

## THE CANONS OF ELVIRA

309

The critical edition of the Canons of Elvira, announced several years ago, has not yet been published. My translation, which attempts to keep the character of the primitive Latin original, is based primarily on the Hefele text in its French, Leclereq form, which goes back to Gonzalez. The new Spanish text, J. Vives, T. Martin, and G. Martinez, *Concitos viigonsos e hispano-remanos* (Barcelona and Madrid, 1963) vol. 1, does not offer a critical analysis of the manuscripts and does not suffice as a basis for research.

Can. 1. It is decided that anyone of a mature age, who, after the faith of saving baptism, approaches a temple as an idolater and commits this major crime, because it is an enormity of the height order, is not to receive communion even at the end.

Can. 2. Flamines who, after the faith of font and regeneration, have sacrificed, since they have thereby doubled their crimes by adding murder, or even tripled their evil deed by including sexual offense, are not to receive communion even at the end.

Can. 3. At the same time flamines who have not actually sacrificed but simply performed their function may, since they have refrained from the deadly sacrifices, be offered communion at the end, provided that the required penance has been done. If, however, after the penance they commit a sexual offense, it is decided to accord them no further communion, lest they seem to make a mockery of the Sunday communion.

Can. 4. Again, flamines who are catechumens and who have refrained from sacrifices shall be admitted after a period of three years.

Can. 5. If a woman overcome with rage whips her maidservant so badly that she dies within three days, and it is doubtful whether she killed her on purpose or by accident: provided that the required penance has been done, she shall be readmitted after seven years, if it was done purposely, and after five years if accidentally; in the event that she becomes ill during the set time, let her receive communion.

Can. 6. If anyone kills another by sorcery, communion is not to be given to him even at the end, since he could not have accomplished this crime without idolatry.

Can. 7. If one of the faithful, after a sexual offense and after the required period of penance, should again commit fornication, he shall not have communion even at the end.

Can. 8. Again, women who, without any preceding cause, leave their husbands and take up with other men are not to receive communion even at the end.

Can. 9. Further a baptized woman who leaves her adulterous baptized husband and marries another is forbidden to marry him; if she does she shall not receive communion until the death of her former husband unless, by chance, the pressure of illness demand that it be given.

Can 10. If a woman who has been deserted by her catechumen husband marries another man, she may be admitted to the font of baptism; that also applies to female catechumens. But if the man who leaves the innocent woman marries a Christian woman, and this woman knew he had a wife whom he had left without cause, communion may be given to her death.

Can. 11. If that female catechumen should grow seriously ill during five year period, baptism is not to be denied her.

Can. 12. A mother or female guardian or any Christian woman who engages in pandering, since she is selling another's body—or even her own—she shall not receive communion even at the end.

Can. 13. Virgins who have consecrated themselves to God, if they break their vow of virginity and turn to lust instead, not realizing what they lose, shall not be given communion at the end. If, however, corrupted by the fall of their weak body only once, they do penance for the rest of their lives, and abstain from intercourse so that they only seem fallen, they may receive communion at the end.

Can. 14. Virgins who have not preserved their virginity, if they marry those who violated them and keep them as husband, they must be reconciled without penance after a year since they have broken only the nuptials. If, however, they have been intimate with other men—becoming guilty of real sexual offense—they ought to be admitted to communion only after five years, having fulfilled the required penance.

Can 15. No matter the large number of girls, Christian maidens are by no means to be given in matrimony to pagans lest youth, bursting forth in bloom, end in adultery of the soul.

Can. 16. Heretics, if they are unwilling to change over to the Catholic church, are not to have Catholic girls given to them in marriage, nor shall they be given to Jews or heretics, since there can be no community for the faithful with the unfaithful. If parents act against this prohibition, they shall be kept out for five years.

Can. 17. If any should perchance join their daughters in marriage to priests of the idols, they shall not be given communion even at the end.

Can. 18. Bishops, presbyters, and deacons, if—once placed in the ministry—they are discovered to be sexual offenders, shall not receive communion, not even at the end, because of the scandal and the heinousness of the crime.

Can. 19. Bishops, presbyters, and deacons are not to abandon their territories for commercial reasons, nor shall they run around the provinces seeking after profitable business, in order to procure their livelihood, let them rather send a son or freedman, an employee, a friend, or whomever they want; if they want to pursue business, let them do it within their own province.

Can. 20. If anyone of the clergy has been discovered practicing usury, he shall be degraded and kept away. If a layman, too is shown to have practiced usury and, after having been accused, promises to stop and no longer to exact interest, he shall be granted pardon; if, however, he should persist in this wickedness, he is to be cast out of the church.

Can. 21. If anyone living in the city does not go to church for three Sundays, he shall be kept out for a short time in order that his punishment be made public.

Can. 22. If anyone goes over from the Catholic church to heresy and returns again, penance shall not be denied to him since he has recognized his sin. He shall do penance for ten years, and after these ten years, communion shall be offered to him. If however, as children they were carried on their own.

Can. 23. The extensions of the fast shall be celebrated through each month—except for the days of the two months of July and August, because of some people's weakness.

Can. 24. All those who have been baptized away from home, since their life has scarcely been examined, shall not be promoted to the clergy in foreign provinces.

Can. 26. In order to correct the erroneous practice, it is decided that we must celebrate the extension of the fast every Saturday.

Can. 27. A bishop or any other clergy may have living with him only a sister or a virgin daughter dedicated to God; by no means shall he keep any woman unrelated to him.

Can. 28. A bishop shall not take a gift from one who is not in communion.

Can. 29. A possessed man who is tormented by an erratic spirit shall not have his name read out at the altar with the offering; nor shall he be permitted to serve personally in the church.

Can. 30. Those who in their youth have sinned sexually are not to be ordained subdeacons inasmuch as they might afterwards be promoted by deception to a higher order. Furthermore, if any have been ordained in the past, they are to be removed.

Can. 31. Young men who after the faith of saving baptism have committed sexual offense shall be admitted to communion when they marry, provided the required penance is done.

Can. 32. If anyone, through grave sin, has fallen into fatal ruin, he shall not do penance before a presbyter but rather before the bishop; however, under the pressure of illness it is necessary that a presbyter shall offer communion, and even a deacon if a priest orders him.

Can. 33. Bishops, presbyters, and deacons and all other clerics having a position in the ministry are ordered to abstain completely from their wives and not to have children. Whoever, in fact, does this, shall be expelled from the dignity of the clerical state.

Can. 34. Candles shall not be burned in a cemetery during day, for the spirits of the saints are not to be disturbed. Those who do not observe this are excluded from the communion of the church.

Can. 35. Women are forbidden to spend the night in a cemetery since often under the pretext of prayer they secretly commit evil deeds.

Can. 36. There shall be no pictures in churches, lest what is worshipped and adored be depicted on walls.

Can. 37. Those who are tormented by unclean spirits, if they have reached the point of death, shall be baptized; if they are already baptized, communion shall be given them. Furthermore, these people are forbidden to light candles publicly. If they want to act against the prohibition, they shall be kept away from communion.

Can. 38. On the occasion of a trip or if a church is not near, a baptized Christian who has kept his baptism intact and who is not married a second time can baptize a catechumen who is critically ill, as long as he takes him to the bishop if he survives, so that it can be completed through the laying on of hands.

Can. 39. Pagans, if in sickness they wish to have the laying on of hands, and if their life has been at least partially decent, shall have the laying on of hands and become Christians.

Can. 40. It is forbidden that landholders, when they receive their payments, shall account as received anything offered to idols. If after this prohibition they do so anyway, they shall be severed from communion for the space of five years.

Can. 41. The faithful are warned to forbid, as far as they can, that idols be kept in their homes. If, however, they fear violence from their slaves, they must at least keep themselves pure. If they do not do this, they are to be considered outside the church.

Can. 42. Those who arrive at the first stage of faith, if their reputation has been good, shall be admitted to the grace of baptism in two years, unless under the pressure of illness reason compels help more rapidly for the one approaching death or at least the one begging for grace.

Can. 43. The perverted custom shall be changed in accordance with the authority of the scriptures, so that we all celebrate the day of Pentecost, lest anyone who does not conform be regarded as having introduced a new heresy.

Can. 44. A prostitute who once lives as such and later married, if afterwards she has come to belief, shall be received without delay.

Can. 45. As for one who was a catechumen and for a long time did not go to church at all, if one of the clergy acknowledged him to be a Christian, or if some of the faithful come forward as witnesses, baptism shall not be denied him since he appears to have cast off the old man.

Can. 46. If one of the faithful, having forsaken his religion, has not come to church for a long time but should then return, as long as he has not been an idolater, he shall receive communion after ten years.

Can. 47. If a baptized married man commits adultery, not once but often, he is to be approached at the hour of death. If he promises to stop, communion shall be given him, if he should recover and commit adultery again, he shall nevermore make a mockery of the communion of peace.

Can. 48. The custom of placing coins in the baptismal shell by those being baptized must be corrected so that the priest does not seem to sell for money what he has received freely. Nor shall their feet be washed by priests or clerics.

Can. 49. Landholders are warned not to allow the crops, which they have received from God with an act of thanksgiving, to be blessed by Jews lest they make our blessing ineffectual and weak. If anyone dares to do this after the prohibition, he shall be thrown out of the church completely.

Can. 50. If any of the clergy or the faithful eats with Jews, he shall be kept from communion in order that he be corrected as he should.

Can. 51. If a baptized person has come from any heresy, by no means is he to be promoted to the clergy; if any have been ordained in the past, they shall be deposed without any question.

Can. 52. Those who have been caught placing derogatory writings in church shall be anathematized.

Can. 53. It is agreed by all that a person is to receive communion from that bishop by whom he was denied it for a particular crime. If another bishop presumes to admit him without the participation or consent of the bishop by whom he was deprived of communion, let him know that in this way he is going to create cause for dissent among the brethren and bring danger to his own position.

Can. 54. If parents break the betrothal agreement, they shall be kept away for three years. But if either the groom or the bride has been caught in a serious crime, the parents are excused. If, however, the sin was mutual and the betrothed have defiled each other, the former penalty holds.