27 Adultery (*Adulterium*)

It is said[[1]](#endnote-1) as if to another (*ad alterum*), to the bed of another man with approach, and happens in three ways: either when the husband has relations with a married woman, with an unmarried woman, or, according to Chrysostom,[[2]](#endnote-2) when a man is an ardent and impetuous lover of his own wife, that is, striving more for pleasure than for children. Concerning which, [1] Esdr. 4[:26]: “Many have lost their minds because of their own wives.” Of this vice many are damned, for from it come disinheritances, Eccli. 23[:32]: “So every woman also that leaves her husband.”

¶ Again homicides arise, the example in David who in no way would have turned into a homicide had he not committed adultery.

¶ Therefore adultery was formerly punished most severely, as is evident through the histories of the nations. In every law and nation, it was punished, namely, by death, according to the law of Moses, Lev. 20[:10]: “If any man commit adultery with the wife of another, and defile his neighbor's wife, let them be put to death.” Both, namely, death by stoning; and according to the old civil laws, the adulterer pays with his head because of the severity of his crime. Furthermore, he is placed in the middle place to be punished, namely, he is among the homicides. They were the ones about whom Pope Clement spoke, C. 32, q. 7, c. 16, *Quid in omnibus*,[[3]](#endnote-3) what among all the sins is more serious than adultery? Among the penalties it holds second place, that is, among the penitential prohibitions, because it is placed among the homicides and above theft, for theft because it is committed by reason of theft. In truth it is without reason, Prov. 6[:30]: “The fault is not so great when a man has stolen,” that is, a matter more serious, that is, the adultery is stolen, “for he steals to fill his hungry soul.” And it follows, “But he that is an adulterer, for the folly of his heart shall destroy his own soul,” [Prov. 6:32]. Here however note that in the aforesaid authority, What is more serious than adultery? For what if it brings in business, but because charity is rarely found there, it is a graver sin.

¶ Again, because it is said there that adultery holds second place among the penalties, in so much as it is said that spiritual evils are punished first and foremost, then the carnal sins. Or therefore it is thus said to be in second place because it is prohibited in the second table. Or therefore it is said adultery is more serious because it is more seriously punished. Or because the disturbance is more serious among men. Nor is it a wonder if adultery is seriously punished, because marriage was the first of God’s statutes in paradise before sin.

¶ Therefore, the betrayer of that statute is more seriously punished, but by man. In the gospel Christ tempered that rigor when he said, [John 8:11]: “Neither will I condemn you.” Because heretofore weakness drove the crime more than wickedness. Today, however, a man according to the canons, by reason of adultery, can sue for separation of bed, and a convicted adulteress ought to be thrust away into a strict monastery to do penance, unless perhaps her husband wishes to be reconciled to her, Extra. *De procuratoribus* c. *Tue [fraternitatis]*, in the beginning of the *Glossa[[4]](#endnote-4)* and C. 27, q. 2, c. 44, *Inventa* in the *Glossa.[[5]](#endnote-5)* But the man is to be punished more seriously for adultery than the wife, since the man is the head of the woman and ought to rule, teach, and punish her, as is treated C. 32, q. 6, c. 4, *Indignantur*.[[6]](#endnote-6)

¶ For, note here that if the wife of another is known sexually and is taken away to a public brothel, it would not be adultery, but another kind of fornication can also be noted here. The narration which Alexander Necham puts in his book, *De naturis rerum*,[[7]](#endnote-7) concerning an adulterous stork, because she often washed herself in a fountain so that she would be safe, but when the neighboring knight blocked the fountain so she could not wash, she was torn to pieces, and perished together with her adulterer. Thus, God appoints his spouse, the human soul, to sit over the eggs, that is, to produce good works and he himself again prepares for her the necessities by which she might wash herself internally in the fountain of penitence before the bridegroom comes to judgment, so that she may well go forth. If, however, she was caught before she was washed, she will be torn apart, Wis. 11[:24]: “You overlook the sins of men for the sake of repentance,” but sometimes it happens that the knight unexpectedly blocks up the fountain of penance through sudden death. Therefore, Eccli. 5[:8]: “Delay not to be converted to the Lord,” etc.

Thus, it is treated in the chapter [79] Conversion (*Conuersio*), etc.

1. Peter Lomard, *Sententiae* Lib. 4 Dist. 41.4 (PL 192:940): Adulterium est alieni thori violatio, unde adulterium dicitur quasi alterius thori accessio. [↑](#endnote-ref-1)
2. Chrysostom, attributed to Jerome in *Fasciculum Morum* 7.9.73-78, pp. 680-681: Committitur autem adulterium alio modo, licet non ita dampnabile, sicut dicit Ieronimus, quando scilicet suarum coniugum adulteri sunt proprii mariti non affectantes proles set tantum libidinem, non ut Deus per generacionem honoretur set ut voluptas exinde perficiatur. [↑](#endnote-ref-2)
3. *Decretum,* C. 32, q. 7, c. 16: Quid in omnibus peccatis est adulterio grauius. Secundum namque in penis obtinet locum, quem quidem primum illi habent, qui aberrant a Deo, etiamsi sobrie vixerint. [↑](#endnote-ref-3)
4. *Decretales,* X.1.38.5; Bernard of Parma, *Glossa ordinaria* X.1.38.5 *Legitimam* col. 464: Per leges veteres pu8niebatur mulier conuicta de adulterio ad poenam sanguinis. C. de adul. castitati. & etima secundum legem Mosaycam lapidabatur. 33. q. 5. haec imago. Hodie vero detruditur in monasterium. C. de adulte. Authen. sed hodie. & infra de conuer. coniung. gaudemus. Et potest ver vxorem conuictam de adulterio & condemnatam retinere si vult, & vxor virum, vt dicitur in praedicta Authentica. [↑](#endnote-ref-4)
5. *Decretum,* C. 27, q. 2, c. 44; John Teutonicus, *Glossa ordinaria* C. 27, q. 2, c. 44 *Vt legis* col. 2013: quia secundum legem quae iam sponsa erat lapidabatur ob fornicationem. 34.q.2.non satis. sed quae nondum erat sponsa alicuius, & fornicabatur, non puniebatur morte, nisi postea copularetur alicui tanquam virgo; & ita lapidaretur beata virgo. quia cum iam sponsum haberet, grauida apparebat: & ita constabat vel anted vel post desponsationem eam forniatam praesumptiue: & ideo fuit desponsata. Sed secundum legem Romanam secus est.... [↑](#endnote-ref-5)
6. *Decretum,* C. 32, q. 6, c. 4: *Indignantur mariti*, si audiant adulteros uiros pendere similes adulteris feminis penas, cum tanto grauius eos puniri oportuerit, quanto magis ad eos pertinet et uirtute uincere, et exemplo regere feminas. [↑](#endnote-ref-6)
7. Alexander Neckham, *De Naturis Rerum* 1.64 (pp. 112-113).

Cf. *Gesta Romanorum* cap. 82 ed. Herman Oesterly (p. 410): Quidam miles erat, qui castrum pulcherrimum habebat, super quo due cicone nidificabant; sub castro erat fons clarus, in quo ciconie solebant se balneare. Accidit quod femella pullos produxit, masculus vero per terram volabant, ut pullis cibum colligeret. Illo abeunte femella est adulterate, sed antequam masculus venire ad fonem descenderat, ut se lavaret, ne masculus fetorem adulterii sentiret. Miles cum sepius hoc vidisset, admirabatur, fontem clausit, ne ciconia se lavaret vel balnearet; illa vero cum fontem clausit, vidisset et non poterat se lavare, post adulterium commissum ad nidum est reversa. Masculus veniens et senciens adulterii fetorem, inde volavit et infra diem naturalem secum multitudinem ciconiarum duxit et in presencia milits eam occiderunt. [Gesta Romanorum - Google Books](https://www.google.com/books/edition/Gesta_Romanorum/YAZKeolFjGoC?hl=en&gbpv=1&dq=sub+castro+erat+fons+clarus,+in+quo+ciconie+solebant+se+balneare&pg=PA410&printsec=frontcover) [↑](#endnote-ref-7)