

Sex, the State and the Church in the Middle Ages: An Overview

Amanda Hopkins

Citation details: HOPKINS, Amanda, 'Sex, the State and the Church in the Middle Ages: An Overview.'
Guide prepared for the Medieval to Renaissance Literature course, University of Warwick, Autumn 2005.

An individual's sexual behaviour in the Middle Ages was not a personal matter. The twin powers of state and Church attempted to control every aspect of people's lives; and sexual behaviour was no exception: 'One's choice of sexual partner affected one's family and the inheritance of property. One's choice of sexual act affected the social order and therefore was of concern to the entire community' (Karras 2005: 22).

The state and the Church often stood in opposition to each other: for example, the aristocracy, with its inheritance rules and its obsession with bloodlines, was accustomed to arranging marriages based on the benefits to the families involved, in terms of power and wealth; the wishes of those being married were of minor importance, which often led to forced (non-consensual) marriages. The Church, conversely, supported consensual marriage; but this was not so that a demurring party could marry the spouse of his/her own choice, but to promote the right of an individual who preferred the chaste life of the cloister to take up that choice (see, for example, Payer 1993).¹

Women were considered a disruptive influence on men and sexually predatory by both Church and state; the Church promoted virginity as the ideal state (for men and women),² while the numbers of female inhabitants were kept to a minimum and their movements restricted in medieval aristocratic households, which were 'for all intents and purposes male. The masculine character was reflected in the small number of women in aristocratic households; for instance, in the fifteenth-century household of the Earl of Northumberland there were nine women and 166 men. This proportion includes servants of the household who would have been predominantly male, with only a small number of female launderers, chamberers and nursery servants' (Gilchrist 1994: 51). Women of higher status had their own households in the castle or palace: 'increasing status seems to be accompanied by greater segregation of women's quarters, so that residences of the highest saw a duplication of households for male and female members of the castle. This tendency towards female segregation is apparent even where women appear to have been active in commissioning their quarters' (Gilchrist 1994: 53). In aristocratic records, 'courtesy and household books indicate a hostility towards the presence of any unnecessary women' (Gilchrist 1994: 59; cf. Girouard 1978: 28).

In a society which used literature to educate as well as to entertain, the values of the literary construct of courtly love were one way in which the state attempted to regulate sexual behaviour of the young aristocracy.³ In courtly love, the lord's wife held the role of educator: 'It should come as no surprise that a woman figured at the heart of an instructional system designed to discipline male sexual activity, prevent excesses of masculine brutality, and pacify – civilize – the most violent segment of a society undergoing widespread and rapid change' (Duby 1992: 261). Thus courtly love could 'influence the attitude of certain men toward *certain* women, for the same class division that existed between men carried over to women. Thus "ladies" (*dames*) and "maidens" (*pucelles*) were sharply distinguished from peasant women (*vilaines*),

¹ Deeper political issues were at work in the opposition between state and Church. Compare Kathryn Gravdal on the laws governing rape in the medieval period: 'Medieval rape law is complex and often contradictory. More than two legal systems coexisted in the later Middle Ages: ecclesiastical, and the civil or criminal law of royal, feudal, regional, and municipal courts. Laws regulating rape, like other crimes, sometimes conceal (or reveal) power struggles between church and state' (1991: 122).

² Although with perhaps minimal success, as Ruth Mazo Karras suggests: 'the fact that chastity is so remarkable in saints' lives would seem to indicate that it was not expected in normal people's behaviour' (2005: 26).

³ Duby comments that courtly love 'works beguiled their audience and therefore exerted some influence on the way people lived. Hagiographic literature was also intended to influence behaviour. The chansons and romances, like the lives of saints, dramatised exemplary lives so that they might be imitated. Although their heroes embodied to perfection certain virtues, they were not supposed to be inimitable' (1992: 255; cf. Bäuml (1975) on the didactic purposes of orally transmitted literature; cf. Spenser's declaration of his purposes with *The Faerie Queene* in 'A Letter of the Authors').

whom the men of the court could treat as brutally as they pleased' (Duby 1992: 256, Duby's emphasis).

The Church was also deeply concerned with the details of sexual behaviour. Sexual pleasure proved hard for clerical scholars to assess in moral terms (see, for example, Payer 1993, *passim*) and such considerations were almost always based on male sexual response. This was not always echoed in secular law: for example, pregnancy as a result of violation was an issue whose interpretation rested on female arousal. Since medical belief at the time stated that female secretions necessary to achieve pregnancy resulted from enjoyment, a victim who fell pregnant was deemed to have enjoyed the act and probably to have encouraged her rapist (Shahar 1991: 17).

In 1215, the Fourth Lateran Council had tightened clerical attitudes towards marriage and other sacraments, and now demanded confession at least once a year. Books were circulated for the guidance of confessors, books which detailed the many sins which they must recognise. Acceptable sexual practices were debated by clerics (hypothetically celibate men)⁴ and defined in canon law as the Church attempted to regulate every aspect of human sexual behaviour:

The scholastic view of the place of sex in human existence comprises several fundamental beliefs: that sexual intercourse was permissible only within a legitimate marriage; that procreation was the primary purpose of marital intercourse; that intercourse was to be regulated according to certain times, places, and conditions of husband and wife; that virginity was superior to all other states of life. There was considerable hesitation about the moral assessment of sexual pleasure. ... Accounts of the legitimacy of intercourse for pleasure emphasise that ethical problems arise not from the pleasure itself but from the disorder in reason, resulting from pleasure, that is characteristic of intercourse in this fallen state. (Payer 1993: 18-19)

In fourteenth-century canon law, coitus has four functions: 1) procreation; 2) payment of the 'marital debt'; 3) the avoidance of fornication; and 4) the satisfaction of lust (Payer 1993: 62). The regulations and prohibitions were numerous: intercourse was forbidden on days of feast and fast (of which there were 273 in the seventh century, decreasing to 140 by the sixteenth century); intercourse was also prohibited during Advent and Lent, on Sundays, and, following Old Testament prohibitions, during menstruation, pregnancy, nursing and 40 days postpartum (Richards 1991: 29). Permissible sexual behaviour can be briefly detailed: heterosexual vaginal intercourse in the missionary position, at night, in darkness and preferably with the participants partly clothed.

The penitentials – the priests' guidebooks for confession – present a detailed scheme of penances to punish sexual violations. The hearing of confession could be problematic in itself: the priest was required to ascertain precisely what sins had been committed by asking questions, but without providing information about new and exciting (but, of course, prohibited) types of sexual behaviour (Payer 1993: 77). Penance took the form of fasting (eating only bread and water) and sexual abstinence on the fast days of Christmas, Easter and Pentecost, as well as on Wednesday, Friday and Saturday each week; the sexual prohibitions imposed by penance were, of course, in addition to the generally prohibited times already in place (Richards 1991: 28, citing Payer 1984).

⁴ The evidence of medieval authors, Boccaccio and Chaucer among them, suggests that celibacy was not universally practised by the clergy. In an examination of legal records from the Paris area in the fourteenth and fifteenth centuries, Kathryn Gravdal finds evidence of gang rape: 'These collective rapes seem to have been youthful sprees. Patterns in the records indicate, however, that when young clerics eventually became priests and rectors, they continued to practice sexual abuse and these constituted the second largest group of rapists brought to trial in the Cerisy court. ... This finding corresponds to the figures Hanawalt and Carter have established for the clergy in thirteenth- and fourteenth-century England, where clerics constituted the largest group to stand trial for rape in the secular courts. The power and prestige of their office may have led them to commit sexual abuses with a certain regularity' (1991: 126-7. Barbara A. Hanawalt, *Crime and Conflict in English Communities 1300-1348* (Cambridge, 1979), and John Marshall Carter, *Rape in Medieval England: An Historical and Sociological Study* (Lanham, MD, 1985)).

Examples of penances for prohibited heterosexual activity:⁵

For Males

▷ fornication with maidservant/unmarried woman	10 days
▷ masturbation	10 days ⁶
▷ dorsal intercourse ⁷	3 years
▷ oral intercourse	3 years
▷ rear-entry intercourse	3 years
▷ anal intercourse	7 years
▷ incest	15 years (for habitual offenders)
▷ bestiality	15 years (for habitual offenders)

For Females

▷ masturbation with dildo	1 year ⁸
▷ use of aphrodisiacs	2 years
▷ lesbianism ⁹	5 years
▷ bestiality	7 years
▷ consumption of husband's semen to inflame his lust	7 years
▷ induction of abortion	10 years

Homosexual behaviour

As in the Old Testament, homosexual behaviour was condemned by the Church. There were heavy penances, and canonical literature implicates three groups in particular: the nobility, the clergy, and students (Richards 1991: 138).¹⁰ Medieval Europe did not distinguish preferences in sexual orientation (Karras: 2005, *passim*); 'sodomy' was not a lifestyle choice, but 'reviled precisely because it was non-reproductive, sterile' (Karras 2005: 23). In a sexual act, to be the active partner was to be masculine, to take the passive role feminine, and thus sodomy 'could subvert the gender order by making men into women' (Karras 2005: 23).

⁵ Figures from Burchard of Worms, *Decretum*, given in Richards 1991: 29-30.

⁶ Richards comments: 'For the use of a perforated piece of wood, you got twenty days (and probably splinters)' (1991: 29). He also notes the comparative lightness of the penance in the cases of masturbation and of coitus with maidservants: 'These are in his [Burchard's] view the least serious of sins and it is clear that he is reflecting the view of society which regarded such sexual sins of unmarried young men with great indulgence. Other penitentials penalized masturbation with between forty days and a year, depending on the age and status of the offender and the frequency of the habit' (1991: 29).

⁷ Man on back, woman on top.

⁸ Richards comments that the penance was 'notably more severe than for masturbation by men' (1991: 30), a difference in severity which corresponds generally to the comparative treatment of women and men in the medieval world. This difference can be seen, for example, in secular law; Gravdal notes that medieval records in France demonstrate that 'women, who commit far fewer crimes, received the death penalty three times more frequently than men' (1991: 130).

⁹ Karras observes that medieval texts display confusion 'about the moral status of erotic acts between women, which often were not considered sex unless one of the women penetrated the other with a dildo' (2005: 4).

¹⁰ Georges Duby notes that boys of the aristocracy generally left home at the age of seven to join 'regiments of young males' for either clerical or knightly training. This separation, he observes, 'encouraged homosexual tendencies', and he theorises that the practice of segregation left the men 'forever fascinated and frightened by what women, if left to themselves, might contrive, and it led them to attribute to women a mysterious and awesome power that was seductive but also inhibiting. The segregation of the sexes implanted in male minds an anxiety that knights tried to overcome by bold talk, affectation of contempt, and loud assertion of their natural superiority' (1991: 257).

Suggested penances for homosexual acts:¹¹

▷ mutual masturbation			30 days
▷ interfemoral intercourse ¹²			40 days
▷ sodomy	by a youth		100 days
	once or twice	} single penitent	7 years
		} married penitent	10 years
	habitual		15 years

Other prohibitions

In much of Europe, Jews and Muslims were required by law to wear distinguishing clothing (Richards 1991: 10), and Jewish and Muslim men were not allowed to frequent Christian prostitutes (Karras 2005: 25).¹³ In England, the thirteenth-century law code *Fleta* stated: “Apostate Christians, witches and others of that kind are to be drawn and burned. Those cohabiting with Jews and Jewesses, those engaged in bestiality and sodomy are to be burned alive.” This clearly equates inter-racial sex with the most serious of sexual crimes’ (Richards 1991: 106).¹⁴

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¹¹ Figures from Richards 1991: 137.

¹² Also known as intercrural intercourse, this involves placing the penis between a partner’s thighs, either from the front or rear, and thrusting.

¹³ Prostitutes’ clothing was also regulated under sumptuary law (Karras 1996: 21-2, 33-4), and, while ‘the Church did not demand punishment for a prostitute plying her trade’, ‘Canon law debarred prostitutes from accusing others of crimes except simony [buying or selling of ecclesiastical pardons, offices &c] and from appearing in court. Prostitutes were debarred from inheriting property. They were deemed incapable of being victims of rape. Sex with a prostitute against her will, therefore, was not punishable by canon law’ (Richards 1991: 129).

¹⁴ Juan I of Aragon (1387-1395) introduced the death penalty for sexual relations between Jews and Christians (Richards 1991: 106). In Spain, a Jewish or Muslim man found guilty of fornication with a Christian woman was, by law, drawn and quartered, and the woman burned at the stake (Karras 2005: 265).