left an adulteress, when a woman has not to be married to another, in case she have left an adulterer. And, this being the case, so strong is that bond of fellowship in married persons, that, although it be tied for the sake of begetting children, not even for the sake of begetting children is it loosed. For it is in a man's power to put away a wife that is barren, and marry one of whom to have children. And yet it is not allowed; and now indeed in our times, and after the usage of Rome, neither to marry in addition, so as to have more than one wife living: and, surely, in case of an adulteress or adulterer being left, it would be possible that more men should be born, if either the woman were married to another, or the man should marry another. And yet, if this be not lawful, as the Divine Rule seems to prescribe, who is there but it must make him attentive to learn, what is the meaning of this so great strength of the marriage bond? Which I by no means think could have been of so great avail, were it not that there were taken a certain sacrament of some greater matter from out this weak mortal state of men, so that, men deserting it, and seeking to dissolve it, it should remain unshaken for their punishment. Seeing that the compact of marriage is not done away by divorce intervening; so that they continue wedded persons one to another, even after separation; and commit adultery with those, with whom they shall be joined, even after their own divorce, either the woman with a man, or the man with a woman. And yet, save in the City of our God, in His Holy Mount, the case is not such with the wife. But, that the laws of the Gentiles are otherwise, who is there that knows not; where, by the interposition of divorce, without any offense of which man takes cognizance, both the woman is married to whom she will, and the man marries whom he will. And something like this custom, on account of the hardness of the Israelites, Moses seems to have allowed, concerning a bill of divorcement. In which matter there appears rather a rebuke, than an approval, of divorce.

Jerome,

TO OCEANUS. *The eulogy of Fabiola whose restless life had come to an end in 399 A.D. Jerome tells the story of her sin and of her penitence (for which see Letter LV.), of the hospital established by her at Portus, of her visit to Bethlehem, and of her earnestness in the study of scripture. He relates how he wrote for her his account of the vestments of the high priest (Letter LXIV.) and how at the time of her death he was at her request engaged upon a commentary on the forty-two halting-places of the Israelites in the wilderness (Letter LXXIX.). This last he now sends along with this letter to Oceanus. Jerome also bestows praise upon Pammachius as the companion of all Fabiola's labours. The date of the letter is 399 A.D.*

1. Several years since I consoled the venerated Paula, whilst her affliction was still recent for the falling asleep of Blaesilla. Four summers ago I wrote for the bishop Heliodorus the epitaph of Nepotian, and expended what ability I possessed in giving expression to my grief at his loss. Only two years have elapsed since I sent a brief letter to my dear Pammachius on the sudden flitting of his Paulina. I blushed to say more to one so learned or to give him back his own thoughts: lest I should seem less the consoler of a friend than the officious

instructor of one already perfect. But now, Oceanus my son, the duty that you lay upon me is one that I gladly accept and would even seek unasked. For when new virtues have to be dealt with, an old subject itself becomes new. In previous cases I have had to soften and restrain a mother's affection, an uncle's grief, and a husband's yearning; according to the different requirements of each I have had to apply from scripture different remedies.

2. Today you give me as my theme Fabiola, the praise of the Christians, the marvel of the gentiles, the sorrow of the poor, and the consolation of the monks. Whatever point in her character I choose to treat of first, pales into insignificance compared with those which follow after. Shall I praise her fasts? Her alms are greater still. Shall I commend her lowliness? The glow of her faith is yet brighter. Shall I mention her studied plainness in dress, her voluntary choice of plebeian costume and the garb of a slave that she might put to shame silken robes? To change one's disposition is a greater achievement than to change one's dress. It is harder for us to part with arrogance than with gold and gems. For, even though we throw away these, we plume ourselves sometimes on a meanness that is really ostentatious, and we make a bid with a saleable poverty for the popular applause. But a virtue that seeks concealment and is cherished in the inner consciousness appeals to no judgement but that of God. Thus the eulogies which I have to bestow upon Fabiola will be altogether new: I must neglect the order of the rhetoricians and begin all I have to say only from the cradle of her conversion and of her penitence. Another writer, mindful of the school, would perhaps bring forward Quintus Maximus, "the man who by delaying rescued Rome," and the whole Fabian family; he would describe their struggles and battles and would exult that Fabiola had come to us through a line so noble, shewing that qualities not apparent in the branch still existed in the root. But as I am a lover of the inn at Bethlehem and of the Lord's stable in which the virgin travailed with and gave birth to an infant God, I shall deduce the lineage of Christ's handmaid not from a stock famous in history but from the lowliness of the church.

3. And because at the very outset there is a rock in the path and she is overwhelmed by a storm of censure, for having forsaken her first husband and having taken a second, I will not praise her for her conversion till I have first cleared her of this charge. So terrible then were the faults imputed to her former husband that not even a prostitute or a common slave could have put up with them. If I were to recount them, I should undo the heroism of the wife who chose to bear the blame of a separation rather than to blacken the character and expose the stains of him who was one body with her. I will only urge this one plea which is sufficient to exonerate a chaste matron and a Christian woman. The Lord has given commandment that a wife must not be put away "except it be for fornication, and that, if put away, she must remain unmarried." Now a commandment which is given to men logically applies to women also. For it cannot be that, while an adulterous wife is to be put away, an incontinent husband is to be retained. The apostle says: "he which is joined to an harlot is one body." Therefore she also who is joined to a whore-monger and unchaste person is made one body with him. The laws of Caesar are different, it is true, from the laws of Christ: Papinianus commands one thing; our own Paul another. Earthly laws give a free rein to the unchastity of men, merely condemning seduction and adultery; lust is allowed to range unrestrained among brothels and slave girls, as if the guilt were constituted by the rank of the person assailed and not by the purpose of the assailant. But with us Christians what is unlawful for women is equally unlawful for men, and as both serve the same God both are bound by the same obligations. Fabiola then has put away--they are quite right--a husband that was a sinner, guilty of this and that crime, sins--I have almost mentioned their names--with which the whole neighbourhood resounded but which the wife alone refused to disclose. If however it is made a charge against her that after repudiating her husband she did not continue unmarried, I readily admit this to have been a fault, but at the same time declare that it may have been a case of necessity. "It is better," the apostle tells us, "to marry than to burn." She was quite a young woman, she was not able to continue in widowhood. In the words of the apostle she saw another law in her members warring against the law of her mind; she felt herself dragged in chains as a captive towards the indulgences of wedlock. Therefore she thought it better openly to confess her weakness and to accept the semblance of an unhappy marriage than, with the flame of a monogamist, to ply the trade of a courtesan. The same

apostle wills that the younger widows should marry, bear children, and give no occasion to the adversary to speak reproachfully. And he at once goes on to explain his wish: "for some are already turned aside after Satan." Fabiola therefore was fully persuaded in her own mind: she thought she had acted legitimately in putting away her husband, and that when she had done so she was free to marry again. She did not know that the rigour of the gospel takes away from women all pretexts for re-marriage so long as their former husbands are alive; and not knowing this, though she contrived to evade other assaults of the devil, she at this point unwittingly exposed herself to a wound from him.

4. But why do I linger over old and forgotten matters, seeking to excuse a fault for which Fabiola has herself confessed her penitence? Who would believe that, after the death of her second husband at a time when most widows, having shaken off the yoke of servitude, grow careless and allow themselves more liberty than ever, frequenting the baths, flitting through the streets, shewing their harlot faces everywhere; that at this time Fabiola came to herself? Yet it was then that she put on sackcloth to make public confession of her error. It was then that in the presence of all Rome (in the basilica which formerly belonged to that Lateranus who perished by the sword of Caesar) she stood in the ranks of the penitents and exposed before bishop, presbyters, and people--all of whom wept when they saw her weep--her dishevelled hair, pale features, soiled hands and unwashed neck. What sins would such a penance fail to purge away? What ingrained stains would such tears be unable to wash out? By a threefold confession Peter blotted out his threefold denial. If Aaron committed sacrilege by fashioning molten gold into the head of a calf, his brother's prayers made amends for his transgressions. If holy David, meekest of men, committed the double sin of murder and adultery, he atoned for it by a fast of seven days. He lay upon the earth, he rolled in the ashes, he forgot his royal power, he sought for light in the darkness. And then, turning his eyes to that God whom he had so deeply offended, he cried with a lamentable voice: "Against thee, thee only, have I sinned, and done this evil in thy sight," and "Restore unto me the joy of thy salvation and uphold me with thy free spirit." He who by his virtues teaches me how to stand and not to fall, by his penitence teaches me how, if I fall, I may rise again. Among the kings do we read of any so wicked as Ahab, of whom the scripture says: "there was none like unto Ahab which did sell himself to work wickedness in the sight of the Lord"? For shedding Naboth's blood Elijah rebuked him, and the prophet denounced God's wrath against him: "Hast thou killed and also taken possession? ... behold I will bring evil upon thee and will take away thy posterity" and so on. Yet when Ahab heard these words "he rent his clothes, and put sackcloth upon his flesh, and fasted ... in sackcloth, and went softly." Then came the word of God to Elijah the Tishbite saying: "Seest thou how Ahab humbleth himself before me? Because he humbleth himself before me, I will not bring the evil in his days." O happy penitence which has drawn down upon itself the eyes of God, and which has by confessing its error changed the sentence of God's anger! The same conduct is in the Chronicles attributed to Manasseh, and in the book of the prophet Jonah to Nineveh, and in the gospel to the publican. The first of these not only was allowed to obtain forgiveness but also recovered his kingdom, the second broke the force of God's impending wrath, while the third, smiting his breast with his hands, "would not lift up so much as his eyes to heaven." Yet for all that the publican with his humble confession of his faults went back justified far more than the Pharisee with his arrogant boasting of his virtues. This is not however the place to preach penitence, neither am I writing against Montanus and Novatus. Else would I say of it that it is "a sacrifice ... well pleasing to God," I would cite the words of the psalmist: "the sacrifices of God are a broken spirit," and those of Ezekiel "I prefer the repentance of a sinner rather than his death," and those of Baruch, "Arise, arise, O Jerusalem, and many other proclamations made by the trumpets of the prophets.

5. But this one thing I will say, for it is at once useful to my readers and pertinent to my present theme. As Fabiola was not ashamed of the Lord on earth, so He shall not be ashamed of her in heaven. She laid bare her wound to the gaze of all, and Rome beheld with tears the disfiguring scar which marred her beauty. She uncovered her limbs, bared her head, and closed her mouth. She no longer entered the church of God but, like Miriam the sister of Moses, she sat apart without the camp, till the priest who had cast her out should himself call her back. She came down like the daughter of Babylon from the throne of her daintiness,

she took the millstones and ground meal, she passed bare-looted through rivers of tears. She sat upon the coals of fire, and these became her aid. That face by which she had once pleased her second husband she now smote with blows she hated jewels, shunned ornaments and could not bear to look upon fine linen. In fact she bewailed the sin she had committed as bitterly as if it had been adultery, and went to the expense of many remedies in her eagerness to cure her one wound.

6. Having found myself aground in the shallows of Fabiola's sin, I have dwelt thus long upon her penitence in order that I might open up a larger and quite unimpeded space for the description of her praises. Restored to communion before the eyes of the whole church, what did she do? In the day of prosperity she was not forgetful of affliction; and, having once suffered shipwreck she was unwilling again to face the risks of the sea. Instead therefore of re-embarking on her old life, she broke up and sold all that she could lay hands on of her property (it was large and suitable to her rank), and turning it into money she laid out this for the benefit of the poor. She was the first person to found a hospital, into which she might gather sufferers out of the streets, and where she might nurse the unfortunate victims of sickness and want. Need I now recount the various ailments of human beings? Need I speak of noses slit, eyes put out, feet half burnt, hands covered with sores? Or of limbs dropsical and atrophied? Or of diseased flesh alive with worms? Often did she carry on her own shoulders persons infected with jaundice or with filth. Often too did she wash away the matter discharged from wounds which others, even though men, could not bear to look at. She gave food to her patients with her own hand, and moistened the scarce breathing lips of the dying with sips of liquid. I know of many wealthy and devout persons who, unable to overcome their natural repugnance to such sights, perform this work of mercy by the agency of others, giving money instead of personal aid. I do not blame them and am far from construing their weakness of resolution into a want of faith. While however I pardon such squeamishness, I extol to the skies the enthusiastic zeal of a mind that is above it. A great faith makes little of such trifles. But I know how terrible was the retribution which fell upon the proud mind of the rich man clothed in purple for not having helped Lazarus. The poor wretch whom we despise, whom we cannot so much as look at, and the very sight of whom turns our stomachs, is human like ourselves, is made of the same clay as we are, is formed out of the same elements. All that he suffers we too may suffer. Let us then regard his wounds as though they were our own, and then all our insensibility to another's suffering will give way before our pity for ourselves.

Not with a hundred tongues or throat of bronze Could I exhaust the forms of fell disease which Fabiola so wonderfully alleviated in the suffering poor that many of the healthy fell to envying the sick. However she showed the same liberality towards the clergy and monks and virgins. Was there a monastery which was not supported by Fabiola's wealth? Was there a naked or bedridden person who was not clothed with garments supplied by her? Were there ever any in want to whom she failed to give a quick and unhesitating supply? Even Rome was not wide enough for her pity. Either in her own person or else through the agency of reverend and trustworthy men she went from island to island and carried her bounty not only round the Etruscan Sea, but throughout the district of the Volscians, as it stands along those secluded and winding shores where communities of monks are to be found.

7. Suddenly she made up her mind, against the advice of all her friends, to take ship and to come to Jerusalem. Here she was welcomed by a large concourse of people and for a short time took advantage of my hospitality. Indeed, when I call to mind our meeting, I seem to see her here now instead of in the past. Blessed Jesus, what zeal, what earnestness she bestowed upon the sacred volumes! In her eagerness to satisfy what was a veritable craving she would run through Prophets, Gospels, and Psalms: she would suggest questions and treasure up the answers in the desk of her own bosom. And yet this eagerness to hear did not bring with it any feeling of satiety: increasing her knowledge she also increased her sorrow, and by casting oil upon the flame she did but supply fuel for a still more burning zeal. One day we had before us the book of Numbers written by Moses, and she modestly questioned me as to the meaning of the great mass of names there to be found. Why was it, she inquired, that single tribes were differently associated in this passage and in that, how came it that the soothsayer Balaam in prophesying of the future mysteries of Christ spoke more

plainly of Him than almost any other prophet? I replied as best I could and tried to satisfy her enquiries. Then unrolling the book still farther she came to the passage in which is given the list of all the halting-places by which the people after leaving Egypt made its way to the waters of Jordan. And when she asked me the meaning and reason of each of these, I spoke doubtfully about some, dealt with others in a tone of assurance, and in several instances simply confessed my ignorance. Hereupon she began to press me harder still, expostulating with me as though it were a thing unallowable that I should be ignorant of what I did not know, yet at the same time affirming her own unworthiness to understand mysteries so deep. In a word I was ashamed to refuse her request and allowed her to extort from me a promise that I would devote a special work to this subject for her use. Till the present time I have had to defer the fulfilment of my promise: as I now perceive, by the Will of God in order that it should be consecrated to her memory. As in a previous work I clothed her with the priestly vestments, so in the pages of the present she may rejoice that she has passed through the wilderness of this world and has come at last to the land of promise.

8. But let me continue the task which I have begun. Whilst I was in search of a suitable dwelling for so great a lady, whose only conception of the solitary life included a place of resort like Mary's inn; suddenly messengers flew this way and that and the whole East was terror-struck. For news came that the hordes of the Huns had poured forth all the way from Maeotis (they had their haunts between the icy Tanais and the rude Massagetae where the gates of Alexander keep back the wild peoples behind the Caucasus); and that, speeding hither and thither on their nimble-footed horses, they were filling all the world with panic and bloodshed. The Roman army was absent at the time, being detained in Italy on account of the civil wars. Of these Huns Herodotus tells us that under Darius King of the Medes they held the East in bondage for twenty years and that from the Egyptians and Ethiopians they exacted a yearly tribute. May Jesus avert from the Roman world the farther assaults of these wild beasts! Everywhere their approach was unexpected, they outstripped rumour in speed, and, when they came, they spared neither religion nor rank nor age, even for wailing infants they had no pity. Children were forced to die before it could be said that they had begun to live; and little ones not realizing their miserable fate might be seen smiling in the hands and at the weapons of their enemies. It was generally agreed that the goal of the invaders was Jerusalem and that it was their excessive desire for gold which made them hasten to this particular city. Its walls uncared for in time of peace were accordingly put in repair. Antioch was in a state of siege. Tyre, desirous of cutting itself off from the land, sought once more its ancient island. We too were compelled to marl our ships and to lie off the shore as a precaution against the arrival of our foes. No matter how hard the winds might blow, we could not but dread the barbarians more than shipwreck. It was not, however, so much for our own safety that we were anxious as for the chastity of the virgins who were with us. Just at that time also there was dissension among us, and our intestine struggles threw into the shade our battle with the barbarians. I myself clung to my long-settled abode in the East and gave way to my deep-seated love for the holy places. Fabiola, used as she was to moving from city to city and having no other property but what her baggage contained, returned to her native land; to live in poverty where she had once been rich, to lodge in the house of another, she who in old days had lodged many guests in her own, and--not unduly to prolong my account--to bestow upon the poor before the eyes of Rome the proceeds of that property which Rome knew her to have sold.

9. This only do I lament that in her the holy places lost a necklace of the loveliest. Rome recovered what it had previously parted with, and the wanton and slanderous tongues of the heathen were confuted by the testimony of their own eyes. Others may commend her pity, her humility, her faith: I will rather praise her ardour of soul. The letter in which as a young man I once urged Heliodorus to the life of a hermit she knew by heart, and whenever she looked upon the walls of Rome she complained that she was in a prison. Forgetful of her sex, unmindful of her frailty, and only desiring to be alone she was in fact there where her soul lingered. The counsels of her friends could not hold her back; so eager was she to burst from the city as from a place of bondage. Nor did she leave the distribution of her alms to others; she distributed them herself. Her wish was that, after equitably dispensing her money to the poor, she might herself find support from others for the sake of Christ. In such haste was she and so impatient of delay that you would fancy her on the eve of her departure. As she was always ready, death could not find her unprepared.

10. As I pen her praises, my dear Pammachius seems suddenly to rise before me. His wife Paulina sleeps that he may keep vigil; she has gone before her husband that he remaining behind may be Christ's servant. Although he was his wife's heir, others--I mean the poor--are now in possession of his inheritance. He and Fabiola contended for the privilege of setting up a tent like that of Abraham at Portus. The contest which arose between them was for the supremacy in shewing kindness. Each conquered and each was overcome. Both admitted themselves to be at once victors and vanquished for what each had desired to effect alone both accomplished together. They united their resources and combined their plans that harmony might forward what rivalry must have brought to nought. No sooner was the scheme broached than it was carried out. A house was purchased to serve as a shelter and a crowd flocked into it. "There was no more travail in Jacob nor distress in Israel." The seas carried voyagers to find a welcome here on landing. Travellers left Rome in haste to take advantage of the mild coast before setting sail. What Publius once did in the island of Malta for one apostle and--not to leave room for gainsaying--for a single ship's crew, Fabiola and Pammachius have done over and over again for large numbers; and not only have they supplied the wants of the destitute, but so universal has been their munificence that they have provided additional means for those who have something already. The whole world knows that a home for strangers has been established at Portus; and Britain has learned in the summer what Egypt and Parthia knew in the spring.

11. In the death of this noble lady we have seen a fulfilment of the apostle's words:--"All things work together for good to them that fear God." Having a presentiment of what would happen, she had written to several monks to come and release her from the burthen under which she laboured; for she wished to make to herself friends of the mammon of unrighteousness that they might receive her into everlasting habitations. They came to her and she made them her friends; she fell asleep in the way that she had wished, and having at last laid aside her burthen she soared more lightly up to heaven. How great a marvel Fabiola had been to Rome while she lived came out in the behaviour of the people now that she was dead. Hardly had she breathed her last breath, hardly had she given back her soul to Christ whose it was when Flying Rumour heralding the woe gathered the entire city to attend her obsequies. Psalms were chaunted and the gilded ceilings of the temples were shaken with uplifted shouts of Alleluia.

The choirs of young and old extolled her deeds And sang the praises of her holy soul.

Her triumph was more glorious far than those won by Furius over the Gauls, by Papirius over the Samnites, by Scipio over Numantia, by Pompey over Pontus. They had conquered physical force, she had mastered spiritual iniquities. I seem to hear even now the squadrons which led the van of the procession, and the sound of the feet of the multitude which thronged in thousands to attend her funeral. The streets, porches, and roofs from which a view could be obtained were inadequate to accommodate the spectators. On that day Rome saw all her peoples gathered together in one, and each person present flattered himself that he had some part in the glory of her penitence. No wonder indeed that men should thus exult in the salvation of one at whose conversion there was joy among the angels in heaven.

12. I give you this, Fabiola, the best gift of my aged powers, to be as it were a funeral offering. Oftentimes have I praised virgins and widows and married women who have kept their garments always white and who follow the Lamb whithersoever He goeth. Happy indeed is she in her encomium who throughout her life has been stained by no defilement. But let envy depart and censoriousness be silent. If the father of the house is good why should our eye be evil? The soul which fell among thieves has been carried home upon the shoulders of Christ. In our father's house are many mansions. Where sin hath abounded, grace hath much more abounded. To whom more is forgiven the same loveth more.

55.3 (to Amadus)

TO AMANDUS. *A very interesting letter. Amandus a presbyter of Burdigala (Bordeaux) had written to Jerome for an explanation of three passages of scripture, viz. Matt. 6:34, 1 Cor. 6:18, 1 Cor. 15:25, 26, and had in the same letter on behalf of a 'sister' (supposed by Thierry to have been Fabiola) put the following question: 'Can a woman who has divorced her first husband on account of his vices and who has during his lifetime under compulsion married again, communicate with the Church without first doing penance? Jerome in his reply gives the explanations asked for but answers the farther question, that concerning the 'sister,' with an emphatic negative. Written about the year 394 A. D.*

3. I find joined to your letter of inquiries a short paper containing the following words: "ask him,(that is me,) whether a woman who has left her husband on the ground that he is an adulterer and sodomite and has found herself compelled to take another man in the lifetime of him whom she first left be in communion with the church without doing penance for her fault." As I read the case put I recall the verse they make excuses for their sins. We are all the and a indulgent to our own faults; and what our own will leads us to do we attribute to a necessity of nature. It is as though a young man were to say, "I am over-borne by my body, the glow of nature kindles my passions, the structure of my frame and its reproductive organs call for sexual intercourse." Or again a murderer might say, "I was in want, I stood in need of food, I had nothing to cover me. If I shed the blood of another, it was to save myself from dying of cold and hunger." Tell the sister, therefore, who thus enquires of me concerning her condition, not my sentence but that of the apostle. "Know ye not, brethren (for I speak to them that know the law,) how that the law hath dominion over a man as long as he liveth? For the woman which hath an husband is bound by the law to her husband, so long as he liveth; but if the husband be dead, she is loosed from the law of her husband. So then, if, while her husband liveth, she be married to another man, she shall be called an adulteress." And in another place: "the wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord." The apostle has thus cut away every plea and has clearly declared that, if a woman marries again while her husband is living, she is an adulteress. You must not speak to me of the violence of a ravisher, a mother's pleading, a father's bidding, the influence of relatives, the insolence and the intrigues of servants, household losses. A husband may be an adulterer or a sodomite, he may be stained with every crime and may have been left by his wife because of his sins; yet he is still her husband and, so long as he lives, she may not marry another. The apostle does not promulgate this decree on his own authority but on that of Christ who speaks in him. For he has followed the words of Christ in the gospel: "whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced, committeth adultery." Mark what he says: "whosoever shall marry her that is divorced committeth adultery." Whether she has put away her husband or her husband her, the man who marries her is still an adulterer. Wherefore the apostles seeing how heavy the yoke of marriage was thus made said to Him: "if the case of the man be so with his wife, it is not good to marry," and the Lord replied, "he that is able to receive it, let him receive it." And immediately by the instance of the three eunuchs he shows the blessedness of virginity which is bound by no carnal tie.

4. I have not been able quite to determine what it is that she means by the words "has found herself compelled" to marry again. What is this compulsion of which she speaks? Was she overborne by a crowd and ravished against her will? If so, why has she not, thus victimized, subsequently put away her ravisher? Let her read the books of Moses and she will find that if violence is offered to a betrothed virgin in a city and she does not cry out, she is punished as an adulteress: but if she is forced in the field, she is innocent of sin and her ravisher alone is amenable to the laws. Therefore if your sister, who, as she says, has been forced into a second union, wishes to receive the body of Christ and not to be accounted an adulteress, let her do penance; so far at least as from the time she begins to repent to have no farther intercourse with that second husband who ought to be called not a husband but an adulterer. If this seems hard to her and if she cannot leave one whom she has once loved and will not prefer the Lord to sensual pleasure, let her hear the declaration of the apostle: "ye cannot drink the cup of the Lord and the cup of devils: ye cannot be partakers of the Lord's table and of the table of devils," and in another place: "what communion hath light with darkness? and what concord hath Christ with Belial?" What I am about to say may sound novel but after all it is not new but old for it is supported by the witness of the old testament. If she leaves her second husband and desires to be reconciled with her first, she cannot be so now; for it is written in Deuteronomy: "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her; then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement and giveth it in her

hand, and sendeth her out of his house; or if the latter husband die which took her to be his wife; her former husband, which sent her away may not take her again to be his wife, after that she is defiled; for that is abomination before the Lord: and thou shalt not cause the land to sin, which the Lord thy God giveth thee for an inheritance." Wherefore, I beseech you, do your best to comfort her and to urge her to seek salvation. Diseased flesh calls for the knife and the searing-iron. The wound is to blame and not the healing art, if with a cruelty that is really kindness a physician to spare does not spare, and to be merciful is cruel.

Gregory Nazianzus, On divorce

Verianus, a citizen of Nazianzus, had been offended by his son-in-law, and on this account wished his daughter to sue for a divorce. Olympius, prefect of Cappadocia Secunda, referred the matter to the Episcopal arbitration of S. Gregory, who refused to countenance the proceeding, and writes the two following letters, the first to the Prefect, the second to Verianus himself. [Note that Gregory refers to a difference of view between Christian regulations and Roman law; also, he refers to the fact that Christians were entitled to seek judgement or legal redress from a bishop, bypassing the regular judicial system.]

Letter 76, to Olympius

Haste is not always praiseworthy. For this reason I have deferred my answer until now about the daughter of the most honorable Verianus, both to allow for time setting matters right, and also because I conjecture that Your Goodness does not approve of the divorce, inasmuch as you entrusted the enquiry to me, whom you knew to be neither hasty nor uncircumspect in such matters. Therefore I have refrained myself till now, and, I venture to think, not without reason. But since we have come nearly to the end of the allotted time, and it is necessary that you should be informed of the result of the examination I will inform you. The young lady seems to me to be of two minds, divided between reverence for her parents and affection for her husband. Her words are on their side, but her mind, I rather think, is with her husband, as is shewn by her tears. You will do what commends itself to your justice, and to God who directs you in all things. I should most willingly have given my opinion to my son Verianus that he should pass over much of what is in question, with a view not to confirm the divorce, which is entirely contrary to our law, though the Roman law may determine otherwise. For it is necessary that justice be observed; which I pray you may ever both say and do.

Letter 77 to Verianus

Public executioners commit no crime, for they are the servants of the laws: nor is the sword unlawful with which we punish criminals. But nevertheless, the public executioner is not a laudable character, nor is the death-bearing sword received joyfully. Just so neither can I endure to become hated by confirming the divorce by my hand and tongue. It is far better to be the means of union and of friendship than of division and parting of life. I suppose it was with this in his mind that our admirable Governor entrusted me with the enquiry about your daughter, as one who could not proceed to divorce abruptly or unfeelingly. For he proposed me not as Judge, but as Bishop, and placed me as a mediator in your unhappy circumstances. I beg you therefore, to make some allowance for my timidity, and if the better prevail, to use me as a servant of your desire: I rejoice in receiving such commands. But if the worse and more cruel course is to be taken, seek for some one more suitable to your purpose. I have not time, for the sake of favouring your friendship (though in all respects I have the highest regard for you), to offend against God, to Whom I have to give account of every action and thought. I will believe your daughter (for the truth shall be told) when she can lay aside her awe of you, and boldly declare the truth. At present her condition is pitiable - for she assigns her words to you, and her tears to her husband.

Divorce in the Social Practice

P. Ness. III 57

✠ We, Sergius son of George, by the grace of God, priest, George son of Victor, by the grace of God, archdeacon, Sergius son of Palladius, deacon, John son of Stephan grandson of al-Zayyat Zacharias son of George, Stephan son of `Uwaidh, George son of Elias, bear witness to the following facts.

John son of Wa'li, priest, and his wife Nonna, daughter of John son of Quthaim, and with her mother Tuquim, brought us together. Between them many griefs were stirred and arguments presented concerning points at issue. We, the aforementioned men, all insisted that they remain together and argued with them at length to be reconciled with each other, but they were not deterred.

Then the said priest John said to his wife: "I am giving you the choice. If you want a judge -- whether you want someone from our village, or anyone anywhere-I will take him as judge with you."

Then the said Nonna and her mother replied saying: "We want nothing from you. We are not taking anyone (as judge) with you. We have not taken from you anything whatsoever, either from the dowry or from any other thing whatsoever, movable or self-moving. Only release me."

Then the said John replied in the presence of us the aforementioned men: "You are released. We have no claim against each other."

To these facts we, the aforementioned men, bear witness before God.

Neither I, Nonna, nor my heirs nor assigns, have any claim against you John, or your heirs or assigns, either in the matter of the dowry or in any other matter whatsoever, great or small, written or unwritten, come to mind or not come to mind.

Written in the month of Gorpaios, in the second year of the 3rd indiction, and the 584 year according to the Era of Elusa, by my own hand, Sergios son of George, and I bear witness (then the names of the seven witnesses follow starting with Sergios son of Georgios, priest by the grace of God and Georgios son of Victor, archdeacon by the grace of God).

Question marks:

1. A divorcing priest? Clerics as go-betweeners in divorce? Cf. Canons of St. Athanasius of Alexandria. § 45: *No priest shall put away his wife without reason of adultery. And if any shall put away his wife and dwell with another, above all if he hath gotten children by her, he shall be excluded.* § 46 *No priest shall be go-between in the putting assunder of a marriage. If any be found that he hath done this, he shall be excluded until the marriage be brought together.*
2. Roman law therein? Why seven witnesses (D. 24.2.9: (Paulus, 2 *de adulteris*): *Nullum divortium ratum est nisi septem civibus Romanis puberibus adhibitis praeter libertum eius qui divortium faciet.* No divorce shall be ratified unless seven adult citizens are present with the exception of the freedman of the divorcing party.

The form of the act itself. The influence of the Islamic Law?

Qur'ân, 4.35: surah an-Nisâ :37
If you fear a breach between them two,
bring forth an arbiter from his people
and from her people an arbiter,
if they desire to set things right
God will compose their differences
surely God is All-knowing, All-aware.

P. Lond. 5 1731.I-20

In the fourth year of the reign of our most divine master Fl. Tiberius Maurikios the Eternal Augustus Emperor and the Greatest Benefactor, and the second year of the consulship of our same Master, Thoth 23 of the fourth year of the present indiction, in Syene. Aurelia Tsone daughter of Menas, whose mother Tapia, nun (*monache*) originating from Syene ... to Aurelia Tapia, daughter of Tsios by Mariam her mother, acting herself without a husband as guardian, my own mother, originating from the same Syene, greeting.

Since formerly my blessed father Menas held you in the partnership of a legal marriage, and after my birth, when I was young, through the workings of the Devil and Satan you were divorced from him; and my afore-said father Menas gave you four coins of gold; and after my reaching of legal age I proceeded against you, suing for the same 4 coins, and saying that these has been given you specifically for the necessary maintenance of me from childhood; for this reason, because I was maintained by my father, after I had been thrown out by you and you joined with another man, I proceeded against you, seeking to take these (coins); you disputed this, saying that the same four coins were (returned) for <your> release and dowry; and after my claims, counter-claims and opinions it was later decided that I should receive the same four coins... (*acknowledges receipt of them*)