

Retrieving the Tradition

DIVORCE AND REMARRIAGE
IN THE EARLY CHURCH:
SOME REFLECTIONS ON
HISTORICAL METHODOLOGY

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“[T]oo great a desire to adapt himself to the needs of his time would endanger the authenticity of the historian’s work and by that very fact would deprive it of the interest it could have for his contemporaries.”



Following Bishop Zoghby’s intervention at the Second Vatican Council, numerous books and articles have been published in an attempt to call into question the Catholic Church’s discipline regarding divorce and remarriage. A number of their authors have sought support in the remaining testimonies of the early Church, and interpret the texts in this sense. Often, these authors are theologians or canonists who do not specialize in the first Christian centuries and have little familiarity with the demands of the historical method. Since they desire to influence the public, they are little disposed to enter into discussions that will only make their book longer and discourage readers: so, like oracles, they determine the meaning of each passage without dedicat-

ing themselves to the necessary research. The result is also unsatisfying for the historian, who can only deplore the influence that such attempts have on the wider public, deluding it with false hopes. If any historian decides to publish a clarification, he can hardly hope that it will come to the public's attention, first because the public will not be happy with his explanations, but above all because his clarifications will not be read; they require too much effort for the average reader and even for the authors in question, who pay them next to no mind. Projecting onto the historian their own desire to prove a thesis by history, and strengthened in this conviction by the modern "philosophers of suspicion," these authors see in the historian nothing but an apologist. They fail to understand that it is possible to want to do something other than prove a thesis, and that historical research requires an effort to forget oneself and one's own conceptions.

In fact, many of the modern authors in question appear to consider all studies whose results conform to orthodoxy to be mere apologetics. This qualification supposes that the historian has not done his duty, which was not to prove a thesis, but to draw out the real meaning of historical facts. Thus, historians would be "objective" only if their conclusions contradict orthodoxy. But if, then, they are not apologists, couldn't they be counter-apologists, which would come out to the same thing, that is, coming at the question with a preconceived thesis? Are not the desires to maintain a traditional thesis or to respond to contemporary needs two equally suspect attitudes in the eyes of the historian? It seems that there is a certain contradiction in proclaiming one's objectivity while demonstrating one's intention to adapt to the contemporary situation.¹

1. The following is a text is taken from the preface to a collection of articles about divorce. With it, the editors of the journal that published it (*Recherches de Science Religieuse* 61 [1973]: 489) intend to present a contribution on the subject of divorce in the early Church: "To turn to the past, not with the prejudiced gaze of an apologist but with the eyes of a historian, capable of giving the ancient texts a modern treatment and marking our distance from the historical context in which they were written: this is a way of opening a window onto the future, of giving ourselves the means to envisage a future as different from the present as the present is from the past. It is in this spirit that the Western Church's ancient tradition regarding the discipline of marriage will be called into question." The historian worthy of the name, who is not an apologist with a prejudiced gaze, is thus supposed to give the ancient texts a modern

Moreover, history can be done only with existing documents, which explain one another as much as possible, and not on the basis of unproven hypotheses. We can suppose that contrary testimonies have disappeared or that contrary practices left no written trace. But none of that counts for a historian, for he can only study what has been preserved, lest he fall into the realm of the imaginary and arbitrary. We can also think that the Christians of that era were not all saints in their matrimonial behavior, that some of them married again after divorcing, and even that some bishops accepted this; Origen's witness attests to this. But it is one thing to presuppose or to note this, and quite another to determine to what extent the Church, through the voice or the pen of her pastors, Fathers, or councils, whose writings or canons have come down to us, accepted, tolerated, or reproved their conduct. For the historian, these are two different questions that may not be confused.

As a first step, we will examine one by one the principles of interpretation that have been repeatedly invoked to seek authorization for a second marriage after divorce in texts that do not explicitly state this. As a second step, we will point out several modes of proceeding that keep the historian from taking many of these accounts seriously.²

treatment: here we confess that we do not understand. What does it mean, "marking our distance from the historical context in which they were written?" Perhaps highlighting the circumstances that would have influenced the doctrine or the practice of divorce, and that are no longer our circumstances? To be sure, this is an important aspect of the historian's task, if he wishes to understand or to help others understand the period he is studying. But is it the role of the historian to "open a window onto the future" or "to envisage a future as different from the present as the present is from the past?" Very indirectly, in the sense that the data that he furnishes will help others to imagine this future. But it is very dangerous for the historian to be too preoccupied with this, for he risks gravely distorting the historical data in order to adapt it to contemporary needs.

2. Before and after our book, *L'Église primitive face au divorce: Du premier au cinquième siècle*, coll. *Théologie historique*, 13 (Paris: Beauchesne, 1971), we published several articles that prepared for or completed this text. We give a list here, for in them the reader will find the justification for many affirmations made in the present study:

"Séparation et remariage selon les Pères anciens," *Gregorianum* 47 (1966): 472-94 ("Separazione o nuove nozze secondo gli antichi Padri," *La Civiltà Cattolica* 117, no. 3 [1966]: 237-57); "Les Pères de l'Église ont-ils permis le remariage après séparation?" *Bulletin de Littérature ecclésiastique* 70 (1969): 3-43;

I. THE INTERPRETATIVE PRINCIPLES
THAT HAVE BEEN INVOKED

The historian's role is to interpret the passages he studies. But this interpretation must emerge from the text itself or from a confrontation with other texts of the same author or period. It cannot be projected from without, determined a priori on the basis of the ideas of the historian or of his time. Even more, they may not contradict the historical data. For example, it is a serious offense against history to interrogate an author about an issue that emerged after his time, or to ask him to resolve questions that he never asked. As a result of such methodological errors, ancient theologians, including the greatest among them, have fairly often been accused of professing heresies that came after them because they naïvely used certain formula that later received a heretical meaning, whereas their work, examined in its entirety, demonstrates that they were not at all tempted by that doctrinal deviation. What we say here also applies to hermeneutics: how can we correctly interpret the texts of Origen if we are unfamiliar with the basic rules of his allegorical exegesis and his attitude before Scripture, as these emerge from his praxis and from the theory he repeatedly articulated on the basis of it?

What is involved is drawing theory from the texts, not bending the latter to a theory imposed from without: the principles of interpretation are to be judged from the texts, in the light of historical criteria. Too often, in fact, they are presented as

“Nuove nozze dopo il divorzio nella Chiesa primitiva? A proposito di un libro recente,” *Civ. Catt.* 121, no. 4 (1970): 455–63, 550–61 (“Remarriage after divorce in the primitive Church? A propos of a recent book,” *The Irish Theological Quarterly* 28 [1971]: 21–41).

“Le canon 10 (ou 11) du Concile d’Arles de 314 sur le divorce,” *Bull. Litt. Eccl.* 72 (1971): 128–31; “Le texte patristique de Matthieu V, 32 et XIX, 9,” *New Testament Studies* 19 (1972–1973): 98–119; “Le mariage des chrétiens aux premiers siècles de l’Église,” *Esprit et Vie* 83, no. 6 (1973): 3–13 (“Il matrimonio dei cristiani nei primi secoli della Chiesa,” *La Rivista del Clero Italiano* 54 [1973]: 342–50).

“Deux textes de Tertullian concernant la procédure et les rites du mariage chrétien,” *Bull. Litt. Eccl.* 74 (1973): 3–13; “A propos du Concile d’Arles: Faut-il mettre *non* devant *prohibentur nubere* dans le canon 10 (ou 11) du Concile d’Arles de 314 sur le remariage après divorce?” *ibid.* 75 (1974): 25–40; “Le remariage après séparation pour adultère selon les Pères latins,” *ibid.*, 189–204; “Selon les lois établies pour nous: Athénagore,” *Supplique*, ch. 33,” *ibid.*, 76 (1975): 213–17.

corroborating evidence: in other words, they reproduce the conceptions of those who make use of them, and these conceptions do not necessarily agree with those of the era to which they are applied. Or they result from an overly summary idea, bordering on a slogan, of the era concerned. Obviously these interpretative principles do not have to be proved, they are unquestionable postulates! Hermeneutics thus risks becoming the art of drawing out of a text the opposite of what it says.

1. *“Christians could not do what was not contained in civil law.”*

This is the most important of the above-mentioned principles. It is presented in various forms, some of which we will examine separately. To restate the claim more clearly: “Christians could not admit a separation that did not permit a new marriage, for such an institution was unknown to Roman law.” Consequently, every time the Fathers speak of separation on the grounds of adultery without mentioning the possibility of a second marriage, they certainly imply it. And their conception of adultery must have been that of the Romans, unequal with respect to men and women: we will come back to this second point.

Does such a principle agree with the historical data? We must answer in the negative. On the points that concern us, the Fathers oppose the dispositions of Roman law with some frequency. Regarding divorce and remarriage, we find similar protestations in Justin, Athenagoras, Gregory of Nazianzus, John Chrysostom, Ambrose, Chromatius of Aquileia, and Augustine. Similarly, Lactantius, Gregory of Nazianzus, Asterius of Amasea, John Chrysostom, Theodoret of Cyrus, Zeno of Verona, Ambrose, Jerome, and Augustine reproach the civil legislation, often in rather lively terms, for the inequality of its attitude toward both sexes on the question of adultery. Such an observation suffices to disqualify the principle that has been invoked.

Moreover, the text that dominates all the early Fathers’ theology of marriage, just as it did for the Jesus of the gospels, is Genesis 2:22–24: because it is God who leads the bride to the bridegroom, Eve to Adam, and who seals their union, the union is indissoluble. God intervenes in the marriage of Christians. Because of this fact, marriage is no longer for them what it

was for the Romans, a simple bilateral contract, which could be ruptured through mutual agreement with no difficulty: for the Romans, only unilateral repudiation required a juridical process. This Christian conception is already clear at the end of the second century in Tertullian's *Ad Uxorem II*, VIII, 6, and revolutionizes the idea of marriage: indissolubility is the consequence explicitly drawn from it. After this, how does one maintain that Christians could not have a notion of repudiation different from that of Roman law?

Two principal objections are raised to our response. First, some authors profess astonishment that, if it was as we describe, Christian emperors retained the possibility of remarriage, albeit with numerous restrictions. Paradoxically, these authors also claim that the emperors were better witnesses to the Church's thought than the ecclesiastical writers of their time, who were nearly all pastors and not pure theoreticians.

But in the fourth and fifth centuries, the Empire was not inhabited exclusively by Christians, and until the compromise that Justinian imposed both on the Eastern Church and on the state in the sixth century, imperial legislation also had to apply to the pagans. Despite their conviction that Genesis 2:24, inserted into the creation narrative, applied to all men, including pagans, the Fathers were in fact concerned only with their flock. Only one African council demanded that indissolubility become the object of an imperial law.³ Moreover, it is hard to make a pronouncement on the authenticity of the Christian spirit of certain emperors of the fourth and fifth centuries.

Some have also mentioned the predicament of a separated woman forbidden to remarry, claiming that it would have been impossible for her to live alone, for she would have had no possibility of working and earning her keep. Whatever we make of this affirmation, which seems exaggerated, this was also the condition of widows, whose second marriage the Church hardly encouraged—this affirmation is generally uncontested and even rather excessively stressed. It was also the situation of virgins, whose existence in the Church of the second and third centuries, before the beginning of monasticism, is attested to by multiple

3. Canon 8 of the eleventh Council of Carthage, on 13 January 407, also presented as canon 17 of the second Council of Milium in 416.

documents. But we know that the community aided widows in need and that repudiated women also received assistance. The *Didascalia*, in its Syriac translation, as well as in its Greek reelaboration in the *Apostolic Constitutions*,⁴ writes à propos of young widows who cannot be received into the ecclesiastical order of widows because of their age, yet who receive help if they are in need: “If there is one, young, who was with her husband but for a short time, and whose husband has died, *or for another reason* finds herself newly isolated and thus remains alone. . . .” Every woman deprived of the support of a husband and in need was thus the responsibility of the community.

More generally, the interpretative principle we are discussing here denies to Christianity the right to have any originality whatsoever with respect to the institutions of the time. But then, why stop there and restrict ourselves to marriage? Is it likely that, alone in the Empire, the Church opposed the cult of the emperor and demonstrated such intransigence toward the official religion? If she accepted Roman customs on the point of marriage, wouldn't she have more reason to do so when the refusal to sacrifice led to torture and death? Shouldn't we conclude that everything that has been said of the martyrs must be false? Ultimately, the principle in question denies the Christian message every possibility of originality.

2. “*There was no Christian legislation of marriage in the first centuries.*”

This principle is merely a variant of the preceding. One cannot but accept it if one demands, in order for there to be a law, the existence of a *Corpus iuris canonici* composed according to all the rules of contemporary juridical science. The same if one thinks that this legislation ought to have placed Christians in direct conflict with Roman law—of which we have no trace. But if, according to civil custom, separation permitted remarriage, it obviously did not impose it, and the Christian who did not remarry was not in opposition to the laws of the Empire. Christians obviously submitted to the legal forms of Roman marriage or even of repudiation, as in the case of the woman mentioned in

4. *Didascalia*, ed. Nau, p. 81; *Apostolic Constitutions*, III, 1–2.

Justin's *Second Apology*, but this is of little import, since these are not the kind of laws the Fathers had in mind when they spoke about marriage. The early Christians were in the same situation as Catholics today when they contract a civil marriage before a religious marriage, or when they ask for a civil divorce without intending to remarry, because of the juridical effects of this divorce; to their mind, this divorce is simply a separation. The laws of Christians are of another nature than Roman law and go further than the latter. Getting married according to Roman law does not keep Christians from having laws of their own, that is to say, their own manner of living marriage. But they obey the civil law everywhere that it is not in opposition to the law of God.

From the beginning, Christians were in fact conscious of obeying "laws" of their own. Genesis 2:24, which Jesus attributes to God himself according to Matthew 19:4–5, is considered a "law" the Creator established from the beginning, prior to Moses's concession in Deuteronomy 24:1 to hardness of heart. Thus, according to Origen, those bishops who permitted a woman to remarry while her husband was still living acted "contrary to the primitive law recorded in the Scriptures."⁵ In their texts on divorce, the three great exegetes of Antioch, Theodore of Mopuestia, John Chrysostom, and Theodoret of Cyrus, continually call Genesis 2:24 the "law of marriage." John Chrysostom is not afraid to repeatedly confront these "laws of God," which demand indissolubility, with the "laws of outsiders," that is, pagans, which permit divorce and remarriage—an expression all the harsher in that those laws were then promulgated by Christian emperors. John applied the same words to the equality or inequality of the sexes in the face of adultery. Also, when Athenagoras, in *Supplication* 33, speaks of "the woman we have married according to the laws fixed for us," this "us" need not be corrected to a "you," as certain—and fortunately isolated—recent translations have done, despite the lack of textual variants and without noting the change. For the Christians of the first centuries were aware that they were obeying laws of their own, just as they were aware of being a people set apart, distinct from the pagans among whom they lived: doesn't the Greek word *paroikia* (in Latin, *paroecia* or *parrochia*), which they applied to their communities—parishes

5. *Commentary on Matthew*, XIV, 23; GCS X, p. 341, line 7.

or dioceses, according to today's terminology—mean a foreign colony living in the midst of another people?⁶

Can we say that these “laws” only had a moral sense and that they lacked juridical or institutional impact within the community—or in other terms, that the person who broke these laws by remarrying after divorce was left to his own conscience and was not the object of ecclesial sanction? We might ask whether this distinction is not anachronistic, as when it is applied to Matthew 19:3–12 or to Mark 10:2–12. To sustain such a thesis, we must ignore the existence and rigor of public penance, inconceivable to moderns. One of the principal sins submitted to such penance was adultery: constantly, ever since Hermas, Justin, Theophilus, Clement, Tertullian, Origen, etc., he who remarried after repudiating his wife and he who married a repudiated woman were understood, as they are in the Gospel itself, to fall into the category of adulterers. Adultery is a fault that affects the entire life of the Church: it has an institutional and thus juridical effect, which exceeds the conscience of the sinner.

3. “*There was no marriage liturgy in the first centuries.*”

Although this question is peripheral to the theme we are researching, it is so linked to the previous point that we must treat it.

We must first dispel a common confusion. The religious form of marriage was not made obligatory in the West until the *Tametsi* decree of the Council of Trent; in the East, this happened much earlier, in 895, with a proclamation of Emperor Leo VI. Prior to this, in the Latin Church, in conformity with the scholastic doctrine that understands the spouses to be ministers of the sacrament, the presence of the priest was not considered necessary: it was enough for a man and a woman to express their accord, even without publicity, for them to be really married. To end the danger which, following upon this lack of publicity, such clandestine marriages posed to indissolubility and to assure the public character of the commitment, the Council of Trent made the religious form necessary for validity with a positive law.

From the fact that the religious ceremony was not oblig-

6. Cf. “Selon les lois établies pour nous.”

atory, some authors at times rather hastily draw the conclusion that it did not exist, even though Dom K. Ritzer dedicated a large volume to studying its evolution through the first millennium of our era.⁷ Unfortunately, Dom Ritzer felt obliged to eliminate two very precious texts of Tertullian, on the basis of what I find to be an unjustified exegesis.⁸ Along with a brief allusion by Ignatius of Antioch, these two texts give the only surviving information on the second and third centuries. They show that the Church really was concerned with the marriages of her faithful, even if we cannot say that such practices were general or obligatory. Ignatius wanted marriage to be contracted with the agreement of the bishop. Tertullian says that Christians ask it (*postulare*) of the hierarchical Church, which plays the role of the *conciliator* in the marriage; according to a common meaning of that term, this means the one who puts the future spouses in contact and arranges the marriage. Regarding the ceremony, an *oblatio* is mentioned, a word that in Tertullian most often designates the Eucharist but that can also be applied to a non-Eucharistic prayer; and a *benedictio*, a wish for happiness formulated by a man—it is not expressly stated that this should be a priest—in God's name. There are more numerous testimonies concerning the fourth century.⁹

It is often said that the Christians of the first centuries got married in the same way that the pagans did. A phrase in the *Letter to Diognetus* is cited in support of this, which does not mention marriage ceremonies but affirms that like other men, Christians have a wife and children. The fact that, according to later witnesses, the marriage liturgy retained characteristics drawn from the celebrations of antiquity, such as the crowning or the *dextrarum iunctio*, nonetheless gives a certain truth to the claim just noted. But people imagine that the weddings of the ancient Romans were a kind of civil and secular marriage ceremony such as that instituted by the French Revolution: here is another anachronism. They were, rather, a religious ceremony

7. *Formen, Riten und religiöses Brauchtum der Eheschliessung in den christlichen Kirchen des ersten Jahrtausends. Liturgiewissenschaftliche Quellen und Forschungen*, 38 (Münster i. W., 1962).

8. Cf. "Deux textes de Tertullian."

9. Cf. "Le mariage des chrétiens aux premiers siècles de l'Église."

in the family that involved prayers and sacrifices to the gods. Is it conceivable that it did not occur to the Christians of the first centuries, so intransigent with respect to anything that could resemble a participation in the cult of idols, to replace these prayers or sacrifices with Christian prayer? Even if we did not have Tertullian's witness or gave no credence to it, the mere affirmation that Christians got married like the pagans presupposes that the wedding celebration involved a religious ceremony. And since we cannot think that Christians addressed prayers or sacrifices to the pagan gods, we are compelled to see here the beginnings of a Christian liturgy. This does not necessarily suppose the presence of a cleric, but the Church is not present only where there is a bishop or priest. In any event, the Church of the first centuries was not disinterested in marriage from a juridical or liturgical or even from a theological point of view, since beginning with Clement and Tertullian, most of the Fathers reflected on this subject, at times in original ways.

4. *“When the Fathers speak of the ‘rupture’ of a marriage through adultery, they intend, with Roman law, to permit remarriage.”*

This expression, or its equivalents, was in fact used by the Fathers, for they did not permit the continuation of a common life with a spouse in the state of adultery. It seems natural to project onto these terms the sense habitually given to them by modern jurists and canonists, and to understand by it a rupture of the conjugal bond that would enable a second marriage. But in reality, if Tertullian, Origen, Asterius of Amasea, Apollinarius of Laodicea, John Chrysostom, Theodoret of Cyrus, Hilary of Poitiers, Ambrose of Milan, and the *Opus Imperfectum in Matthaëum* use these expressions, they also oppose remarriage—sometimes in the same text. Augustine himself, whose refusal of a second marriage after divorce is uncontested, sees in fornication “the unique cause of the dissolution (*solutionis*) of unions.”¹⁰ He thus uses the same vocabulary as the others; like the others, he means only the necessary or permissible rupture of the common life. To say that the Fathers must have permitted remarriage because this was the

10. *De Sermones Domini in monte*, I, 16 (50).

meaning of the term “rupture” in their surroundings is, as we mentioned above, to refuse a priori to Christianity the possibility of originality in this sphere; it is also to fail to take account of existing texts, both scriptural and patristic.¹¹

Marriage is in effect “undone” by adultery, which is in itself a rupture of the marriage, and a community life is no longer possible; but also, “the wife is bound to her husband as long as he lives” (1 Cor 7:39). Are we to say that the wife is bound to her husband, but the husband is not bound to the wife? As we will see, this affirmation was compatible with the Jewish and Greco-Roman conception of adultery, but it was not acceptable to Christians, since in 1 Corinthians 7:4, Paul recognizes for both spouses the same rights over each other’s body. He was followed in this by the great majority of the early ecclesiastical writers. If the Fathers take up more frequently the question of the bond that joins the woman to her husband than vice versa, we nonetheless encounter evidence of the latter bond, for example in Chrysostom’s Homily V on the First Letter to the Thessalonians, where it is vigorously presented.¹² Moreover, if a husband could have two women bound to him “as long as he lives,” we would have to admit that the early Church accepted simultaneous bigamy. There is not the slightest trace of any such acceptance, quite to the contrary.

To continue to see in the “rupture” or “dissolution” of the marriage through adultery permission to remarry, is to declare that the Fathers had to take these terms according to the technical meaning they had in Roman law. It is not hard to answer this claim. First, we can ask whether it is not anachronistic to project our contemporary understanding of technical signification onto antiquity, and whether the rare usages of these terms in juridical texts prior to Justinian allow us to apply this qualification to them. Above all, anyone who is accustomed to patristic texts knows that the Greek Fathers never completely respect the supposedly technical meaning of the philosophical terms they use, for they constantly adapt them to their Christian proposal; and that the Latin Fathers do the same with terms taken from

11. Cf. *L'Église primitive face au divorce*, 76–77, 363–66.

12. *PG* 62, 425.

Roman law. For example, the study of terminology in one of the Western ecclesiastical authors who was the most marked by his juridical formation and who exploited it the most, Tertullian, leads to just such conclusions.¹³ The same objection was made of the use of *apoluein* in Matthew 5:32 and 19:9 and in Mark 10:11–12. It was said that the Jewish Christians of Matthew’s gospel and the Greco-Romans of Mark’s could not have understood this word except as a repudiation followed by remarriage. But this is to forget that the evangelists wrote for Christians and that the latter had already received, with catechesis, the teaching on indissolubility demonstrated in the Pauline letters. They were thus capable of stripping this term—the strict sense of which is in any case merely “to loose, to send away”—of a consequence that it does not directly express, even if this consequence is linked to it by the surrounding environment.

5. “*The [Matthean] exception clause also concerns remarriage.*”

If, as we have just recalled, many writers of the first centuries see in the clause of Matthew 5:32 and 19:9 an exception to the prohibition of repudiation—or to put this more clearly, if in their eyes adultery had already broken the spouses’ community of life, since a *ménage à trois* is incompatible with the holiness of marriage—only the unknown writer who, after Erasmus, bears the name of Ambrosiaster or Pseudo-Ambrose, extends this exception to the prohibition of a second marriage. This is the brute fact that some seek to escape, but in vain.

To sustain that Ambrosiaster’s position was shared by others, the claim is made that the texts that touch on repudiation without accepting remarriage or that speak of the verses in Matthew without alluding to the clauses there are not significant: in this way, parts of the texts opposing the thesis are eliminated. But if the ancient writers in question did not mention the two clauses, it could be because the clauses did not seem to them to lead to an exception regarding the prohibition of a second marriage. How do we explain that if the Fathers thought that

13. Cf. “Le remariage après separation pour adultère selon les Pères latins,” 194–97.

remarriage was permitted in this case, they never said so clearly (except for Ambrosiaster), and that in order to draw this assertion out of them we have to employ subtleties and call on principles of interpretation, the artificiality of which we have already demonstrated?

The Fathers have been compared to a contemporary priest who, in his catecheses, homilies and especially in wedding sermons, speaks of indissolubility without feeling the need to mention the Pauline or Petrine privilege or declarations of nullity. This comparison is wholly inapplicable, for if that priest were to give an exposition concerning the cases just mentioned, he would not neglect to say that they permitted not only separation but also remarriage. How is it, then, that when the Fathers of the first centuries expressly treat the separation that is permitted or obligatory in the case of adultery, none of them, but for one exception, mentions the possibility of remarriage, when elsewhere they so strongly affirm the rejection of all remarriage? The method that consists in taking into account only those texts that mention the exception clauses would be above attack if the authorization of the second marriage were as explicit as the authorization of repudiation: but this is not the case except in Ambrosiaster.

There are, then, on the one hand, a number of perfectly clear declarations forbidding spouses to separate and remarry; on the other hand, texts that, referring to the Matthean exception clauses, permit or make necessary separation in the case of adultery. Among these latter texts, only that of Ambrosiaster states clearly that the separated spouse can contract a new marriage. The others either say the contrary—from Hermas to Augustine, there are enough passages refusing remarriage after a separation because of adultery to counterbalance Ambrosiaster—or do not say it at all. And we cannot make them say it except by using unacceptable principles of interpretation and failing to take into account their general affirmations. We must, then, conclude that if the case of adultery constitutes an exception to the prohibition to repudiate, it is not an exception with respect to the prohibition to remarry.

In good logic, a general law extends to the entire sphere it defines. If an exception is made to it, this must be understood in the strict sense, that is to say, everything outside the area circumscribed by this exception falls under the general law. Here, the general law refuses separation and remarriage, and the excep-

tion permits separation in the case of adultery. It thus does not conform to logic to extend it to an authorization to remarry. To use less formal and more theological language, in conformity with the thought of the Fathers: God has joined the spouses through the initial act of their marriage, which repeated the act by which in the beginning he united Eve to Adam. This bond is not an invention of Augustine or of the medieval canonists. Before Augustine, the theologians of the school of Antioch, for example Theodore of Mopsuestia, gave equivalent formulations of this that leave nothing to be desired. And this is why a new marriage is constantly qualified as adultery.

6. *“The Fathers read in Matthew 19:9 permission for a new marriage.”*

If this verse is considered in such a way that *porneia* is understood as adultery, according to the unanimous interpretation of the Fathers, it is made to say the following: if someone sends his wife away when she has committed adultery and then remarries, he is not an adulterer. Matthew 5:32, considered in the same way, does not express the same thing: if someone sends his wife away when she has committed adultery, he is not responsible for the adultery she will commit if she remarries. At first glance, then, this principle of interpretation has the appearance of authenticity.

But it is only an appearance. In fact, our research, published in “Le texte patristique de Matthieu V, 32 et XIX, 9,” demonstrates: that all the ante-Nicene Fathers, prior to all the texts available to us today—and thus as the only witnesses of the text of their time—read Matthew 19:9 in the form of Matthew 5:32; that all the Greek Fathers until the beginning of the fifth century did the same, except for one of Chrysostom’s many citations where we can suspect a copyist’s correction; that the current text of Matthew 19:9 appears in the West only beginning with Hilary of Poitiers, where it is subjected to his difficulties; and that the Latin Fathers from Hilary to Augustine cite this verse in one or the other form. The manuscript tradition is far from unanimous, since the most ancient of our Greek manuscripts of the Bible, the *Vaticanus graecus* 1209, as well as an important minority of those currently available, also cite Matthew 19:9 in the

form of 5:32. We see the doubts weighing on the current *textus receptus* of Matthew 19:9. In any case, the principle of interpretation just formulated loses the greater part of its strength. How could the Fathers have read into Matthew 19:9 permission for a second marriage after a repudiation because of adultery, when the text they were reading was a repetition of Matthew 5:32, which does not include this?

As for those Latins who read Matthew 19:9 in its current form, some, like Pelagius, do not see a problem and continue to reject any new marriage; and others, like Hilary and Augustine, remain perplexed, for the text does not seem to them to agree with either the tradition they have received or with the whole pericope, Matthew 19:3–12, in which the verse is inserted. As for the latter, they are good enough exegetes to notice the contradiction. This contradiction is first between verse 9 and that which precedes it: in the face of the Pharisees, who ask Jesus whether he is of the opinion of the laxist Hillel (repudiation can be motivated by any reason) against the rigorist Shammai (a serious offence against fidelity is required for repudiation), Jesus, basing himself on God's earliest law in Genesis 2:24 and qualifying Moses' concession in Deuteronomy 24:1 as due to "hardness of heart," reestablishes the original divine law and suppresses all possibility of repudiation—and with it, the very object of the rabbinic quarrel. There is a further contradiction with what follows this verse: if, according to the interpretation we mentioned of the current text, Jesus simply aligns himself with Shammai's opinion, how are we to understand the apostles' panic, which indicates an absolutely unheard-of teaching on the part of their master? And Matthew 19:12, the verse about the three kinds of eunuchs, is strictly related to this pericope with the clear particle, *gar*. Without prejudice to a more general meaning, this latter verse therefore has a meaning within the pericope, which appears to be the following: the husband who has had to separate from an adulterous wife must remain celibate for the kingdom of heaven. All of this shows how unlikely is the principle of interpretation in question.¹⁴

14. Cf. "Le texte patristique de Matthieu." Also "À propos du Concile d'Arles," 28; 31 and "Le remariage après séparation pour adultère selon les Pères latins," 190–94.

7. "The Church could not oblige the separated spouse to continence."

Such a demand is basically judged impossible and inhumane. Consequently, some think that since the Fathers obliged the innocent party to separate from the guilty, they necessarily had to allow the former a new marriage, even if they do not say this.

Since we are speaking of the innocent and guilty, we note first of all that in the early centuries, the prohibition of a new marriage was not considered a penalty that would strike the guilty but that it would be unjust to apply to the innocent. Difficult [*pénible*] must not be confused with penal [*penal*]. This prohibition is simply the consequence of the fact that only the first marriage has value before God, and that a second marriage while one's spouse is still living would be adultery.

Concerning the obligation to continence, the early Church did not share our contemporaries' opinions regarding the indispensable and irrepressible character of sexual relations. This can be demonstrated by two institutional demands for which there is sufficient evidence. At the end of the fourth century, decrees of Popes Damasus, Siricius, and Innocent required bishops, priests, and deacons who were married at the moment of their ordination to live with their wife in complete continence. There are no comparable juridical measures in the East at that time, but the mentality was the same: Epiphanius declares that a married cleric must live in continence, even though he knows that this does not always happen.¹⁵ And when the people elect Synesius of Cyrene the metropolitan of Ptolemais in the Cyrenaica, he knows that he must separate from his wife.¹⁶ Similarly, several Western texts beginning from the fourth century show that he who has been subjected to public penance must observe complete chastity for the rest of his life. However debatable such measures may seem, they testify to the lack of justification for the interpretative principle in question.

15. *Panarion* 59, 4, 1-7; GCS II, 367-68.

16. *Letter 107*: PG 66, 1485 A.

8. “A marriage could be adulterous without being invalid.”

This has been claimed of Origen and Basil, whose texts were only partially read. In a famous passage, Origen mentions that some bishops—who, he stresses three times, acted against the will of Scripture—permitted a woman to remarry while her husband was still living.¹⁷ He returns to this case at the end of the following paragraph, but this is not usually noticed: “But as a woman is an adulteress, even though she *seems* to be married to a man, while the former husband is still living, so also the man who *seems* to marry her who has been put away, *does not so much marry her* as commit adultery with her according to the declaration of our Savior.”¹⁸ This sentence could not be more clear: the union of the separated woman is not only adultery, it is only apparently a marriage (this is stated twice), not really a marriage. So between legitimate spouses there is in fact a bond sealed by God. This bond makes the marriage, and it does not exist in the adulterous union of a separated woman with another man.

Some have wanted to read in the canonical letters of Basil of Caesarea that those who have contracted an adulterous and thus prohibited marriage are subjected to public penance, but their union is not considered invalid: once the penance has been accomplished, they are left to live out their conjugal life in peace. The basis for this explanation is canon 26 of Basil’s second canonical letter (Letter 199). But those who read the letter thus have forgotten the first sentence: “Fornication is not marriage, or even the beginning of marriage. Thus, if it is possible to separate those who are united in fornication, this is best. But if they insist on cohabiting, may they first suffer the pain of fornication, then be left in peace, lest something worse come about.” So fornicators are left in peace, once they have done penance, in order to avoid a greater evil, but their fornication does not stop being fornication and does not become marriage; it is not justified by the penance. Is the second marriage after divorce understood by the word “fornication,” or *porneia*? This latter is what all the Fathers understand to mean “adultery” when they find it in Matthew 19:9 and 5:32. Adultery, *moicheia*, is a species of the genre forni-

17. *Commentary on Matthew*, XIV, 23; GCS X, p. 340, line 25.

18. *Ibid.*, XIV, 24; p. 344, line 31.

cation, *porneia*. St. Basil's use of these two words for remarriage after repudiation is variable: sometimes he uses *moicheia*, such as in canon 77; and sometimes he considers the sin of a married man with an unmarried maiden to be simple *porneia*, such as in canon 21. In the following paragraph, we will look at the explanation of the equality or inequality of the sexes. In any event, an adulterous union, or a fornication, cannot become marriage by use: for if it is adultery, it violates a bond sealed by God, which continues to subsist even when it has been violated.

9. *"The inequality of the sexes in the Jewish or Greco-Roman world is reflected in the early Christian writers."*

Many contemporary authors generalize the singular position of Ambrosiaster, who permits remarriage to a man separated from his adulterous wife but refuses it to a woman in the same situation. In doing so they unwittingly contradict the most important of the principles of interpretation under examination here: if the early Christians could not do what civil law did not do, then why would they have forbidden remarriage to the woman but permitted it to the man, when Roman legislation had no problems with granting remarriage to both? And when these authors want to prove the Church's unequal attitude toward men and women in the matter of repudiation and adultery, they limit themselves to citing a few canons in which Basil describes the Cappadocian custom while acknowledging a certain disharmony between it and the Gospel. In doing so, they run into a problem: on this point, Ambrosiaster and Basil are the only exceptions among the Christian writers of the first centuries, and they have all the others against them.

The following explanations require a few preliminary distinctions. It is one thing to profess the equality or inequality of the spouses vis-à-vis the fundamental rights of marriage as these emerge in questions of repudiation or adultery. It is another thing to see or not to see the husband as the head of the household: we are considering only the first point. Moreover, we are not concerned with the de facto freedom the woman may have enjoyed in certain wealthy milieus in the Empire, but rather with the rights that the law granted to each sex. Now, in the matter

of adultery, women were the object of legal discrimination with respect to men, both in the Jewish and the Greco-Roman world. A married man was not considered an adulterer when he allowed himself adventures with an unmarried maiden: he did not violate any right of the woman, for in this area she had no rights over him. He was an adulterer only if his mistress was married, for then he transgressed the rights of another man. The married woman, to the contrary, was an adulteress every time she had relations with another man, whether he was married or not, for her husband had rights over her and she was violating them. In the matter of repudiation, the inequality of the sexes was greater in the Jewish setting, where only the husband could repudiate, than in the Roman, where the woman could normally take the initiative just as well as the man.

In 1 Corinthians 7:3–4, Paul writes, “The husband should give to his wife her conjugal rights, and likewise the wife to her husband. For the wife does not rule over her own body, but the husband does; likewise the husband does not rule over his own body, but his wife does.” Here he accomplishes a veritable revolution with respect to the surrounding legislation, for he acknowledges that the wife has the same rights over her husband as the husband over his wife. A more equitable conception of adultery must follow: the married man who has relations with an unmarried maiden is also an adulterer, since he violates his wife’s rights over him. Moreover, separation following adultery, as indicated in Matthew 5:32 and 19:9, must apply to this case just as to the other.

Apart from the two exceptions mentioned above (Ambrosiaster and Basil), the Fathers of the first centuries remained faithful to St. Paul’s conception in matters of adultery. Lactantius, Gregory of Nazianzus, Asterius of Amasea, John Chrysostom, Theodoret of Cyrus, Augustine, Zeno of Verona, Ambrose, and Jerome vigorously reproach Roman law for the iniquity of its judgments, and the last three repeat in roughly the same terms: “What is not permitted to wives is not permitted to husbands, either.” Equality in the face of adultery is similarly called for by Hermas, Justin, Theophilus of Antioch, Clement, Origen, Tertullian, Novatian, and Pope Innocent. In the case of separation caused by adultery, the equality is clear in Hermas, Justin, Tertullian, Lactantius, Gregory of Nazianzus, Asterius of Amasea,

Theodoret of Cyrus, Pope Innocent, and Jerome; it constitutes a fundamental principle that plays a dominant role in Augustine's judgments. It is attested, though less clearly, by Clement, Origen, Basil of Ancyra, Apollinarius, Isidore of Pelusa, John Chrysostom, and the *Opus Imperfectum in Matthaëum*: it is occasionally affirmed by these authors and they are not opposed to it, but they generally pose the question as it is posed in the two verses of Matthew, that is to say, attributing the adultery to the woman and the initiative in repudiation to the man. Some of these authors oblige the man to send away an unfaithful wife, while they leave the woman more freedom in sending away an adulterous husband, in part, as in Pope Innocent, for reasons touching on the feminine psychology of the time.

Without losing sight of the fact that the equality of the sexes is considered here in an isolated sphere, that of the fundamental rights of marriage, we cannot speak without nuance of the Fathers' misogyny. It would be unjust to judge them according to our current conceptions. In fact, patristic literature, following in the footsteps of the New Testament, shows clear progress vis-à-vis the juridical customs of Judaism and Roman law.

10. "The popular mentality was in favor of remarriage after divorce."

Those seeking to demonstrate this principle cite the conjugal adventures of an aristocratic Roman woman, Fabiola, which Jerome recounts in his Letter 77 to Oceanus; but they fail to note that in highlighting the grave scandal she caused among the Christians in Rome, this narrative gives us greater reason to think the contrary. Also cited is Augustine's *De Coniugiis adulterinis*, his response to the objections of a certain Pollentius, who is supposed to represent this popular mentality. Again, the critics do not notice that these objections are opposed not to customs that Augustine inaugurated, but rather to the habitual practice of the Church in Africa. Pollentius is made out to be a bishop without any textual basis, in order to make him a head of the Church and thus to corroborate the repeated affirmation that Jerome and Augustine are at the origin of the discipline currently in force in the Western Church. However, Hermas

already testifies to the same discipline in Rome in the middle of the second century, and he is strengthened by many testimonies between himself and Augustine. Moreover, no mention is made of the texts that explicitly describe the attachment of the faithful to indissolubility, such as the letter of Pope Siricius to Himerus of Tarragona.

II. REFLECTIONS ON A FEW MODES OF PROCEEDING

The reliance on principles of interpretation projected a priori, from the outside, onto the texts is not the only procedure that makes many essays lose a good part of their credibility in the historian's eyes. We must also examine more generally a few habits of method that seem regrettable.

1. *The question is taken up "from scratch."*

Certain authors "take up the question from scratch." They pay no heed to—were it only to debate and refute—analyses of the same texts already done by others. Rather, they exposit their own interpretations point-blank. They think that in doing so, they are bringing a fresh gaze onto the matter, unobscured by the prejudices of their predecessors. It does not occur to them that this gaze might be obscured by their own prejudices or mentality, which are—since they make no effort to enter into the spirit of the ancient writers—the prejudices and mentality of their own milieu and time. Now, not to discuss what others have said, or to do this only in the most general fashion without entering into the reasons why they said what they said, without a discussion worthy of the name, is at the same time to get rid of what they said. But isn't this revealing? Isn't it a sign that one is incapable of facing the objections already made to the theses that are being taken up again—for the "fresh gaze" is never really new—and that one would prefer to pass over these difficulties in silence? Moreover, have they really read these objections, and how? Such an attitude transforms historical work into a dialogue of the deaf, in which no one takes into consideration the reasons motivating those who hold the opposite opinion.

2. *Gratuitous conclusions*

We could cite many examples. From what Origen says, appearing to censure bishops who permitted the remarriage of a woman whose husband was still living—and some authors grant that he is in fact censuring them—they infer that he would not have pronounced such a judgment in the case of a man's remarriage while his wife was still living. What permits this conclusion? A "principle of interpretation" that contradicts the majority of the testimonies. Though Origen presents this case as exceptional, it is made out to be, though an extension with no basis, the beginning of a new practice that will spread everywhere and that is different from the practice to which Hermas attests—as if a case thus resolved in a remote corner of Palestine made up the jurisprudence of the whole Church. Or, after having demonstrated that Justin and Athenagoras condemn all new marriages after a spouse has died, despite Paul's authorization of the same—and a careful analysis of the texts of these two authors makes this conclusion rather debatable—this judgment is extended, without any warning, to all the authors of the second and beginning of the third century, in order to discredit what they say about a second marriage after divorce. This kind of generalization on the basis of a text that is mute about the point in question is made quite frequently.

3. *Vicious circles*

Each time an ancient writer speaks of separation in the case of adultery, we hear some contemporary authors declaring that the Fathers mean to permit the remarriage of the innocent husband. In this way, they presuppose from the outset what needed to be demonstrated, again in the name of a "principle of interpretation." Should we be surprised if their reasoning leads to this conclusion, since the conclusion was in place from the beginning, thanks to an interpretation that does not emerge from the facts but is imposed on them from the outside, or taken to be so obvious that it needed no justification?

4. *Working hypotheses*

In most of the cases we are concerned with here, a “working hypothesis” is in fact a preconceived thesis that guides research; and research consists in demonstrating that the facts justify the hypothesis. If you object that this hypothesis is practically never mentioned by the patristic authors under examination, the contemporary author sees in this silence a proof of his hypothesis’s authenticity. If the ancient writers don’t say a word about it, it’s because they accepted it as a given, without being aware of it. Unfortunately, this manner of proceeding dispenses too easily with the considerable work demanded by a historical study. The only texts mentioned are those that can be used to support the hypothesis—the others are passed over in silence. Their meaning is authoritatively determined without an examination of the immediate or remote context, whether literal, literary, or historical, and without any consideration of the habits of the writer being studied: this kind of research could lead to the reverse conclusions. So the hypothesis is proved at little cost.

Employing a working hypothesis ought to imply that when one finds facts that contradict the hypothesis, one does not brush them aside or deprive them of any significance through minimalizing interpretations, sophistic subtleties, arguments *e silentio*, or explanations that have no support in the text and at times even make the text say the opposite of what it says. Such procedures allow one to prove anything with anything, and no historical data can stand in the face of such treatment. If one cannot resolve in a normal way the difficulties that a text poses, one must have the courage to abandon the working hypothesis and to try to grasp the conclusion that emerges directly from the texts.

We will be asked: is it possible to take up historical research without a preconception in one’s mind, an at least subconscious *Vorverständnis* that orients one’s research? Isn’t it preferable if the subconscious becomes conscious and takes the form of a working hypothesis? Isn’t the “objectivity” of the historian an illusion? Wouldn’t it be better to abandon the impossible desire of arriving at a historical truth conceived in the scholastic fashion as an *adaequatio intellectus et rei*, since so many circumstances separate the historian from the writer or facts he studies? Isn’t it better to take a stand in the face of this impossibility and to resign oneself

to stripping historical research of unrealizable ambitions? Then history would be nothing more than the meaning that the historian himself gives to the texts or to past events, on the basis of his own mentality and the mentality of his time.

This is, of course, a formidable objection, and the response is delicate. In this discussion, it would be better not to use the overly ambiguous word “objectivity.” For if the historian’s ambition to arrive at a certain truth must be based on considerable work on material that is objective in the etymological sense—that is, belonging to the order of the object—it intends to lead to a kind of subjective coinciding of mentalities between the historian and the writers or persons he studies. Here the word “subjective” does not mean imaginary or fantastical, but rather pertaining to the order of the subject. It is abundantly clear that this desire cannot be perfectly realized: the historian is a different person from the person he is studying; they live in different eras and participate in different mentalities. This does not mean, however, that the desire is absolutely unrealizable or that it cannot be realized asymptotically, through a greater or lesser approach to the coincidence we have just mentioned. In any event, if the historian resigns himself to abandoning this ideal and begins consciously to give his own meaning and the meaning of his age to past events or persons, he is no longer a historian—for history is precisely constituted by this effort to meet the past.

To take an example, philosophy must not be confused with the history of philosophy, or theology with the history of theology, and the same for many other sciences. The philosopher studies earlier authors with a different goal than that of the historian: he seeks there a stimulus for his own reflection. With this goal in mind, he makes use of what past philosophers have said, but he is clarifying his own thought and elaborating his own synthesis. The historian of philosophy, to the contrary, seeks to rediscover the thought, the synthesis, and the mentality of the author he studies. *Mutatis mutandis*, we could say the same of the theologian and the historian of theology. The study of Scripture and the tradition are, of course, essential parts of a theologian’s task, but the goal of the latter is to apply Christ’s message, as this is transmitted by the Church, to the people of his time. This is not the first goal of the historian of theology: too great a desire to adapt himself to the needs of his time would endanger the

authenticity of the historian's work and by that very fact would deprive it of the interest it could have for his contemporaries: that of an enrichment and a salutary disorientation. We could fear that the contemporary authors with whom we are concerned have not perceived this requirement, at the risk of performing a useless or even detrimental work.

5. *Arguments e silentio*

"Some ancient writers try to prevent the separated woman from remarrying, but in the text under consideration, they do not mention the divorced man; so they accept the man's [re-] marriage in the same situation." Those who argue thus do not ask whether there are other texts of the same writer that prohibit remarriage for the divorced man, whether we do not find among his writings a clear affirmation of the equality of the sexes in the matter of the fundamental rights of marriage, or finally, whether the context in which such a prohibition is given explains its apparently unilateral character.

Another example. This ancient writer never says that a second marriage after divorce is authorized, but he certainly must have thought so. Why? Because he is an exegete and never confronts the difficult problem posed by Matthew 19:9. He must, then, have attributed to it the meaning that seems the most natural to the modern author making this claim. But a study of [the ancient writer's] citations shows that he was not familiar with the verse in its current form: for him, it repeated Matthew 5:32, which does not suggest the same conclusions.

The difficulty of arguments *e silentio* is that they contain a good dose of the arbitrary: the critic judges a text according to his own logic, without placing himself within the mentality of the author he studies, without taking into account either that author's intentions and the problems that interested him or the tools he had at his disposal. This kind of argumentation can very often be carried out in the reverse direction: everything depends on the mentality of the one making the argument. Certain texts make no mention of the prohibition of remarriage: one person will say that remarriage was thus accepted, and another that the rejection of this possibility was clear enough to the Church of

that time that ancient writers did not feel that they had to restate this at every instant. A work based on this kind of argument thus risks being completely arbitrary, for it projects onto the early Fathers a mentality that belongs to the modern author, while the latter does not make the effort to seek out the Fathers' own mentality.

6. *Preference given to obscure allusion over clear affirmation*

In the absence of explicit affirmations of the acceptance of remarriage after divorce—for there are none apart from Ambrosiaster's¹⁹—the reader in question is obliged to turn to what he claims to be implicit allusions.²⁰

The extreme rarity of explicit affirmations greatly endangers the authenticity of these implicit allusions. A number of ancient writers clearly made pronouncements in the opposite direction: are we arbitrarily to prefer the obscure to the clear? As for those who made no formal statement in one way or the other, the alleged implicit allusions also pose a grave problem. If these Fathers thought that remarriage was permitted, why did they never say this clearly in texts in which they had every desirable occasion to express themselves on the matter? We are told: they were afraid that in doing so they would seem to encourage poor conduct. This response is most unsatisfying. It transforms texts, most of which were sermons preached before the Christian people, into riddles that must be deciphered laboriously. The preacher does not dare to state openly that the Gospel permits remarriage when there has been a separation because of adultery, but he insinuates this with expressions in which we can find a double meaning, or else he cannot entirely keep his profound conviction from emerging when he wants to hide it! Can we conceive of Gospel truths that we do not want to tell to Christians for fear that they will become depraved? Can we imagine that a pastor continually confronted with the matrimo-

19. The canons of Patricius that we cited in *L'Église primitive face au divorce*, 314 are inauthentic and posterior: the Armenian and Syriac canons studied on pp. 240–46 are of doubtful authenticity.

20. We reproduce here what we have written in *L'Église primitive face au divorce*, 361–62.

nial difficulties of his faithful in a time like our own, when civil law permitted divorce and remarriage, would hesitate clearly to express the teaching that would free them of their difficulty? He reassured them individually, we are told. A poor response, first of all because it cannot be demonstrated, then because one needs neither great experience nor much psychology to know that in these areas people spontaneously obey the Gospel precept: “What you hear whispered, proclaim upon the housetops” (Mt 10:27). There is thus a very good chance that these implicit allusions exist only in the imagination of the commentators.

7. *Faulty readings*

The texts are often read imprecisely, so that they can be the more easily adapted. Where there is a prohibition, the reader sees a counsel, baselessly transforming an imperative into a conditional. He gives a specific word a meaning not reported by any dictionary. Frequently, tolerance is mistaken for permission: the few testimonies of the early Church’s tolerance vis-à-vis divorced and remarried persons are taken as a positive acceptance of the remarriage, whereas the text does not say this or often even specifies the contrary. Or a phrase that belongs to the vernacular, used without particular care by bishops lacking a literary formation, is subjected to a logical and stylistic analysis carried out according to the demands of classical grammar, in order to demonstrate the absurdity of what has been said and to persuade the reader that the text needs to be corrected to make it say what we desire.

Those who do not habitually deal with ancient texts and their transmission may have difficulty understanding that one might have a solid reason—not of the apologetic order but strictly historical—to dispute the corrections introduced by editors, when these contradict the texts handed down in the manuscripts: this is the case with Epiphanius, *Panarion* 59,²¹ or for Tertullian, *Adversus Marcionem* IV, 34.²² When, despite the unanimity of the manuscript tradition, someone proposes to modify a passage so that it

21. *L’Église primitive face au divorce*, 221–29.

22. Cf. “Le remariage après séparation pour adultère selon les Pères latins,” 199–200.

fits the thesis, the suggestion is often received as entirely natural: such is the case with the Council of Arles,²³ or for Athenagoras, *Supplication* 33.²⁴ But when someone else ventures to express the doubts weighing on the current *textus receptus* of Matthew 19:9, on the basis of the patristic tradition and the texts of a portion of the manuscripts, his remarks are scarcely understood.²⁵

8. *Insufficient historical analysis*

This reproach can be formulated rather generally. We have the impression that many authors have not had the curiosity to look at Migne's *Patrology*, let alone the most recent critical editions. Most of these authors work with compilations of texts selected and arranged without placing them back into even their most immediate context. Thus this phrase of Chrysostom is cited: "The adulterous woman is no one's wife,"²⁶ in order to conclude that adultery destroys the conjugal bond and that the adulterous woman can remarry with whomever she pleases. But the critic has not read the preceding sentence: in the presence of the first husband, the second husband says to himself that this woman is neither the wife of the one nor the other; of the first husband, because her adultery impedes her from living with him, according to the constant discipline of the early Church; and of the second, because she is still bound to the first. This is proclaimed by Chrysostom's entire homily in which this phrase is found. This example shows how easy it is to make a passage say the opposite of what it says, if we fail to investigate what surrounds it. In this fashion, one might claim that Psalm 14 professes atheism because it says, textually, "There is no God," ignoring the line that precedes it: "The fool says in his heart." The kind of interpretation we have just mentioned is of the same nature.

If the immediate context of a passage is not respected, what do we say of the remote context? Many critics do not make

23. Cf. "À propos du Concile d'Arles."

24. Cf. "'Selon les lois établies pour nous.'"

25. Cf. "Le texte patristique de Matthieu."

26. Homily *De Libello Repudiï*, par. 3: PG 51, 221–22.

the effort to read a chapter or a homily in order to specify the meaning of a phrase, nor do they read all the affirmations of the same author about the same subject: they keep to the texts that, in isolation, can be turned in the direction of the thesis. As for getting a sense of the ancient writer's evolution of thought or his manner, they see no need for this. Thus they see in Tertullian's *Adversus Marcionem* IV, 34 permission for remarriage after divorce, without asking themselves whether this interpretation is compatible with the author's history and with what he has written elsewhere; and without noticing that the text was retouched by editors and is not identical with the manuscripts, or that in the immediate context where the passage is found, this interpretation makes Tertullian say something absurd.²⁷

Similarly, they claim that Origen approved the case he reports of a remarriage after divorce, without noticing, as we have seen above, that at the end of the following paragraph he returns to the subject to say that this is only an apparent, not a true, marriage.²⁸ Or, also à propos of Origen, they interpret the allegory of Christ repudiating the Synagogue and espousing the Church of the Gentiles without knowing what his allegorical exegesis and his manner of interpreting Scripture involves. They treat Basil's *Canonical Letters* as if they contained general rules, whereas the author is responding to specific, particular cases that were submitted to his judgment by Amphilocheus of Iconium. If we consider their original intent, they would be closer to a manual of cases of conscience, foreign to the usage that the Byzantine canonists made of them.

Ordinary common sense alone does not make a historian: he also needs method and study.

CONCLUSION: WHAT IS THE TRADITION?

Why are people so eager to show, through all kinds of indirect and questionable procedures, that the discipline advocated by

27. This is highlighted by Enzo Bellini, "Separazione o nuovo matrimonio nella Chiesa antica (A proposito di una controversia recente)," *La Scuola Cattolica* 103 (1975): 382–83, note 28.

28. See notes 17 and 18 above.

Ambrosiaster alone regarding the remarriage of divorced Christians corresponds to the practice of the early Church, while all the other testimonies, understood without this “hermeneutic,” are opposed to it? They do not hide their response: they would like the contemporary Church to liberalize its attitude toward the divorced and remarried, and some do not think it is possible to arrive at this result if the early Church cannot be shown to have done the same.

The concept of tradition underlying this effort can appear rather outdated and even “integralist.” The tradition would be, then, no more than a literal repetition of what happened at the beginning, without the possibility of development. If, in order for the Church’s comportment toward the divorced and remarried to evolve, the Church of the first centuries has to have already done that which we would like today’s Church to do, then the tradition is the continual reproduction of past models without any possibility of progress or adaptation.

Now, the tradition that the Church considers the criterion of her faith is something else. We can compare it to the development of the understanding of a human being who, as he grows from childhood to adolescence and from maturity to old age, has an ever stronger and more adapted awareness of what he bears within himself. The origin of the tradition is the deposit of revelation that Christ entrusted to the Church through his teaching and through his whole life. In each moment of her history, the Church becomes ever more keenly aware of this deposit, under various influences. The Holy Spirit acts within her: “He will teach you all things, and bring to your remembrance all that I have said to you. . . . He will bear witness to me. . . . He will guide you into all the truth” (Jn 14:26; 15:26; 16:13). The occasion of this development is the Church’s accumulated experience, just as the child’s intellectual growth comes from the enrichment of his experience. As the Church encounters new cultures and faces new problems, she must oppose new errors; likewise, she draws profit from the reflection of her doctors. Far from being a frozen given, the tradition is a current of understanding and of thought that retains its unity but is susceptible to development and adaptation. In what concerns divorce and remarriage, history notes an evolution of the Church’s position: from the Middle Ages on, remarriage is permitted in the case

of the “Pauline privilege,” and following the Renaissance, according to its “Petrine” extensions. It is thus unnecessary to distort the history of the first centuries in order to adapt it to the reforms one might wish for the twentieth.

We can refuse to come out in favor of either apologists in the true sense of the word, or counter-apologists: too great a care for the burning issues, whether it be to show their continuity or discontinuity with the past, cannot but falsify historical research. And if history is falsified, how can the historian be useful to his contemporaries? What would he bring to them?—*Translated by Michelle K. Borrás.*²⁹ □

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29. This text is published as “Divorce et remariage dans l’Église primitive,” *Nouvelle Revue Théologique* 98, no. 10 (1976): 891–917. Reprinted with permission.