

# *Augustine and the Making of Marriage in Roman North Africa*

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The aim of this paper is to determine to what extent, if any, Christians in North Africa in Augustine's day observed distinctively Christian marriage rituals. In the first part I review the evidence from the North African tradition prior to Augustine and conclude that no such rituals existed. The only specifically Christian practice appears to have been to seek approval of a marriage from a bishop. In the second part I examine the evidence from Augustine. This consists almost entirely of references to the *tabulae matrimoniales*, dotal contracts that were read aloud at the family nuptials and signed by witnesses, including the bishop. The role of these contracts in forming marriages and their impact on Augustine's thought are then explored further.

In his *Life of St. Augustine*, Possidius, bishop of Calama, observed that Augustine as bishop was reluctant to involve himself in certain worldly activities, such as arranging marriages, writing letters of recommendation for men entering military careers, and accepting dinner invitations. The reasons for this reticence, which Possidius attributed to the influence of bishop Ambrose, were as follows: "lest spouses quarrel and curse the one who had brought them together . . . lest the man recommended for the military turn out badly and blame his backer; and lest the habit of temperance be lost through frequent attendance at banquets with fellow townsmen." In the case of episcopal involvement in marriages, however, Possidius records one important qualification: ". . . but he also said that when spouses were in agreement, the bishop should, if asked, be present so that their compacts or agreements might be ratified or blessed."<sup>1</sup>

1. *Vita Augustini* 27.4–5: "Servandum quoque in vita et moribus hominis Dei referebat, quod instituto sanctae memoriae Ambrosii compererat, ut uxorem cuiquam numquam posceret, neque militare volentem ad hoc commendaret, neque in sua patria petitum ire ad convivium; de singulis rebus praestans causas, scilicet ne dum

Possidius' description of Augustine's (somewhat qualified) interest in Christian weddings provides a helpful entry into the topic of this essay. What precisely do we know about the ceremony of marriage among Christians in North Africa in the time of Augustine? The question is important not only for the history of liturgy, but also for an understanding of Augustine. No Christian writer has exerted greater influence on the development of the Western theology of marriage than Augustine. While much scholarly discussion has been devoted to Augustine's theological understanding of the "sacrament" of marriage and, more recently, to his views of sexuality and sin, comparatively little attention has been paid to the specific ritual or liturgical practices that may have accompanied the formation of a Christian marriage as Augustine knew it. If the principle of *lex orandi, lex credendi* holds, attention to Augustine's practice may shed light on his theology of marriage as well.<sup>2</sup>

Investigation of this question, however, founders on one significant fact: Augustine says virtually nothing about a Christian marriage liturgy. This silence is especially puzzling because it contrasts with the extensive evidence from late fourth-century Italy, especially Rome, which indicates that Christians regularly celebrated rituals in which the bishop placed a veil over the head of the bride and offered a nuptial blessing. Augustine's contemporaries, Ambrose of Milan and Pope Siricius, both referred explicitly to these practices, as did Ambrosiaster.<sup>3</sup> Paulinus of Nola even mentioned that Christian weddings sometimes took place within a church

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inter se coniugati iurgaret, ei maledicerent per quem coniuncti essent, sed plane, ad hoc sibi iam consentientes, petitum interesse debere sacerdotem, ut vel eorum iam pacta vel placita firmarentur vel benedicerentur." Text in *Vita di Cipriano. Vita di Ambrogio. Vita de Agostino*, ed. A. A. R. Bastiaensen (Milan: A. Mondadori, 1975), 199–201. Tr. Matthew O'Connell, *The Life of Saint Augustine* (Villanova: Augustinian Press, 1988), 105 (significantly altered).

2. Good introductions to Augustine's theology of marriage can be found in Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage during the Patristic and Early Medieval Periods* (Leiden: Brill, 1994), 241–311; Émile Schmitt, *Le mariage chrétien dans l'oeuvre de saint Augustin. Une théologie baptismale de la vie conjugale* (Paris: Études Augustiniennes, 1983); Theodore Mackin, *The Marital Sacrament* (New York: Paulist Press, 1989), 196–231.

3. Ambrose, *ep.* 62.7 (CSEL 82.2:124): "Nam cum ipsum coniugium velamine sacerdotali et benedictione sanctificari oportet, quomodo potest coniugium dici, ubi non est fidei concordia?" See also Siricius, *ep.* 1.4.5 (PL 13:1136–37), who speaks of both the "conjugal veil" and the blessing "which the priest bestows on the woman who is to be married." Further references to the practices of a nuptial blessing and nuptial veiling can be found in Siricius, *ep.* 1.9.13 (PL 13:1142) and *ep.* 7.3 (PL 13:1171). The nuptial blessing is also mentioned a number of times by Ambrosiaster, who restricts it to first marriages: *In ep. ad Cor. primam* 7.40 and 11.3 (CSEL 81.2:90

building.<sup>4</sup> Nothing comparable, however, can be found in Augustine's writings. Not once in his many extensive discussions of marriage did Augustine speak explicitly of the practices of veiling or blessing by a bishop.<sup>5</sup>

How should we interpret this silence? Should we assume that Augustine and the North African church followed procedures that were similar to those used in fourth-century Rome and Italy, despite the lack of evidence? Such an assumption seems unwarranted, given the possibility of regional variation in liturgical practice, especially in an area so vaguely defined as marriage. Moreover, much depends on how one interprets the evidence from the earlier North African tradition. On the one hand, if it can be demonstrated that Christians in North Africa had begun to adopt Christianized rituals prior to the fourth century, it will be reasonable to assume that Augustine continued to follow these customs, despite his silence. On the other hand, if no evidence of such practices exists, then it is more likely that Augustine's silence indicates the continued lack of such practices. Therefore, before proceeding to my discussion of Augustine, it will be necessary to examine the evidence for Christian marriage practices prior to the late fourth century.

## 1. NORTH AFRICAN MARRIAGE PRACTICE PRIOR TO AUGUSTINE

Prior to Tertullian there are only vague and scattered allusions to marriage practice in early Christian literature. The most explicit statement regarding church regulation of marriage was the following advice given to bishop Polycarp of Smyrna by Ignatius of Antioch (ca. 107): "It is right for men and women who marry to be united with the consent of the bishop, that the marriage be according to the Lord and not according to

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and 120), *In ep. ad Timotheum primam* 3.12 and 5.3 (CSEL 81.3:268 and 278), and *Quaestiones veteris et novi testamenti* 127.3 (CSEL 50:400). For a discussion of these passages, see Korbinian Ritzer, *Le mariage dans les Églises chrétiennes du I<sup>er</sup> au XI<sup>e</sup> siècle* (Paris: Les Éditions du Cerf, 1970), 222–37; Mackin, *Marital Sacrament*, 153–56.

4. Paulinus of Nola, *carmen* 25 (CSEL 30:238–45), esp. verse 201, which speaks of the service taking place "before the altar" (*ante altaria*). See the discussion in H. Crouzel, "Liturgie du mariage chrétien au V<sup>e</sup> siècle selon l'Épithalame de saint Paulin de Nole," in *Mens concordet voci* (Paris: Desclée, 1983), 619–26. Cf. Ritzer, *Mariage*, 224: "D'après cette description, c'est à l'église qu'a lieu la cérémonie."

5. As we will see below, there is one ambiguous passage that may contain a reference to a marriage blessing by a bishop. See below, n. 40.

lust.”<sup>6</sup> But Ignatius says nothing about a Christian ritual of marriage; he only insists that marriages be contracted with the permission or approval of the bishop (μετὰ γνώμης τοῦ ἐπισκόπου). Second-century Christians, of course, showed considerable concern for the moral dimensions of married life; for example, the question of remarriage after the death of a spouse and the possibility of penance after adultery occupied a number of authors such as Hermas and Athenagoras.<sup>7</sup> But before Tertullian there are no unambiguous references to Christian marriage procedures or rituals.<sup>8</sup> Even an author such as Clement of Alexandria, who devoted considerable attention to the question of Christian conduct in marriage, says nothing about any specifically Christian marriage rituals.<sup>9</sup>

The earliest relevant sources, then, are the writings of Tertullian. There are a number of places in his works where Tertullian seems to refer to Christian rituals of marriage. In two passages Tertullian indicated that Christian marriages may have required some sort of public permission or affirmation from the clergy or the wider Christian community. In his treatise *De monogamia*, written sometime after 213 when he was fully under the influence of the “New Prophecy,” Tertullian addressed the following words to Catholic critics of his view that second marriages were forbidden to Christians:<sup>10</sup>

6. Ignatius, *Polyc.* 5.2; tr. Kirsopp Lake, *The Apostolic Fathers*, LCL (Cambridge: Harvard University Press, 1912), 1:273.

7. Hermas, *mand.* 4.29–32; Athenagoras, *leg.* 33.

8. I can find no support for the assertion of Kenneth Stevenson that “Athenagoras knows of a definite procedure regarding marriage, and that he is referring to a recognized form, involving some sort of liturgy.” See his *Nuptial Blessing: A Study of Christian Marriage Rites* (New York: Oxford University Press, 1983), 14. Athenagoras simply states that “according to the laws that we have laid down” (κατὰ τοὺς ὑφ’ ἡμῶν τεθειμένους νόμους) Christians marry only for procreation.

9. Clement, *paed.* 3.63.1, refers to a presbyter laying hands on the head of a woman, but this is not necessarily a reference to a nuptial blessing, *contra* Stevenson, *Nuptial Blessing*, 15. For a discussion of the passage, see Jean-Paul Broudéhoux, *Mariage et famille chez Clément d’Alexandrie* (Paris: Beauchesne, 1970), 95–96, who correctly observes that “on ne peut s’autoriser pour affirmer l’existence de pareille cérémonie du seul passage où Clément parle d’une imposition des mains faite par le presbytre sur la tête de la femme: les circonstances de cette bénédiction ne sont précisées d’aucune manière.”

10. Tertullian, *De monogamia* 11.1 (CCL 2:1244): “Ut igitur in Domino nubas secundum legem et apostolum (si tamen vel hoc curas), qualis es id matrimonium postulans quod eis a quibus postulans non licet habere, ab episcopo monogamo, a presbyteris et diaconis eiusdem sacramenti, a viduis, quarum sectam in te recusasti? Et illi plane sic dabunt viros et uxores, quomodo bucellas. Hoc enim est apud illos: omni petenti te dabis. Et coniungaret vos in ecclesia virgine, unius Christi unica sponsa”; tr. William P. Le Saint, *Tertullian: Treatises on Marriage and Remarriage* ACW 13 (New

So, then, you propose to *marry in the Lord*, as the law and the Apostle require—supposing that you bother about this at all. But how will you dare request the kind of marriage which is not permitted to the ministers from whom you ask it, the bishop who is a monogamist, the presbyters and deacons who are bound by the same solemn obligation, the widows whose way of life you repudiate in your own person? Our adversaries, it is plain, will give husbands and wives in marriage indiscriminately, as they dole out pieces of bread, for thus they understand the text: *Give to everyone that asketh of you*. They will join you together in a virgin church, the one spouse of the one Christ.

Here Tertullian appears to assume that it was common practice for Christians to “request marriage” (*matrimonium postulans*) from an ecclesiastical official.

Similarly, in *De pudicitia*, also a work written during his Montanist period, Tertullian noted that in order to avoid the suspicion of fornication all Christians should profess their marriages publicly “before the church” (*apud ecclesiam*):<sup>11</sup>

And so, among us, secret marriages, also, that is to say, those which are not first contracted before the church, run the risk of being judged the next thing to adultery and fornication. Nor may they, under the appearance of marriage, escape the charge of crime when they have been contracted because of it.

Both passages suggest that Christians at Carthage (both Catholic and Montanist) may have sought some kind of ecclesiastical permission to marry. The passage from *De pudicitia* may allude to a practice peculiar to Montanists, that is, some sort of profession of marriage *apud ecclesiam*, since Tertullian speaks of what happens “among us” (*penes nos*). The text of *De monogamia*, by contrast, refers to a Catholic practice of “requesting” a marriage of the church.<sup>12</sup>

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York: Newman Press, 1951), 93 (slightly altered). I have followed the dating of Tertullian's works given in René Braun, “*Deus Christianorum*”: *Recherches sur le vocabulaire doctrinal de Tertullien* (Paris: Presses universitaires des France, 1962), 567–77.

11. Tertullian, *De pudicitia* 4.4 (CCL 2:1287): “Ideo penes nos occultae quoque coniunctiones, id est non prius apud ecclesiam professae, iuxta moechiam et fornicationem iudicari perclitantur, ne inde consertae obtentu matrimonii crimen eludant”; tr. W. P. Le Saint, *Tertullian: Treatises on Penance* ACW 28 (New York: Newman Press, 1959), 62.

12. H. Crouzel, “Deux textes de Tertullien concernant la procédure et les rites du mariage chrétien,” *BLE* 74 (1973): 3–13. Crouzel's article was a response to Ritzer, *Marriage*, 85–90, who had argued that Tertullian was describing practices that were Montanist, but not Catholic. It makes sense that Montanist Christians might have

But what precisely was this practice? In *De monogamia* Tertullian said only that a Christian might “request marriage” from a bishop, presbyter, deacon, or widow. The addition of the last group, widows, is intriguing. Tertullian seems to have introduced widows only to reinforce his polemic against second marriages. That is why he lists the various groups to whom second marriages are forbidden: the higher ranks of the clergy (bishop, presbyter, and deacon) and, by definition, the widows. Tertullian’s primary aim in *De monogamia* was to stress a moral or ascetical point, not to describe a ritual. The most that can reasonably be said is that couples intending to marry would seek some sort of permission (probably from the bishop) and that this may have involved a public announcement to the community. The latter is what Tertullian would have meant by *apud ecclesiam professae*. If my reading of these texts is correct, then Christians in Tertullian’s North Africa had not moved very far beyond Ignatius of Antioch’s prescription that Christians should marry only with the permission of the bishop. Seeking permission to marry and a public announcement of intent to marry do not necessarily imply a specifically Christian liturgy of marriage.<sup>13</sup>

This brings us to another highly controversial passage, *Ad uxorem* 2.8. In this early work, written ca. 204 before he had been thoroughly influenced by the New Prophecy, Tertullian addressed his wife, urging her to avoid a second marriage. By book 2, however, he had turned to the question of a (second) marriage with a non-Christian. In the context of warning about the dangers of a mixed marriage, Tertullian spoke in glowing and highly rhetorical terms about the beauties of a marriage between Christians:<sup>14</sup>

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required a more public profession of marriage, since they prohibited second marriages. But it is best not to draw too sharp a distinction between “Montanists” and “Catholics” in this period. As David Rankin has observed, expressions such as *penes nos* may signify nothing more than a distinct Montanist group within the broader Christian community at Carthage, rather than a formal rupture or schism. See *Tertullian and the Church* (Cambridge: Cambridge University Press, 1995), 31–32.

13. This reading of Tertullian and the earlier writers is confirmed by Marcel Metzger, who notes that “dans les écrits d’Ignace d’Antioche, de Tertullien ou de Clément d’Alexandrie, on ne trouve que de vagues allusions, qui intéressent plutôt le droit canonique que la liturgie.” See his article, “Apports de l’histoire de la liturgie à la théologie du mariage,” *Revue de droit canonique* 42 (1992): 215–36, quotation at 218.

14. *Ad uxorem* 2.8.6 (CCL 1:393): “Unde <vero> sufficimus ad enarrandam felicitatem eius matrimonii, quod ecclesia conciliat et confirmat oblatio et obsignat benedictio, angeli renuntiant, pater rato habet? Nam nec in terris filii sine consensu patrum rite et iure nubunt”; tr. Le Saint, *Treatises on Marriage* 35 (slightly altered).

How shall we ever be able adequately to describe the happiness of that marriage which the church arranges, the offering strengthens, upon which the blessing sets a seal, at which angels are present as witnesses, and to which the Father gives his consent? For not even on earth do children marry properly and legally without their fathers' permission.

At first glance, it would appear that Tertullian might be referring to Christian rituals, such as a eucharistic "offering" (*oblatio*) at a wedding or the pronouncement of a liturgical "blessing" (*benedictio*), and, indeed, some scholars have interpreted his words in this way.<sup>15</sup>

The situation, however, is more complex. Part of the difficulty lies in the fact that Tertullian deliberately employed technical terms drawn from Roman marriage customs. For example, when he spoke of "that marriage which the church arranges" (*quod ecclesia conciliat*), Tertullian was referring to the role of the *conciliator* in arranging the match. Such a function, as Susan Treggiari has noted, particularly involved "the bringing about of an initial meeting, not only by family members such as a father or father-in-law, but by unrelated parties."<sup>16</sup> When he referred to that marriage "which the offering strengthens" (*confirmat oblatio*), Tertullian was probably drawing a parallel to the Roman practice of the bride and groom offering a sacrifice or *confarreatio* on the morning of their wedding: "In a marriage by *confarreatio* the offering was one of fruits and a wheaten loaf. At a later period it was more usual to offer a bloody sacrifice."<sup>17</sup> And when Tertullian spoke of that marriage "upon which the blessing sets a seal" (*obsignat benedictio*), he may have been referring to a seal placed on the written marriage documents, the *tabulae nuptiales* which he mentioned elsewhere.<sup>18</sup>

It is clear that Tertullian wished to draw a parallel between aspects of traditional Roman marriage ceremonial and the practice of a Christian marriage, but a number of questions remain. Was he actually describing Christian ritual practices, such as a eucharistic offering (*oblatio*) on the

15. E.g., Crouzel, "Deux textes de Tertullien," 3–13; Stevenson, *Nuptial Blessing*, 16–19.

16. S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford: Clarendon Press, 1991), 136–37; cf. Le Saint, *Treatises on Marriage*, 132 n. 143.

17. Le Saint, *Treatises on Marriage*, 132 n. 144. Further discussion in Treggiari, *Roman Marriage*, 21–24.

18. *Ad uxorem* 2.3.1 (CCL 1:387); *De virginibus velandis* 12.1 (CCL 2:1221). These dotal contracts were an important legal component of marriage and were often ratified or sealed at the wedding. Their sealing by the witnesses was normally a prominent feature of the marriage ceremony.

day of a wedding between Christians? Was an official blessing (*benedictio*) pronounced on that occasion by a member of the clergy or merely by the father or male guardian? By speaking of an “offering” Tertullian could have meant simply the couple’s shared liturgical life, rather than a specific eucharist for marriage. Similarly, the “blessing” may refer only to the generic blessing of marriage in Genesis, something to which Tertullian often alluded. Moreover, the term *benedictio* in Tertullian sometimes denoted the praise of God in a general sense, rather than a specific liturgical blessing. In this case, the words *obsignat benedictio* would refer to the Christian couple’s common worship of God. In other words, Tertullian’s use of the technical terminology could be simply metaphorical.<sup>19</sup>

Such use of metaphor would not be uncharacteristic of Tertullian. It was a common rhetorical pattern in Tertullian’s thought to contrast pagans and Christians by redescribing the Christian in pagan terms. For example, in the famous passage from *De idololatria* Tertullian proclaimed, “there is no agreement between the divine and the human sacrament, between the standard of Christ and the standard of the devil, between the camp of light and the camp of darkness.”<sup>20</sup> When we read such texts, we do not assume that Christians actually lived in their own military encampments, carried their own standards, or swore oaths in the manner of Roman legionaries. Similarly, we should not assume that the parallels Tertullian drew between Roman and Christian marriage practices should be taken literally. In *Ad uxorem* 2.8 Tertullian certainly wished to contrast a marriage between Christians with a marriage between a Christian and a pagan, but it is far from clear that he was describing a specifically Christian ritual of marriage.<sup>21</sup>

Another argument that can be adduced for this minimalist reading of Tertullian on the Christian marriage liturgy is the fact that he referred on several occasions to traditional Roman marriage ceremonies, that is, the rituals that would have been shared by pagan and Christian alike. In most instances, he plainly assumed that Christians usually took part in the

19. For this interpretation, see Ritzer, *Marriage*, 114–19, whom I have followed closely in this paragraph. A similar reading of the *Ad uxorem* passage can be found in Mackin, *Marital Sacrament*, 126–29.

20. *De idololatria* 19.1 (CCL 2:1120): “Non convenit sacramento divino et humano, signo christi et signo diaboli, castris lucis et castris tenebrarum.”

21. It should also be noted that in *Ad uxorem* 2.8 Tertullian refers to the presence of angels as witnesses to the Christian marriage (*angeli renuntiant*) and to the ratification of the marriage by the Father (*pater rato habet*). In these two instances Tertullian cannot be referring literally to a marriage ceremony, *contra* Stevenson, *Nuptial Blessing*, 19.

common rituals. For example, in *De idololatria* 16 Tertullian argued that Christians were allowed to participate in traditional ceremonies of betrothal (*sponsalia*), nuptials (*nuptialia*), and namegiving (*nominalia*), because these ceremonies were not directly involved in idolatrous activity. In connection with the betrothal he mentioned specifically the giving of a ring and observed: "God no more prohibits nuptials to be celebrated than names to be given."<sup>22</sup>

By contrast, in *De corona* Tertullian rejected the practice of placing crowns on the heads of the married couple because he believed the crown carried idolatrous connotations.<sup>23</sup> In several other places he pointed out that it was common custom for women to take a veil upon their betrothal, and perhaps also to exchange a kiss with their intended bridegrooms.<sup>24</sup> Moreover, as mentioned above, Tertullian also occasionally referred to the *tabulae nuptiales*, that is, to the written marriage documents by which spouses formally ratified their marriages.<sup>25</sup> The sum of this evidence suggests that Christians in North Africa usually celebrated their betrothals and nuptials with the same rituals as non-Christians did; Tertullian plainly approved of such practices, as long as idolatrous activity was not directly involved. Here again, I would argue, we have further confirmation of the fact that specifically Christian rituals of marriage had not yet evolved in Roman North Africa by the time of Tertullian.

The remainder of the evidence from third-century North Africa drives us to a similar conclusion. Cyprian's collection of biblical *Testimonia ad Quirinum* contains two chapters on marital law, but no reference to marriage liturgy.<sup>26</sup> In *De habitu virginum* Cyprian urged Christian virgins not to attend wedding ceremonies because of the frankly erotic banter that usually took place there. "What place is there at a wedding for one whose mind is not set on a wedding?" Cyprian argued.<sup>27</sup> There is no indication that Cyprian had in mind only pagan wedding ceremonies; his

22. *De idololatria* 16.3 (CCL 2:1117): "Nuptias quoque celebrari non magis deus prohibet quam nomen imponi."

23. *De corona* 13.4 (CCL 2:1061): "Coronant et nuptiae sponsos. Et ideo non nubemus ethnicis, ne nos ad idololatriam usque deducant a qua apud illos nuptiae incipiunt."

24. *De virginibus velandis* 12.1 (CCL 2:1221); *De oratione* 22.4 (CCL 1:269–70). Cf. Treggiari, *Roman Marriage*, 147–53, who questions whether Tertullian's statements represented common practice.

25. See n. 18 above.

26. *Testimonia ad Quirinum* 3.62 (CSEL 3:166–67); 3.90 (CSEL 3:175).

27. *De habitu virginum* 18 (CSEL 3:200): "Quis illi in nuptiis locus est cui animus ad nuptias non est."

objections have entirely to do with the moral dangers of such attendance to female virgins, not the religious danger of idolatry. On the contrary, the most reasonable assumption would appear to be that Cyprian was referring to the wedding ceremonies of Christians that differed in no way from the celebrations of their pagan counterparts. He discouraged virgins from attending, but assumed that other Christians would be present.<sup>28</sup>

As we move into the fourth century, the dearth of evidence for a Christian marriage ritual becomes ever more pronounced. In the North African conciliar literature from the fourth century there are only a few canons that refer to marriage, and not one of these alludes to a Christian marriage ceremony. For example, the Council of Carthage in 397 determined that “the children of bishops or of any other clerics should not be joined in marriage with pagans, heretics, or schismatics.”<sup>29</sup> Other canons required that lectors, upon reaching puberty, should either marry or take vows of celibacy. But such legislation implies only that bishops tried to exercise some control over the marriages of their fellow clerics (and of their children). Nothing is said about a Christian wedding ceremony even for clerics.<sup>30</sup> In the entire corpus of canons from North Africa published in *Corpus Christianorum* by Munier, there is only one reference to a nuptial blessing by a bishop; but this is found in the *Statuta ecclesiae antiqua*, a collection that originated in fifth-century Gaul, not in North Africa.<sup>31</sup>

28. My argument on the Cyprianic material follows the interpretation of Victor Saxer, *Vie liturgique et quotidienne à Carthage vers le milieu du III<sup>e</sup> siècle. Le témoignage de saint Cyprien et de ses contemporains d’Afrique* (Rome: Pontificio Istituto de Archeologia Cristiana, 1969), 325–26.

29. Canon 12 (CCL 149:37): “Ut gentilibus vel hereticis et schismaticis filii episcoporum vel quorumlibet clericorum matrimonio non coniungantur.” This prohibition is frequently repeated in the North African conciliar literature.

30. Canon 2 of the Council of Hippo in 393 (CCL 149:20–21). See also canon 18 of the Council of Carthage in 397 (CCL 149:38). By contrast, in Italy at this time married clerics were required to have been married with a blessing bestowed by a bishop. See Siricius, *ep.* 1.9.13 (PL 13:1142): “Qui accessu adolescentiae usque ad tricesimum aetatis annum, si probabiliter vixerit, una tantum, et ea, quam virginem communi per sacerdotem benedictione perceperit, uxore contentus, acolythus et subdiaconus esse debet.” None of the North African canons speaks of a nuptial blessing for clerics.

31. Canon 13 in C. Munier, ed., *Concilia Africae. A. 345—A. 525*, CCL 149 (Turnhout: Brepols, 1974), 345: “Sponsus et sponsa cum benedicendi sunt a sacerdote, a parentibus suis vel a paranympis offerantur, qui cum benedictionem acceperint, eadem nocte pro reverentia ipsius benedictionis in virginitate permaneat.” As Munier has observed: “Sub inscriptione Concilii Carthaginensis quarti, ab episcopis quattuordecim, era 436 (=398), habiti, editores conciliorum . . . quoddam documentum adferunt, cuius originem gallicam, non autem africanam, fuisse nemo

I should add that this lack of evidence of Christianized marriage rituals from the North African church does not seem to reflect a general disinterest in liturgical ritual itself within North African Christianity. For example, from the later fourth century we do have evidence of ecclesiastical rituals for the blessing and consecration of virgins in North Africa.<sup>32</sup> It is clear from several North African canons that this ritual included both a blessing and a veiling by the bishop, as it did elsewhere in the West. The rite of virginal consecration is a vivid example of the Christianization of the Roman marriage ceremony, though in the paradoxical form of a profession of celibacy and marriage to Christ. But there seems to have been no Christian equivalent for a regular human marriage in North Africa. Arguments from silence are always weak, but none of the available evidence suggests anything more than we saw in the writings of Tertullian, namely, that it was common practice for Christians to seek approval of their marriages from a bishop or presbyter. We do not yet find evidence of any distinctively Christian rituals of veiling, blessing, or other liturgical ceremony for Christian marriages in North Africa.

## 2. AUGUSTINE AND THE *TABULAE MATRIMONIALES*

This silence regarding any Christianized rituals of marriage persisted in the writings of Augustine. In one place he mentioned the role of the “best man” (*paranympus*), whom he described as an exceptionally close friend of the bridegroom: *amicus interior, conscius secreti cubicularis*.<sup>33</sup> For Augustine the *paranympus* was an apt image for John the Baptizer in his role as forerunner of Christ the Bridegroom. Elsewhere Augustine showed that he was aware of the following features of the traditional Roman wedding ceremony: the giving away of the bride by her father, the pronouncing of vows, the celebration of a wedding feast, the appraisal of the

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est qui dubitet.” Munier has attributed the canons of the so-called “Fourth Council of Carthage of 398,” also known as the *Statuta ecclesiae antiqua*, to Gennadius of Marseilles, ca. 475. As Jane E. Merdinger has observed, no African council met in 398, on account of the revolt of Gildo. See her article, “Councils of North African Bishops,” in *Augustine through the Ages: An Encyclopedia*, ed. Allan D. Fitzgerald (Grand Rapids: Eerdmans, 1999), 249. I would like to acknowledge Professor Merdinger’s assistance on this question.

32. See, e.g., canon 3 of the Council of Carthage in 390 (CCL 149:13–14); canon 34 of the Council of Carthage in 397 (CCL 149:42).

33. *Ser.* 293.7 (PL 38:1132). Augustine also referred to the *paranympus* in *De civitate dei* 14.18 (CCL 48:441).

dowry, and the signing of marriage contracts.<sup>34</sup> But Augustine never referred explicitly to any of the Christian rituals of marriage that were becoming common elsewhere in the West at this time. That is, he mentioned neither the offering of a nuptial blessing by the bishop nor the imposition of a nuptial veil at the hands of the bishop, the practices that are explicitly discussed by Ambrose, Siricius, Ambrosiaster, and (at a slightly later date) Paulinus of Nola. Given the absence of these practices from the prior North African tradition as well, it is best to conclude that these practices had not become established in the churches of North Africa before or during Augustine's lifetime.

The writings of Augustine, however, do not leave us completely in the dark regarding Christian marriage practice. There is one aspect of Roman marriage ceremonial that Augustine mentioned with some regularity. I refer to the *tabulae matrimoniales*, which Augustine cited on more than a dozen occasions.<sup>35</sup> The frequency with which Augustine spoke of the *tabulae matrimoniales*, as well as the way in which they figure into his discussions of marriage, suggests that this was one feature of the wedding ceremony that had begun to be "Christianized" in some way. Certainly, this was the one part of the marriage ceremony that had made an impact on Augustine's perception of Christian marriage. Attention to Augustine's discussion of the *tabulae matrimoniales*, therefore, will shed light both on the making of marriage among North African Christians and on Augustine's understanding of Christian marriage.

The *tabulae matrimoniales* (also known as *tabulae nuptiales* or *tabulae dotales*) were written contracts that were an important (though not essential) legal component of Roman marriages. As Susan Treggiari has observed: "Obviously the contract was drawn up carefully in advance of the wedding. It contained a statement of the contents of the dowry and agreements about what would happen to the dowry at the end of the marriage."<sup>36</sup> Although the contract was primarily concerned with dotal and property arrangements, it was also a public declaration of the intent to marry. In one extant marriage contract, a fragmentary papyrus dating

34. *De genesi ad litteram* 11.41.57 (CSEL 28/1:376).

35. A valuable survey of most of Augustine's references to the *tabulae matrimoniales* can be found in Marcello Marin, "Le *tabulae matrimoniales* in s. Agostino," *Sicilorum gymnasium* 29 (1976): 307–21. See also Wunibald Roetzer, *Des heiligen Augustinus Schriften als liturgiegeschichtliche Quelle* (Munich: Max Hueber, 1930), 205–8.

36. Treggiari, *Roman Marriage*, 165. For most of this paragraph I am indebted to Treggiari's fine study.

to ca. 100 C.E., there are found the signatures and seals of seven witnesses. In addition to the intent to marry and the contents of the dowry, this document also stated the purpose of the marriage: “for the sake of producing children” (*liberorum procreandorum causa*), a phrase that was to be of considerable significance to Augustine.<sup>37</sup>

Of all the features of Roman marriage practice, the signing of the *tabulae matrimoniales* is the one mentioned most often by Augustine. On two occasions Augustine referred to the recitation of the *tabulae matrimoniales* before witnesses: *recitantur tabulae, et recitantur in conspectu omnium attestantium*.<sup>38</sup> In sermon 332 Augustine explicitly stated that it was common for the bishop to be present and to sign the marriage contracts.<sup>39</sup> In another place Augustine spoke of the indissoluble marriage bond as a pair of “shackles” that are reinforced by “the hands of the bishop.” While the mention of the bishop’s “hands” could refer to a nuptial blessing, it is more likely a reference to the signature of the bishop on the marriage contract.<sup>40</sup> The practice of reading, signing and sealing the *tabulae matrimoniales* was perceived by Augustine to be so central to the making of a marriage that he could speak of “those contracts by which a man takes a woman as a wife” (*ipsas tabulas . . . quibus eam ducit uxorem*).<sup>41</sup>

Augustine’s frequent references to the *tabulae matrimoniales*, together with his virtual silence regarding any other aspect of Christian marriage ceremony, indicate that the most common way in which the church in North Africa recognized and participated in the unions of Christians was through the presence of the bishop at the signing of the marriage contracts. On that occasion, as Possidius suggests, the bishop may have pronounced a blessing, although Augustine himself did not say so explicitly and the testimony of Possidius is ambiguous.<sup>42</sup> In short, in Augustine’s day we find the practice of marriage among Christians to be essentially

37. H. A. Sanders, “A Latin Marriage Contract,” *TAPA* 69 (1938): 104–16.

38. *Ser.* 51.22 (PL 38:345). Cf. *Confessiones* 9.9.19 (BA 14:110), where Augustine refers to “illas tabulas, quae matrimoniales vocantur, recitari audissent.”

39. *Ser.* 332.4 (PL 38:1463): “Verum est: istis tabulis subscripsit episcopus: ancillae vestrae sunt uxores vestrae, domini estis uxorum vestrarum.”

40. *Ennarrationes in psalmos* 149.15 (CCL 40:2190): “Tales compedes consolidant vobis et episcopi manus.”

41. *Ser.* 51.22 (PL 38:345).

42. In the *vita Augustini* Possidius stated that the bishop was present “so that their compacts or agreements might be ratified or blessed” (*ut vel eorum iam pacta vel placita firmarentur vel benedicerentur*). His use of the passive “benedicerentur” does not necessarily indicate the bestowal of a liturgical blessing by the bishop.

the same in form and content as that of their non-Christian contemporaries. Only the presence of a bishop in the family home would have distinguished a pagan wedding from a Christian one. And the bishop's signature on the *tabulae matrimoniales* (perhaps along with a blessing over the couple) would have been the only visible sign that the Christian church recognized this marriage to be a Christian one.<sup>43</sup>

If my argument thus far has been correct, Christians in North Africa seem to have differed from those in Italy in their manner of formalizing marriage arrangements. Veiling and blessing by the bishop (the practices mentioned most often by Ambrose, Siricius, et al.) are absent, whereas the signing of the *tabulae matrimoniales* by the bishop is prominently featured by Augustine. Further confirmation of the centrality of the marriage contracts in Augustine's view of marriage can be found in the many references to these documents in his writings. Augustine spoke of the *tabulae matrimoniales* in a variety of different contexts, and it is clear that this custom influenced his thinking on marriage in significant ways. In the remainder of this essay I will examine these references and explore the impact of this marriage practice on Augustine's thought.

The feature of the *tabulae matrimoniales* mentioned most frequently by Augustine is their reference to procreation as the primary purpose of the marriage. As noted above, the statement that the marriage was being formed *liberorum procreandorum causa* is found in an extant marriage contract.<sup>44</sup> While the centrality of procreation to marriage was a commonplace in antiquity, it is significant that Augustine often appealed to the *tabulae matrimoniales* when he wished to assert the validity of procreation within marriage. For example, in his book *De moribus ecclesiae catholicae et de moribus Manichaeorum* Augustine attacked the Manichean practice of allowing marriage to the "auditors" while forbidding procreation. The Manichean avoidance of procreation, Augustine argued, violated the declared purpose of marriage as stated in the *tabulae matrimoniales*:<sup>45</sup>

43. Cf. the observations of A. G. Hamman, *La vie quotidienne en Afrique du Nord au temps de saint Augustin* (Paris: Hachette, 1979), 91: "La célébration du mariage entre chrétiens devait ressembler à s'y tromper à celle de deux païens . . . On lit publiquement devant les témoins les actes du contrat matrimonial (*tabulae matrimoniales*). C'est la pièce maîtresse, souscrite par l'évêque et rédigée avec son concours." Stevenson, *Nuptial Blessing*, 29–30, dramatically overstates the case when he attempts to describe the "wedding service conducted by the great North African bishop."

44. See n. 37, above.

45. *De moribus ecclesiae et de moribus Manichaeorum* 2.18.65 (PL 32:1372): "Nuptiae autem, ut ipsae nuptiales tabulae clamant, liberorum procreandorum causa,

Marriage, as the marriage contracts themselves declare, joins the male and female together for the sake of procreation. Therefore, whoever says that it is a greater sin to procreate children than to have intercourse, forbids marriage itself. Such a one makes a woman not a wife, but a mistress who, by the exchange of a few gifts, is joined to a man simply to gratify his lust.

Similarly, in his treatise *Contra Faustum Manichaeum* Augustine argued that the Manichees made legitimate wives into adulterers by prohibiting procreation:<sup>46</sup>

They take wives, according to the law of marriage, that is, “for the sake of producing children,” as the contracts proclaim. . . . But they are unwilling to receive children, although this is the sole purpose of conjugal intercourse. As the apostle predicted long ago [1 Tim 4:3], you have indeed forbidden marriage, when you try to remove from marriage the very purpose of marriage.

In these writings against the Manichees, Augustine appealed explicitly to the wording of the *tabulae matrimoniales* in order to argue that the legal definition of marriage itself required the willing acceptance of children. To attempt to avoid procreation as the Manichees did, according to Augustine, was to deny the very reason for marital intercourse (*propter quod solum coniugia copulanda sunt*). By denying the true purpose of marriage, Augustine argued, the Manichees violated the marriage contracts.

A similar polemical use of the *tabulae matrimoniales* can be found later in several of Augustine’s anti-Pelagian writings. In these works, however, the wording of the marriage contracts is adduced in order to underscore the essential goodness of sexual intercourse for procreation, in contrast to the corruption of the sexual urge that has been introduced by original sin. For example, in *De gratia Christi et de peccato originali* Augustine noted:<sup>47</sup>

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marem feminamque coniugunt: quisquis ergo procreare liberos quam concumbere gravius dicit esse peccatum, prohibet utique nuptias; et non iam uxorem, sed meretricem feminam facit, quae donatis sibi certis rebus, viro ad explendam eius libidinem iungitur.”

46. *Contra Faustum manichaeum* 15.7 (CSEL 25.1:429): “Ducunt enim eas ex lege matrimonii. Tabulis proclamantibus liberorum procreandorum causa . . . . Filios autem inviti suscipiunt, propter quod solum coniugia copulanda sunt. Quomodo ergo non prohibes nubere, quod de te tanto ante praedixit apostolus, quando id conaris auferre de nuptiis, unde sunt nuptiae?”

47. *De gratia Christi et de peccato originali* 2.38.43 (BA 22:252–54): “Nuptialis autem concubitus, quem matrimoniales quoque indicant tabulae causa procreandorum fieri filiorum, per se ipsum prorsus, non in comparatione fornicationis est bonus. Qui tametsi propter corpus mortis, quod nondum est resurrectione renovatum, sine quodam bestiali motu, de quo natura erubescit humana, non potest fieri, tamen ipse

Marital intercourse, which according to the marriage contracts takes place “for the sake of producing children,” is in itself a good without qualification, not merely in comparison with fornication. Even though, on account of the “body of death” which has not yet been renewed by the resurrection, this [marital intercourse] cannot take place without a kind of bestial motion, which causes human nature to blush, nevertheless intercourse itself is not a sin, when reason uses lust for a good purpose and is not diverted to a bad purpose.

Similarly, in his *Contra Iulianum* Augustine argued that marital chastity involved a constant struggle against the impulses of concupiscence. “If this marital chastity has such strength and is so great a gift of God that it carries out what the marriage contracts prescribe, it wages war in a fiercer conflict upon the marriage bed itself so that concupiscence does not entice the body of the husband beyond what is sufficient for begetting children.”<sup>48</sup> Simply to follow the marriage contracts and restrict acts of intercourse to procreation, Augustine observed, required a great gift of God.

The tendency for married people to go beyond the limits of their *tabulae matrimoniales* and to engage in intercourse without the intention to procreate was a persistent theme in Augustine’s sermons as well. For example, in sermon 51 Augustine argued that sex beyond the need of procreation is a violation of the *tabulae matrimoniales*. The passage is worth quoting in full because it shows that Augustine could count on his audience to be familiar with the wording of the marriage contracts:<sup>49</sup>

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concubitus non est peccatum, ubi ratio libidine utitur ad bonum, non superatur ad malum.” Augustine drew a similar contrast between the good of procreation, as proclaimed in the *tabulae matrimoniales*, and the evil of lust in *De civitate dei* 14.18 (CCL 48:441).

48. *Contra Iulianum* 3.43 (PL 44:724): “Et si tantas vires habet ista pudicitia coniugalis, tantumque dei donum est, ut faciat quod praescribunt tabulae matrimoniales, in ipso quoque thoro coniugali conflictu fortiori belligerat, ne ultra quam generandis filiis sat est, etiam ipsum coniugis corpus attingat”; tr. Roland Teske, *Answer to the Pelagians, II*, The Works of Saint Augustine (Hyde Park: New City Press, 1998), 363 (slightly altered). Cf. *De nuptiis et concupiscentia* 1.4.5 (CSEL 42:215–16), where Augustine argued that non-Christians cannot attain true marital chastity, even if they follow the marriage contracts and restrict all acts of intercourse to procreation. Their chastity is deficient because they do not intend to raise their children as Christians.

49. *Ser.* 51.22 (PL 38:345): “Caeterum qui uxoris carnem amplius appetit, quam praescribit limes ille, liberorum procreandorum causa, contra ipsas tabulas facit, quibus eam duxit uxorem. Recitantur tabulae, et recitantur in conspectu omnium attestantium, et recitantur, Liberorum procreandorum causa; et vocantur tabulae matrimoniales. Nisi ad hoc dentur, ad hoc accipiantur uxores, quis sana fronte dat filiam suam libidini alienae? Sed ut non erubescant parentes, cum dant, recitantur tabulae; ut sint soceri, non lenones. Quid ergo de tabulis recitatur? Liberorum

But anyone who desires his wife's body for more than is prescribed by this limit [the purpose of procreating children] is going against the very contract with which he married her. The contract is recited, it is read out in the presence of all the witnesses, and what is read out is: "for the sake of procreating children"; and it is called the matrimonial contract. Unless this were what wives are given away and taken for, who with any sense of shame would give away his daughter to another's lust? But to save parents from being ashamed when they give away their daughters, the contract is read out, to make them fathers-in-law, not whoremongers. So what is read out in the contract? "For the sake of procreating children." The father's brow clears, his face is saved when he hears the words of the contract.

Here, as elsewhere in his sermons, Augustine cited the authority of the *tabulae matrimoniales* to show that sexual intercourse in marriage, when it exceeds the limit needed for procreation, violates the marriage contract and thus should be regarded as a sin.<sup>50</sup>

But despite this rigorism Augustine had no illusions about the ability of married people to follow this demanding (and limited) view of sex. In one sermon he even acknowledged that it was unlikely that anyone actually followed the mandates of the marriage contracts and restricted sex to procreation: "Is there any married man who uses his wife only for the purpose of having children? For this is why she was given: the contracts which were drawn up in marriage convict you."<sup>51</sup> To deal with this gap between theory and practice, Augustine developed the notion of a "venial fault" (*venialis culpa*) in conjugal intercourse. He derived the idea from reading 1 Corinthians 7.5–6, where Paul counseled married couples to abstain from sex temporarily for prayer but then "to come together again so that Satan may not tempt you because of your lack of self-control." Paul made this statement, Augustine noted, "by way of concession (*secundum veniam*), not of command." What was "conceded" to married people was not sex for the purpose of procreation (which, being wholly good, did not require a concession), but rather sex instigated by the concupiscence of the flesh and apart from procreation. The "fault" or

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procreandorum causa. Tergitur frons patris atque serenatur, audita voce tabularum"; tr. Edmund Hill, *Sermons III (51–94) on the New Testament*, The Works of Saint Augustine (Brooklyn: New City Press, 1993), 33–34 (slightly altered).

50. See also *ser.* 9.18 (CCL 41:143): "Cum ipsa uxore si exceditur concumbendi modus procreandis liberis debitus, iam peccatum est. Ad hoc enim ducitur uxor: nam id etiam tabulae indicant ubi scribitur: Liberorum procreandorum causa."

51. *Ser.* 278.9 (PL 38:1272): "Quis est autem habens uxorem, qui eo modo utatur uxore, ut non excedat legem liberorum procreandi? Ad hoc enim data est; conuincunt te tabulae quae scribuntur in matrimonio."

“sin” in such actions is allowed, Augustine argued, because of the good of marriage itself.<sup>52</sup>

Since Augustine could assume that his congregation was familiar with the *tabulae matrimoniales*, he often cited them to remind his flock of the ways in which they fell short of perfection on a daily basis. In one sermon he referred to the violation of the marriage contracts as an example of one of the “daily sins” (*quotidiana peccata*) that can be absolved by the practice of daily almsgiving: “When you wish to use your wife more than the need of procreation demands, it is a sin. And it is sins such as these that daily almsgiving cleanses.”<sup>53</sup> In another sermon he recommended the daily recitation of the Lord’s Prayer as the proper remedy for the exercise of conjugal rights beyond the limits of the marriage contracts.<sup>54</sup> In yet another sermon Augustine urged his listeners to take the *tabulae matrimoniales* as a subject for the examination of their consciences:<sup>55</sup>

In order to learn why you take a wife, do not read my arguments, but your own marriage contracts. Read them, study them, and if you do anything beyond them, blush! Read, and I too will listen. I have to do this because of you. Certainly this is what you read: “for the sake of producing children” . . . Therefore, if you are married and do not want the apostle to concede anything to you by way of pardon, do not exceed the limits of your [marriage] contracts.

The consistent thread in all of these references to the *tabulae matrimoniales* is that they were a well-known and public statement of the purpose of marriage, *liberorum procreandorum causa*. Therefore, in his preaching Augustine could make frequent and comprehensible appeal to the mar-

52. Augustine discussed the *venialis culpa* in many places. See, e.g., *De bono coniugali* 4.4–6.6 (CSEL 41:191–95) and ser. 354A.7–9 (text in F. Dolbeau, *Vingt-six sermons au peuple d’Afrique* [Paris: Études Augustiniennes, 1996], 80–81). I have recently discussed the significance of this Dolbeau sermon in the development of Augustine’s teaching on marriage, including the *venialis culpa*. See David G. Hunter, “Augustine, Sermon 354A: Its Place in His Thought on Marriage and Sexuality,” *Augustinian Studies* 33 (2002): 39–60.

53. Ser. 9.18 (CCL 41:143–44): “Quando tu uti uxore amplius quam necessitas procreandorum liberorum cogit volueris, iam peccatum est. Et ipsa talia peccata quotidianae elemosinae mundant.”

54. Ser. 278.10 (PL 38:1272); cf. ser. 354A.12 (Dolbeau, 83).

55. Ser. 354A.9 (Dolbeau, 81–82): “Cur enim uxorem accipis, lege non disputationes meas, sed tabulas tuas. Lege, adtende, et si quid plus feceris, erubescere. Lege, audiam et ego: propter te mihi est necessarium. Certe sic legis: ‘liberorum procreandorum causa’. . . . Ergo si coniugatus es et vis ut non sit quod tibi concedat per veniam apostolus, noli excedere limites tabularum tuarum.”

riage contracts whenever he wished to remind his congregation of the purpose of their marriages.

Another theme that emerges in Augustine's discussions of the *tabulae matrimoniales* is that the marriage contracts reinforce the subordination of wives to their husbands. This topic is found much less frequently than the references to procreation, but it does occur on at least four occasions. In several sermons Augustine observed that a good wife should regard her husband as a master (*dominus*) and herself as his obedient servant (*ancilla*), and he cited the *tabulae matrimoniales* to back this up. For example in sermon 37, in the middle of an allegorical treatment of the Church as the "valiant woman" of Proverbs 31.10–31, Augustine noted that<sup>56</sup>

Every good wife calls her husband "lord." Indeed not only does she call him this, but she really thinks so and means it, she bears it in her heart and professes it with her lips. She regards the marriage contracts as the documents of her purchase (*instrumenta emptionis suae*).

Likewise, in sermon 332 Augustine observed that when the bishop signed the *tabulae matrimoniales* wives became the *ancillae* of their husbands and husbands became their *domini*.<sup>57</sup>

Perhaps the most vivid account of this theme is the famous passage of the *Confessions* where Augustine described the advice his mother Monica gave to the women of Thagaste who suffered beatings from their angry husbands:<sup>58</sup>

Monica, speaking as if in jest but offering serious advice, used to blame their tongues. She would say that since the day when they heard the so-called matrimonial contracts read out to them, they should reckon them to be legally binding documents (*tamquam instrumenta*) by which they had become servants. She thought they should remember their condition and not proudly withstand their masters.

56. *Ser.* 37.7 (CCL 41:454): "Et unaquaeque coniunx bona maritum suum dominum vocat. Prorsus non solum vocat, sed hoc sapit, hoc sonat, hoc gestat corde, hoc ore profitetur, tabulas matrimoniales instrumenta emptionis suae deputat." Cf. *ser.* 392.5 (PL 39.1712).

57. *Ser.* 332.4 (PL 38:1463): "Verum est: istis tabulis subscripsit episcopus: ancillae vestrae sunt uxores vestrae, domini estis uxorum vestrarum."

58. *Confessiones* 9.9.19 (BA 14:110): "haec earum linguam, veluti per iocum graviter admonens, ex quo illas tabulas, quae matrimoniales vocantur, recitari audissent, tamquam instrumenta, quibus ancillae factae essent, deputare debuisse; proinde memores conditiones superbire adversus dominos non oportere"; tr. Henry Chadwick, *Saint Augustine. Confessions* (New York: Oxford University Press, 1992), 168–69 (slightly altered).

The presence of these several references to the marriage contracts as legal documents (*instrumenta*) that declared wives to be the “servants” of their husbands and the husbands to be “masters” raises an important question: did the *tabulae matrimoniales* in Augustine’s day, at least in North Africa, contain some provision for the subordination of women to their husbands?

Some scholars have asserted that this is so, but in my opinion the question cannot be answered with any certainty.<sup>59</sup> We do not have independent corroboration for such an expression in an extant marriage contract, as we do for the phrase *liberorum procreandorum causa*. Nor did Augustine explicitly say that the marriage contracts contained a verbatim affirmation of the husband’s “lordship” over the wife in the same way that he asserted the presence of the language regarding procreation. It is possible that Augustine was simply drawing a parallel between the matrimonial contracts and other deeds of purchase, such as documents of slave ownership, which were also called *tabulae*. For example, in one place Augustine stated, “in order to manumit a slave, you break his contracts.”<sup>60</sup> When speaking of women and their duties to their husbands, Augustine seems to have slipped easily between speaking of the *tabulae matrimoniales* and speaking of other types of *tabulae* or “deeds of purchase” (*instrumenta emptionis*).<sup>61</sup> It is by no means certain that the marriage contracts themselves actually designated the husband and wife as *dominus* and *ancilla* respectively.

Another way in which the *tabulae matrimoniales* were utilized by Augustine was in his allegorical treatment of the marriage between Christ and the Church. In three sermons Augustine referred to this spiritual marriage and explicitly cited the *tabulae matrimoniales*, and in each of these his argument is the same. Since Christ is the Bridegroom and the Church is the Bride, their wedding contracts will reveal their true identity and the true nature of their union. The *tabulae matrimoniales* of Christ and the Church are the gospels:<sup>62</sup>

59. Ritzer, *Mariage*, 78, believes so: “D’après lui, elles doivent avoir contenu, au moins à son époque et dans sa patrie, une clause qui attribuait au mari un *dominium* sur sa femme et obligeait celle-ci à le servir.” Marin, “*Tabulae matrimoniales*,” 314, cites Ritzer but does not commit himself to this view.

60. *Ser.* 21.6 (CCL 41:282): “Ut manumittas servum tuum, frangis tabulas eius”; cited in Marin, “*Tabulae matrimoniales*,” 317.

61. Cf. *ser.* 392.5 (PL 39:1712): “Pretium suum attendat, tabulas suas legat.”

62. *Ser.* 238.1 (PL 38:1125): “Sic sacra perennisque evangelica lectio nobis demonstrat verum christum, et veram ecclesiam, ne in aliquo eorum erremus, aut sancto sponso aliam pro alia supponamus, aut sanctae sponsae non suum virum sed alium importemus. Ergo ne in aliquo eorum erremus, tanquam matrimoniales eorum evangelii tabulas audiamus.”

Thus the holy reading of the gospel each year reveals to us the true Christ and the true Church, so that we do not make a mistake in respect to either of them, by presenting the wrong bride to the holy bridegroom or by presenting the holy bride with someone other than her true husband.

Therefore, so that we do not err regarding either of them, let us listen to their marriage contracts in the gospel.

For Augustine, Luke 24.46–47 contained the essentials of the marriage contract between Christ and the Church. The essential message about Jesus is that “it was necessary for Christ to suffer and to rise again from the dead on the third day” (Luke 24.46). The essential message about the Church is that “repentance and forgiveness of sins is to be proclaimed in his name to all nations beginning from Jerusalem.”<sup>63</sup> The former message protects the Church from the heresy of docetism, Augustine argued, and the latter from the error of the Donatists.<sup>64</sup>

The appearance of the *tabulae matrimoniales* in Augustine’s discussion of the marriage between Christ and the Church is further evidence of the centrality of these documents in the North African marriage ceremony. In this case, it was not so much the content of the marriage contracts (e.g., the endorsement of procreation) that influenced Augustine as the contractual nature of the documents themselves. That is, Augustine could liken the gospels to the marriage contracts because, like the *tabulae matrimoniales*, the gospels were written documents that publicly attested to the type of relationship that existed between the Bride and her Bridegroom. Here again Augustine could slip easily between speaking of marriage contracts and speaking of other forms of contractual obligation. For example, in sermon 340A Augustine referred to the same passage from Luke 24.46–47 as *tabulae*, but in this instance he meant a “document of purchase”: “We were all bought together, one price was paid to acquire us. The records [*tabulae*] of our price are being read out, the instrument of our purchase is the holy gospel.”<sup>65</sup> Elsewhere in this sermon Augustine could even describe “the Lord’s contracts” (*tabulas dominicas*) as both an “instrument” and a “testament of our inheritance.” When the contracts

63. *Ser.* 183.11 (PL 38:991–92); *ser.* 238.3 (PL 38:1125–26); *ser.* 268.4 (PL 38:1233).

64. Cf. *ser.* 183.11 (PL 38:992): “Ad nuptias venimus, tabulas legamus, et non litigemus. Ergo si tu dicis, christus est sponsus partis Donati; ego tabulas lego, et invenio esse christum sponsum ecclesiae diffusae toto orbe terrarum.”

65. *Ser.* 340A.11 (MA 1:573): “Simul emti sumus, uno pretio comparati sumus; pretii nostri tabulae recitantur, nostrae emtionis instrumentum sanctum est evangelium.” Cf. *ser.* 21.6 (CCL 41:282): “tabulae tuae evangelium sunt, ubi est sanguis quo comparatus es.”

are properly understood, Augustine argued, there will be no room for heretical error or sectarian division: "Let us read them, let us understand them, why should we litigate?"<sup>66</sup>

## CONCLUSION

In this essay I have argued that there appears to be little evidence of any specifically Christian rituals of marriage in North African Christianity at least through the lifetime of Augustine. Except for the presence of a bishop at the family nuptials, there was nothing to distinguish a Christian marriage from a pagan one. Bishops were sometimes (probably often) invited to be present and to sign the marriage contracts (*tabulae matrimoniales*), although there is no evidence that this was a requirement for the validity of a marriage. On that occasion, the bishop may have pronounced a blessing on the couple, though the evidence for this practice is slight, limited to the ambiguous comments in Possidius' *Vita Augustini*. By contrast, Christians elsewhere in the West, especially in Italy, had already developed the custom of celebrating marriage with rituals of veiling the bride and blessing at the hands of a bishop. In this respect, marriage customs in North Africa seem to have been less "Christianized" than they were elsewhere in the West.<sup>67</sup>

On the other hand, Augustine referred on numerous occasions to the reading and signing of the marriage contracts. Because they were signed by a bishop, the *tabulae matrimoniales* indicated that the covenant between the couple was being accorded ecclesiastical recognition in some form. While these documents were largely secular in their orientation, dealing with matters of dowry and inheritance, they were of great significance to Augustine. Because they contained the phrase "for the sake of producing children," the *tabulae matrimoniales* served to define the essential purpose of sex and marriage for Augustine and (he hoped) for his

66. *Ser.* 340A.11 (MA 1:574): "Tabulas dominicas lego, instrumentum vel potius testamentum hereditatis nostrae lego; legamus, intellegamus: quare litigamus?"

67. The only possible exception that I have found is a passage from *ep.* 23 (CSEL 34:169), where Augustine says that a Christian couple usually pledged fidelity to each other "through Christ." Commenting on the tragic divisions within families created by the Donatist schism, Augustine wrote: "Nonne ingemiscimus, quod vir et uxor, ut fideliter iungant corpora sua, iurant sibi plerumque per Christum et ipsius Christi corpus diversa communione dilaniant?" Ritzer, *Marriage*, 96, cites this text and suggests that Augustine is the earliest witness for an exchange of vows that contained an explicit invocation of God or Christ. If this is the case, it is puzzling that Augustine does not speak more about these vows.

congregation. The similarity between the marriage contracts and other forms of property agreements (*instrumenta emptiois*) suggested to Augustine that the relationship between husband and wife could be understood in similarly proprietary terms: the husband was to be considered the *dominus* and the wife the *ancilla*. Finally, this proprietary character of the *tabulae matrimoniales* suggested to Augustine a theological point as well: the Church was to be seen as the Bride of Christ, purchased at a great price. Like a human marriage, the spiritual marriage between Christ and the Church had its own form of public affirmation, its own *tabulae matrimoniales*, the sacred scriptures.<sup>68</sup>

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68. An earlier version of this paper was presented in November 2000 at the national meeting of the American Academy of Religion at a session on The Practice of Christianity in Roman Africa organized by Professor J. Patout Burns. It has benefited much from the comments of the two anonymous *J ECS* reviewers. I also would like to acknowledge the critical feedback I have received from Thomas Fisch, Susan Marks, and Philip Lyndon Reynolds.