

the three forty-day periods, if it was on account of some fault. But if they determined [to be baptized] for the sake of cleanness, they shall do penance in this way for three years.

*XI. Of Those Who Despise the Lord's Day, and Neglect the Appointed Fasts of the Church of God*

1. Those who labor on the Lord's day, the Greeks reprove the first time; the second, they take something from them; the third time, [they take] the third part of their possessions, or flog them; or they shall do penance for seven days.
2. But if on account of negligence anyone fasts on the Lord's day, he ought to abstain for a whole week. If [he does this] a second time, he shall fast for twenty days; if afterwards forty days.
3. If he fasts out of contempt for the day, he shall be abhorred as a Jew<sup>85</sup> by all the Catholic churches.
4. But if he despises a fast appointed in the church and acts contrary to the decrees of the elders, not in Lent, he shall do penance for forty days. But if it is in Lent, he shall do penance for a year.
5. If he does it frequently and it has become habitual to him, he shall be cast out of the Church, as saith the Lord: "He that shall scandalize one of these little ones," etc.<sup>86</sup>

*XII. Of the Communion of the Eucharist, or the Sacrifice*

1. The Greeks, clergy and laymen, communicate every Lord's day, and those who do not communicate for three Lord's days are to be excommunicated, as the canons state.
2. Likewise the Romans who so wish, communicate; however those who do not so wish are not excommunicated.
3. The Greeks and Romans abstain from women for three days before the [feast of the] loaves of proposition,<sup>87</sup> as it is written in the law.
4. Penitents according to the canons ought not to communicate before the conclusion of the penance; we, however, out of pity give permission after a year or six months.
5. He who receives the sacrament after food shall do penance for

<sup>85</sup> Reading "Iudeus" for "fudens," with the manuscripts.

<sup>87</sup> This is the Douay rendering of "panes propositionis," I Kings 21:6. The A.V. in this passage (I Sam. 21:6) has "shewbread."

seven days. (It is in the judgment of his bishop. This point, that it is in the judgment of the bishop, is not added in some texts.)<sup>88</sup>

6. If the host has become corrupted with dirt accumulated by time it is always to be burned with fire.
7. Moreover, it shall be permitted if necessary that confession be made to God alone. And this [word] "necessary" is not in some codices.
8. He who mislays the host, [leaving it] for beasts and birds to devour, if by accident, he shall fast for three weeks; if through neglect, for the three forty-day periods.

*XIII. Of Reconciliation*

1. The Romans reconcile a man within the apse; but the Greeks will not do this.
2. The reconciliation of the penitents in the Lord's Supper is by the bishops only—and the penance is ended.
3. If it is difficult for the bishop, he can, for the sake of necessity, confer authority on a presbyter, to perform this.
4. Reconciliation is not publicly established in this province,<sup>89</sup> for the reason that there is no public penance either.

*XIV. Of the Penance for Special Irregularities in Marriage*

1. In a first marriage the presbyter ought to perform Mass and bless them both, and afterward they shall absent themselves from church for thirty days. Having done this, they shall do penance for forty days, and absent themselves from the prayer; and afterwards they shall communicate with the oblation.<sup>90</sup>
2. One who is twice married shall do penance for a year; on Wednesdays and Fridays and during the three forty-day periods he shall abstain from flesh; however, he shall not put away his wife.
3. He that is married three times, or more, that is in a fourth or fifth marriage, or beyond that number, for seven years on Wednes-

<sup>88</sup> "locis." On the manuscript readings see Introduction, p. 60. The first sentence is evidently the original form of this canon; the second appears to be a later addition, and the third a still later comment on this addition.

<sup>89</sup> For the view that "in hac provincia" here means "in Northumberland," see Finsterwalder, *op. cit.*, pp. 158-63. It should be remembered, however, that the work is addressed "to all Catholics of the English."

<sup>90</sup> Perhaps, "with an offering." This word "oblatio" is often used of gifts to the Church, as well as of the sacrament.

days and Fridays and during the three forty-day periods they shall abstain from flesh; yet they shall not be separated. Basil so determined, but in the canon four years [are indicated].

4. If anyone finds his wife to be an adulteress and does not wish to put her away but has had her in the matrimonial relation to that time, he shall do penance for two years on two days in the week and [shall perform] the fasts of religion; or as long as she herself does penance he shall avoid the matrimonial relation with her, because she has committed adultery.

5. If any man or woman who has taken the vow of virginity is joined in marriage, he shall not set aside the marriage but shall do penance for three years.

6. Foolish vows and those incapable of being performed are to be set aside.<sup>91</sup>

7. A woman may not take a vow without the consent of her husband; but if she does take a vow she can be released, and she shall do penance according to the decision of a priest.

8. He who puts away his wife and marries another shall do penance with tribulation for seven years or a lighter penance for fifteen years.

9. He who defiles his neighbor's wife, deprived of his own wife, shall fast for three years two days a week and in the three forty-day periods.

10. If [the woman] is a virgin, he shall do penance for one year without meat and wine and mead.

11. If he defiles a vowed virgin,<sup>92</sup> he shall do penance for three years, as we said above, whether a child is born of her or not.

12. If she is his slave, he shall set her free and fast for six months.

13. If the wife of anyone deserts him and returns to him undischonored, she shall do penance for one year; otherwise for three years. If he takes another wife he shall do penance for one year.

14. An adulterous woman shall do penance for seven years. And this matter is stated in the same way in the canon.

15. A woman who commits adultery<sup>93</sup> shall do penance for three years as a fornicator. So also shall she do penance who makes an unclean mixture of food for the increase of love.<sup>94</sup>

<sup>91</sup> Literally, "broken."

<sup>92</sup> "puellam Dei."

<sup>93</sup> Or, according to Wasserschieben's reading of "ad alteram" for "adulterio," "commits an offense with another woman." Several manuscripts have "adulteram."

<sup>94</sup> "quae semen viri sui in cibo miscens ut inde plus amoris accipiat."

16. A wife who tastes her husband's blood as a remedy shall fast for forty days, more or less.

17. Moreover, women shall not in the time of impurity enter into a church, or communicate—neither nuns nor laywomen; if they presume [to do this] they shall fast for three weeks.

18. In the same way shall they do penance who enter a church before purification after childbirth, that is, forty days.

19. But he who has intercourse<sup>95</sup> at these seasons shall do penance for twenty days.

20. He who has intercourse on the Lord's day shall seek pardon from God and do penance for one or two or three days.

21. In case of unnatural intercourse with his wife,<sup>96</sup> he shall do penance for forty days the first time.

22. For a graver offense of this kind<sup>97</sup> he ought to do penance as one who offends with animals.

23. For intercourse at the improper season he shall fast for forty days.

24. Women who commit abortion before [the foetus] has life, shall do penance for one year or for the three forty-day periods or for forty days, according to the nature of the offense; and if later, that is, more than forty days after conception, they shall do penance as murderers, that is for three years on Wednesdays and Fridays and in the three forty-day periods. This according to the canons is judged [punishable by] ten years.

25. If a mother slays her child, if she commits homicide, she shall do penance for fifteen years, and never change except on Sunday.

26. If a poor woman slays her child, she shall do penance for seven years. In the canon it is said that if it is a case of homicide, she shall do penance for ten years.

27. A woman who conceives and slays her child in the womb within forty days shall do penance for one year; but if later than forty days, she shall do penance as a murderess.

28. If an infant that is weak and is a pagan has been recommended to a presbyter [for baptism] and dies [unbaptized], the presbyter shall be deposed.

29. If the neglect is on the part of the parents, they shall do penance for one year; and if a child of three years dies without baptism,

<sup>95</sup> For this use of "nubere" see Du Cange, s.v.

<sup>96</sup> "Si vir cum uxore sua retro nupserit."

<sup>97</sup> "Si in tergo nupserit."

## CHAPTER XXVII

ST. AUGUSTINE, BEING MADE BISHOP, SENDS TO ACQUAINT  
POPE GREGORY WITH WHAT HAD BEEN DONE, AND RECEIVES  
HIS ANSWER TO THE DOUBTS HE HAD PROPOSED TO  
HIM. [A.D. 579.]

IN the meantime, Augustine, the man of God, repaired to Arles, and, pursuant to the orders received from the holy Father Gregory, was ordained archbishop of the English nation, by Ætherius, archbishop of that city. Then