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## **Poglądy św. Augustyna w kwestii możliwości zawarcia powtórnego małżeństwa**

### **The Views of Saint Augustine on the Question of the Possibility of Remarriage**

#### **Introduction**

Saint Augustine, Bishop of Hippo (353-430) is One of the most outstanding Christian writers)<sup>1</sup>. Many works of his rich legacy is dedicated to the issue of marriage. These topic were the subject of his interest in many works<sup>2</sup>. As Sergio Zincone wrote, Augustine is the only early-Christian writer who, in „De bono coniugali”, focused exclusively on marriage<sup>3</sup>. Multitude of issues that he raised were due to the fact that he presented this issue in various aspects in order to resolve, as far as possible, many of the controversial views that existed in the doctrine of that time<sup>4</sup>. According to Francesco Delphini, the obscurity of the positions of writers writing in the first centuries of Christianity was due to the fact that the emerging doctrine had not yet developed any sufficient theoretical basis. In the opinion of the Italian

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<sup>1</sup> More on this figure see P. BROWN, *Augustyn z Hippony*, transl. W. RADWAŃSKI, Warszawa 1993.

<sup>2</sup> Cf. AUGUSTINUS, *De genesis contra Manicheos*, PL 34, p. 174-220; AUGUSTINUS, *De genesi ad literam imperfectum liber*, PL 34, p. 219-246; AUGUSTINUS, *De sermone Domini in monte*, PL 34, p. 1129-1308; AUGUSTINUS, *De diversis questionibus LXXXIII*, PL 40, p. 11-100; AUGUSTINUS, *De bono coniugali*, PL 40, p. 373-396; AUGUSTINUS, *De continentia*, PL 40, p. 349-372; AUGUSTINUS, *De sancta verginitate*, PL 40, p. 397-428; AUGUSTINUS, *In Joannis Evangelium tractatus*, PL 35, p. 1389-1976; AUGUSTINUS, *De fide et operibus*, PL 40, p. 197-232; AUGUSTINUS, *De bono viduitatis*, PL 40, p. 429-450; AUGUSTINUS, *De civitate Dei*, PL 41, p. 13-804; AUGUSTINUS, *De gratia Christi et peccato originali*, PL 44, p. 359-410; AUGUSTINUS, *De nuptiis et concupiscentia*, PL 44, p. 413-476; AUGUSTINUS, *De coniugis adulterinis*, PL 40, p. 451-486; AUGUSTINUS, *Contra Iulianum*, PL 44, p. 641-674; AUGUSTINUS, *Retroactiones*, PL 32, p. 583-656. Collation by: C. RYCHLICKI, *Sakramentalny charakter przymierza małżeńskiego*, Płock 1997, p. 183.

<sup>3</sup> Cf. AUGUSTINUS, *De bono coniugali*, 1, 7, p. 373-396; S. ZINCONI, *Matrimonio nei Padri (IV – VII sec.)*, in: *Matrimonio – famiglia nei Padri*, Roma 2006, p. 352.

<sup>4</sup> Cf. F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, Milano 1979, p. 61.

author, the particular achievements of this Church Father are expressed in the fact that he has become the author of a theory that unifies various principia<sup>5</sup>.

The aim of this study will not be to show all of the views of the Bishop of Hippo on marriage, but to present just one, albeit extremely interesting, thread on the issue of the possibility of remarriage. This issue has been the subject of Saint Augustine's attention in several works and, in particular, in „De coniugis adulterinis”<sup>6</sup>. He was strongly opposed to remarriage. He took a categorical stance on this issue because the believers of the time lived in the conviction that it was possible to get married again<sup>7</sup>.

It would not be fully possible to understand Saint Augustine's views on the issue set out in the title of the article without presenting certain assumptions of his theory of marriage.

## 1. Some assumptions of the marriage theory

In connection with the subject matter dealt with in this study, Saint Augustine's views on the sacramentality of marriage, marital fidelity and the inseparability of marriage are important.

### 1.1. The sacramentality of marriage

According to patrologists, Augustine developed a doctrine on the sacramental nature of marriage, which had a serious impact on the later understanding of this issue in theology<sup>8</sup>. In his opinion, marriage was not only a contract, but above all a sacrament<sup>9</sup>. In its concept, it highlighted the supernatural nature of marriage. He argued that there is a close link between

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<sup>5</sup> F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 61.

<sup>6</sup> AUGUSTINUS, *De coniugis adulterinis*, 1, 25, p. 452-486; H. CROUZEL, *La indisolubilidad del matrimonio en los Padres de la Iglesia*, in: T. GARCÍA BARBARENA (ed.), *El vinculo matrimonial ¿divorcio o indisolubilidad?*, Madrid 1978, p. 110.

<sup>7</sup> H. CROUZEL, *Divorziati „risposati”. La prassi della Chiesa primitiva*, Siena 2014, p. 45.

<sup>8</sup> S. ZINCONI, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 163.

<sup>9</sup> Augustinus, *De fide et operibus*, 1,7,10, p. 203: „[...] hoc est in Ecclesia, ubi nuptiarum non solum vinculum, verum etiam sacramentum ita commendatur, ut non liceat viro uxorem suam alteri tradere [...]”; F. Delphini, *Divorzio e separazione dei coniugi nel diritto romano e nella dottrina della chiesa fino al V secolo*, Torino 1956, p. 72; F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 62.

sacramentality and the inseparability of marriage<sup>10</sup>. According to Delphini, in Augustine's view, the inseparability of marriage was due to the nature of marriage<sup>11</sup>. In explaining this, Czesław Rychlicki stated that, for Augustine, the inseparability of marriage was a direct result of sacramentality. He described this adjective as „res cuiusdam Sacramenti”, among other things<sup>12</sup>.

Reflecting on the problem of the permanence of the conjugal knot in the context of sacramentality, the Bishop of Hippo referred to the mechanisms of functioning of the two other sacraments, which were baptism and ordination<sup>13</sup>. In Book II of „De coniugis adulterinis”, based on analogy, he aptly observed that baptism is also important when someone is excommunicated, similarly, the conjugal knot lasts when a spouse is abandoned<sup>14</sup>. The parallel between the sacrament of marriage and the sacrament of priestly orders became the subject of his attention in „De bono coniugali”. He maintained that, just as abandoning one's office does not destroy the sacramental nature of ordination, in marriage, too, abandoning one's spouse does not destroy the marriage knot<sup>15</sup>.

Apart from that, in writing about the sacramentality of marriage, Augustine compared marriage to Christ's relationship with his Church<sup>16</sup>. This theme appears in several of its positions. Commenting on Ephesians 5:32 in „De nuptiis et concupiscentia” he stated that the permanence of the conjugal knot is similar to that of Christ's relationship with the Church<sup>17</sup>; in „De bono coniugali”, he stressed that marriage is a sign of supernatural reality<sup>18</sup>.

Concluding this passage, we would like to recall the thought of Rychlicki, who, referring to the Augustinian concept of the sacramentality of marriage, has compiled this

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<sup>10</sup> Augustinus, *De coniugis adulterinis*, 2,5, p. 473; S. ZINCONE, *Matrimonio nei Padri (IV – VII sec.)*, op. cit., p. 372.

<sup>11</sup> F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 65.

<sup>12</sup> C. RYCHLICKI, *Sakramentalny charakter przymierza małżeńskiego*, op. cit., p. 186.

<sup>13</sup> J. KAMAS, *The Separation of the Spouses with the Bond Remaining*, Roma 1997, p. 54.

<sup>14</sup> AUGUSTINUS, *De coniugis adulterinis*, 2,5, p. 473.

<sup>15</sup> AUGUSTINUS, *De bono coniugali*, 1, 24, 32, p. 394: „Quemadmodum si fiat ordinatio cleri ad plebem congregandam, etiamsi plebis congregatio non subsequatur, manet tamen in illis ordinatis Sacramentum ordinationis; et si aliqua culpa quisquam ab officio removeatur, Sacramento Dommini semel imposito non carebit, quamvis ad iudicium permanente”; S. ZINCONE, *Matrimonio nei Padri (IV – VII sec.)*, p. 372; F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 62.

<sup>16</sup> S. ZINCONE, *Matrimonio nei Padri (IV – VII sec.)*, op. cit., p. 373; J. KAMAS, *The Separation of the Spouses with the Bond Remaining*, op. cit., p. 58; C. RYCHLICKI, *Sakramentalny charakter przymierza małżeńskiego*, op. cit., p. 186-188.

<sup>17</sup> See AUGUSTINUS, *De nuptiis et concupiscentia*, 1, 10, 11, p. 420: „[...] verum quoddam sacramentum nuptiarum [...] huius procul dubio sacramento res est, ut mas et femina connubio copulati quamdiu vivunt inseparabiliter perserverent [...]”; G. CERETI, *Matrimonio e indissolubilità*, Bologna 2014, p. 163.

<sup>18</sup> AUGUSTINUS, *De bono coniugali*, 1, 11, 12, p. 382; H. CROUZEL, *Divorziati „risposati”. La prassi della Chiesa primitiva*, op. cit., p. 115.

approach in the following way: „[...] the term „sacramentum” in reference to marriage is not clear in Augustine. He defines marriage as a mysterious and sacred reality, because it symbolises the sacred and mystical thing that is the unity of Christ with the Church”<sup>19</sup>.

## 1.2. Marital fidelity

Saint Augustine, in his works, in the context of his reflections on the sacramentality of marriage, also addressed the problem of marital fidelity. He claimed that, although all spouses are obliged to be faithful, faithfulness is much more important in case of relationships entered into by Christians. For in this category of marriage, it results from the sacramentality of marriage<sup>20</sup>.

In the Augustine's understanding, both husband and wife were equally obliged to be faithful to each other<sup>21</sup>. When reflecting on this problem in „Contra Iulianum”, he argued that marriage is not different from adultery in the birth of children, but in fidelity intended to secure the legal birth of children and the proper satisfaction of lusts<sup>22</sup>. In „De bono coniugali”, on the other hand, he wrote that adultery is nothing more than reconciling marriage fidelity and submission to lust. <sup>23</sup>. In his opinion, the obligation in question is based on an anthropological premise. He argued „because we are human” (sed nos viri sumus), therefore we can control our desires<sup>24</sup>.

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<sup>19</sup> C. RYCHLICKI, *Sakramentalny charakter przymierza małżeńskiego*, op. cit., p. 192.

<sup>20</sup> AUGUSTINUS, *De nuptiis et concupiscentia*, 1, 17, 19, p. 424: „Fides autem non qualem habent inter se etiam infideles zelantes carnem. Quis enim vir quamlibet impius, vult adulteram uxorem? aut quae mulier, quamlibet impia vult adulterum virum? Haec in connubio bonum naturale est quidem, carnale tamen. Sed membrum Christi conjugis adulterium debet timere, non sibi; et a Christo sperare fidei praemium, quam exhibet coniugi. Sacramentum vero, quo nec separati nec adulterati amittunt, coniuges concorditer casteque custodiant”; S. Zincone, *Matrimonio nei Padri...*, p. 368.

<sup>21</sup> S. ZINCONI, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 367.

<sup>22</sup> AUGUSTINUS, *Contra Iulianum*, 3, 65, p. 735; S. Zincone, *Matrimonio nei Padri...*, p. 367.

<sup>23</sup> AUGUSTINUS, *De bono coniugali*, 1 4, 4, p. 375-376: „Hujus autem fidei violatio dicitur adulterium, cum vel propriae libidinis instinctu, vel alienae consensu, cum altero vel altera contra pactum coniugale concubitur [...]”; S. ZINCONI, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 368.

<sup>24</sup> AUGUSTINUS, *De coniugis adulterinis*, 2,8,7, p. 475: „Sed nos viri sumus; an vero sexus nostri dignitas hanc sustinebit iniuram, ut cum aliis feminis praeter uxores nostras si quid admittimus, in luendis poenis mulieribus comparemur? Quasi non propter ea magis debeant illicitas concupiscentias viriliter frenare, quia viri sunt?”; S. Zincone, *Matrimonio nei Padri...*, p. 367.

### 1.3. Indissolubility of marriage

Augustine's views on sacramentality and marital fidelity have influenced his perception of the inseparability of marriage. In „De bono coniugali”, he insisted that no other cause can break the marriage knot except death<sup>25</sup>. In „De bono viduitatis” and „De nuptiis et concupiscentia”, he expressed this principle in a positive way, stating that the conjugal knot is inseparable as long as both parties live<sup>26</sup>.

In several other works, the Bishop of Hippo pointed out that he was right to take this position. In „Coram Julianum”, he claimed that marriage is inseparable for the sake of the spouses<sup>27</sup>; in „De diversis quaestionibus”, and in commenting on Matthew 5:32, he highlighted the value of fidelity, stressing that neither spouse can abandon the other<sup>28</sup>. He also referred to this principle in „De sermone Domini” when he wrote that during the lifetime of a husband, a wife cannot marry another man; if she did, then she would be guilty of this act<sup>29</sup>. In „De bono coniugali”, he described such an act as morally wrong<sup>30</sup>.

According to Delphini, this Church Father's views on the inseparability of marriage were based on the assumption that marriage is an earthly good. It therefore ceases upon the death of one of the parties<sup>31</sup>.

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<sup>25</sup> AUGUSTINUS, *De bono coniugali*, 1, 24, 32, p. 394; F. Delphini, *Indissolubilità matrimoniale...*, p. 62.

<sup>26</sup> AUGUSTINUS, *De bono viduitatis*, 4, 5, p. 433: „Nam enim de coniugo, quod copulatur liberorum procreandorum causa, et fide pudicitiae coniugalis, et indissolubili, quamdiu ambo vivunt [...]”; Augustinus, *De nuptiis et concupiscentia*, 1, 10, 11, p. 420; G. CERETI, *Divorzio, nuove nozze e penitenza nella Chiesa primitiva*, Roma 2013, p. 257.

<sup>27</sup> AUGUSTINUS, *Coram Julianum*, 5, 12,46, p. 810.

<sup>28</sup> AUGUSTINUS, *De diversis quaestionibus*, 83, p. 100: „[...] de utroque fideli dixisse, et marito et uxore, ut si ambo fidei sint, neutri liceat alterum reliquere [...]”.

<sup>29</sup> AUGUSTINUS, *De sermone Domini*, 1,16,43, p. 1251: „Non liceat mulieri nubere alteri, nisi mortuo viro; si ante viri mortem nupserit, rea est [...]”.

<sup>30</sup> AUGUSTINUS, *De bono coniugali*, 1, 7, p. 378: „Usque adeo foedus illud initum cujdam sacramento ius est, ut nec ipsa separatione irritum fiat: quandoquidem vivente viro, et a quo relicta est, moechatur, si alteri nupserit; e ille hujus mali causa est qui reliquit”.

<sup>31</sup> F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 63. Such a statement is present in: AUGUSTINUS, *De bono coniugali*, 1, 9, 9, p. 380; AUGUSTINUS, *De sermone Domini*, PL 1, 15, p. 1249.

## 2. Possibility of remarriage

### 2.1. General assumptions

Saint Augustine's position on the issues of sacramentality and inseparability of marriage, as well as of marital fidelity, had a major impact on his reference to the problem of the possibility of remarriage. In the initial eight chapters of „De coniugis adulterinis”, Bishop of Hippo wrote that he had to face two divorce theories in operation at that time. In the first one, based on Matthew 19:9, the spouse was allowed to divorce on the grounds of his wife's adultery, while a wife was not allowed to marry on the grounds of her husband's adultery; according to the second theory, both spouses had an equal right to enter into a new marriage, because the adulterer was considered dead on the grounds of legal fiction<sup>32</sup>. In the opinion of Giovanni Cereti, Saint Augustine was the first Church Father at that time to clearly state that evangelical law is different from secular law<sup>33</sup>.

In „De coniugis adulterinis”, the Bishop of Hippo attitude was strong. He did not agree to remarry regardless of whether there was physical or spiritual adultery<sup>34</sup>. Wondering about the reason for such a radical view, Zincone pointed out that Augustine used biblical arguments to refer to the texts of Mark 10:12 and Luke 16:18, in which no exception to the general rule is allowed<sup>35</sup>. This truth is particularly highlighted in Chapter IX entitled „Nolens reconciliari adultera uxori non potest alteri nubere”<sup>36</sup>. According to Henri Cruzel, Augustine broadened the scope of the notion of adultery by understanding not only every form of infidelity but also every form of bodily desire<sup>37</sup>.

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<sup>32</sup> AUGUSTINUS, *De coniugis adulterinis*, 1, 1-8, p. 451-456; F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 61-62.

<sup>33</sup> G. CERETI, *Divorzio, nuove nozze e penitenza nella Chiesa primitiva*, op. cit., p. 163-164.

<sup>34</sup> AUGUSTINUS, *De coniugis adulterinis*, 1, 25, p. 469: „Propter quolibet tamen fornicationis genus, sive carnis, sive spiritus, ubi infidelitas intelligitur, et dimissio viro non licet alteri nubere, et dimissa uxore non licet alteram docere; quoniam Dominus nulla exceptione facta dicit, *Si uxor dimiserit virum suum, et alii nupserit maechatur; et, Omnis qui dimittit uxorem suam, et ducit alteram, maechatur*”; S. Zincone, *Matrimonio nei Padri...*, p. 369; F. Delphini, *Indissolubilità matrimoniale...*, p. 64.

<sup>35</sup> S. ZINCONI, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 369.

<sup>36</sup> AUGUSTINUS, *De coniugis adulterinis*, 2, 9, p. 476; F. Delphini, *Indissolubilità matrimoniale...*, p. 63.

<sup>37</sup> H. CROUZEL, *La indisolubilidad del matrimonio en los Padres de la Iglesia*, op. cit., p. 113.

It should be noted that the Bishop of Hippo permitted separation, but only in case of adultery. He claimed that, except in case of adultery, the separation is wicked<sup>38</sup>; he also considered the separation for chastity to be wicked<sup>39</sup>.

In Chapter XIII of Book II of „*Nolentes reconciliari coniugibus adulteris, continentiam custodiant*”, he states that spouses, who are separated on the grounds of adultery, are obliged to remain in marital fidelity or chastity<sup>40</sup>. He advocated a solution, according to which, if a wife leaves her adulterous husband and there is no possibility of reconciliation with him, she should remain unmarried; if, on the other hand, the husband leaves his adulterous wife and does not want to accept her even after doing penance, then she should live in chastity<sup>41</sup>.

## 2.2. Specific issues

When touching on the issue of the possibility of a repeat union, Saint Augustine also referred to a specific case. In his legacy of works, there is the thread of marrying another woman in the event of her infertility. He expressed negatively towards this doubt<sup>42</sup>. He dedicated a great deal of attention to this problem in Chapter XV of Book I of „*De bono coniugali*” entitled „*Connubium non posse dissolvere ob sterilitatem*”<sup>43</sup>. In Chapter XVI of „*De sermone Domini*” he maintained that, although there are cases in the Old Testament where such a decision was allowed, this is currently impossible because the injunctions are more valuable (*sed tunc praecepta maiora sunt*)<sup>44</sup>.

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<sup>38</sup> AUGUSTINUS, *De coniugis adulterinis*, 1, 7, 7, p. 455: „[...] quia mulierem non permittit a viro non fornicante discedere [...]”; Augustinus, *De sermone Domini*, 1, 14, 39, p. 1248-1249; S. ZINCONE, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 370; H. CROUZEL, *La indisolubilidad del matrimonio en los Padres de la Iglesia*, op. cit., p. 114; G. CERETI, *Matrimonio e indissolubilità*, op. cit., p. 164.

<sup>39</sup> AUGUSTINUS, *De coniugis adulterinis*, 1, 7, 7, p. 455; S. ZINCONE, *Matrimonio nei Padri (IV – VII sec)*, op. cit., p. 370; G. CERETI, *Divorzio, nuove nozze e penitenza nella Chiesa primitiva*, op. cit., p. 258.

<sup>40</sup> AUGUSTINUS, *De coniugis adulterinis*, 2, 13, 479-480; F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 63.

<sup>41</sup> AUGUSTINUS, *De coniugis adulterinis*, 2, 13, PL 40, p. 479-480: „Quapropter si recesserit mulier ab adultero viro, et ei reconciliari non vult, maneat inupta; et si dimisserit vir adulteram mulierem, et eam non vult recipere, nec post poenitentiam, custodiat continentiam [...]”.

<sup>42</sup> F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 64.

<sup>43</sup> AUGUSTINUS, *De bono coniugali*, 1, 15, 17, p. 385.

<sup>44</sup> AUGUSTINUS, *De sermone Domini*, 1, 16, 49, p. 1253-1254.

## Conclusion

According to Cereti, there is a synthesis of early Christian teaching about marriage in Augustine's works. In his opinion, the Bishop of Hippo was a master of doctrine and morality<sup>45</sup>. The analyses carried out show that this Church Father were categorically in opposition to the possibility of remarriage, even when adultery took place on the part of one of spouses. This view stemmed from the principled assumptions of his theory of marriage, particularly regarding sacramentality, marital fidelity and the inseparability of marriage. The literature stresses that the Augustinian doctrine on this issue had a serious impact on the perception of this issue in the following centuries.

Saint Augustine spoke out strongly against the arrangements adopted in Roman law which allows remarriages. Contrary to the solutions developed by this legal order, which justified immoral acts of a man but does not justify the acts of a wife, he clearly advocated equality between husband and wife in this matter<sup>46</sup>.

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<sup>45</sup> G. CERETI, *Divorzio, nuove nozze e penitenza nella Chiesa primitiva*, op. cit., p. 260.

<sup>46</sup> F. DELPHINI, *Indissolubilità matrimoniale e divorzio dal I al XII secolo*, op. cit., p. 64; H. CROUZEL, *La indisolubilidad del matrimonio en los Padres de la Iglesia*, op. cit., p. 113.