

B. Medieval Times and Reformation Era

In medieval theological literature, adultery was discussed primarily in terms of its legal consequences. Most hotly debated, in view of the fornication clause (μὴ ἐπὶ πορνείᾳ) in the dominical saying on divorce in Matt 19:9, was the issue of separation or divorce and, by implication, the possibility of remarriage after committing adultery. Official papal or conciliar decrees never accepted non-incestu-

ous adultery as admissible grounds for divorce and remarriage. Penitential books (from the late 5th to the early 11th cent.) prescribed a variety of punishments for sins like adultery, depending on the social standing and the constellation of persons involved. Times of penance could range from one to fourteen years, as in the case of bishops. Some penitential books required separation from the innocent partner during the time of penance, and some very few early books even allowed remarriage, if only for the innocent partner. From the 8th century onwards, at the latest, the indissolubility of marriage, even in spite of adultery, became the norm.

Early collections of church law, which claimed ecclesiastical jurisdiction over all sexual issues and generally bore witness to a markedly negative view of human sexuality, devoted much attention to the public legal consequences of adultery. These ranged from excommunication to humiliating public punishments such as lashings, the pillory and even exile. All of these law collections concurred in not permitting the husband to kill his wife if she was caught in the adulterous act, partially with reference to John 8:3–11, whereas many civil codes left lethal action on the part of the husband unpunished.

In the ten *casus* devoted to marriage and sexuality in his *Decretum* (Secunda Pars, Casus 27–36), Gratian (d. before 1160) deemed husband and wife equally liable for adultery and demanded five years of penance as punishment. They were allowed no intercourse during this period. If the innocent partner disregarded this command, he or she also became liable to church penalties. Concerning the controversial question as to whether two adulterers may marry after the death of the deceived spouse, Gratian decided that this was only possible if none of the adulterers had contributed to the spouse's death, the assigned penance had been fulfilled, and they had not previously promised marriage to one another.

The decretists valued intention more highly. Therefore, only someone consciously committing adultery could be held responsible for it; otherwise, it was a merely fornication. The decretists also gave the innocent partner the right to separate; the later development of a more sophisticated ecclesiastical jurisdiction, however, meant that this separation could only take place through a church court. The right of separation did not imply the permission to remarriage as long as the other partner was alive. Although women and men were treated equally from a theoretical standpoint, in practical terms women were often treated less favorably. Peter Lombard, for example, adopted the principle that only the husband was permitted to leave his wife in case of adultery, and not vice versa; there were, however, dissenting voices on this issue.

The commentaries on the Sentences contain the rudimentary beginnings of theological reflection

on the prohibition of adultery. In the interpretation of L. Hödl, Bonaventura believed that adultery also destroyed the church as the body of Christ. According to Thomas Aquinas' *Summa Theologiae*, adultery is:

- a) A grave sin against divine and natural law, because the first good of marriage is the procreation and education of children;
- b) A wrong to one's wife, who should be esteemed as one's highest good, as well as a wrong to one's children and to the human community;
- c) Carnal sin and therefore less grievous than spiritual sin;
- d) To be seen in connection with covetousness and greed;
- e) In contradiction to love of God and love of neighbor;
- f) For a woman more forgivable on account of her inferior reason, but at the same time more grievous on account of the good of procreation.

Late medieval and early modern manuals of moral theology treated the topic of adultery extensively in normative commentaries on the Sixth Commandment, which included all sexual actions outside of marriage, as well as when discussing mortal sins from the perspective of the ethics of virtue, under the headword of *luxuria*. For the most part, these handbooks repeated familiar arguments.

The Reformation (early 16th cent.) brought with it a special emphasis on the public character of marriage. Luther took a clear stance against secret marriages. Since these made adultery hard to keep under control, the Council of Trent (1545–63) introduced formal requirements for the canonical validity of the marriage ceremony. The Reformation also valued marriage more highly than celibacy, but rejected the sacramentality of marriage. This change had no effects on the appraisal of adultery itself, but it did have an impact on adultery's consequences. Luther vehemently rejected adultery, appealing to Scripture (death sentence for adulterers in Lev 20:10; Deut 22:22) and demanding that the government authorities put adulterers to death. Following Matt 19:9, he argued that the deceived spouse had the right to marry again. From his perspective, the adulterer was a dead person. Calvin regarded sexual intercourse outside of marriage as a clear sign of fallen humanity, and he also appealed to Scripture to demand the death of the adulterer. This was put into practice to a certain extent in Geneva after his death, where a number of adulterers were actually executed. Milder sentences, however, became the more common practice in Calvinist circles.

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