

Chapter 1 : John -- is it authentic?

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In some places the method for punishing adultery is stoning to death. In some jurisdictions , including Korea and Taiwan , adultery is illegal. In the United States , laws vary from state to state. For example, in Pennsylvania , adultery is technically punishable by 2 years of imprisonment or 18 months of treatment for insanity for history, see Hamowy. That being said, such statutes are typically considered blue laws , and are rarely, if ever, enforced. Military , adultery is a court-martialable offense only if it was "to the prejudice of good order and discipline" or "of a nature to bring discredit upon the armed forces" [2]. The enforceability of criminal sanctions for adultery is very questionable in light of Supreme Court decisions since relating to privacy and sexual intimacy, and particularly in light of Lawrence v. Texas , which apparently recognized a broad constitutional right of sexual intimacy for consenting adults. In Canadian law, adultery is defined under the Divorce Act. Though the written definition sets it as extramarital relations with someone of the opposite sex, the recent change in the definition of marriage gave grounds for a British Columbia judge to strike that definition down. In a case of a woman filing for divorce, her husband had cheated on her with another man, which the judge felt was equal reasoning to dissolve the union. This varies widely depending on local culture, religion and family values and how seriously the adulterer takes these. A feeling of guilt may colour the existing relationships, even if the infidelity remains undiscovered; if discovered, it is likely to lead to jealousy and anger. Even in sexually open relationships jealousy is often a consequence if it threatens some loss, real or perceived, to the non-adulterous partner. Please see the discussion on the talk page. This article or section is not written in the formal tone expected of an encyclopedia article. Please improve it or discuss changes on the talk page. Among such peoples the wife is commonly reckoned as the property of her spouse, and adultery, therefore, is identified with theft. But it is theft of an aggravated kind, as the property which it would spoliage is more highly appraised than other chattels. So it is that in some parts of Africa the seducer is punished with the loss of one or both hands, as one who has perpetrated a robbery upon the husband Reade, *Savage Africa*, p. But it is not the seducer alone that suffers. Dire penalties are visited upon the offending wife by her wronged spouse in many instances she is made to endure such a bodily mutilation as will, in the mind of the aggrieved husband, prevent her being thereafter a temptation to other men Schoolcraft, *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States*, I, ; V, , , ; also H. If, however, the wronged husband could visit swift and terrible retribution upon the adulterous wife, the latter was allowed no cause against the unfaithful husband; and this discrimination found in the practices of ancient peoples is moreover set forth in nearly all ancient codes of law. The *Laws of Manu* are striking on this point. In ancient India, "though destitute of virtue or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a god by a faithful wife"; on the other, hand, "if a wife, proud of the greatness of her relatives or [her own] excellence, violates the duty which she owes to her lord, the king shall cause her to be devoured by dogs in a place frequented by many" *Laws of Manu*, V, ; VIII, In the Greco-Roman world we find stringent laws against adultery, yet almost throughout they discriminate against the wife. The lending of wives practiced among some peoples was, as Plutarch tells us, encouraged also by Lycurgus, though, be it observed, from a motive other than that which actuated the practice Plutarch, *Lycurgus*, XXIX. The recognized license of the Greek husband may be seen in the following passage of the *Oration against Neaera*, the author of which is uncertain, though it has been attributed to Demosthenes: Yet, because of the wrong done to the husband only, the Athenian lawgiver Solon, allowed any man to kill an adulterer whom he had taken in the act" Plutarch, *Solon*. In the early Roman Law the *jus tori* belonged to the husband. There was, therefore, no such thing as the crime of adultery on the part of a husband towards his wife. Moreover, this crime was not committed unless one of the parties was a married woman Dig. That the Roman husband often took advantage of his legal immunity is well known. Thus we are told by the historian

Spartianus that Verus , the imperial colleague of Marcus Aurelius , did not hesitate to declare to his reproaching wife: Later on in Roman history, as the late William E. Lecky has shown the idea that the husband owed a fidelity like that demanded of the wife must have gained ground at least in theory. This Lecky gathers from the legal maxim of Ulpian: Only a married woman engaging in sexual intercourse with another man counted as adultery, in which case both the woman and the man were considered guilty [3]. In the Mosaic Law , as in the old Roman Law, adultery meant only the carnal intercourse of a wife with a man who was not her lawful husband. The intercourse of a married man with a single woman was not accounted adultery, but fornication. The penal statute on the subject, in Leviticus , xx, 10, makes this clear: This was quite in keeping with the prevailing practice of polygamy among the Israelites. In halakha Jewish Law the penalty for adultery is stoning for both the man and the woman, but this is only enacted when there are two independent witnesses who warned the offenders prior to the crime being committed. Today, a man is not allowed to continue living with a wife who cheated on him, and is obliged to give her a get or bill of divorce written by a sofer or scribe. The study of it, as more particularly affecting the bond of marriage, will be found under the head of Divorce. It is seen to differ from fornication in that it supposes the marriage of one or both of the agents. Nor is it necessary that this marriage be already consummated; it need only be what theologians call matrimonium ratum. Sexual commerce with one engaged to another does not, it is most generally held, constitute adultery. Although adultery, as the definition declares, is committed in carnal intercourse, immodest actions indulged in between a married person and another not the lawful spouse, while not of the same degree of guilt, are of the same character of malice as adultery Sanchez, De Mat. Alphonsus Liguori , with most theologians, declares that even between lawful man and wife adultery is committed when their intercourse takes the form of sodomy S. In the law of Jesus Christ regarding marriage the Mosaic discrimination against the wife is emphatically repudiated: The obligation of mutual fidelity, incumbent upon husband as well as wife, is moreover implied in the notion of the Christian sacrament, in which is symbolized the ineffable and lasting union of the Heavenly Bridegroom and His unspotted Bride, the Church, St. Paul insists with emphasis upon the duty of equal mutual fidelity in both the marital partners 1 Corinthians 7: Gregory Nazianzen Oratio, xxxi and St. Augustine De Bono Conjugati, n. But the notion that obligations of fidelity rested upon the husband the same as upon the wife is one that has not always found practical exemplification in the laws of Christian states. Despite the protests of Mr. Thus, in Massachusetts the adultery of the husband, unlike that of the wife, was not sufficient ground for divorce. In contrast with such rigour is the benignity of Jesus Christ towards the one guilty of adultery John 8: In the early discipline of the Church we see reflected a sense of the enormity of adultery, though it must be admitted that the severity of this legislation, such as that, for instance, which we find in canons 8 and 47 of the Council of Elvira c. Considering now the act in itself, adultery, forbidden by the sixth commandment, has in it a twofold malice, in common with fornication it violates chastity and is a sin against justice. Drawing a distinction between these two elements of malice, certain casuists declared early in the seventeenth century that intercourse with a married woman, when her husband gave his consent, constituted not the sin of adultery, but of fornication. It would therefore, they contended, be sufficient for the penitent, having committed this act, to accuse himself of the latter sin only in confession. At the instance of the Archbishop of Mechlin , the Academy of Louvain, in the year , censured as false and erroneous the proposition: The falsity of this doctrine appears from the very etymology of the word adultery, for the term signifies the going into the bed of another St. And the consent of the husband is unavailing to strip the act by which another has intercourse with his wife of this essential characterization. Again, the right of the husband over his wife is qualified by the good of human generation which regards not only the birth, but the nourishment and education of offspring, and its postulates cannot in any way be affected by the consent of parents. Such consent, therefore, as subversive of the good of human generation, becomes in canon law void and cannot be adduced as a ground for the doctrine set forth in the condemned proposition above mentioned, for the legal axiom that an injury is not done to one who knows and wills it scienti et volenti non fit injuria finds no place when the consent is thus vitiated. In answer to this, it must be said that the injury offered the husband in adultery is done him not as a private individual but as a member of a marital society, upon whom it is incumbent to consult the good of the prospective child. As such, his consent does not avail to take away the

malice of which it is question. Whence it follows that there is no obligation to reveal the fact of his consent in the case we have supposed Domenico Viva , Damnatae Theses, And here it may be observed that the consenting husband may be understood to have renounced his right to any restitution. The question has been discussed whether in adultery committed with a Christian, as distinct from that committed with a Pagan, there would be special malice against the sacrament constituting a sin against religion. Though some theologians have held that such would be the case, it should be said, with D. Viva, that the fact that the sinful person was a Christian would create an aggravating circumstance only, which would not call for specification in confession. When the parties to adultery are both married the sin is obviously more grievous than when one of them is single. Nor is it sufficient for a married person whose guilty partner in this act was also married to declare in confession the fact simply of having committed adultery. The circumstance that both parties to the sin were married is one that must be made known. Again the adulterer in his confession must specify whether, as married, he violated his own marriage pledge or; as single he brought about the violation of the marriage pledge of another. Finally, in case only one of the parties to adultery is married, a more heinous sin is committed when the married person is the woman than when she is the unmarried agent. For in the former instance the due process of generation is not infrequently interfered with, to the injury of the lawful husband; moreover uncertainty of parentage may result, and even a false heir may be imposed upon the family. Such a distinction as is here remarked, therefore, calls for specification in the confessional. By the adultery of a wife, besides the injury done the husband by her infidelity, a spurious child may be born which he may think himself bound to sustain, and which may perhaps become his heir. For the injury suffered in the unfaithfulness of his wife restitution must be made to the husband, should he become apprised of the crime. Nor is the obligation of this restitution ordinarily discharged by an award of money. A more commensurate reparation, when possible, is to be offered. Whenever it is certain that the offspring is illegitimate, and when the adulterer has employed violence to make the woman sin, he is bound to refund the expenses incurred by the putative father in the support of the spurious child, and to make restitution for any inheritance which this child may receive. In case he did not employ violence, there being on his part but a simple concurrence, then, according to the more probable opinion of theologians, the adulterer and adulteress are equally bound to the restitution just described. Even when one has moved the other to sin both are bound to restitution, though most theologians say that the obligation is more immediately pressing upon the one who induced the other to sin. When it is not sure that the offspring is illegitimate the common opinion of theologians is that the sinful parties are not bound to restitution. As for the adulterous mother, in case she cannot secretly undo the injustice resulting from the presence of her illegitimate child, she is not obliged to reveal her sin either to her husband or to her spurious offspring, unless the evil which the good name of the mother might sustain is less than that which would inevitably come from her failure to make such a revelation. Again, in case there would not be the danger of infamy, she would be held to reveal her sin when she could reasonably hope that such a manifestation would be productive of good results. This kind of issue, however, would be necessarily rare.

Zina Arabic According to Islam adultery is a violation of a marital contract and one of the major sins. In Islam, adultery includes both pre-marital and extra marital sex. Surely it is a shameful deed and evil, opening roads to other evils " Quran It is particularly controversial because a woman making an accusation of rape must provide extremely strong evidence to avoid being charged under it herself. The same kinds of laws are in effect in some other Muslim countries also such as Saudi Arabia. However, in recent years high-profile rape cases in Pakistan have given Hudood Ordinance more exposure than similar laws in other countries.

Chapter 2 : Adultery - Wikipedia, the free encyclopedia

Adultery in Canon Law Question from Michael Petek on 12/14/ According to Canon Law a married person has the right to dismiss his or her spouse once the tribunal has made a finding of adultery.

The discussion of adultery may be ordered under three general divisions: Nature of adultery; III. Obligations entailed upon the offenders. It is seen to differ from fornication in that it supposes the marriage of one or both of the agents. Nor is it necessary that this marriage be already consummated; it need only be what theologians call *matrimonium ratum*. Sexual commerce with one engaged to another does not, it is most generally held, constitute adultery. Again, adultery, as the definition declares, is committed in carnal intercourse. Nevertheless immodest actions indulged in between a married person and another not the lawful spouse, while not of the same degree of guilt, are of the same character of malice as adultery Sanchez, De Mat. It must be added, however, that St. Alphonsus Liguori, with most theologians, declares that even between lawful man and wife adultery is committed when their intercourse takes the form of sodomy S. Among savages generally adultery is rigorously condemned and punished. Among such peoples the wife is commonly reckoned as the property of her spouse, and adultery, therefore, is identified with theft. But it is theft of an aggravated kind, as the property which it would spoliates is more highly appraised than other chattels. So it is that in some parts of Africa the seducer is punished with the loss of one or both hands, as one who has perpetrated a robbery upon the husband Reade, *Savage Africa*, p. But it is not the seducer alone that suffers. Dire penalties are visited upon the offending wife by her wronged spouse; in many instances she is made to endure such a bodily mutilation as will, in the mind of the aggrieved husband, prevent her being thereafter a temptation to other men Schoolcraft, *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States*, I, ; V, , , ; also H. If, however, the wronged husband could visit swift and terrible retribution upon the adulterous wife, the latter was allowed no cause against the unfaithful husband; and this discrimination found in the practices of savage peoples is moreover set forth in nearly all ancient codes of law. The Laws of Manu are striking on this point. In ancient India, "though destitute of virtue or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshiped as a god by a faithful wife"; on the other, hand, "if a wife, proud of the greatness of her relatives or [her own] excellence, violates the duty which she owes to her lord, the king shall cause her to be devoured by dogs in a place frequented by many" *Laws of Manu*, V, ; VIII, In the Graeco-Roman world we find stringent laws against adultery, yet almost throughout they discriminate against the wife. The ancient idea that the wife was the property of the husband is still operative. The lending of wives practiced among some savages was, as Plutarch tells us, encouraged also by Lycurgus, though, be it observed, from a motive other than that which actuated the savages Plutarch, *Lycurgus*, XXIX. The recognized license of the Greek husband may be seen in the following passage of the Oration against Neaera, the author of which is uncertain, though it has been attributed to Demosthenes: Yet, because of the wrong done to the husband only, the Athenian lawgiver Solon, allowed any man to kill an, adulterer whom he had taken in the act" Plutarch, *Solon*. In the early Roman Law the *jus tori* belonged to the husband. There was, therefore, no such thing as the crime of adultery on the part of a husband towards his wife. Moreover, this crime was not committed unless one of the parties was a married woman Dig. That the Roman husband often took advantage of his legal immunity is well known. Thus we are told by the historian Spartianus that Verus, the colleague of Marcus Aurelius, did not hesitate to declare to his reproaching wife: Later on in Roman history, as the late William E. Lecky has shown the idea that the husband owed a fidelity like that demanded of the wife must have gained ground at least in theory. This Lecky gathers from the legal maxim of Ulpian: In the Mosaic Law, as in the old Roman Law, adultery meant only the carnal intercourse of a wife with a man who was not her lawful husband. The intercourse of a married man with a single woman was not accounted adultery, but fornication. The penal statute on the subject, in Leviticus In the Christian law this discrimination against the wife is emphatically repudiated. In the law of Jesus Christ regarding marriage the unfaithful husband loses his ancient immunity Matthew The obligation of mutual fidelity, incumbent upon husband as well as wife, is moreover implied in the notion of the Christian

sacrament, in which is symbolized the ineffable and lasting union of the Heavenly Bridegroom and His unspotted Bride, the Church, St. Paul insists with emphasis upon the duty of equal mutual fidelity in both the marital partners 1 Corinthians 7: Gregory Nazianzen Oratio, xxxi , and St. Augustine De Bono Conjugati, n. But the notion that obligations of fidelity rested upon the husband the same as upon the wife is one that has not always found practical exemplification in the laws of Christian states. Despite the protests of Mr. Thus, in Massachusetts the adultery of the husband, unlike that of the wife, was not sufficient ground for divorce. At present, in our States there is not this discrimination, but divorce, when granted on the ground of adultery, is obtainable by the wife just as by the husband. It is clear, however, that the severity of these penalties did not find their sanction in anything like an adequate idea of the guilt of this crime. In contrast with such rigour is the lofty benignity of Jesus Christ towards the one guilty of adultery John 8: In the early discipline of the Church we see reflected a sense of the enormity of adultery, though it must be admitted that the severity of this legislation, such as that, for instance, which we find in canons 8 and 47 of the Council of Elvira c. Considering now the act in itself, adultery, forbidden by the sixth commandment, has in it a twofold malice, In common with fornication it violates chastity, and it is, besides, a sin against justice. Drawing a distinction between these two elements of malice, certain casuists, early in the seventeenth century, declared that intercourse with a married woman, when her husband gave his consent, constituted not the sin of adultery, but of fornication. It would, therefore, they contended, be sufficient for the penitent, having committed this act, to accuse himself of the latter sin only in confession. At the instance of the Archbishop of Mechlin, the Academy of Louvain, in the year , censured as false and erroneous the proposition: The falsity of this doctrine appears from the very etymology of the word adultery, for the term signifies the going into the bed of another St. And the consent of the husband is unavailing to strip the act by which another has intercourse with his wife of this essential characterization. Again, the right of the husband over his wife is qualified by the good of human generation. This good regards not only the birth, but the nourishment and education, of offspring, and its postulates cannot in any way be affected by the consent of parents. Such consent, therefore, as subversive of the good of human generation, becomes juridically void. It cannot, therefore, be adduced as a ground for the doctrine set forth in the condemned proposition above mentioned. For the legal axiom that an injury is not done to one who knows and wills it scienti et volenti non fit injuria finds no place when the consent is thus vitiated. In answer to this, it must be said that the injury offered the husband in adultery is done him not as a private individual but as a member of a marital society, upon whom it is incumbent to consult the good of the prospective child. As such, his consent does not avail to take away the malice of which it is question. Whence it follows that there is no obligation to reveal the fact of his consent in the case we have supposed Viva, Damnatae Theses, And here it may be observed that the consenting husband may be understood to have renounced his right to any restitution. The question has been discussed, whether in adultery committed with a Christian, as distinct from that committed with a Pagan, there would be special malice against the sacrament constituting a sin against religion. Though some theologians have held that such would be the case, it should be said, with Viva, that the fact that the sinful person was a Christian would create an aggravating circumstance only, which would not call for specification in confession. It need hardly be said that when the parties to adultery are both married the sin is more grievous than when one of them is single. Nor is it sufficient for a married person whose guilty partner in this act was also married to declare in confession the fact simply of having committed adultery. The circumstance that both parties to the sin were married is one that must be made known. Again the adulterer in his confession must specify whether, as married, he violated his own marriage pledge or; as single he brought about the violation of the marriage pledge of another. Finally, it is to be observed that in case only one of the parties to adultery is married, a more heinous sin is committed when the married person is the woman than when she is the unmarried agent. For in the former instance the due process of generation is not infrequently interfered with, to the injury of the lawful husband; moreover, uncertainty of parentage may result, and even a false heir may be imposed upon the family. Such a distinction as is here remarked, therefore, calls for specification in the confessional. This is committed against the lawful spouse of the adulterer or adulteress. By the adultery of a wife, besides the injury done the husband by her infidelity, a spurious child may be born which he may think himself bound to sustain, and which may

perhaps become his heir. For the injury suffered in the unfaithfulness of his wife restitution must be made to the husband, should he become apprised of the crime. Nor is the obligation of this restitution ordinarily discharged by an award of money. A more commensurate reparation, when possible, is to be offered. Whenever it is certain that the offspring is illegitimate, and when the adulterer has employed violence to make the woman sin, he is bound to refund the expenses incurred by the putative father in the support of the spurious child, and to make restitution for any inheritance which this child may receive. In case he did not employ violence, there being on his part but a simple concurrence, then, according to the more probable opinion of theologians, the adulterer and adulteress are equally bound to the restitution just described. Even when one has moved the other to sin both are bound to restitution, though most theologians say that the obligation is more immediately pressing upon the one who induced the other to sin. When it is not sure that the offspring is illegitimate the common opinion of theologians is that the sinful parties are not bound to restitution. As for the adulterous mother, in case she cannot secretly undo the injustice resulting from the presence of her illegitimate child, she is not obliged to reveal her sin either to her husband or to her spurious offspring, unless the evil which the good name of the mother might sustain is less than that which would inevitably come from her failure to make such a revelation. Again, in case there would not be the danger of infamy, she would be held to reveal her sin when she could reasonably hope that such a manifestation would be productive of good results. This kind of issue, however, would be necessarily rare.

Chapter 3 : In the Crosshairs of the Canon | Catholic Answers

Canon 9 of St. Basil ascribes the practice of the Church not to allow the woman to separate from her husband if he commits adultery to the established social custom (ἰδίω... ἡμῶν). This word is also used by him in other canons in contrast to the word "ἀκριβῶς" (accuracy).

He asked him, "Which ones? When two partners, of whom at least one is married to another party, have sexual relations - even transient ones - they commit adultery. Christ condemns even adultery of mere desire. He who commits adultery fails in his commitment. He does injury to the sign of the covenant which the marriage bond is, transgresses the rights of the other spouse, and undermines the institution of marriage by breaking the contract on which it is based. It claims to break the contract, to which the spouses freely consented, to live with each other till death. Divorce does injury to the covenant of salvation, of which sacramental marriage is the sign. Contracting a new union, even if it is recognized by civil law, adds to the gravity of the rupture: Basil, *Moralia* 73, 1: That rigid attitude which condemns all sensual affections and actions with a third party they imagine to be a narrowing of mind and heart, something obsolete, or an abject form of jealousy, and as a result they look upon whatever penal laws are passed by the State for the preserving of conjugal faith as void or to be abolished. Such unworthy and idle opinions are condemned by that noble instinct which is found in every chaste husband and wife, and even by the light of the testimony of nature alone, - a testimony that is sanctioned and confirmed by the command of God: This love is an eminently human one since it is directed from one person to another through an affection of the will; it involves the good of the whole person, and therefore can enrich the expressions of body and mind with a unique dignity, ennobling these expressions as special ingredients and signs of the friendship distinctive of marriage. This love God has judged worthy of special gifts, healing, perfecting and exalting gifts of grace and of charity. Such love, merging the human with the divine, leads the spouses to a free and mutual gift of themselves, a gift providing itself by gentle affection and by deed; such love pervades the whole of their lives: Therefore it far excels mere erotic inclination, which, selfishly pursued, soon enough fades wretchedly away. This love is uniquely expressed and perfected through the appropriate enterprise of matrimony. The actions within marriage by which the couple are united intimately and chastely are noble and worthy ones. Expressed in a manner which is truly human, these actions promote that mutual self-giving by which spouses enrich each other with a joyful and a ready will. It will never be profaned by adultery or divorce. Firmly established by the Lord, the unity of marriage will radiate from the equal personal dignity of wife and husband, a dignity acknowledged by mutual and total love. The constant fulfillment of the duties of this Christian vocation demands notable virtue. For this reason, strengthened by grace for holiness of life, the couple will painstakingly cultivate and pray for steadiness of love, large heartedness and the spirit of sacrifice. Authentic conjugal love will be more highly prized, and wholesome public opinion created about it if Christian couples give outstanding witness to faithfulness and harmony in their love, and to their concern for educating their children; also, if they do their part in bringing about the needed cultural, psychological and social renewal on behalf of marriage and the family. Especially in the heart of their own families, young people should be aptly and seasonably instructed in the dignity, duty and work of married love. Trained thus in the cultivation of chastity, they will be able at a suitable age to enter a marriage of their own after an honorable courtship. Vatican II, *Gaudium et Spes*, n. Let him divorce her, and let the husband remain single. But if he divorce his wife and marry another, he too commits adultery" The Shepherd 4: Justin Martyr "In regard to chastity, [Jesus] has this to say: He repudiates not only one who actually commits adultery, but even one who wishes to do so; for not only our actions are manifest to God, but even our thoughts" First Apology 15 [A. Clement of Alexandria "That Scripture counsels marriage, however, and never allows any release from the union, is expressly contained in the law: And not only does he that divorces her become the cause of this, but also he that takes the woman and gives her the opportunity of sinning; for if he did not take her, she would return to her husband" *Miscellanies* 2: Origen "Just as a woman is an adulteress, even though she seem to be married to a man, while a former husband yet lives, so also the man who seems to marry her who has been divorced does not marry her, but, according to the declaration of

our Savior, he commits adultery with her" Commentaries on Matthew Council of Elvira "Likewise, women who have left their husbands for no prior cause and have joined themselves with others, may not even at death receive Communion" Canon 8 [A. If she has so married, she may not receive Communion unless he that she has left has since departed from this world" Canon 9. This shall also be observed in the instance where it is the woman who is the catechumen. But if a woman of the faithful is taken in marriage by a man who left an innocent wife, and if she knew that he had a wife whom he had left without cause, it is determined that Communion is not to be given to her even at death" Canon Ambrose of Milan "No one is permitted to know a woman other than his wife. The marital right is given you for this reason: Anyone who obeys men ought to stand in awe of God. Hear the law of the Lord, which even they who propose our laws must obey: Jerome "Do not tell me about the violence of the ravisher, about the persuasiveness of a mother, about the authority of a father, about the influence of relatives, about the intrigues and insolence of servants, or about household [financial] losses. So long as a husband lives, be he adulterer, be he sodomite, be he addicted to every kind of vice, if she left him on account of his crimes, he is her husband still and she may not take another" Letters Because it is always possible that someone may calumniate the innocent and, for the sake of a second joining in marriage, act in criminal fashion against the first, it is commanded that when the first wife is dismissed, a second may not be taken while the first lives" Commentaries on Matthew 3: Pope Innocent I "[T]he practice is observed by all of regarding as an adulteress a woman who marries a second time while her husband yet lives, and permission to do penance is not granted her until one of them is dead" Letters 2: Augustine "Neither can it rightly be held that a husband who dismisses his wife because of fornication and marries another does not commit adultery. For there is also adultery on the part of those who, after the repudiation of their former wives because of fornication, marry others. This adultery, nevertheless, is certainly less serious than that of men who dismiss their wives for reasons other than fornication and take other wives. Therefore, when we say: But we do not thereby acquit of this crime the man who marries a woman who was dismissed because of fornication. We do not doubt in the least that both are adulterers. We do indeed pronounce him an adulterer who dismissed his wife for cause other than fornication and marries another, nor do we thereby defend from the taint of this sin the man who dismissed his wife because of fornication and marries another. We recognize that both are adulterers, though the sin of one is more grave than that of the other. No one is so unreasonable to say that a man who marries a woman whose husband has dismissed her because of fornication is not an adulterer, while maintaining that a man who marries a woman dismissed without the ground of fornication is an adulterer. Both of these men are guilty of adultery" Adulterous Marriages 1: She will cease to be the wife of a former one, however, if that husband should die, not if he commit fornication. A spouse, therefore, is lawfully dismissed for cause of fornication; but the bond of chastity remains. That is why a man is guilty of adultery if he marries a woman who has been dismissed even for this very reason of fornication" *ibid.* 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 forever" Marriage and Concupiscence 1: Offspring, not so much because it may be born, but because it can be reborn; for it is born to punishment unless it be reborn to life. Fidelity, but not such as even the unbelievers have among themselves, ardent as they are for the flesh. The sacramental bond, which they lose neither through separation nor through adultery, this the spouses should guard chastely and harmoniously" *ibid.* By so doing a man is guilty of a twofold offense against chastity and the good of human procreation. First, by accession to a woman who is not joined to him in marriage, which is contrary to the good of the upbringing of his own children. The same applies to the married woman who is corrupted by adultery. Wherefore it is written Sirach For first she hath been unfaithful to the law of the Most High" since there it is commanded: The first of these, however, is common to all mortal sins, while the two others belong especially to the deformity of adultery. Hence it is manifest that adultery is a determinate species of lust, through having a special deformity in venereal acts. Human Reasoning This is not a commandment of men, but one that comes directly from Jesus Christ. As Paul said, "To the married I give charge, not I but the Lord, that the wife should not separate from her husband but if she does, let her remain single or else be reconciled to her husband" and that the husband should not divorce his wife" 1 Cor. It only stands to reason that those engaging in the conjugal act must provide a context within which the potential child can be nurtured, and this

context above all else entails a permanent commitment between those using their generative faculties in the conjugal act. Without this permanence, the dignity of the child is violated. The child, first of all, is given a tremendous security by the permanent commitment of his parents. He knows that they will always be there, giving unconditional love, unless death causes the absence of one or both parents. Second, he learns a great deal from seeing this permanent commitment at work day in and day out. He learns the value of commitment. One of the reasons so very many homosexual relationships do not have the character of permanence is because this particular reason or end for permanence is missing. True enough, permanence is a value in and of itself, irrespective of whether a child is present or not. But such inherent value of permanence is infused with deeper meaning when the child is present or potentially present: This grievous sin is far worse than fornication, for it violates not only chastity, but it is a gross violation of justice committed against the true spouse of the married party, or against both spouses of the married parties. Besides, it is a more damaging offense against the common good than fornication is.

Chapter 4 : Adultery | Catholic Answers

Canon 9 of St. Basil ascribes the practice of the Church not to allow the woman to separate from her husband if he commits adultery to the established social custom (ἡ ἐπιβεβηκυῖα ἡ συνήθεια). This word is also used by him in other canons [1] in contrast to the word "ἀκριβεία" (accuracy).

Podcasts Medieval Sex and Sexuality It may be surprising but many of the modern day attitudes towards sex and sexuality had its origins in the Middle Ages, a period that stretched roughly from the years 500 to 1500. What were the main attitudes towards sex prior to the Middle Ages? Prior to the widespread imposition of canon Church law across Europe in the Middle Ages, the primary forms of law regulating sexuality were Roman law in areas under the governance of the former Roman Empire and various forms of pagan law in areas that had not been Romanized for example, some Germanic areas and Scandinavia. Roman law differed from canon law in not prosecuting same-sex sex-acts unless an adult male allowed himself to be penetrated by an inferior eg. How did it shift by the time the Renaissance period emerged? In many ways, the sexual mores that came to be confirmed through the medieval period did continue on through the early modern period and really, can be seen in evidence up to around the turn of the twentieth century, especially considering attitudes towards masturbation and same-sex sexual relations. What was the main driving factor that influenced these shifts in attitude? How much of a role did the Church have? I would say there were two driving factors here that actually led in different directions. Firstly, society had become much more mercantile commercial, bourgeois by the later Middle Ages and families began to have inheritances to bequest to their children. They thus began to insist on having a greater say in the regulation of marriage, divorce, and the idea of sexual sins outside of marriage eg. Secondly, heresy became a growing problem by the time of the later Middle Ages, and was increasingly associated with sexual sins, especially sodomy. Sodomy became increasingly harshly punished, including by death. Equally, as the witchcraze began to gather momentum into the early modern period, the sexuality of women became increasingly suspect and they were seen as particularly susceptible to demonic penetration. How big was the idea of sin during the Middle Ages? The idea of sin was absolutely fundamental to any understanding of sexuality and sexual behaviour during the Middle Ages. What aspects of marital sex were frowned upon? Marital sexual activity had to be intended to be procreative, so certain heterosexual non-procreative positions were outlawed sex standing up, penetration from behind, woman on top , as were oral sex and anal sex even between husband and wife in a marriage. Procreative sex was not to be enjoyed and enjoyment vitiated its procreative intent. There were also strong regulations on when procreative sex could take place for instance, not on fast days, not on feast days, not on Sundays, etcetera. More generally, all forms of sexual activity in which seed was spilled outside its proper container the vagina were condemned, for example oral sex, anal sex, masturbation, bestiality. How significant was the concept of chastity? Chastity was a key concept in the Middle Ages, and was held up as the ideal state for both men and women, even more superior to monogamous marriage. Not only did men and women commit themselves to celibate lives within monastic contexts either becoming monks and nuns, or living a celibate life within a community that was not under a particular monastic rule, chastity even invaded the concept of marriage. Women, in particular, were encouraged to convince their husbands to live together in chastity, and a number of female saints were wives in chaste marriages. Indeed, older married couples were sometimes encouraged to separate and enter monastic houses, living out the remainder of their lives as monks and nuns. The concept of chastity was very powerful, and chaste women in particular were thought to have superior powers with regard to withstanding demonic temptation, facing martyrdom, etc. Did the rules and norms that governed sexuality apply equally to men, and women? The interesting thing is that although regulations governing sexuality appeared to be very strict in the medieval period, they were at least gender equal and there was not the sort of double standard in play that we are familiar with from later periods. Women had as much right as men to expect monogamy in marriage, and to expect sex in marriage. In some ways, because medieval sexual regulation was so much focused on the spilling of seed, men came under stronger regulation than women. For instance, there was greater concern about men masturbating than women. There was also greater concern about male-male sex than female-female

sex. What were some of the debates around marriage during the Middle Ages? The actions required to actually constitute marriage were under continual revision through the medieval period. The big question was did marriage simply require equal consent, or was consummation necessary as well? And were secret marriages legal? For instance, if a couple ran off into the woods and pledged their eternal love and consummated the relationship, did this constitute a legal marriage? Or were witnesses necessary, or was an officiating priest necessary? These questions were constantly under discussion in the high Middle Ages, and obviously had a huge impact on dynastic considerations. For example, when wealthy families betrothed a child but then later reconsidered and wanted to make a better marriage: Another issue here was raptus, which is where our idea of rape comes from, but raptus was slightly different, in that it also included the idea of abduction. This was where a man could abduct a woman one who owned or whose family owned property, say , force sexual intercourse on her, then demand marriage with her, and consequently, gain title to her lands and wealth. What was the attitude towards adultery? Marriages were required to be monogamous and were legally and religiously binding, generally to death unless the couple chose mutually to enter monastic orders instead. Adultery was both a crime and a sin that could be and was punished; if the marriage dissolved in the wake of adultery, the guilty party was prohibited from ever marrying the person they had committed the adultery with. Women could petition the court to return to them a husband who had left and gone to live with another woman. Dissolving a marriage on account of sexual incompatibility however was difficult: If you were to compare the Middle Ages to our modern times, what are some of the ideas around sex and sin that have remained fairly intact? In terms of likeness, I would say that our approach to prostitution up to the very present has remained very similar to that of the Middle Ages; namely, that although prostitution might be considered undesirable in an ideal world, it was recognized as necessary within social structures as they were, in order to protect and safeguard other women. For example, if men desired anal sex, it was better that they undertook that with a prostitute than with their wife; or if an unmarried man desired sex, it was better that he went to a prostitute than seduced or forced himself upon a virgin or a married woman. Attitudes towards prostitutes were also not unkind: In recognizing the inevitability of prostitution, by the later Middle Ages many municipal councils undertook to run their own official town brothel, in which way they could at least regulate the health and wellbeing of the workers, and regulate the men who visited them eg. Similarly, what are some of the ideas that have changed dramatically? Chastity, which was such a powerful ideal in the Middle Ages, has almost no place in contemporary society and indeed, can even look like a kind of illness, a sign that someone is not fully at ease with their own body. There simply was not this concept in the Middle Ages. How much of an impact did the Middle Ages have on our current view of sex? I think the ideas of no sex before marriage, deterrence of masturbation, uneasiness over homosexuality, and the concern with fidelity in marriage by both men and women can be seen as a medieval Christian legacy that continued to be strongly influential on society up until the later decades of the twentieth century. In general, the discomfort and anxiety over the sexual body that was in evidence up until very recently I would see as due to our medieval Christian inheritance.

Chapter 5 : Adultery - Works | Archive of Our Own

Define 'adultery' as used in the Bible. Locate examples of 'adultery' in Bible verses.

For instance, in the United Kingdom, adultery is not a criminal offense, but is a ground for divorce , [13] with the legal definition of adultery being "physical contact with an alien and unlawful organ". The application of the term to the act appears to arise from the idea that "criminal intercourse with a married woman Some adultery laws differentiate based on the sex of the participants, and as a result such laws are often seen as discriminatory, and in some jurisdictions they have been struck down by courts, usually on the basis that they discriminated against women. Definitions and legal constructs[edit] Anne Boleyn was found guilty of adultery and treason and executed in There is controversy among historians as to whether she had actually committed adultery. Although the legal definition of adultery differs in nearly every legal system, the common theme is sexual relations outside of marriage, in one form or another. Traditionally, many cultures, particularly Latin American ones, had strong double standards regarding male and female adultery, with the latter being seen as a much more serious violation. For example, New York defines an adulterer as a person who "engages in sexual intercourse with another person at a time when he has a living spouse, or the other person has a living spouse. In , Virginia prosecuted an attorney, John R. Another tort, alienation of affection , arises when one spouse deserts the other for a third person. Polyamory , meaning the practice, desire, or acceptance of intimate relationships that are not exclusive with respect to other sexual or intimate relationships, with knowledge and consent of everyone involved, sometimes involves such marriages. Swinging and open marriages are both a form of non-monogamy , and the spouses would not view the sexual relations as objectionable. However, irrespective of the stated views of the partners, extra-marital relations could still be considered a crime in some legal jurisdictions which criminalize adultery. In Canada, though the written definition in the Divorce Act refers to extramarital relations with someone of the opposite sex, a British Columbia judge used the Civil Marriage Act in a case to grant a woman a divorce from her husband who had cheated on her with another man, which the judge felt was equal reasoning to dissolve the union. In the United Kingdom, case law restricts the definition of adultery to penetrative sexual intercourse between a man and a woman, no matter the gender of the spouses in the marriage, although infidelity with a person of the same gender can be grounds for a divorce as unreasonable behavior; this situation was discussed at length during debates on the Marriage Same-Sex Couples Bill. It was a non-cognizable, non-bailable criminal offence, until the relevant law was overturned by the Supreme Court of India on 27 September Where adultery is illegal, the punishment varies from fines for example in the US state of Rhode Island [39] to caning in parts of Asia. Sometimes such stonings are ordered by informal village leaders who have de facto power in the community. For instance it may constitute fault in countries where the divorce law is fault based or it may be a ground for tort. In some societies the law punishes the "intruder", rather than the adulterous spouse. For instance art of the Penal Code of South Sudan reads: Legal issues regarding paternity[edit] Further information: Historically, paternity of children born out of adultery has been seen as a major issue. Modern advances such as reliable contraception and paternity testing have changed the situation in Western countries. Children born out of adultery suffered, until recently, adverse legal and social consequences. In France , for instance, a law that stated that the inheritance rights of a child born under such circumstances were, on the part of the married parent, half of what they would have been under ordinary circumstances, remained in force until , when France was forced to change it by a ruling of the European Court of Human Rights ECtHR and in , the ECtHR also ruled that the new regulations must be also applied to children born before In , the ECtHR ruled in favor of a German man who had fathered twins with a married woman, granting him right of contact with the twins, despite the fact that the mother and her husband had forbidden him from seeing the children. The occurrence of extramarital sex by men is described as "universal" in 6 cultures, "moderate" in 29 cultures, "occasional" in 6 cultures, and "uncommon" in 10 cultures. The occurrence of extramarital sex by women is described as "universal" in 6 cultures, "moderate" in 23 cultures, "occasional" in 9 cultures, and "uncommon" in 15 cultures.

Chapter 6 : Adultery - Wikipedia

Grounds for a divorce are adultery, physical incapacity at the time of marriage, sentence to imprisonment for three years or more, desertion for two years, habitual drunkenness, extreme cruelty, or, in case of the wife, refusal of the husband to provide for her maintenance when sufficiently able to do so; but in case the parties were married outside of Michigan the party seeking the divorce must reside within the state at least one year before petitioning for the same.

Celibacy and virginity were exalted as "the highest forms of life," according to Jeffrey Richards, author of *Sex, Dissidence and Damnation: Minority Groups in the Middle Ages*. Along with others, Thomas Aquinas believed that lust undermined reason, which then led to a corruption of morals and judgment. In fact, the church did not deny that sex was pleasurable, but openly acknowledged the power it could wield over humans, claiming that sex itself only functioned as a generator for more sexual desire. However, according to Nicholas of Lyra and countless others, the pleasure obtained from intercourse was a sin, which automatically led to shame, guilt and even depression, resulting from the "strength of carnal passion". Law dictated that the clergy report known fornicators those who were unmarried and had sexual relations to the law authorities, who might either punish the offenders with fines these varied locally, or in many cases try to coerce the couple to marry. Marriage, or at least the provision of some sort of dowry for the female on the part of the male, was actually the most commonly suggested solution to the problem of fornication. We see this several times in the *Decameron*, for example V. If the man refused either of these options, he might be forced to pay a fine, but in some cases more serious, corporal punishment resulted. In general, however, the focus was more on healing "social wounds" than on inflicting penalties. Penalties for fornication were influenced by the age and the social, religious, and marital status of the offenders. Punishment was harsher for the old than for the young, as sexual behavior was to be expected of the latter but exceedingly inappropriate for the former. Female peasants were often considered "fair game," and any man who fornicated with one of them was usually treated leniently, even if there was violence involved - as there often was. Christians who fornicated with non-Christians usually Jews or Muslims often faced the death penalty, as generally much harsher punishment was reserved for instances of miscegenation. As might be expected, sex between married persons who were not married to one other was a more serious sin than sex between those who were unmarried. Despite the edicts of canon law and the real risk of punishment, it appears that unrestrained sexual activity was quite common throughout Europe during these times. In fact, most did not believe fornication was a sin at all, and many were taken by surprise at confession when priests informed them that they had indeed sinned by committing certain sexual acts. Vincent Ferrer claimed that by age fifteen, all young men had lost their virginity. There are also suggestions that rural populations were much more accepting of illicit sexual behavior, and that country folk were viewed as much more "free" sexually than urban dwellers. Lastly, although premarital sex was obviously considered sinful by the church, in reality, once couples were betrothed, they often slept together during a sort of "trial period" before the wedding. That way, if one or both were not satisfied with the results, they might still attempt to release themselves from future consent to marry sometimes by becoming godparents of the same child, a relationship which would lead to an incestuous union. Adultery While adultery was not quite as common as simple fornication, it too seems to have been relatively widespread. It was so common in fact that by the later Middle Ages it was not even considered grounds for the dissolution of marriage. Andrew the Chaplain, author of *The Art of Courtly Love*, wrote that if a man is unfaithful to his wife out of passion and not love, his actions are acceptable. However, adulterous offenders were punished more severely than those who simply engaged in fornication. Adultery was considered a more serious sin because it betrayed the marriage vows and could produce illegitimate children. "Sex and Canon Law," Although theologians were somewhat divided on the issue, female adulterers were generally punished more harshly than their male counterparts. Indeed, the general public seemed to agree with the notion that an adulterous woman brought shame and dishonor to her husband and her family, and should face strict penalties. Guilty women were often expelled from their homes, their dowries were confiscated by their husbands, or, heads

shaven, they were forced to parade through the streets. In general, the notion that chastity was more important for a woman than a for a man was universal. The University of Chicago Press, Bullough and James A. Bullough and James Brundage. Prometheus Books, , , pp. Sex, Dissidence and Damnation: Minority Groups in the Middle Ages. Other pages in Society:

Chapter 7 : The Woman Caught in Adultery

Scott, feeling somewhat set up, asked, "Then how was the canon determined?" The Canon Determined "With regard to the Old Testament, the council fathers stuck to the Septuagint, which was the most common translation in use by the early Church," Paul explained. "It was also the version most often quoted in the New Testament.

This section uncritically uses texts from within a religion or faith system without referring to secondary sources that critically analyze them. Please help improve this article by adding references to reliable secondary sources , with multiple points of view. July Learn how and when to remove this template message In Matthew In 2 Corinthians 2: Fornication is not the only ground for excommunication, according to the apostle: He that abideth in the doctrine of Christ, he hath both the Father and the Son. This is where the foundling wheel once stood. The inscription declares, citing a 12 November papal bull of Pope Paul III , that God inflicts "maledictions and excommunications" on all who abandon a child of theirs whom they have the means to rear, and that they cannot be absolved unless they first refund all expenses incurred. Within the Catholic Church, there are differences between the discipline of the majority Latin Church regarding excommunication and that of the Eastern Catholic Churches. Latin Church[edit] In Latin Catholic canon law , excommunication is a rarely applied [1] censure and thus a "medicinal penalty" intended to invite the person to change behaviour or attitude, repent, and return to full communion. According to Bishop Thomas J. Paprocki , "excommunication does not expel the person from the Catholic Church, but simply forbids the excommunicated person from engaging in certain activities Under current Catholic canon law, excommunicates remain bound by ecclesiastical obligations such as attending Mass, even though they are barred from receiving the Eucharist and from taking an active part in the liturgy reading, bringing the offerings, etc. These are the only effects for those who have incurred a latae sententiae excommunication. For instance, a priest may not refuse Communion publicly to those who are under an automatic excommunication, as long as it has not been officially declared to have been incurred by them, even if the priest knows that they have incurred it. In the Catholic Church , excommunication is normally resolved by a declaration of repentance , profession of the Creed if the offense involved heresy and an Act of Faith, or renewal of obedience if that was a relevant part of the offending act, i. In many cases, the whole process takes place on a single occasion in the privacy of the confessional. For some more serious wrongdoings, absolution from excommunication is reserved to a bishop , another ordinary , or even the Pope. These can delegate a priest to act on their behalf. It too excludes from ministerial functions in public worship and from reception of the sacraments, but not from the exercise of governance. A distinction is made between minor and major excommunication. Those on whom minor excommunication has been imposed are excluded from receiving the Eucharist and can also be excluded from participating in the Divine Liturgy. They can even be excluded from entering a church when divine worship is being celebrated there. The decree of excommunication must indicate the precise effect of the excommunication and, if required, its duration. They are to be removed from participation in the Divine Liturgy and any public celebrations of divine worship. They are forbidden to make use of any privileges granted to them and cannot be given any dignity, office, ministry, or function in the Church, they cannot receive any pension or emoluments associated with these dignities etc. Excommunicable offenses[edit] The excommunicable offenses can be distinguished as has been said, into the ones where the punishment is latae sententiae, that is the penalty is incurred by committing the deed itself, and those where it needs to be imposed by a court, according to who has the right to absolve it: Under current law, an excommunicate is never vitandus. Persons belonging to an Eastern Catholic Church are never subject to a latae sententiae punishment; this is therefore not explicitly mentioned in the lists below. Latae sententiae[edit] A person is latae sententiae excommunicated or, if an Eastern Catholic, ferendae sententia if they: In both Eastern and Latin rites, the excommunication is reserved to the Apostolic See. Former excommunicable offenses[edit] According to the Code of Canon Law of , the excommunications reserved to the Apostolic See were grouped in three categories, those reserved 1. The excommunications for apostasy, heresy or schism were reserved to the Apostolic see in special manner, though they could be solved by the bishop though not the general vicar in his

stead can. The possible excommunication of someone not the Confessor who disclosed something under the Seal of the Confessional was reserved to no one; the excommunication for unlawful episcopal consecrations did not then exist but there was a *latae sententiae* suspension, as neither did the possible excommunication and certain suspension of a priest who does have faculties but absolves a penitent he knows to be unrepenting. The other excommunications still in existence were reserved to the bishop as they are now. The following further acts were excommunicable offenses reserved to the Apostolic See in a special manner: Eastern Orthodox churches[edit] In the Eastern Orthodox churches, excommunication is the exclusion of a member from the Eucharist. It is not expulsion from the churches. This can happen for such reasons as not having confessed within that year; excommunication can also be imposed as part of a penitential period. It is generally done with the goal of restoring the member to full communion. Before an excommunication of significant duration is imposed, the bishop is usually consulted. The Orthodox churches do have a means of expulsion, by pronouncing anathema, but this is reserved only for acts of serious and unrepentant heresy. As an example of this, the Second Council of Constantinople in, in its eleventh capitula, declared: According to Luther, excommunication requires: The confrontation between the subject and the individual against whom he has sinned. If this fails, the confrontation between the subject, the harmed individual, and two or three witnesses to such acts of sin. A confrontation between the pastor and the subject. Many Lutheran denominations operate under the premise that the entire congregation as opposed to the pastor alone must take appropriate steps for excommunication, and there are not always precise rules, to the point where individual congregations often set out rules for excommunicating laymen as opposed to clergy. For example, churches may sometimes require that a vote must be taken at Sunday services; some congregations require that this vote be unanimous. Calvin notes, "though ecclesiastical discipline does not allow us to be on familiar and intimate terms with excommunicated persons, still we ought to strive by all possible means to bring them to a better mind, and recover them to the fellowship and unity of the Church. Adams argues that in excommunication, the offender is still seen as a brother, but in the final step they become "as the heathen and tax collector" Matthew Edwards argues that "Particularly, we are forbidden such a degree of associating ourselves with excommunicants, as there is in making them our guests at our tables, or in being their guests at their tables; as is manifest in the text, where we are commanded to have no company with them, no not to eat". Keep no company with such a one, saith the apostle, no not to eat "as much as to say, no not in so low a degree as to eat with him. Who can suppose that the apostle meant this: Take heed and have no company with a man, no not so much as in the highest degree of communion that you can have? Besides, the apostle mentions this eating as a way of keeping company which, however, they might hold with the heathen. He tells them, not to keep company with fornicators. Then he informs them, he means not with fornicators of this world, that is, the heathens; but, saith he, "if any man that is called a brother be a fornicator, etc. Two for habitual Sabbath-breaking. Two for retailing spiritous liquors. Three for quarrelling and brawling. One for beating his wife. Three for habitual, wilful lying. Four for railing and evil-speaking. One for idleness and laziness. And, Nine-and-twenty for lightness and carelessness. If he request a trial, however, within thirty dates of the final action of the official board, it shall be granted. Practically, that meant membership in the church entailed a commitment to try to live according to norms of Christian behavior widely held by the Anabaptist tradition. In the ideal, discipline in the Anabaptist tradition requires the church to confront a notoriously erring and unrepentant church member, first directly in a very small circle and, if no resolution is forthcoming, expanding the circle in steps eventually to include the entire church congregation. If the errant member persists without repentance and rejects even the admonition of the congregation, that person is excommunicated or excluded from church membership. Exclusion from the church is recognition by the congregation that this person has separated himself or herself from the church by way of his or her visible and unrepentant sin. This is done ostensibly as a final resort to protect the integrity of the church. When this occurs, the church is expected to continue to pray for the excluded member and to seek to restore him or her to its fellowship. There was originally no inherent expectation to shun completely sever all ties with an excluded member, however differences regarding this very issue led to early schisms between different Anabaptist leaders and those who followed them. Amish[edit] Jakob Ammann, founder of the Amish sect, believed that the shunning of those

under the ban should be systematically practiced among the Swiss Anabaptists as it was in the north and as was outlined in the Dordrecht Confession. Recently more moderate Amish groups have become less strict in their application of excommunication as a discipline. In general, the Amish will excommunicate baptized members for failure to abide by their Ordnung church rules as it is interpreted by the local Bishop if certain repeat violations of the Ordnung occur. Excommunication among the Old Order Amish results in shunning or the Meidung, the severity of which depends on many factors, such as the family, the local community as well as the type of Amish. Some Amish communities cease shunning after one year if the person joins another church later on, especially if it is another Mennonite church. At the most severe, other members of the congregation are prohibited almost all contact with an excommunicated member including social and business ties between the excommunicant and the congregation, sometimes even marital contact between the excommunicant and spouse remaining in the congregation or family contact between adult children and parents. Mennonites[edit] In the Mennonite Church excommunication is rare and is carried out only after many attempts at reconciliation and on someone who is flagrantly and repeatedly violating standards of behavior that the church expects. In either case, the church will attempt reconciliation with the member in private, first one on one and then with a few church leaders. Members of the church generally pray for the excluded member. Some regional conferences the Mennonite counterpart to dioceses of other denominations of the Mennonite Church have acted to expel member congregations that have openly welcomed non-celibate homosexuals as members. This internal conflict regarding homosexuality has also been an issue for other moderate denominations, such as the American Baptists and Methodists. The practice among Old Order Mennonite congregations is more along the lines of Amish, but perhaps less severe typically. An Old Order member who disobeys the Ordnung church regulations must meet with the leaders of the church. If a church regulation is broken a second time there is a confession in the church. Those who refuse to confess are excommunicated. However upon later confession, the church member will be reinstated. An excommunicated member is placed under the ban. This person is not banned from eating with their own family. Excommunicated persons can still have business dealings with church members and can maintain marital relations with a marriage partner, who remains a church member. Hutterites[edit] The separatist, communal, and self-contained Hutterites also use excommunication and shunning as form of church discipline. Since Hutterites have communal ownership of goods, the effects of excommunication could impose a hardship upon the excluded member and family leaving them without employment income and material assets such as a home. However, often arrangements are made to provide material benefits to the family leaving the colony such as an automobile and some transition funds for rent, etc. One Hutterite colony in Manitoba Canada had a protracted dispute when leaders attempted to force the departure of a group that had been excommunicated but would not leave. About a dozen lawsuits in both Canada and the United States were filed between the various Hutterite factions and colonies concerning excommunication, shunning, the legitimacy of leadership, communal property rights, and fair division of communal property when factions have separated. Please help improve this article by adding citations to reliable sources.

Chapter 8 : The Bible and the Canon: The Inspired Word of God II

Christ condemns even adultery of mere desire.[Cf. Mt] The sixth commandment and the New Testament forbid adultery absolutely.[Cf. Mt ; Mt ; Mk ; 1 Cor] The prophets denounce the gravity of adultery; they see it as an image of the sin of idolatry [Cf. Hos ; Jer ; Jer]. () Adultery is an injustice.

The Woman Caught in Adultery John 8: Missing from the earliest extant copies of the Gospels and only rarely cited by early Christians, most biblical scholars regard this passage as a later addition to the text of the New Testament. This practice continues today. Is this story in the Gospel of John? Readers of contemporary Bibles are often surprised to learn that the story of the woman taken in adultery was probably not placed within the Gospel of John until sometime after the Gospel was already circulating without it. Absent from surviving very early copies on papyrus and from every grand fourth- and fifth-century Bible, the earliest copy of the Gospel of John to include the passage is part of Codex Bezae, a fifth-century Greek-Latin manuscript likely copied in Syria. Codex Bezae treats the story as if it were fully part of the Gospel, suggesting that the passage was placed within John at some earlier point, though Bezae preserves a rather unique text and not only of John. Eventually, and after a lengthy historical process, the adulteress and her story gained a secure home both in the Christian tradition and in the Christian Bible. The churches of Rome read the passage during Lent , guaranteeing that the faithful would hear it at least once a year. The story remained less well-known among Greek-speaking Christians, however; when copying their Gospel books, Greek scribes often marked the passage with asterisks, a custom designed to indicate what may not be original to the text, and Byzantine Christian preachers never cited it. The story was known if not exactly popular among Greek-speaking Christians: This writer did not know the passage from John, but that did not stop him from perceiving it as an authentic story about Jesus. Similar attitudes can be found among other ancient Christians. The Egyptian theologian Didymus the Blind circa 300 C. Augustine of Hippo 430 C. Nevertheless, all of these writers viewed this story as fully part of the Christian tradition, worrying less about its absence from an accepted Gospel book than about the meanings they found in it. With the advent of modern New Testament textual criticism , a reappraisal of the inclusion of this passage within John began. Popular English translations today preserve this history by situating it within double square brackets, usually with an accompanying footnote explaining its absence from the most reliable early manuscripts. As the history of the story of the woman taken in adultery demonstrates, beliefs about what constitutes a valuable story about Jesus can and do change. Modifying the text of the Gospels—even to make them more like the most original manuscripts—affects the ways that communities interpret them. She specializes in the literature and history of ancient Christianity with a particular interest in the transmission and reception of sacred texts. She is the author of *Abandoned to Lust: The well-known story of the woman taken in adultery is not reliably present in the earliest manuscripts of the Gospel of John. The story of the woman taken in adultery is not found in the earliest and best copies of the Gospel of John. The story was first cited in the third century, in the context of a church order known as the Didascalia Apostolorum, though there may be allusions to it in the writings of the second-century bishop Papias of Hierapolis and in the Proto-Gospel of James. The story likely circulated either orally or in a noncanonical source before it was placed in some copies of the Gospel of John. Didymus the Blind, Jerome, and Augustine of Hippo knew that the story could not always be found in John, but they cited it anyway. Byzantine scribes sometimes marked this passage with asterisks, indicating that it may be spurious. As a result, the passage is left without comment. The instability of this story has not succeeded in displacing it from the Bible, either during antiquity or today.*

Chapter 9 : Divorced Catholics and the Eucharist - Canon Law Made Easy

The account of the woman caught in adultery (John) has a textual history that makes heads spin. Michaels in her commentary on John [] offers the details: It is not in the earliest manuscripts (with one exception); in those manuscripts where we do find it, it is not found in one place.

Posted on January 3, by canonlawmadeeasy Q: What does canon law really say about divorced people receiving Holy Communion? The issue of who may, and who may not, receive the Eucharist lawfully is a canonical question with deep theological roots. Consequently, the Church has spoken on this matter not merely in the Code of Canon Law, but also in the Catechism and in other theological contexts. As always, canon law follows theology, and the two are consistent, for they can never contradict each other. The code states that Catholics are not to be allowed to receive Holy Communion if they are under the penalty of excommunication or interdict, or obstinately persist in manifest grave sin c. Canon notes that as a rule, anyone who is conscious of grave sin may not celebrate Mass in the case of a priest or receive the Eucharist without previously having been to sacramental confession. The Church is therefore concerned simultaneously with three different, although interrelated issues: Theologically, we Catholics know that we should not receive the Eucharist when we are in a state of grave sin. Does the fact that a Catholic is divorced, in and of itself, constitute a mortal sin? The answer, of course, is no. Yet while the Catholic Church teaches that marriage is, by its very nature, intended to last until death, it acknowledges that being divorced is not necessarily sinful. If, for example, one spouse is divorced by the other, it is obviously possible for a Catholic to find himself divorced entirely against his will! The Catechism makes a very clear and necessary distinction: It can happen that one of the spouses is the innocent victim of a divorce decreed by civil law; this spouse therefore has not contravened the moral law. There is a considerable difference between a spouse who has sincerely tried to be faithful to the sacrament of marriage and is unjustly abandoned, and one who through his own grave fault destroys a canonically valid marriage Therefore one can and certainly does encounter sincerely devout, practicing Catholics who happen to be divorced. Such persons are hardly excluded from the sacraments simply because their spouses chose to divorce them. There are other situations in which a Catholic spouse might very well find that divorce is, unfortunately, the best way to resolve a difficult situation. In circumstances involving abuse and violence, for example, the Church certainly understands that a divorce may be legally necessary. A battered wife, or a spouse seeking to protect children from an abusive situation by taking the means required under civil law to keep the abuser away, can hardly be considered morally culpable for obtaining a divorce for reasons of physical safety. Similarly, a divorce may be civilly necessary if one spouse is bankrupting the family with compulsive gambling. In such a case a Catholic might need to obtain a divorce in order to safeguard the financial wellbeing of the rest of the family. So we can see that it is entirely possible for a good Catholic to be divorced! Since this is the case, why is it that we hear the Church teaching that divorced Catholics cannot receive the Eucharist? The fact is, the Church does not teach that Catholics are forbidden to receive Holy Communion if they are divorced. Rather, it teaches that a Catholic who has been divorced and remarried, without having first obtained an annulment of the first marriage, is not permitted to receive the Eucharist. For those of us who believe what the Catholic Church teaches about the sacraments, the logic of this position is actually quite straightforward. If a Catholic obtains a civil divorce, but does not have a declaration from the Church that his marriage was null, he is still married in the eyes of the Church—even if civil law asserts that his marriage has ended. A person in this situation cannot remarry in the Catholic Church; he is impeded from doing so because he is already married to someone else c. Consequently, if a Catholic does remarry under these circumstances, he necessarily does so outside the Catholic Church, either in a non-Catholic religious ceremony, or in a civil proceeding before a justice of the peace, for example. The Catholic Church naturally does not accept that this second marriage is valid! Instead, the Catechism teaches that the remarried Catholic is living in a state of sin with the new spouse: Today there are numerous Catholics in many countries who have recourse to civil divorce and contract new civil unions. Consequently, they cannot receive Eucharistic communion as long as this situation persists. In other words, society reasonably presumes

that a husband and wife are engaging in sexual relations. Consequently, the Church regards the relationship between a Catholic and a second spouse as adulterous, if the first spouse is still living. And since adultery constitutes a grave moral evil, a Catholic who is living in this situation is not permitted to receive the Eucharist. If a divorced and remarried Catholic wishes to receive Holy Communion, what can he do? This is where the reverence due to the Most Blessed Sacrament fits directly into the picture. In order to safeguard the dignity of the sacrament, the Church will never, ever condone the reception of the Eucharist by a Catholic who persists in an adulterous union. Therefore, if a divorced and remarried Catholic wishes to receive the Eucharist, he must first repent of his adultery, and receive sacramental absolution. But in order to be truly sorry for his sins, a Catholic must have the resolution to avoid them in future. This is why paragraph of the Catechism , noted above, concludes as follows: This means that he must either separate from the second spouse altogether; or they must henceforth live together as brother and sister, rather than as husband and wife. The number of married couples who would willingly agree to the latter arrangement, in order to receive the Eucharist, is presumably slim—and yet it is a fact that they do indeed exist. There definitely are Catholics among us who remarried outside the Church, but subsequently wished to rectify their situation for spiritual reasons. They have made a good confession, firmly resolving to sin no more. With their spouses in agreement with their decision, these remarried Catholics are still living with their second spouses, but in total continence. In many cases, the presence of minor children in the house has led the couple to decide to continue living together, for the good of the children. Catholics like these are, spiritually speaking, once again entitled to receive the Eucharist. The relative rarity of this situation, however, leads us to yet another issue: If the Catholic faithful see a divorced and remarried Catholic receiving Holy Communion, what will they think? Will they immediately assume that the Catholic has agreed with his second spouse to abstain permanently from all sexual relations? Or will they instead be more likely to conclude that the remarried Catholic is living in sin with his second spouse, and nevertheless is being permitted to receive Holy Communion? Canon , already cited above, notes that a Catholic cannot receive the Eucharist if he persists in manifest grave sin. The point is, if the Catholic faithful see that a priest gives the Eucharist to someone whom they know is living in a gravely sinful manner, they might naturally—and wrongly—conclude that such a sinful lifestyle must be morally acceptable. In such a situation, the need to avoid public scandal is crucial! There is tremendous need for tact and diplomacy in situations like these, on the part of both the remarried Catholic and his pastor. It might, depending on the circumstances, be preferable for these Catholics to refrain from receiving Holy Communion at large Masses, where their action can easily be seen and totally misunderstood by others in the congregation. An understanding parish priest can make an effort to ensure that these parishioners can receive the Eucharist in a more discreet way. In other cases, some remarried Catholics have been known to speak rather openly about their now-continence relationship with their second spouses. We Catholics have no right to know the internal spiritual status of our fellow Catholics—but at the same time we should not be given reason to believe, rightly or wrongly, that the sacraments are being abused, by our fellow parishioners and with the apparent consent of the parish priest. We can see that the Catholic Church tries her best to balance multiple concerns simultaneously. The right of Catholics to receive the sacraments must be assessed in light of the very real need for reverence toward the Most Blessed Sacrament.