

Franklin and Marshall College

The Emergence of the Medieval Family

Andrew Theyken Bench
Honors Thesis
Department of History
History 490

Submitted
Monday, May 01, 2006

To Graduate
Saturday, May 13, 2006

Dr. Benjamin R. McRee, Advisor

© Andrew Theyken Bench, 2006

Dedication

To my Mother and Father

Epigraph

Copulate, Don't Populate

~Bumper sticker on a car that I passed outside Muhlenberg Library, after finishing a section on St. Augustine

Table of Contents

Preface.....	6
A Note on Textual References.....	7
Acknowledgements	8
CHAPTER I	9
Thesis and Background:.....	9
Paper Organization:	11
Breadth of Study	12
CHAPTER II.....	14
Introduction.....	14
The Extended Roman Kinship System	15
Relationship between Kin.....	18
Roman Conceptions of Childhood and Behavior.....	22
Roman Marriage and Divorce	25
The Roman Concept of Contraception and Abortion	28
The Classical Notion of Chastity	31
Conclusion	33
CHAPTER III	34
Introduction.....	34
German Kinship.....	35
Marriage within Kinship.....	37
German Divorce	39
Conclusion	40
CHAPTER IV.....	42
Introduction.....	42
The Canonical Basis of Early Church Theology.....	44
Early Church Doctrine:.....	47
St. Augustine and the Manicheans	50
Virginity	52
Marriage	56
Divorce	60
CHAPTER V	63
Introduction.....	63
Historiography	64
The De-Romanization of European Agricultural Land Usage.....	67
Demographics and the Polyptych of St. Germain.....	71
Church Policy and the Family	81
Marriage	84
CHAPTER VI.....	91
The Origins of the Medieval Family.....	91
Works Cited.....	93
Primary Sources.....	93
Secondary Sources	95
Index.....	100

Preface

The study of the medieval family is less than 120 years old. The earliest attempts at a study were conducted by legal historians who typically saw the growth and maturation of the family through the vantage of either legalistic models. These studies carried out in both England and Germany dramatically colored the way in which the medieval family has been conceived by historians in the 20th century.

It has only been in the past ten years or so that historians have begun to look at the family outside the rubric of earlier historical models. By in large, the consensus is now that there was nothing linear, nothing coherent or historically invariant about the emergences and maturation of the medieval family. It is a wild, chaotic, and often difficult story to follow.

Indeed, from the perspective of the careful historian, there are few harder periods to study, than those surrounding the emergence of the medieval family (AD 750 – AD 1050). The evidence on either side of this period is somewhat firm—we have good Roman and theological sources before, and somewhat complete sources after; however, the three hundred years within that range are conspicuously bare of any evidence. Therefore any discussion concerning the emergence of the medieval family is necessarily synthetic, relying upon elements of Roman, German, and Church culture.

This thesis is somewhat unique in its vantage, in that it hopes to describe something substantive about the early medieval family by looking specifically at those societies which form its cultural ancestry. It is the first time such a study has been made by any historian at anywhere near this length and completeness, and of that I am proud. Of course, in any survey of a topic as broad as the medieval family, there are bound to be omissions. The omissions are sometimes conspicuous and occur for two reasons. The first is space. This paper is not meant to be a multi-volume history of the early medieval family; rather it is meant to examine important cultural elements that combine together in readily apparent ways. This limits the breadth of material available. The second reason revolves around the availability of sources. In many places, it is impossible to comment with confidence regarding aspects of the medieval family—primary sources simply do not exist. This thesis, I hope, if nothing else is factually correct, and, for the most part I have attempted to let what primary evidence speak for itself without weaving in elaborate theories or suppositions.

It is also important to note that this paper is primarily textual in its emphasis. This did not, necessarily, have to be the case. Recent work in archeology is revealing many new findings about both Roman and German life. Where these findings are undisputed and germane to the discussion, I have included them. Where such findings are in dispute, I have omitted them entirely. This, I hope, adds clarity, rather than distracting the reader. I have also moved away from some of the analytical techniques being applied by many contemporary historians, such as gender theory. Again, the aim is to create a paper based on discernable evidence from textual sources, and not to introduce experimental analytical techniques. The result is an approach somewhat dated in its application—to let the primary textual sources speak without too much intervention by the historian—though it is a tact I think works well for this thesis.

A Note on Textual References

By and large, this thesis conforms to the Chicago Manual of Style, 15h ed. That being said, whenever a citation is taken from a secondary source, it is so cited in my footnotes. Over the course of writing this paper I have lost a few (<5) citations to secondary sources from which a quote was lifted. In these cases, I have indicated such in my footnotes.

References to Classical authors, either Roman or Greek, are usually taken from the Loeb classical library. References to English translations of the Church Father are usually from the Church Fathers Series, or the Nicene / Anti-Nicene Fathers Series. References to Latin works by the Church fathers are usually taken from the Corpus Christianorum Latina. Individual cases where citations come from texts outside of these sources are noted in the footnotes or bibliography.

When I lift a quote from a secondary source, the reader can rest assured that every possible attempt was made to check the reference, typically in its original language. Where I was unable to do this, I have indicated so in the footnotes.

All translation from German or Latin made by the student are so noted in the footnotes.

All Bible passages are quoted from the King Jame's Authorized Version unless otherwise noted.

Acknowledgements

It is always a particular joy to come to the point in a paper when an author can write the acknowledgments section. For one reason, it gives him the opportunity to thank those who have aided and helped the progress of his thesis. In another sense, it also typically marks the conclusion of most of the author's work, and for this, I am also grateful.

In particular, I would like to thank my advisor, Dr. Benjamin R. McRee for his tireless work both as a gifted historian, and a remarkably quick and accurate copy editor—if I did not know any better, I might even guess that Dr. Mcree enjoys reading unfinished, misspelled, and badly punctuated prose—though I know, in reality, he was just fulfilling his job masterfully—thank you.

No paper would be possible without the concerted efforts of a well functioning library staff, and I have been fortunate to use several in the production of this paper. Indeed, from help organizing an un-indexed microfiche collection, to cutting pages in books not opened since the 19h century, to tracking down obscure and valuable manuscripts, the librarians with whom I have dealt were excellent. In no particular order, I personally and heartily thank the librarians and staff of Franklin and Marshall College, The Lancaster Theological Seminary, Muhlenberg College, Lehigh University, DeSales University, Lafayette College, Moravian College, Cedar Crest College, Millersville University, The University of Pennsylvania, The New York Public Library, The Allentown Public Library, The Curators of the J.P. Morgan Manuscript Collection, The University of Virginia, and The Pennsylvania State University. (Though the Security Guard who threw me out of the PSU library, I do not thank; he was unpleasant).

Special thanks also go to my friends both here at college for respecting my needs for hours of private work time, and at home, who gave me many nice futons on which to sleep as I hopped from library to library over various breaks. Also, thanks to professors who cut me extra leeway because I was finishing an honors thesis.

Personal thanks go to my parents, Mom and Dad, without whose flagrant disregard for Augustine's teaching this paper would never have been conceived. Lastly, thanks to my Brother Chris who taught me to think critically, deeply, and most important, realistically, about all matters in life, historical or otherwise.

CHAPTER I INTRODUCTION

Thesis and Background:

It may seem odd to write a thesis entitled “The Emergence of the Medieval Family” when only twenty percent of the paper directly concerns itself with the medieval conception of family.

Such, however, is the nature of writing any scholarly work regarding the emergence of social structures in medieval Europe. This is because, in many ways, the historical substratum from which medieval forms take shape is defined by three separate cultures: Roman, Germanic, and Catholic. Therefore, it is necessary to define, as best we can, the shape and structure of family and marriage in these cultures, so that we may have a chance of understanding the embryonic stage of the household and marriage in medieval society—an explication of such cultural elements forms the basis of this paper.

The initial inspiration for this paper was based on chapter two of *Marriage and the Family in the Middle Ages*.¹ In their brief chapter on the ‘roots’ of the medieval family, the Gies’ approached the subject of the medieval family in a systematic way that had never been done before. In some twenty-five pages, they broke down aspects of Roman, German, and Christian culture that were important to framing the basis of the early medieval family. In the next chapter, the Gies showed how aspects of the medieval family were related directly either to elements of earlier cultures. In its philosophical construction, such an attempt is extraordinarily Hegelian, and therefore, open to some criticism on its face; yet, the concept was intriguing: to point, there existed a historical situation for which we, as historians, have good evidence, then sources fall away, and some four

¹ Frances Gies and Joseph Gies, “Roots: Roman, German, Christian,” chap 2. in *Marriage and the Family in the Middle Ages* (New York: Harper & Row, 1987), 16-42.

hundred years later we see a system of social structures dramatically different from any historical progenitor. As I will argue in chapter V, it is as if we have the frame around the outside of a jigsaw puzzle, yet, all the other pieces are scattered and disordered, waiting to be aligned.

As much fun as it may be to align the pieces of a puzzle, we must exercise great caution. Much of this thesis concerns itself not just with an examination of my own arguments, and those of other historians I consider to be valid, but also with an examination and refutation of historians who have made spurious claims, based on overextended historical models, or those who have colored evidence to fit their own claims. It is unfortunate, but it is only within the last ten years or so that the discipline of early medieval social history is “providing the data that...upsets long held, if somewhat simplistic, understandings [regarding] the passage [of the family] from the extended to the nuclear [model] and, in the process, has suggested the refinement, even the abandonment, of the notions of”² previous historians. The “forward march of history” may exist, but those who espouse its existence would do well to look past the medieval family. There is only one invariant quantity in the study of medieval history and that is change. A change occurred away from pure Roman models; a change occurred away from pure Germanic models; and a change occurred away from the absolute theology of the church. The most important insight we can offer, given the limited evidence of the period, is that a change took place. This paper is a study of that change.

² Michael M. Sheehan, “Choice of a Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage,” *Studies in Medieval and Renaissance History* 1 (1978): 2.

Paper Organization:

This thesis is divided into six chapters. Each chapter is directly interrelated with every other chapter; though, it is possible to read chapters independently. I chose such an organization for two reasons. First, this thesis directly concerns itself with three cultures. Each of those cultures is defined, from a historical perspective, as a distinct entity. Therefore, it seemed quite appropriate to simply divide the thesis in such a way as to divide what have always been defined as separate cultures. Second, this paper is not meant to present a totally coherent model of the “Emergence of the Medieval Family.” Such an attempt, as discussed earlier, would be folly—the evidence simply does not support such unified claims or models. Instead, it is more appropriate to think of “The Emergence of the Medieval Family” as a goal to which we are working. To understand its origins, its practices, and its philosophy, we must have some idea of those historical contexts from which it emerged. In such a way, this paper derives from Hegel the notion of a thesis, antithesis, and synthesis; yet, it does not derive a notion of Marxian-Hegelian linearity. As has been mentioned, the reader could read any chapter of this thesis independently. The synthetic element of the paper in chapter five merely draws upon all the cultural elements we explicated in the previous three chapters in an attempt to show how medieval culture changed Roman, German, or Church models. In doing so, this paper actually goes further than many of the most recent publications on the medieval family, which have moved almost entirely away from inserting any synthetic elements into their analyses of the medieval family. In writing this paper, I was hard pressed to decide if I wanted to pursue such a format, whereby I only presented facts and figures, or if I would introduce an attempt at synthesis. I chose the latter, because I thought the study of the origins of the medieval family necessarily forced me to discuss such households within a larger cultural and historical context.

Breadth of Study

When we discuss the “Origins of the Medieval Family,” we will confine our study to the dates AD 750 to AD 1050. This is a crucial time in the emergence of the medieval family, because it represents a point when Roman and German culture were coming together in such a way as to redefine what the family was from a structural perspective. Church influences were also important; however, at this point in Western Europe, the Church did not wield as much political power as it would by the late 11th century. On the other side of the date spectrum, we have precious little evidence concerning social organizations between the fall of the Roman Empire and the reemergence of the Carolingian monarchy in the 8th century. Therefore, we shall begin account with the first reemergence of sources in the 8th century.

Our study of Roman, Germanic, and Church culture, however, will begin much earlier than AD 750. This is because we shall attempt to explicate the social elements in those cultures that are relevant to the study of the medieval family. In so doing, we will examine such disparate subjects as pre-historical kinship systems in Italy, and contraceptive recipes from Egyptian papyrus scrolls. Our motivation will be to find those elements of the ancient family that persisted into the Middle Ages. In many cases, we will never establish direct corollaries between some elements of ancient culture and medieval culture; yet, this should not be taken as a negative. In the case of Roman and Church conceptions of family, we know much more than we will ever know of the early medieval family. Nevertheless, we will be able to see significant cultural elements that change dramatically and others that remain unchanged. We will learn not only what the medieval practices were, but also how such practices reflected the admixture of

different cultures and mores, and it is in this vein that we begin our examination of the medieval family.

CHAPTER II

THE ROMAN FAMILY

Introduction

A study of Roman society marks the first of three chapters examining the cultural progenitors of the family in the middle ages. Although the study of Roman society and models reaches back, from the perspective of historical time, further than German or Church culture, the evidence we have regarding marriage and family in the Roman world is far more extensive than for German or Church culture. Therefore, the Roman model often is the basis from which much of our knowledge of ancient practices is derived; as such practices were often documented, codified, and debated. Such is not the case with German culture, where the only surviving evidence is based on obscure and conflicting codes of law. Also, as we shall see in chapter III, much of the legal system memorialized in the Germanic law codes is simply Roman law, which has been extended to meet the needs of German kings. Church theology, likewise, as recorded by the early fathers, was necessarily predicated by the practices of Roman marriage and family. Thus, an understanding of Roman practice adds perspective not only to the medieval family, but also to the conflicts which often occur in different German sources and which frame Church Dogma..

The study of Roman culture also benefits from the enormous volume of scholarly work done by classicists on all aspects of Roman life. Many fine scholarly works have been published within the past fifteen years on the subject of the Roman family, and the examination of such is becoming, increasingly, a central pillar of ancient study. Apart from secondary sources, students of Roman life benefit from an extraordinarily substantive system of indices, dictionaries, and

bibliographies which direct the researcher to promising primary sources in a closed Latin corpus. Such a system of indexing is simply invaluable.

The examination of Roman culture hereunder taken is the most extensive chapter in its breadth of study. This relates directly the availability of good primary sources available to the historian in this time period. As has already been mentioned, almost every aspect of Roman life was written about, and commented on extensively by the Latin authors. Such an extensive canon of work allows for an extended study of culture to be made, which includes subjects as disparate as gynecology and kinship.

The Extended Roman Kinship System

The subject of kinship relations in ancient Rome is one of much confusion and speculation. A well received study on early Rome makes clear that the issues of Roman clans is one of “vigorous and longstanding dispute... [and that] the volume of scholarly literature is out of all proportion to the tiny amount of factual evidence we happen to have.”³ The majority of the theoretical work done on Roman clans, known in Latin as *gens*, was done by 19th century legal anthropologists; the leading 19th century publication on Roman kinship systems was published in 1864 by the Frenchman Fustel de Coulanges. In *The Ancient City* de Coulanges argued that there existed “antique institutions which appeared to have had their flourishing period in the *first* ages of Greek and Italian societies, but which, [became] enfeebled in the later portion of their

³ T.J. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars* (London: Routledge Press, 1995), 84.

history. We speak of what the Romans called *gens*, and the Greeks *γενος*.”⁴ Thus, de Coulanges envisioned the *gens* of Rome to be the progenitor of the Roman State.⁵ This, however, is not true. Recent archeological work clearly shows that the “well-entrenched nineteenth-century theory that the *gens* originated as a ‘pre-political’ organization”⁶ runs counter to the evidence. Instead, the evidence suggests that the State of Rome existed as a political entity well before the first archeological evidence for *gens*, which appears around 600 B.C. Historians now surmise that the rise of the *gens* was concurrent with the acquisition of the Etruscan culture by the Romans.⁷

The construction of the Roman *gens*, if not a prototype for Roman government as suggested by de Coulanges, is still an area of important historical concern. Cicero gave a lucid working definition of membership in the *gens* as “those *gentiles*⁸ (1) who have the name, (2) are born of free parents, (3) none of whose ancestors have been in slavery, and (4) those who have not suffered *capitis deminutio*.”⁹ Thus, by Cicero’s definition we see the *gens* as extended networks of freeholding families.¹⁰ In theory, the *gens* represented the upper crust of Roman nobility;

⁴ Fustel De Coulanges, *The Ancient City* trans. Unknown (Baltimore: The Johns Hopkins University Press, 1982), 92.

⁵ It is worth pointing out that de Coulanges, and the other anthropologists and the historians of his day, reached their conclusion by narrowly applying a Legalist philosophy of history which constrained the social organizations of Ancient Rome into ever more complicated and socially mature states. It should also be noted that the methods by which nineteenth century historians conducted their research was actually being called into question by the turn of the 20th century. Indeed, most of the major points which de Coulanges and other suggest were deconstructed, point by point, by more systematic 20th century historians. See, for example: George Willis Botsford, “Some Problems Connected with Roman *Gens*,” *Political Science Quarterly* 22, No. 4, (Dec 1907): 663-692

⁶ Cornell, *Beginnings of Rome*, 85.

⁷ Ibid.

⁸ *Gentile* here means member of a Roman Gens. It is also the linguistic root of the English gentile, referring to a non-Semite.

⁹ Cicero *Topica*, 6, 29 *capitis deminutio* represents a substantial loss of property / wealth, under the aegis’s of judicial actions.

¹⁰ A somewhat comical aspect of the Roman *gens* was that the most prominent families were granted honorary names to signify their position. These honorific names were derivatives of names of beans and pulses grown in Italy: “Fabius for the fava, Lantulus for the lentil, Pisolus for the pea. Cicero got his name from the chickpea...

however, through time, intermarriage, and the natural dispersion of family members, the noble names of the *gens* also spread throughout the Roman Empire. In time, every Roman citizen would have a given name and a family name, thus diluting the essential aristocratic nature of the families.¹¹ This is not to say that some families did not maintain greater power than others or that some families did not retain a certain aristocratic presence; they did, but the terms are not as rigid as 19th century writers would suggest.¹²

The actual function of the *gens* is not well understood—theories range from protective kinship networks, in the model of Scottish clans, to mere formalities that expressed only a filial relationship to ancestors. The question that differentiates the two views is the amount of power and protection that the Roman Kingdom was able to assert over its subjects. If the Kingdom was weak, then it is more likely that the *gens* would have taken on a protective clan-type role, if the kingdom was strong, then the power of the *gens* would have been modulated by the monarch. Concrete historical and archeological evidence supporting either side remains scant and most historians simply let the various extreme theoretical arguments be played out by the 19th century anthropologists.

There are, however, several important facts about the *gens*. First, the *gens* was the largest unit of kinship organization. Within the *gens* the law made special provision for social organizations known as *stirps*. The *stirps* represented specific Roman households under the purview of the

because his father's face was scarred and dimpled, like the surface of a chickpea. Judith Barrett, *Fagioli: The Bean Cuisine of Italy* (Canada: Rodale, 2004), 2.

¹¹ George Willis Botsford, "Some Problems Connected with Roman *Gens*," *Political Science Quarterly* 22, No. 4, (Dec 1907): 666.

¹² The forces and influences which shape the composition and aristocratic nature of the Roman *gens* are not so different than what occurs in modern America. Aristocratic American families ebb and flow, the Vanderbilts, Lees, and Kennedys, are fine examples of close families that have come to power and then dramatically expanded their kinship systems.

paterfamilias. “The ... new consensus... among classical historians is...that [by the time of the empire] ‘the normal Roman family seems to have been a nuclear family like our own.’”¹³

Second, although the *gens* may have been patrician at one point, the system devolved whereby all free Romans, patrician or plebe, were members of the *gens* by the time of the Empire.

Finally, the existence of extended complex kinship systems was not unique to the Romans; it was likely an acquisition of Etruscan culture that was spread by Roman urbanization.¹⁴

Relationship between Kin

While the social function of the *gens* remains an open historical question, the question of the dynamic of the Roman family is much better understood. The structure of the Roman family, at least in a legal sense, has little in common with what we commonly term “the family” in modern English.¹⁵ The Roman term *familia* referred to “all [persons] in the [immediate presence] of the *paterfamilias*, either by nature or by law, including the *materfamilias*, sons, daughters, adopted children, grandsons, granddaughters, slaves, etc.”¹⁶ The *familia* was ruled by the male head of the family, whose title was *paterfamilias*, thus “in structure every Roman family was autocratic.”¹⁷

¹³ Dale B. Martin, “The Construction of the Ancient Family: Methodological Considerations,” *The Journal of Roman Studies* 86, (1996): 40.

¹⁴ Cornell, *Beginnings of Rome*, 85.

¹⁵ The modern definition of family, meaning, “the group of persons consisting of the parents and their children” does come about till AD 1641. However, the etymology is derived from the Latin *familia*. John Simpson, ed, *The Oxford English Dictionary*, 2d ed. [book on-line] (Oxford, England: University of Oxford Press, 1989); available from http://dictionary.oed.com/cgi/entry/50082058?single=1&query_type=word&queryword=family&first=1&max_to_show=10

¹⁶ Richard P. Saller, “‘Familia, Domus,’ and the Roman Conception of Family,” *Phoenix* 38, no. 4 (Winter 1984): 338. (Partly my Translation)

¹⁷ Frances Gies and Joseph Gies, *Marriage and Family in the Middle Ages* (Harper & Row New York, 1987), 19.

The legal authority of the *paterfamilias* changed as the Roman state grew. At the outset of the Roman empire, the Greek lawyer Dionysius of Halicarnassus noted the exceptional authority of the Roman *paterfamilias* to “expose his child, to scourge him, to sell him, to pawn him, to imprison him, and, *in extremis*, even to kill him,”¹⁸ in essence to do to a member of his family whatever he thought appropriate at any time. The *paterfamilias* was a petty absolute monarch. Dionysius’s report, however, must be taken with a grain of salt. The Greeks were not accustomed to such severe power being vested within the family, and as Emiel Eyben points out, “the portrait of [the] *paterfamilias* was a largely theoretical and anachronistic one”¹⁹ by the time Dionysius wrote about the empire. Indeed, by the third century AD, the Roman jurist Marcianus wrote, “paternal authority must be based on affection, not on cruelty.”²⁰ The shift away from absolute power being vested in the family to being vested in the law was concurrent with the rise in power of the Roman state and the Roman judicial system—an efficient and largely impartial judiciary alleviated the need for the family to administer law.

The relationship between different familial relations has also caught the attention of historians throughout the last century and a half. Once again, the earliest work on the relationship between family members was conducted by European legal anthropologists—primarily Sir Henry Maine²¹ and De Coulanges.²² Both Maine and de Coulanges were Roman legal scholars and consequently formulated their concepts and theories with reference to Roman law. Maine, in particular, noted that “of the subjects which have whetted the intellectual appetite of the

¹⁸ Dio Chrysostom 15. 18-20, quoted in Emiel Eyban, “Fathers and Sons,” in *Marriage, Divorce, and Children in Ancient Rome* (Oxford, England: Clarendon Press, 1991), 115.

¹⁹ Emiel Eyban, “Fathers and Sons,” 115.

²⁰ Ibid.

²¹ Henry Maine, *Lectures on the Early History of Institutions* (Kitchner, Ontario: Batoche, 1999)

²² See Note 2.

moderns, there is scarcely one, except physics, which has not been filtered through Roman jurisprudence.”²³ The result was a philosophy of the Roman family explicated on the principle of legal absolutes, rather than actual fact.

The legal anthropologists turned to the newly minted field of social anthropology for help in fitting the Roman legal model to an actual social structure. Early attempts, in the 19th century compared Roman family relations to those of American Indians;²⁴ however, it was not until the publication of an influential paper by Radcliffe-Brown,²⁵ that the legal anthropologists²⁶ had a suitable model for family life. In this model, the anthropologists asserted that specific family relations, i.e. maternal aunt, paternal uncle, father, mother, and so on. had specific and unchanging ideal social roles in relation to the subject. In particular, the anthropologists argued from the severe legal definition of the *paterfamilias* that the paternal line remained severe and reserved, while the maternal line offered love and compassion. In particular, to male children, the father was seen as a harsh disciplinarian, while the maternal uncle, in the tradition of Julius Caesar and Octavian, was seen as the well of family joy and good will.

Contemporary historians have generally dismissed earlier works by the social and legal anthropologists as anachronistic. As the Roman jurist Paul himself pointed out, kinship

²³ Henry Maine, *The Ancient Law* (New York: Dent & Sons, 1931), 283.

²⁴ Lewis Morgan, *Ancient Society* (Tempe, AZ: University of Arizona Press, 1985).

²⁵ A.R. Radcliffe-Brown, “The Mother’s Brother in South Africa,” *South African Journal of Science* 21, (1924): 542-555

²⁶ The legal anthropologists were especially interested in the relationship between words describing family members, as they appeared in the Roman Codes. For instance, the maternal Uncle’s title was *avunculus*, the suffix *-us* is diminutive in Latin, which represented a position removed from the virility of a masculine ending, and thus showing an inferiority to the romanticized Roman ‘ideal’ of parental severity.

terminology, “constituted a specialist knowledge needed by lawyers in special circumstances,”²⁷ and even in legal situations, the meaning and relationship of kinship terms was often confused.²⁸ As such, the importance attached to distinct roles, as described by kinship terms, has largely been replaced by a system that admits considerable latitude to the roles of various family members.

Evidence for the more dynamic roles of family members is derived from several sources. The most important and least contested historical evidence comes from literary examples. Richard Saller notes that in all the dialogues of Cicero, specific kinship terms such as *auunculus*, *consobrinus*, *patruus*, etc. occur only a dozen times, while non-descript kin terms, such as *necessaries* and *propinquus* are mentioned nearly sixty times.²⁹ Clearly, at least by Cicero’s time, it was no longer the style to refer to specific relatives by their specific kin names. This either implies that the method of using specific names had fallen out of style, or never was the style, the latter being the position most historians now take.

The deconstruction of static roles for specific kin relations has led to a reexamination of the *actual* dynamics among kin. The evidence suggests a total abandonment of the notion of a severe *paterfamilias*; indeed, as noted above, “the paradigmatic stories about paternal severity concerned discipline in defense of the state, not the imposition of authority within the family.”³⁰ The notion of a special relationship between the maternal uncle and child has also withered.

Contemporary accounts by Tacitus of the Germanic peoples suggests such a relationship among

²⁷ Richard Saller, “Roman Kinship: Structure and Sentiment” in *The Roman Family in Italy: Status, Sentiment, Space*, Ed. Beryl Rawson and Paul Weaver (Oxford: Clarendon Press, 1997), 20.

²⁸ See, for Example: Julian. *Digest*. 81; Terentius Clemens. *Lex Julia et Papia*. 2; and Gaius. *Provincial Edict*. 23. Quoted in: Alan Watson, ed. and trans, *The Digest of Justinian*, vol. 4 (Philadelphia: University of Pennsylvania Press, 1985).

²⁹ Rawson and Weaver, *The Roman Family in Italy*, 21. Authors Note: *Necessaries* and *propinquus* refer to someone near or related, but do not discriminate kin from friend or dependent.

³⁰ *Ibid.*, 25 (From Footnote)

Germans: “uncles esteem[ed] their sister’s son as much as fathers..., and some consider this bond of blood even closer and more sacred,”³¹ yet at no point does Tacitus relate such a relationship among the Romans.

Thus, we see that connected with the deconstruction of specific kin roles is the reexamination of the actual relationship between various relatives. The evidence suggests that Roman families are much more like our own than has been previously suggested:

The new picture is in some ways uneven but much more believable: a picture of households which responded to the changing needs of the family economy and the individual life course, of fathers who cajoled and nagged recalcitrant children, of mothers who engineered their children’s marriages, of single-parent families, of working mothers... of step- and half-relations which extended kin ties almost indefinitely.³²

Every family has its particular characters and quirks that tend to define the relationship of its members much more than underlying anthropological constraints or philosophical idealizations, and it is this view, of a robust and plastic family, that now defines Roman kinship.

Roman Conceptions of Childhood and Behavior

Roman attitudes regarding the nature of children and the state of childhood have been of particular interest to historians in recent years. Most historians point out that the recent emphasis comes from a modern valuation of childhood as the predominant stage of socialization.³³ This modern psychoanalytical understanding of childhood’s place in development was not well understood by the Romans; instead, literary and medical examples place developmental

³¹ Tacitus *Germania*. 20.3

³² Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 31.

³³ *Ibid.*, 116.

emphasis on the adolescent years.³⁴ If we are to take the Roman Law³⁵ as our example, childhood is seen as a time of inability or incapacity rather than the developmental period.³⁶ The evidence regarding how children perceived themselves is scant. “There is virtually no material generated by children themselves in the Roman world, e.g. no diaries, paintings, or poems.”³⁷ Thus, placing the child in any sort of context must come from secondary evidence, be that evidence literary, medical, tombstone inscriptions, or statistical.

Along with the recent reemphasis on childhood has come a new understanding of what childhood meant to the Romans. The modern historian’s prevailing view up until the 1980s was that childhood was not a distinct developmental stage, but rather a period through which a baby must pass to graduate into adolescence and adulthood. It is worth noting that historians such as Philippe Ariés defended their theses by suggesting a historical continuity whereby childhood, historically, had never developed as a distinct stage until the seventeenth century.³⁸ This view, however, is weakened substantially by recent work that suggests Romans did see childhood as a distinct stage of life, and one that required its own special type of nurturing.³⁹ The evidence also suggests that Romans were loving parents who took great interest in the welfare of their children. Cicero notes that “I am so deprived of all companionship that my only unguarded time is what is

³⁴ See, for example, Horace *Sermones et epistulae*. 1.6.81-92, (Secondary Reference Lost); Tacitus *Agricola*. 4

³⁵ See Footnote 32, Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 105.

³⁶ The reader should take the above with a grain of salt. The Roman law presents many examples of childhood in this light; however, it is possible, that this is simply the easiest way for the Roman courts to adjudicate actions in which children were involved, rather than a social indictment regarding how children were perceived.

³⁷ Beryl Rawson, “Adult-Child Relationships in Roman Society” in *Marriage, Divorce, and Children in Ancient Rome*, Ed. Beryl Rawson (Oxford: Clarendon Press, 1991), 7.

³⁸ Philippe Ariés, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Alfred A. Knopf, 1962), 47.

³⁹ Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 101-102. and Beryl Rawson, “Adult-Child Relationships in Roman Society” in *Marriage, Divorce, and Children in Ancient Rome*, Ed. Beryl Rawson (Oxford: Clarendon Press, 1991), 19.

spent with my wife, my little girl, and sweet Cicero.”⁴⁰ Likewise Lucretius in *The Nature of Things* recalls a popular lament of mourners:

No more, no more will your happy house welcome you, nor will your excellent wife. No more will your sweet children run to greet you with kisses and cling to your chest in sweet silence.⁴¹

This, however, is not to suggest that the Romans had a modern valuation of children. High infant mortality rates and general uncertainty necessarily created a psychological distance between adult and child. Cicero, the loving father, even derides those who excessively mourned the death of a newborn child, referring to his own daughter’s premature child as “a thing” (“*quod est natum.*”).⁴² It was also appropriate to praise children for early exhibitions of adult-like qualities. “Carp (1980) and Eyban (1986) have documented the Roman tendency to favor mature qualities in children—the *puer senex*, or “old child, phenomenon.”⁴³ This of interest in medieval contexts, where there is a parallel tendency in Christian hagiographies, “where saints as children had invariably shown adult indifference to play, as if such childish characteristics were an aberration.”⁴⁴

The Roman child’s transition from childhood to adulthood was marked by specific celebrations for the males at the age of about fifteen. During the celebration, the boy would discard the apotropaic necklace (*bulla*) that he was given at birth. He would also discard his child’s tunic (*toga praetexta*) and take on the man’s tunic (*toga virilis*). This event would either take place on the child’s birthday or shortly after the Ides of March. There was no such public transition for

⁴⁰ Cicero *Letters to Atticus*. 1.18.1

⁴¹ Lucretius *De rerum natura*. 3.894-96 (Secondary Citation Lost)

⁴² See Footnote 4, Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 99.

⁴³ *Ibid.*, 105. We should be somewhat careful about placing too much emphasis on this point. It seems human nature to me, to praise children for their grown-up tendencies and attitudes. However, what I want to make clear is the connection between the value of Roman childhood seriousness and Christian Hagiography.

⁴⁴ *Ibid.*

female Romans; Beryl Rawson argues that such a public ceremony was unnecessary because women never fully achieved familial manumission nor a distinct political role in the state, which would necessitate a distinct public ceremony.⁴⁵ Suzanne Dixon, however, suggests that the onset of menarche probably marked a transition, which would have been noticed and appreciated by the various female members of the *familia*. Dixon also argues that formal recognition that a woman had come of age was implicit in marriage.⁴⁶

Roman Marriage and Divorce

In a theoretical-legal context, the union between man and women in Roman times symbolized the joining of two different and distinct families into one by the precepts of law.⁴⁷ The union of two citizens also produced a legal union in which any children begotten of the marriage were considered Roman citizens. In this legalistic sense, the Roman conception of marriage is very much like our own. However, past a legal interpretation, the structural differences between Roman and modern marriage are vast. It must be remembered that the modern moral matrix, which typically binds the participants of a marriage more tightly than legal constraints, is a manifestation of traditional Judeo-Christian values. These values had little influence on the western Roman world prior to Constantine's conversion to Christianity in the fourth century. As such, the practices which symbolize the union of man and women and the conditions placed on the *absolute* sanctity of marriage were far different in the Roman era. We should, however, be careful not to interpret a divergence from Judeo-Christian values as a mitigation of the sanctity of marriage. There is much evidence to suggest that the great majority of Roman marriages

⁴⁵ Beryl Rawson, "Adult-Child Relationships in Roman Society" in *Marriage, Divorce, and Children in Ancient Rome*, Ed. Beryl Rawson (Oxford: Clarendon Press, 1991), 28.

⁴⁶ Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 101.

⁴⁷ Gai.1.56. (Secondary Citation Lost).

proceeded monogamously and without divorce. Likewise, there are many touching funerary inscriptions from man to wife, which carry heartfelt sorrow: “She was dearer to me than life”; and “for love of her I have sworn never to remarry.”⁴⁸ Thus, it seems, that there is something deep and resilient in the nature of marriage that remains invariant through time. This invariance will be of great interest as we examine the *moral* evolution of marriage through Christianity and on into the middle ages.

Symbolism is an extremely important part of marriage. However, the symbols present at a wedding ceremony are not entirely static; they change based on the cultural mores of the times. In the Judeo-Christian tradition, the paramount symbol of matrimony is the exchange of vows, which represents an affirmation of love brought together under God, signifying the symbolic union of man and woman. The most important symbolic elements in the Roman marriage would include the conjugal couch (*lectus genialis*) which represented the physical, rather than spiritual union of man and woman. Additional elements of the ceremony would include a white bridal gown and veil, which symbolized the bride’s virginal purity, and small bridal gifts, often walnuts, which would be showered on the bride and groom. The ceremony, except in the case of state weddings, was simpler, and, legally, not even necessary. All that was necessary to invoke the bonds of matrimony was “the consent of the *paterfamilias*⁴⁹ and living together with the intention of being married.”⁵⁰ Again, in theory, the *paterfamilias* had a legal right to choose to whom to betroth his daughters; however, by the second century AD, a father “dreamed neither of

⁴⁸ Ludwig Friedlander, *Roman Life and Manners Under the Early Empire*, vol I, trans. Leonard Magnus (New York, 1965), 243. Quoted in Frances Gies and Joseph Gies, *Marriage and Family*, 27.

⁴⁹ Digest of Justinian. 23.2.2-5

⁵⁰ Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992), 61.

forcing a daughter's marriage nor opposing her determined choice."⁵¹ This was further enforced by the law which stipulated *Nuptias consensus non concubitus facit* (consent, not intercourse, makes marriage).⁵² Carcopino's determined analysis of the subject and the law, at points, certainly would have been subverted, especially by senatorial class who designed intermarriages as political tools. However, among the lower classes of Roman society, the evidence and law suggests that betrothal was at the consent of the man and women. To a fair degree, this system of mutual consent would be the hallmark of marriage through medieval and modern times.

Although the *paterfamilias* did not typically play an overt role in selection of a partner for his daughter, he did play a protective role. As has been stated, the legal necessity for marriage was the consent of both partners and the blessing of the *paterfamilias*. The 'blessing' manifested itself as a pronouncement regarding the economic viability of the suitor. Over the course of Roman history, the conditions changed from a payment from groom to the bride's *familia*,⁵³ to a payment from the bride's family to the male suitor. The change in payment is associated with the relative market for suitors. In the early part of the Roman empire, there were more men than women, which put women and their families in the position of soliciting a dowry (*dos*) from the male suitor. However, as the Roman Empire evolved, the demographic situation reversed and a dowry was paid from the bride's family to the male suitor.⁵⁴ This payment, however, would only be made after the *paterfamilias* determined that the suitor was financially sound enough to administer the bride's dowry, which, according to the law was the property of the husband, but

⁵¹ Carcopino, *Daily Life in Ancient Rome*, trans. E.O. Lorimer (New Haven, CT: Yale University Press, 2003), 94.

⁵² Frances Gies and Joseph Gies, *Marriage and Family*, 21.

⁵³ William Kenkel, "The Ancient Roman Family." In *The Family in Perspective: A Fourfold Analysis* (New York, 1960), 76. Quoted in Frances Gies and Joseph Gies, *Marriage and Family*, 21

⁵⁴ *Ibid.*, 79

which, by social convention, remained the purview of the maternal line.⁵⁵ The necessity of financial soundness as a prerequisite to marriage did have a secondary consequence; it created a noticeable difference in the age of marriage between men and women. Female members of the family presented a financial burden to the family, thus it was advantageous to the *paterfamilias* to betroth daughters at as young an age as possible, which, typically meant, a few years after the onset of menses. The men to whom they were betrothed, however, were older, typically in their early twenties; this was a secondary consequence of requiring financial security from the grooms.⁵⁶

Roman divorce, like marriage was defined in the law on the dual requirements of consent and cohabitation. In the later empire, men and women could obtain a divorced state merely by walking out on their spouse—men could and often did disappear, though women were, by the law, reincorporated back into the protection of their father's family. In many cases, where property and dowry were involved, the state intervened in the divorce, though, by in large, marital separation was easily won by both men and women in the late Empire.⁵⁷

The Roman Concept of Contraception and Abortion

The use of contraceptive measures in antiquity is long documented and well known. There remain extant four Egyptian papyrus scrolls which describe particular formulations of

⁵⁵ The actual legal and social function of the dowry is highly complex. A complete explanation of the situation is given in Chapter two of Suzanne Dixon, *The Roman Family* (Baltimore: The Johns Hopkins University Press, 1992).

⁵⁶ Susan Treggiari, "Divorce Roman Style: Ease and Frequency" in *Marriage, Divorce, and Children in Ancient Rome*, Ed. Beryl Rawson (Oxford: Clarendon Press, 1991), 32.

⁵⁷ *Ibid.*, 31-46.

contraceptive compounds to be used by women.⁵⁸ Likewise, early Jewish scholars wrote at length regarding various methods of contraception, including, “*coitus interruptus*, post coital ejection, occlusive passerines, sterilizing potions, and sterilizing surgery.”⁵⁹ The nature of such reports, and the fact that surviving texts contain detailed lists of ‘ingredients’ for sterilizing potions and specific directions for mechanical contraception, suggest that the Rabbis who wrote the texts did not view contraception as immoral; rather, it appears to have been seen as a normal part of Jewish life.

As with most aspects of medicine, the Romans and Greeks attended to the subject of contraceptives and abortions systematically and prescriptively. Pliny in his *Natural History* comments on several potions mostly made of roots and herbs, while the medical writer Soranos of Ephesus devotes a substantial section of *Gynecology* to the study of contraceptive, potions and methods. Like the Jews and Egyptians, most preparations are caustic spermicides or commonsense ambulations meant to expel semen.

The classical authors do not offer much moral commentary regarding the practice of conception, though, the Hippocratic Oath does reject some forms of abortion.⁶⁰ However, at no time do either the Greek or Roman authors suggest any moral qualm at the prevention or abortion of a fetus. In fact, in the *Politics*, Aristotle specifically states that proper function of government demands that “a numerical limit must be set upon procreation [and] children conceived by some

⁵⁸ Hildegard von Deines, Hermann Grapow, Wolfhart Westerdorf, “Uebersetzung der Medizinischen Texte,” *Grundriss der Medizin der Alten Aegypten IV* (Berlin, 1958) 277-278, quoted in John T. Noonan, *Contraception: A History of its Treatment by the Catholic Theologians and Canonists* (Cambridge, MA: Harvard University Press, 1966), 10

⁵⁹ Noonan, *Contraception*, 11 (Footnote 3 & 4)

⁶⁰ Hippocrates *Oath*. 298.

of those who have intercourse in violation of this, an abortion must be induced.”⁶¹ Plato, likewise, in his *Republic* advocates conscious population control, “lest they fall into poverty or war.”⁶² The Roman authors do present some cautionary language in their treatises on contraception, mainly says that an abortion is not a procedure to be taken lightly or for vanity’s sake.⁶³ This point, however, may reflect only a nominal commentary on the morality associated with the procedure. Certainly, any prescription given to induce an abortion would have been a non-localized poison given in such quantities to be fatal to the womb-bound child and not the mother.⁶⁴ Surgical abortions would have also presented a substantial risk to the mother, and that risk was likely the guiding concern of the physician. The law also makes no provision for the welfare of the fetus; indeed, the Code of Justinian clearly indicates that laws regarding the protection of children from abortion or infanticide were passed to benefit the commonwealth,⁶⁵ which was undergoing a substantial population decline by the second and third centuries AD.

The combination of sources, both Greek and Roman, in the medical literature and in the law make one idea readily apparent—Roman culture did not see abortion or contraception in the moral terms that later medieval society did. It is difficult to divine what philosophical tenets attended the Roman conception of life and when it began. In the Aristotelian tradition, it appears that Romans placed the complex notion outside the sphere of what was a reasonable philosophical question that can be answered by rational investigation.⁶⁶ As we shall see, however, early Church theologians would disregard the Aristotelian view of morality, and, in so

⁶¹ Aristotle *Politics*. 7.16.1335b.23-25.

⁶² Plato *Republic*. 2.372c.

⁶³ Soranos *Gynecology*. 1.19.60-61.

⁶⁴ *Ibid.*, 1.19.63. Soranos concludes by stating that the abortifacient caused “a heavy head, indigestion, and vomiting.”

⁶⁵ *Digest of Justinian*. 38.1.37.

⁶⁶ Aristotle *Nicomachean Ethics*. 1.2.24.

doing, would inaugurate an entirely new philosophical basis for what life was and how abortion and contraception applied to such a notion of life.

The Classical Notion of Chastity

Virginity's value in western thought has been clear from the very first literary sources available.

The *Odyssey* tells of Odysseus's epic struggle to return home to his beloved wife Penélopê.

Upon arriving home, he finds his great hall strewn with suitors—as Penélopê, despite his instructions, has remained chaste. Odysseus dramatically kills the waiting suitors. Once finished, his son son, Telemakhos, then passes moral judgment on the women who attended to the suitors:

I would not give the clean death of a beast
to trulls who made a mockery of my mother
and me too—you sluts, who lay with suitors.⁶⁷

These women, too, are gruesomely killed, and Odysseus goes to reclaim his chaste wife who confirms his identity by alluding to a secret mark on their wedding bed.⁶⁸ This story, while dramatic in its own right, reflects on the importance of chastity in terms of classical morality—“privileged sexual self restraint [was] an index of moral authority.”⁶⁹ That restraint also need not be confined between husband and wife, or husband and mistress. As Cooper points out, the idea of public and private spheres of political life is not a well defined notion until the nineteenth century. Until that point, and especially in western antiquity, a politician's family life was seen as a mirror into his soul. Hence Odysseus's and Telemakhos's incredible anger at the suitors and the mistresses—their presence in Odysseus's home was not a private affair of love, but rather a

⁶⁷ Homer *Odyssey*. 22.514-516.

⁶⁸ *Ibid.*, 23.229 Obviously an allusion to Penélopê's virginity when married and symbolic of her chastity while Odysseus was at war.

⁶⁹ Kate Cooper, Preface to *The Virgin and the Bride: Idealized Womanhood in Late Antiquity* (Cambridge MA, Harvard University Press, 1996), ix.

contemptuous flirtation with the moral and political solvency of Odysseus's kingdom. Penélopê's chastity was a political tool, which represented both her faith in her husband's return and also the symbolic unity of her family's governorship. "The representation of martial concord served an important rhetorical [and moral] function, supporting the claim put forward by [noble] men in competition with one another by implying their ethical fitness for responsibility....Men's struggle with one another for dominance was abetted by the suggestion of each that his household was known for concord while the other's was not."⁷⁰ Thus, public knowledge that a man kept a mistress, that his children were wildly promiscuous, or that he was susceptible to the guiles of women suggested an inability to keep one's wits when tempted by pleasure. Such was Plutarch's condemnation of Marc Antony:

Antony made it clear to all the world that he was swayed by the sentiments neither of a commander nor of a brave man, nor even his own... he was dragged along by his women.⁷¹

What the literary evidence suggests is that sexual morality in antiquity was, in reality, a synthetic notion. There was no ethical concern about a sexual act per se. Rather, the Romans and Greeks associated sex with pleasure and concluded that temperance in pleasure marked a moral man. This was precisely the conclusion of Aristotle in the *Nicomachean Ethics*⁷² and Plato in *Gorgias*.⁷³ Thus, in antiquity, there was no definite line over which a man could cross from morality into immorality in relation to sexual acts. Instead, sexuality was merely a window into the much more important notion of self-control, which for the classical philosophers, represented the touchstone of all moral action.

⁷⁰ Ibid., 3.

⁷¹ Plutarch *Life of Anthony*. 66.4.

⁷² Aristotle *Nicomachean Ethics*. 3.11.27.

⁷³ Plato *Gorgias*. 494a-500e.

Conclusion

As we will see in upcoming chapters, both German Culture and the Church also placed an emphasis on the role of virginity before and during marriage. The role of virginity is indicative of larger trends whereby all three cultures held certain actions or practices regarding family life in common, yet differed dramatically in the relative importance of such actions and practices.

The interplay of the relative importance of particular traits, from one culture to another, will, be of importance when we take up the question of the emergence of the medieval family in chapter

V

CHAPTER III

GERMAN CULTURE

Introduction

The German people of Europe⁷⁴ mark the second of our three part examination of the origins of the medieval family. As with the Romans, marriage played an important structural role in kinship patterns. However, unlike Roman models, kinship appears to have played a much stronger role in German marriage practices. The documentary evidence for such practices, however, may unduly weight the influence that we assign to kinship systems. This is because the great majority of our understanding of Germanic marriage and family is derived from readings of Germanic law, which we know to be suspect at points.⁷⁵ David Herlihy has attempted to add to the literature by examining hagiographical evidence, especially of Irish saints, and by attempting to extract larger trends from the lives of the saints, though his analysis, at points, seems tenuous—particularly when he applies the models developed for Irish saints to wider Continental patterns.⁷⁶ Aside from Codes of Law and hagiography, the historian has a third source of information concerning German culture; these are contemporary accounts given by Roman travelers, chief among whom was Tacitus, whose *Germania*, is a remarkable collection of observations and analyses of the Germanic people. Secondary sources treating northern Europe in this time period are rare, and those written in English are even more rare. “German scholars in the *Rechtsschule* that flourished from the late nineteenth century to the 1940s tended to assume

⁷⁴ I, like many previous historians, use the term “Germanic” to describe the people of Northern Europe. This is an unfortunate use of language, but it is a historical artifact with which we must deal. The use of the term Germanic will come to mean any peoples of Northern Europe, outside of Roman citizenship, for whom substantive evidence still remains, which includes, but is not limited to, Visigoths, Burgundians, Gallic Peoples, Franks, Ribvarians, Alamanni, Saxons, Frisians, Thuringians, and the Raetians.

⁷⁵ Philip L. Reynolds, *Marriage in the Western Church* (Leiden: E.J. Brill, 1994), 66-69.

⁷⁶ David Herlihy, “The Household in late Barbarian Antiquity,” Chap. 2 in *Medieval Households* (Cambridge, MA: Harvard University Press, 1985), 29-55.

there was a universal substratum of Germanic law... the suppositions have become deeply entrenched in historiography, [and many] historians have adopted ... [the ideas of the *Rechtsschule*] uncritically.”⁷⁷ Thus, it has come to pass that much of the English work regarding German marriage and family carries with it the false assumptions of earlier German scholars. Consequently, the range of sources from which we are able to draw for this chapter is considerably smaller compared to other sections of this thesis. Luckily, a recent publication by Philip Reynolds adds much to the English corpus on the subject of the Germanic family and it is to this book, specifically, chapters three and four, that we will readily defer. The availability of sources also limits, to some extent, the breadth of material that can be included in this chapter without introducing dramatic speculations and unsubstantiated claims. Therefore, this chapter will mainly confine itself to Germanic kinship and marriage patterns related to that kinship system.

German Kinship

Forming a clear picture of German kinship is difficult. First, there are etymological difficulties based upon differences in language that tend to obscure how one legal code refers to kinship, as compared to how another code may describe the same kinship system. For instance the words *sippe*, *sept*, *Geschlecht*, and *farra*⁷⁸ all have identical meanings, but it is only through close examination of the codes and the specific contexts that the definite meaning of such words becomes clear.⁷⁹ What is clear, however, is that in every German code examined, there is some concept of an extended kinship system at law. Most often, the *farra* is described as the

⁷⁷ Philip L. Reynolds, *Marriage in the Western Church*, 71. (See Reynolds note 3.18).

⁷⁸ Translation: Kinship system under German Law

⁷⁹ David Herlihy, *Medieval Households*, 47.

“following” or “the retinee of a chief.”⁸⁰ Paul the Deacon adds to that definition by affirming that “the *farra* of the Lombards... [are] *generations of lineas*.”⁸¹ Not only did the law outline what constituted the *farra*, as a kinship system, but the law also recognized that the *farra* constituted a discrete legal entity, entitled to considerations of geographical boundaries, political affiliation, and judicial autonomy.⁸² After all, as Reynolds reminds us, the formalized law codes were often just admixture combinations of unwritten laws meant to mollify the “ideological aspirations of [kings] rather than [providing] any practical exigencies,”⁸³ while it was the kin system that wielded direct power through application of customary common law. Furthermore, the codes provide secondary evidence concerning the organization of such kinship systems, suggesting that kinship was figured cognately,⁸⁴ and that women were admired and respected members of the kin group, a point echoed by Tacitus.⁸⁵ Finally, statistical calculations performed on early charters in which kinship lines had to be recorded revealed that “about 80 percent of signers could only mention three or four [levels on kinship]. If these numbers are typical, then the [kinship network] could rarely have included more than fifty families.”⁸⁶ Thus, we begin to see a picture of the German kinship system emerge. First, it was a quasi-autonomous organization, able to mete out its own punishments and deriving its judicial power from local “chieftains... [and] from the people who served as an advisory council”⁸⁷ to that chief. Such networks were organized cognately, on the basis of marriage and previous family

⁸⁰ Ibid., 45.

⁸¹ Paul the Deacon *Historica Longobardorum*, ed. Waitz in *Monumenta Germaniae Historica* (Hanover, 1878), 91. Quoted in David Herlihy, *Medieval Households*, 46.

⁸² David Herlihy, *Medieval Households*, 46.

⁸³ Ed. P.H. Sawyer and I.N. Wood, “Lex Scripta and Verbum Regis,” in *Early Medieval Kingship* (Leeds, UK: University of Leeds Press, 1977), 106. Quoted in Philip L. Reynolds, *Marriage in the Western Church*, 69.

⁸⁴ David Herlihy, *Medieval Households*, 47. (See note 2.123).

⁸⁵ Tacitus *Germania*. 8.2.

⁸⁶ Del Treppo and Alfonso Leone, *Amalfi Medioevale* (Naples: Biblioteca di Studi Meridionali, 1977), 5:118. Quoted by David Herlihy, *Medieval Households*, 47. (Source not checked by Student).

⁸⁷ Tacitus *Germania*. 12.3.

relations. Lastly, because the kinship system was mobile, the power and autonomy of the members of a kin system were based upon the relations between kin, and not on geographical location. Thus, kinship, at least in the law, appears to be the defining feature of social organization for Germanic peoples; certainly, marriage, which both established and extended kinship relationship, would be a defining and centrally important feature of German law and society.

Marriage within Kinship

We tend to think of marriage within the German kinship system in more formal legal terms than either Roman or Church cultures. This seems, almost doubtlessly, an artifact of the legal sources, rather than an inestimable fact. Indeed, Tacitus writes very warmly of German marriage, a practice he contends, “one would praise over [any] other aspect of their civilization.”⁸⁸ Tacitus, we know, is sometimes given to literary invention, but here it appears not, as elsewhere throughout *Germania*, Tacitus repeatedly commends women, German family and children. It seems that love and warmth were often important factors in Germanic marriage, and probably mate selection, though this is transmitted very poorly through the legal sources. What we do know from a structural perspective is that marriage, in the law, was conceived as a contractual relationship between the two families—the bride was the object, not the agent of such a contract. The greatest change from Roman to Germanic models of marriage involved the presence of dotation (*arrha*) in German culture. Under Roman law consent (*nudus consensus*) yielded marriage. A payment from bride to groom was customary, but, in reality, not necessary

⁸⁸ Tacitus *Germania*. 18.1.

under the law. German culture required a payment from the groom to the bride's kin.⁸⁹ Some laws, especially those of the Lombards, regard the transaction as "an acquisition of power over the girl."⁹⁰ Such a power was binding. It was the family that wielded the sole power of betrothal. The sources tell that once betrothed, the girl was in a 'promised' state and that to break such a promise (or more precisely contract) the girl's kin network would have to pay a heavy fine.⁹¹ If the girl ran away herself, without the consent of her parents, she was liable to be put to death.⁹² The law, however, did not restrict the groom; he was free, at least under Visigoth law, to withdraw his dotation without penalty.⁹³ Interestingly, if the girl was not betrothed, and she was abducted or simply ran away with a man and became his bride, the marriage was not necessarily held invalid in the law, though custom held that she should be disinherited.⁹⁴ Such irregular marriages, however, seem to be of secondary importance to the contractual marriage which is predominant in the law. Because the process of betrothal was so closely tied to contract law, earlier historians have termed the practice of marriage in German culture "bride purchase." Several historians have attempted to add more complexity to the bride purchase model by noting that women often took a dowry with them to their husband's household.⁹⁵ Such suggestions, at least the one put forward by Hughes, stretches the limits of the evidence. The dowry's function seems to be defined much more by local custom than by law, and is never a required legal component of a marriage in any German law code. The process of bride purchase did, however, allow for a sex ratio imbalance to form among German tribes. Because brides

⁸⁹ Pactus Legis Salicae, in *Monumenta Germaniae Historica Legum Sectio*, ed. K.A. Eckhardt (Hanover, 1962), 1.4.1.44. Quoted in David Herlihy, *Medieval Households*, 51.

⁹⁰ Philip L. Reynolds, *Marriage in the Western Church*, 76.

⁹¹ *Lex Rom. Burg.*, 27.1-3. Quoted in Philip L. Reynolds, *Marriage in the Western Church*, 77 (Note 3.35).

⁹² *Lex Gund.*, 52. Quoted in Philip L. Reynolds, *Marriage in the Western Church*, 77 (Note 3.37).

⁹³ *Lex Vis.*, 3.1.4. Quoted in Philip L. Reynolds, *Marriage in the Western Church*, 79 (Note 3.45).

⁹⁴ Philip L. Reynolds, "Germanic Law: Irregular and Informal Marriage," Chap. 4 in *Marriage in the Western Church* (Leiden: E.J. Brill, 1994), 101-117

⁹⁵ Diane O. Hughes, "From Bridesprice to Dowry in Mediterranean Europe," *Journal of Family History* 3, (1978): 262-296.

could be purchased, many historians have suggested that larger, richer, households collected disproportionate numbers of women, thereby denying some men the chance to marry, and leading to polygamy. Polygamy was certainly allowed under German law, and most German kings, including the Catholic Merovingians, kept several wives and concubines. The policy of bride purchase, we shall see, was opposed by the Church and resulted in a more equitable distribution of women in the early middle ages.

The process of marriage itself seems to have originally been accomplished “by the coming together and living as man and wife.”⁹⁶ Such an arrangement seems to have changed with the spread of Christianity, when a ring was introduced, a veil worn, and the ceremony presided over by a priest.⁹⁷ What was not required, however, to make a legal marriage was the act of consummation. In fact, the German codes do not deal with virginity, except in cases of abduction, though Tacitus does say that virginity is the preferred state at the time of marriage—his language, however, implies that virginity is not a universal prior to marriage.⁹⁸

German Divorce

From the process of marriage, we now turn our attention to the process of divorce. “Most of the Germanic codes contain remarkably little on the subject of dissolution of marriage.”⁹⁹ Reynolds suggests that this may be because of the ease with which men could divorce. The *Lex Gundobada* (Germanic Code of Law of the Burgundians) allows for separation, as long as the

⁹⁶ Philip L. Reynolds, *Marriage in the Western Church*, 93.

⁹⁷ Isidorus Hispalensis *De ecclesiasticis officiis*. 2.20.6-7.

⁹⁸ Tacitus *Germania*. 19.2. “Melius quidem adhuc eae civitates in quibus tantum virgines nubunt et cum spe votoque uxoris semel transigitur.”

⁹⁹ Philip L. Reynolds, *Marriage in the Western Church*, 99.

man pays compensation to his wife.¹⁰⁰ Other codes were stricter, such as the code of the Visigoths which declared, “*Ne inter coniuges divortium fiat.*”¹⁰¹ Women who attempted to divorce, even in places where men could easily break their nuptials, would have found the law remarkably harsher than that for men. The Burgundian code, for example, decreed that any woman attempting to divorce her husband was to be drowned in a bog.¹⁰²

Conclusion

The picture that we have of the Germanic family is a fragile one. The foundation is built upon assumptions about the power and social utility of the German kinship system, and the major evidence meant to support our analysis comes almost exclusively from legal sources, with their inherent limitations. Regardless, German culture appears to differ in important ways from Roman culture. Whereas in Rome, the household was defined as nuclear, with long forgotten filial ties to kinship networks, the German’s basic social unit was the extended kin system. We know almost nothing about what the Germanic household resembled—if it was nuclear or more communal—though, the evidence tends toward a mixture of communalism and individualism, more so than Roman sources. For the ordinary German, marriage was almost undoubtedly a simple affair, defined by the transfer of payment from groom to bride. For more prosperous households, marriage could have consisted of multiple partners and consequently kinship intermingling. Certainly, in such cases, where the kinship line was so closely defined by marriage, and in a system in which the law allowed the woman to be treated as an object and not an agent of the union, marriages could have been purely political and loveless, though this is not

¹⁰⁰ *Lex Gund.* 34., Citation in Philip L. Reynolds, *Marriage in the Western Church*, 100.

¹⁰¹ *Lex Viso*, 3.6.2. Quoted in Philip L. Reynolds, *Marriage in the Western Church*, 99. Author’s Translation: (Once conjoined, there shall be absolutely no divorce!).

¹⁰² *Lex Gund.* 34., Citation in Philip L. Reynolds, *Marriage in the Western Church*, 100.

Tacitus's account of the ordinary German marriage. As Church power grew toward AD 1000, ecclesiastical courts would begin to redefine some the more distinctive German practices, such as Polygamy and bride purchase. This, however, was a slow and fairly non-deliberate process, that resulted more in a reformulation of church dogma than an assertion of theological right. We will come to such processes in chapter V, after we take up the question of how the Church originally crafted its theological position on marriage.

CHAPTER IV

THE CHURCH AND FAMILY

Introduction

The family itself is more than a group of individuals related by blood or kinship. If it were only so simple it would be fair to ask why the family stays together though external forces seek to drive it apart. The answer is, in part, that among family members there is devotion to one another by more than blood. The family is a dynamic, organic structure; among whose members love, warmth, angst, and a whole host of other emotions play an extraordinarily important role. This thesis does not attempt to understand fully the psychology or sociology of the family,¹⁰³ but it does attempt to understand how family dynamics change over time and emerge, specifically, in the middle ages. To make such a study, it is important not only to understand structural changes in kinship systems and legal theory, which was the emphasis of the proceeding two chapters, but also to understand how religious and moral concerns affect the structure and functioning of the family. Indeed, in perhaps no other way was the family so dramatically affected as in the changes that were to be imposed by a remarkable change in moral philosophy brought about by the rise of the Catholic Church.

It is important to note, because it is easy to forget, that the moral world in which the Greeks and Romans lived is far different from the modern world. The fifteen hundred years between classical and modernist philosophy, was filled with a philosophy based *absolutely* on the singular infallibility of God. While the maturations of medieval philosophy differed in their degree, it

¹⁰³ See the seminal work of M.C. Elmer, *The Sociology of the Family* (New York: Ginn and Company, 1945).

was not until the late nineteenth century that a beguised Socrates again descended into man's village and declared that the era of Christian morality was finished.¹⁰⁴

By and large, the modernist assertion is that something extraordinary had transpired at some point in the history of philosophy whose effects was to change the basic condition of what is considered moral action.¹⁰⁵ The change was immense and is something worth pursuing theoretically as the implications of the change are germane to the discussion of the Church's theology concerning marriage. Arguably the most successful moralist of Western antiquity was Aristotle. It was Aristotle who gave the second¹⁰⁶ self-consistent definition of morality, mainly concerned with the principle of the means. In his *Nicomachean Ethics* Aristotle posits that "excellence is a kind of mean, since it aims at what is intermediate."¹⁰⁷ This is the essential formulation of several ideas that begin to converge in the first two books of the *Nicomachean Ethics*—that life, action, excellence, and morality are, to some extent, relative entities and that the moral man chooses the correct action for himself between two possible extremes. This idea of a moral mean between two extremes is in direct contrast to the Platonic notion of absolute structures¹⁰⁸ that exist to man merely as a hazy abstraction of greater truth beyond our empirical senses.

The Romans, who took most of their philosophical cues from the Greeks, were in fundamental agreement with Aristotle's notion that ethical "virtue... is a mean between two vices, one by

¹⁰⁴ Friedrich Nietzsche, *Thus Spake Zarathustra*, trans. Thomas Common (New York: Random House, nd), 6. Famously: "God is Dead"

¹⁰⁵ See for instance an enlightened discussion in, Martin Heidegger, *Nietzsche* Vol I, trans David Krell (New York: HarperCollins, 1991), 30.

¹⁰⁶ Plato explicated the first, mainly in *Gorgias* and *The Republic*, though his philosophy must be carefully discerned from the discussion rather than read explicitly as in Aristotle's work.

¹⁰⁷ Aristotle *Nicomachean Ethics*. 2.6.27-28.

¹⁰⁸ See, for instance, the Cave analogy: Plato *Republic*. 7.514-521.

excess and the other by deficiency.” They rejected outright Plato’s notion that virtue cannot be found by way of a categorical statement,¹⁰⁹ or by recourse to pure rational abstractions, instead relying on object sentiment of man to guide action. The Romans were fundamentally pragmatic¹¹⁰ about their moral philosophy and appealed to Aristotle’s moral insight. For instance, the Roman philosopher Valerius begins a work addressing ethics for Roman gentleman by stressing that “the most generous quality of the human soul [is] moderation.”¹¹¹

The rise of the Christian Church put an end to the Aristotelian notion of morality until nearly fifteen hundred years after the fall of the Roman Empire. During those fifteen centuries, the Platonic notion of a “universal good” was reborn with the neo-Platonic teaching of Church Fathers who subsumed the notion of the “universal good” into the Christ figure. As such, the idea of morality could be emulated through Christ’s example: he was celibate, so the universal good must be celibacy; he was generous, so the universal good was generosity, and so on.¹¹² The consequence was a society that was dependent not on the reason of independent men to judge the morality of actions, but on the example of Christ and dogma of the Church to establish tenets of morality.

The Canonical Basis of Early Church Theology

The earliest theologians were presented with a challenge when they first took up the effort to craft a consistent dogma concerning the family: the Old and New Testaments present two

¹⁰⁹ Aristotle *Nicomachean Ethics*. 1.6. (Aristotle even chides Plato for suggesting such a concept)

¹¹⁰ I use the word pragmatic here in quasi-philosophical context. I cannot help but think that the Romans would have been avid converts to Williams James’s sort of *Pragmatism*.

¹¹¹ Clive Skidmore, *Practical Ethics for Roman Gentleman: The Work of Valerius Maximus* (Exeter: University of Exeter Press, 1996), 54.

¹¹² The entire notion of how the transformation from a relative worldview to an absolute one is fascinating and is an underlying assumption in Charles Freeman, *The Closing of the Western Mind: The Rise of Faith and the Fall of Reason* (New York: Vintage Books, 2005), 251-306.

entirely different views of marital and sexual morality. The Old Testament, which can be read, to an extent, as a spiritual explication of laws meant to maintain social order, treats the concept of marriage and sex in a more or less casual way, mainly stating that “marriage is good, and is the ordinary state in which man and women are sexually related. Fecundity is good, [though] sexual acts are not necessarily good.”¹¹³ What is emphasized more than any point is the need for the union of man and woman to produce children—the ultimate Old Testament command of God in the Garden of Eden was “be fruitful, and multiply, and replenish the Earth.”¹¹⁴ Likewise, the story of Abraham centers around the psychological conflict between repopulating the earth with a posterity as “numerous as the stars”¹¹⁵ or obeying God’s will. That Abraham chooses to accept God’s will, despite the absurd, and still then to Father all of Israel, is a remarkable commentary on how the Old Testament binds together the notion of faith with procreation. The Old Testament also introduces sexual love and love of one’s wife as independently of procreation and makes known that love for love’s sake is an admirable quality:

Who can find a virtuous women? For her price is far above rubies.
The heart of her husband doth safely trust in her, so that he shall have no need of spoil
She shall do him good and not evil all the days of her life.¹¹⁶

“The most obvious and commanding message of the Old Testament is that marriage and procreation of children are eminently desirable human goods, which God has blessed.”¹¹⁷

The New Testament is written not with an eye toward human law, but toward spiritual absolutes; as such, the tenor of the New Testament changes dramatically from that of the Old. Now the example of Jesus marks the absolute measure against which doctrine is evaluated. In particular,

¹¹³ Noonan, *Contraception*, 31

¹¹⁴ Gen. 1:28 AV (Authorized King James Version, 1611)

¹¹⁵ Gen. 15:5 AV

¹¹⁶ Prov. 31:10-12 AV

¹¹⁷ Noonan, *Contraception*, 33.

the role of virginity, which is only mentioned once in the Old Testament,¹¹⁸ becomes a unifying and encompassing theme in the New Testament. Jesus, after all, was begotten of a virginal mother known “not by man, [but by] the power of the Highest.”¹¹⁹ The implication is clear—fruitfulness is not measured by the power of one’s loins, but by the power of one’s devotion to God and Jesus’s example; the realm of the human is transformed to the realm of the absolute and chastity is recast in platonic terms.

Aside from virginity, the New Testament places emphasis on seven other aspects of marital relationship:

the institutional goodness of marriage; the Sacral character of sexual intercourse; the value of procreation; the significance of desire as well as act; the evil of extramarital intercourse; the unnaturalness of homosexuality; the connection between Adam’s sin and the rebelliousness of the body; [and] the evil of ‘medicine.’¹²⁰

It is important to note that there is an overriding doctrinal theme here: the subjugation of love to the spiritual world rather than the human. The authors of the New Testament took great pains to recast what love is in terms of how Jesus ‘loved’ his disciples: “This is my commandment, that you love one another as I have loved you.”¹²¹ Jesus’ love was itself parental, unyielding, and plutonic; it is a far cry from the human, sensual, and conjugal love of the Old Testament. From this new conception of love came a new morality concerning matters of sex and family, which would be expounded by Church Fathers.

¹¹⁸ Jer. 16:2 AV

¹¹⁹ Luke. 1:30-32 AV

¹²⁰ John T. Noonan, *Contraception: A History of its Treatment by the Catholic Theologians and Canonists*, rev. ed., (Cambridge, MA: Harvard University Press, 1986), 37.

¹²¹ John. 15:12 AV (My Emphasis)

Early Church Doctrine:

The early years of Christianity present a case of a religious movement growing after the death of the religion's central guiding figure or teacher. The disciples who spread Christ's teachings each took their own experiences and prejudices with them as they went forth to proselytize. This, combined with the immense geographical and cultural area over which Christianity was spread, created a satellite network of Churches and bishoprics over thousands of miles. The centralized dogma of Peter's Church was impossible to impose, and, as such, far flung Churches imposed their own interpretations of scripture.¹²² In the East there arose a loose collection of early Christians who claimed to know (*gnosis*) a way to salvation not implicit in orthodox Church teachings.¹²³ These myriad dissents from orthodoxy forced the Church to consider its stance on several important doctrinal subjects, and specifically its position on sexual morality, as the Gnostics had used scripture to endorse positions all the way from absolute celibacy to bacchanalian debauchery. The official response concerning the theology of sexual morality was explicated by several Church leaders, both eastern and western; these leaders grounded their responses in the philosophy of Eastern Stoicism.

The Stoics believed that there were eight parts of the soul. These were "the five senses, the organ of sounds, the intellect, and the reproductive principle."¹²⁴ Likewise, they believed that the "passions were simply the intellect in a diseased state owing to the perversions of

¹²² For an overview of the trials and tribulations of the early Church, the reader is referred to the first few chapters of Robert Grant, *Gnosticism and Early Christianity* (New York: Harper and Row, 1966).

¹²³ Noonan, *Contraception*, rev. ed., 56.

¹²⁴ *Diogenes Laertius*. 7.110, 7.157. Quoted in George Stock, *Stoicism* (London: Kennikat Press, 1969), 37. (source not checked by student).

falsehood.”¹²⁵ The goal of this philosophy was an attempt to subjugate all human passion to the realm of the intellect—a powerful game of mind over matter—or in the case of sex, mind over body. The early Church theologians could not have asked for a more perfectly suited philosophy. The rhetoric of the New Testament demanded an absolute subjugation of human will for spiritual absolution: the Stoics demanded subjugation of the body for moral absolution. The connection is clear; in matters of sex, restraint is moral, and being moral is being like Jesus.¹²⁶ Having thus established a philosophical connection between Stoicism and scripture, the Church Fathers drew freely from the Stoics’ less abstract notions concerning moral actions—an emphasis on marital celibacy, and restraining impure thoughts, for example. Such incitements to specific actions uniquely framed what the Church saw as being moral and immoral; it was an absolutist notion of morality that had little corollary in classical thought.¹²⁷ The starkness of the Church’s position regarding sexual mores must have been, at the least, a difficult pill to swallow for less fervent converts, especially considering that the ideological foundations of the theology were a complex and synthetic reading of the New Testament coupled with Stoic philosophy. As a result, the Church Fathers needed a way to legitimize their new theology in such a way as to maintain a relationship with traditional notions of morality. The Fathers found their answer in the notion of original sin, which winds its way circumlocutiously through the New Testament. The result was a restatement of original sin, an Old Testament idea already well understood and appreciated, in terms of human reproduction.

¹²⁵ George Stock, *Stoicism*, 37

¹²⁶ See, for Instance, Clement. *Stromata*. 3.7.57, where he asserts: “The human ideal [is] continence [which is only found] through God’s grace.”

¹²⁷ Even Plato does not go so far as to deem some actions moral and others immoral. His philosophy of Platonic ideals was much more nebulous and philosophically robust than that. As George Stock laments in the Preface to *Stoicism*, the *Stoics* took a remarkably complex philosophy from the Greeks, misinterpreted it badly, and then created their own consequences out of the misinterpretations.

The notion of original sin is a complex one, but essentially posits that Adam and Eve's original act of defiance¹²⁸ toward God in the Garden of Eden¹²⁹ was a moment of schism between them and God's grace so large that it affected not only themselves, but their entire progeny—all the generations of man on Earth in perpetuity.¹³⁰ This idea of original sin was a powerful one, and the fountainhead of Old Testament morality as it was God's command that as punishment "man would become as one of us—to know good and evil."¹³¹ The notion of original sin, however, is at once both fundamentally crushing and fundamentally liberating.¹³² The Church Fathers took the former rather than the latter view, as the action of being cast out of Heaven on Earth invokes a notion of visceral despair. This despair was then recast; enjoining it with the act of sex, whose function was to bring life into a fallen world—a continual cycle of reaffirming the notion of original sin through the mechanism of sex.¹³³ Jesus, however, is an exception. Here St. Ambrose, in his writings, makes it clear that "I (God) knew you (Jesus) and sanctified you in your mother's womb."¹³⁴ Jesus alone is born with absolution from original sin, though begotten of a mother who was not.¹³⁵ The treatment of original sin through reproduction also introduces a distinctly misogynistic tone into early Christian theology that would have far reaching

¹²⁸ It should be noted that the theologians took a figurative view of the notion of the "forbidden fruit." Clement claimed that the apple symbolized the need "to procreate children sooner than was right," (Clement *Stromata*. 3.17.103) thus immediately connecting intercourse to original sin.

¹²⁹ Gen. 3:1-7 AV

¹³⁰ St. Augustine was very keen on the matter of original sin's function in reproduction. Responding to internal Church confusion, he expounded the Church's official position to be that "man born, [even] through concupiscence, brings with him original sin." St. Augustine, *Marriage and Concupiscence*, 1.1

¹³¹ Gen. 3:22 AV

¹³² I shall not endeavor to undertake a philosophical treatise concerning the concept of original sin. See a critical edition of Milton's *Paradise Lost*, for instance (John Milton, *Paradise Lost*, ed. Scott Elledge (New York: W. W. Norton & Company, 1975).

¹³³ For a more complete discussion, the reader is referred to: Elizabeth Clark, "Heresy, Asceticism, Adam and Eve: Interpretations of Genesis 1-3 in Later Latin Fathers," in *Ascetic Piety and Women's Faith: Essays on Ancient Christianity* (Lewiston / Quenston: Edwin Mellon Press, 1986), 353-385.

¹³⁴ Ambrose *Expositions of the Gospel According to Luke*. 1.43-45. Quoted in Noonan, *Contraception*, rev. ed., 79

¹³⁵ In later theology, Mary is also exempted from Original Sin. However, such formulations of her purity were not codified in Catholic Theology until the Council of Trent. (Session VI, Canon 23). Indeed, specific absolution from original sin was not granted until Pius IX. Likewise, the early Greek Theologians did not ascribe to Mary absolute sinlessness and even explicitly noted that moral action based on her example was not categorical.

consequences in the medieval family. In particular, the Church Fathers claimed that “the wife furnishes the generation of human succession, a function which is outside the province of the husband.”¹³⁶ Likewise, the woman is also the source of the original sin and therefore deserving of reprobation:

she was to *serve* under her husband’s power. First, that she might not be inclined to do wrong, and, secondly, that being in a position subject to a stronger vessel, she might not dishonor her husband, but on the contrary, might be governed by his counsel.¹³⁷

Thus, the wife is both the contagion and the vector—a ‘finite’ creature responsible for the ‘infinite’ fall of man and the ‘infinite’ recurrence of the same.¹³⁸ Spiritually, it is not hard to understand why the Church Fathers valued virginity as a Platonic shadow of God’s grace. Even the need to procreate to swell Church ranks was second to celibacy, first, because the early Church saw the world as old and infirm, lugubriously awaiting the second coming; said St. Jerome: “the world is already full and the earth does not hold us.”¹³⁹ Second, human nature being what it is, the Fathers must have expected that a very small minority of Christians would actually remain celibate, thus keeping a fertile pool of Christians to await the second coming.¹⁴⁰

St. Augustine and the Manicheans

The Church’s response to the Gnostics was strong, organized, and theologically coherent. It worked. By AD 400, orthodox Christendom had become the law of the land; however, another theological battle was on the horizon, again arising from the eastern Mediterranean. Out of Babylon came a new religious prophet, Mani (216-277). His teachings were vast and included

¹³⁶ Ambrose *Cain and Able*. 1.46.

¹³⁷ Ambrose *Paradise*. 1.72 (my Emphasis)

¹³⁸ I use the language ‘finite’ and infinite’ here with reference to Hegel’s definitions.

¹³⁹ Jerome *Against Helvidius*. 21

¹⁴⁰ Judging by the Earth’s abundance of Christians fifteen hundred years later, I have to think the Church Father’s guessed well about human nature.

theologies from many contemporary religions, including Christianity. In particular the Manicheans offered a markedly different conception of human genesis. We are told that an Emperor of Darkness (the Devil) came into the world and breathed life into human form for his own enjoyment.¹⁴¹ Various moral powers were anthropomorphized into naked youthful human forms whose copulation represented the battle of good and evil. Likewise, human copulation continued the work of the devil, as human form itself is a manifestation of the devil's handiwork. As Augustine eloquently phrased it, "we see the nature of evil become the framer of bodies, deriving from bodies the generative forces to fashion them."¹⁴² It is unthinkable to the Manichean, then, in any way, to condone procreation, as doing so continues the intent of the devil. The Manichean, however, had no issue with copulation for the sake of copulation—only if such actions begot children.

The growth of the Manicheans and their moral philosophy frames the second great debate regarding the Church's moral orthodoxy. The Church had to stop the growing influence of the Manicheans, while, at the same time, promoting and expounding a theology that, at points, had more than a causal union with Manichean philosophy. The first actions taken by the Church tended toward the extreme. A Spanish layman, Priscillian, was executed for heresy in AD 385 for teaching Manichean rhetoric—it was the first such execution by the Church. The Fathers, save St. Chrysostom,¹⁴³ were slow to rebut Manichean claims until St. Augustine, rallied by Ambrose, took on the task with a vengeance.¹⁴⁴ Augustine, himself a former Manichean, had converted to Christianity after spiritual disillusionment, and with a convert's zeal began striking

¹⁴¹ Augustine *The Nature of Good*. 44

¹⁴² *Ibid.*, 49

¹⁴³ Chrysostom *On Marriage*.

¹⁴⁴ Rubenstein, *Aristotle's Children*, 47-87. Chapter II, which is herein cited, is humorously entitled "The Murder of 'Lady Philosophy.'" The murderer none other than St. Augustine.

back at his former faith.¹⁴⁵ His task was formidable; he had to denounce the Manichean principle of ‘copulation without population’ while, at the same time, maintaining the Church’s doctrine that populating the Earth was a continual repetition of the original sin. Augustine’s response was brilliant; he claimed, “if man had not sinned the purpose of marriage was to bring children into the world.”¹⁴⁶ In this light, children and intercourse *for reproduction* was all originally part of God’s divine plan,¹⁴⁷ and even upon man’s fall from grace, a ‘shadow’ of that plan would still exist in “the generation of members of Christ.”¹⁴⁸ Thus, if man could not abstain absolutely, it was better for him to live in the shadow of grace by accepting marriage, as it provided, to famously quote St. Augustine, “*proles, fides, sacramentum*”¹⁴⁹ to both man and the Church. Augustine accomplished what he set out to do—provide a rationale for marriage and reproductive intercourse within a theology that had previously not had a conspicuous place for either.

Virginity

Having examined the overriding philosophical tenets of the early Church, we now move to the more concrete examples of how that philosophy colored dogma concerning virginity, marriage, and contraceptive / abortive acts. As we shall see, it is again St. Augustine who directs Church theology both from the theoretical explications we have already seen and personal experience.

¹⁴⁵ Augustine *Confessions*. 3.6, 5.7.

¹⁴⁶ Augustine *The Good of Marriage*. 2.2.

¹⁴⁷ Augustine’s philosophy here is somewhat difficult, but he seems to be continuing a line of thought he introduced in earlier sermons that “God has said that it is not good for man to be alone. Why? I do not see what other help woman would be to man if the purpose of generating was eliminated.” Augustine *On Genesis According to the Letter*. 9.. Quoted in Noonan, *Contraception*, 129

¹⁴⁸ Augustine *The Good of Marriage*. 8.8.

¹⁴⁹ Ibid., 29.32. “Offspring, Fecundity, Sacramental Stability.”

The role of virginity in Christian theology is profound. The Christian virgin occupies the most venerated and holy state of life. Jesus, savior of man, was begotten of the Virgin Mary¹⁵⁰ and the world will end in holocaust when the ‘whore’ of Babylon rides upon the Beast.¹⁵¹ As important and all encompassing as virginity was to the Church, certain ethical notions were already associated with virginity in both Classical and Germanic cultures, as has already been discussed. What sets the Christian interpretation apart, however, is that prior to the Church, sexual morality was attached to a larger philosophical entity like pleasure. The Greek philosophers then approached the notion of pleasure through an abstract scale of means. The immoral man was the hedonist in Platonic terms or the outrageously intemperate man in Aristotelian language. The result was the same in the end—sexual intemperance was merely a public scale by which private resolve could be measured. The Church changed the very basis by which sexual ethics were measured. Pleasure was removed from the picture almost entirely—a casual bystander of a much grander moral issue: sex. The act of intercourse now became a moral act, divorced from pleasure and left to redefine itself as an ethical precept unto itself, as Tertullian duly noted of sex in a second marriage: “It is laws which seem to make the difference between marriage and fornication... not the nature of the act itself.”¹⁵² Tertullian decries the law and asserts that if the divorced woman now engages in sex “she becomes an Adulteress”!¹⁵³ The bishop’s implication is very clear. The law is the law, but its secular emphasis has no ethical bearing on what is the ultimate precept of morality—that is for the Church and scripture to decide absolutely.

¹⁵⁰ Matt. 1:23 AV. “Which was spoken of the Lord by the prophet saying, Behold a virgin shall be with child and they shall bring forth a son.”

¹⁵¹ Rev. 17:2-3 AV. “I will show unto thee the judgment of the great whore that sitteth upon many waters; with whom the kings of the Earth have committed fornication, and the inhabitants of the Earth have been made to drink the wine of her fornication.”

¹⁵² Tertullian One Exhortation to Chastity. 9.

¹⁵³ Ibid.

The shift that arises, by which the act of intercourse, not civil law, becomes the arbiter of moral correctness, is manifest in the concept of original sin. The theologians claimed that the act of sex was the progenitor of man's fall, and, therefore, the act of sex carried with it in perpetuity the vestige of the original sin—the very act was a recreation of the Devil's plan to shame God in the Garden—and it was therefore evil on its face.. The Church Fathers said that the fall also “introduced a preoccupation with sex.”¹⁵⁴ This preoccupation arose from the carnal body tempting the mind and spirit into evil. Man was to “renounce things carnal that [he] may at length bear fruit spiritually.”¹⁵⁵ The fact that the Fathers saw the spirit divorced from the body—the carnal (body) and spiritual (mind)—is no small philosophical point. It is a fundamental restatement of stoic philosophy: the corrupt and diseased organs of the body desire to be controlled by the mind. The theologians harped on this point incessantly. Every moral sermon on sexuality was replete with examples of the corrupt body or strategies to control bodily temptation. Clement, for instance, suggested that men wrap their hands in robes before shaking a women's hand;¹⁵⁶ Hegemonius, and many other theologians, commanded that a Christian should never completely satiate his hunger;¹⁵⁷ and Tertullian wanted to veil all virgin women, lest they be deflowered by the lust they generate in some passing man by the act of looking at each other sinfully.¹⁵⁸ The body was viewed as being impure, dirty, sinful—the bastard relic of man's fall. Sex represented the ultimate capitulation of the mind to the body's sinful desire; virginity therefore was a way to obtain a special spiritual sanctity. Not only would the mind be pure, but the virgin was assured that his body also maintained a type of spiritual purity, the “virgin's body

¹⁵⁴ Joyce Salisbury, *Church Fathers: Independent Virgins* (New York: Verso Publishers, 1991), 14.

¹⁵⁵ Tertullian *On Exhortation of Chastity*. 10.

¹⁵⁶ Clement “Two Epistles Concerning Virginité,” in *Ante-Nicene Fathers*, ed. A. Roberts and J. Donaldson (Grand Rapids, MI, 1951), 2:61. Quoted in Joyce Salisbury, *Church Fathers*, 61.

¹⁵⁷ Hegemonius *Acts of Archelaus*. 16. Quoted in Noonan, *Contraception*, rev. ed., 113.

¹⁵⁸ Tertullian *On the Veiling of Virgins*. 16.

was a temple onto God.”¹⁵⁹ The virginal body symbolized a life without original sin. As an interesting example of early Church sermonizing, Ambrose retells the story of Thecla. Thecla, condemned to death by her “husband’s rage” at her Christian celibacy, was thrown to a hungry lion. “Thecla offered to the lion her “vital parts”... [which] caused those who had turned away their immodest looks (as she was about to be mauled to death) to turn them back modestly (as she was now naked).” When they had done so, “the beast was seen lying on the ground, licking her feet, showing without a sound that it could not injure the *sacred* body of the virgin.”¹⁶⁰

Because of the spiritual nature of the virgin, virginity was exalted as the highest plane that mortal man could reach.¹⁶¹ The virgin was to be protected above all things. In the case of adolescents that meant an absolute prohibition of intercourse until marriage,¹⁶² a prohibition that had little precedent in antiquity. The need to protect the virginity of women, in particular, led to sexist attitudes from the Church and helped create both the physical and symbolic notion that a female was to be kept ‘closed,’¹⁶³ hence Ambrose’s dual outrage “that a virgin had been ‘opened’” to check if her chastity were still intact.¹⁶⁴ Virginity was seen first and foremost as a state of otherwise unobtainable grace which was worth protecting against all corrupting influences. The Church, in the middle ages, would make it its prerogative to protect that grace.

¹⁵⁹ Ambrose *Concerning Virgins*. 2.2.18.

¹⁶⁰ Ambrose *Concerning Virgins*. 2.3.19-20.

¹⁶¹ “St. Jerome borrowed a scale of values from Jesus’ parable of the seed to rate virginity at 100, widowhood at 60, and the married state at 30.” Frances Gies and Joseph Gies, *Marriage and Family*, 39.

¹⁶² The Fathers are remarkably quiet on the explicit issue of premarital sex. It seems obvious that Augustine’s pronouncement that sex was not a mortal sin only within the bounds of marriage necessarily prohibited premarital relations; while an issue like sex in remarriage, for example, was a more difficult question that required its own treatment.

¹⁶³ The sense that female virgins were to have their special spirituality protected did not end only at their bodies. Many recent historians have used the protection argument as the fundamental tenet which led to the establishment of early convents. See for instance, Jane Tibbetts Schulenburg, “At What Price.” Chap.3 in *Forgetful of Their Sex: Female Sanctity and Society 500-1000* (Chicago: University of Chicago Press, 1998) 127-176.

¹⁶⁴ Salisbury, *Church Fathers*, 30.

Marriage

The Church's teachings on virginity were important and long lasting. Out of such teachings would emerge prohibitions of sex, certain sexual acts, a celibate ideal for priests, and monastic isolation for both men and especially women. Virginity, however, is not a social institution; rather, it is a social restraint. As such, it is difficult to build institutional supports that would bolster and sustain the unadulterated teaching of the Church Fathers on virginity indefinitely. Various reinterpretations, during the middle ages, and especially after the reformation, led to a loosening of virginal mores until a stoic reaffirmation of such prohibitions destroyed "the frivolous fancies for *chinoiserie* and Gothick" and gave way to "a starched pomposity"¹⁶⁵ in the nineteenth century, which tends to obscure the actual robustness of sexuality in early modern Europe.¹⁶⁶ Marriage, unlike virginity, was cemented to the tenets of the Church fathers through the complex institutional system.¹⁶⁷ The language of the Church fathers, concerning marriage, by and large survived even the reformation and political opposition. As an example, in AD 1779 a protestant minister, Stephen West, in Stockbridge, Connecticut, preached in a sermon on the subject of re-marriage; he exhorted the congregation "that the duty and obligations of Christians [is] to marry the Lord"; mention is made of Adam, Abraham and Isaac, original sin, and the sacramental nature of marriage;¹⁶⁸ the sermon concludes with the preacher declaring, "not only

¹⁶⁵ Reay Tannahit, *Sex in History* (New York, Stein and Day, 1980), 348.

¹⁶⁶ Michael Mason, "Locating Responsibility" Chap. 1 in *The Making of Victorian Sexuality* (Oxford: Oxford University Press, 1994), 1-35.

¹⁶⁷ I think it is worthy of mention that St. Chrysostom relays instructions about what, in actual practice, constitutes a proper marriage ceremony, how to choose a wife, and how to take care of the business of one's married home. This sort of advice was rarely offered in classical literature and its relation to Chrysostom's theology on marriage suggests that the Church was interested in establishing and maintaining the institutional traditions of marriage.

¹⁶⁸ To the best of my knowledge, no protestant Church recognizes marriage as a sacrament. L  ther considered marriage about as sacred as "eating and sleeping."

are such marriages unfaithfulness to Christ, but they are a profanation of the temple of God.”¹⁶⁹

The themes and words are not original to West; they are Augustine’s, and they support the early Church theology regarding marriage. The implication of the sermon from a historical perspective is also clear—the concept of marriage and the institution which supported that concept was as sharp as when the Church fathers first wrote it. The middle ages would subsume and hold dear the original theology of the Church on marriage.

The importance of marriage was immense in the Middle Ages. The nuclear family, whose two principal partners were bound by sacrament to a third: Christ, were to become the primary unit of social organization. “The religion of Christ lifted the family onto a new plane. It taught that marriage was sacred, God being the agent Who establishes and ratifies the union between husband and wife: that the bond thus divinely blessed is not dissolvable until death: that the wife is no mere chattel,¹⁷⁰ but a party to a contract between equals; and that all sexual relations outside marriage, whether on the part of husband or wife, are grievously sinful.”¹⁷¹ The underlying philosophy that gave weight to such a conception of marriage was articulated by St. Augustine, in, arguably, the single most important text on marriage: *The Good of Marriage*. As has already been noted, Augustine believed that “offspring, fidelity, and the sacrament” were the three tenets that justified and saved the concept of marriage. The first of the three—offspring—was a subject which Augustine would likely have wished to sweep under the rug,¹⁷² though as he himself lamented, “yet in private conversations, either with married persons or those who have

¹⁶⁹ Stephen West, *The Duty and Obligation of Christians to Marry only in the Lord: Illustrated and Urged* (Hartford, CT: Watson and Goodwin, 1779), 1-15.

¹⁷⁰ Note the precise language where the woman becomes an agent and not an object

¹⁷¹ George Joyce, introduction to *Christian Marriage: An Historical and Doctrinal Study* (London: Steed and Ward, 1933), v.

¹⁷² As he figuratively did to his own son

been married, have we ever heard any people give indication that they never have relations with their wives except with the hope of conceiving.”¹⁷³ Marriage, after all, is more than a spiritual union, especially for the Romans who had never conceived of marriage in a spiritual sense previously. The best Augustine could do was to say sex “is not something marriage demands, but something it puts up with.”¹⁷⁴ Sex, however, needed more than a humanistic interpretation; it was not enough for a husband to love his wife. Instead the union was spiritual, for “from the beginning God in his providence [had] planned for the union of man and woman.”¹⁷⁵ Man, however, had erred; he disobeyed God, and now the act of intercourse itself carried sin, though the outcome of that act, children, were part of God’s plan. Thus, if sex were inevitable, as it appeared to Augustine it was, then sex for procreation might still be forgivable. Thus, offspring, conceived for want of children and dedicated to Christ were a singular God-ordained good emanating from an inherently bad act.

Fidelity, like offspring, was bound up in the human nature of sex, specifically a concerted effort to head off the specter of extramarital sex. The Fathers recognized that marriage was a natural and socially acceptable release of sexual tension. Therefore, fidelity of one party of the marriage to the other was encouraged by allowing non-procreative sex, which by the grace of matrimony, saved the parties from “fornication and adultery.”¹⁷⁶ The Church’s notion of fidelity suggested that marriage created a legal ‘debt’¹⁷⁷ between both parties. The wife was to submit to the

¹⁷³ Augustine *The Good of Marriage*. 13.15.

¹⁷⁴ Ibid.

¹⁷⁵ Chrysostom *Homily 20: On Ephesians*. 5:22-23.

¹⁷⁶ Augustine *The Good of Marriage*. 6.

¹⁷⁷ Several different scholars (Noonan in particular) have made extensive note of the term “debt” in a legalistic sense and its relation to Paul’s ministry and the Church’s interpretation. The passage in question concerns I Corinthians 7:3, The Latin Vulgate states the passage as “uxor vir debit reddar similiter autem et uxor viro.” If I were to retranslate the prefix and verb in question (*debit reddar*) I would be more apt to say it should read “a complete restoration” which carries the same notion as a debt, but is not is not so legalistic. Only one Bible I checked

husband's request for intercourse and the husband likewise, thus Augustine's palpable anger when a young Christian woman who had become celibate in marriage asks for his advice about her husband who committed adultery after becoming angered about her chastity:

We ought to [grieve] over him [for], after vowing continence to God and having already undertaken this in his affairs and conduct, he returned to the flesh of his wife, how much more we grieve over him now that he has plunged into a deeper destruction and commits fornication in so sudden a collapse, angry at you, dangerous to himself.... But this great evil has occurred because *you* have not treated his heart with the prudence that you ought to have.¹⁷⁸

Non-procreative sex was still a sin, "but a small one."¹⁷⁹ Fidelity was good because it meant to keep married couples together and removed the mortal sins of adultery and fornication.

The third good of marriage, "symbolic stability" is unlike the other two goods as it is not bound up, essentially, with the act of sex. Rather, sacramental stability, on which we will see the prohibitions against divorce are built, is a device almost exclusively of Augustine's own invention. Augustine, in a moment of personal narrative, uses language which indicates that his idea of the sacrament is his alone, "*I do not think [marriage] could have been so strong at all, except that something from this weak mortal condition of mankind was being used as a *symbol* of something greater.*"¹⁸⁰ The typically scripturally savvy and authoritative Augustine gives no canonical reference to his view on the nature of the symbolic sacrament, only claiming that his conception of marriage was the same as "in the city of our God, on his holy mountain."¹⁸¹

explicitly used the English translation "debt" and that was the Wycliffe translation. The Authorized Version does the passage justice, and I think conveys Paul's point well enough, that the husband and wife have a matrimonial obligation to the other's sexuality: "Let the husband render unto the wife due benevolence: and likewise also the wife unto the husband." (AV)

¹⁷⁸ Augustine *Letter 262*. 1.

¹⁷⁹ Augustine *The Good of Marriage*. 10.11

¹⁸⁰ Augustine *The Good of Marriage*. 7.7.

¹⁸¹ Ibid., Augustine quoting Ps. 48:1. Psalm forty-eight is an exaltation of God's greatness and wisdom ending with "For this God is our God for ever and ever: he will be our guide even unto death." (PS. 48:14. AV) It seems that Augustine is making reference to the fact that Christians should be obedient to God's wisdom and plan, in all things,

Augustine's idea, neither founded in scripture or Jewish theology, introduced to the Christian West a new theological entity, the sacrament, of which marriage was part and parcel.¹⁸² The sacrament, as Augustine's quote reveals, is a method by which to spiritualize the entire institution of marriage. Marriage is inherently so strong, despite mankind's "weak mortal conditions," because in marriage there is the symbol of "something greater." The "something greater" is never explained by Augustine, it merely "seems to be what God commands."¹⁸³ Again, the Platonic shadow hangs over marriage. Adam and Eve were, by God's plan, to be married, and this model establishes the natural condition of man and woman. In the fallen world, man no longer has the explicit assurance of God's original commandment, but a vestige of that commandment is explicit in the symbolic nature of the sacramental bond.

Divorce

Because the nature of the bond between man and wife in marriage is such a visible symbol of God's will, there can be no question that such a bond is as absolute and indivisible as God. What God hath joined together, let no man put asunder."¹⁸⁴ Jerome's rhetoric was not as eloquent: "If she guzzles, if she is bad tempered, loose, lustful, gluttonous, frivolous, quarrelsome, scurrilous, must one keep such a wife? Want to or not, we must."¹⁸⁵ The language of the Church fathers conformed almost precisely to the apostolic texts. The New Testament is always firm about marriage, but also always qualifies that firmness. For instance, Augustine says "anyone who

and not question God's authority. The implication is important because the notion of the sacramental nature of marriage necessarily required the faithful to accept that Adam and Eve's nuptial union was part of God's plan and that Christian marriage was a reflection of the ordained original marriage.

¹⁸² See Translator's note seventeen regarding etymology of "sacrament" from Augustine's *sacramentum*. St Augustine, "The Excellence of Marriage," in *The Works of St. Augustine: A translation for the 21st Century*, part 1., ed. David G. Hunter, trans. Ray Kearney (Hyde Park, NY: New City Press, 1999), 9:59.

¹⁸³ Augustine *The Good of Marriage*. 7.7

¹⁸⁴ Matt 19:6. AV

¹⁸⁵ Hincmar *De Divortico*. 642. Cited in Frances Gies and Joseph Gies, *Marriage and Family*

puts his wife aside, except in the case of adultery, causes him to commit adultery.”¹⁸⁶ Paul’s ambiguous exhortation to the Corinthians¹⁸⁷ on the subject of certain types of remarriage is filled with so many loopholes and exceptions that, as a doctrinal matter, Erasmus would later lament it as “*omnium difficillimus*.”¹⁸⁸ Likewise, St. Jerome and St. Ambrose also equivocated on the subject of re-marriage—Jerome allowing remarriage to persons “who are not able to contain; lest, having ‘waxed wonton against Christ,’ they desire to marry, ‘having condemnation because they have rejected their first faith.’”¹⁸⁹ Ambrose’s language regarding remarriage was even more lenient.¹⁹⁰ What was not allowable—absolutely—was remarriage after separation from a living spouse. The “marital partnership [was] not destroyed by the intrusion of divorce, so that even when separated they are still each other’s husband and wife, and they [committed] adultery with anyone with whom they have union even after they have been divorced...”¹⁹¹ Ambrose agreed with Augustine and also notes that such a doctrine was the conclusion of the Nicene Council.¹⁹² The reason why marriage was broken by widowhood, but not divorce concerns itself directly with St. Mathew’s nuptial announcement. In death God ordains the separation of the union which he has placed together. In divorce, however, the union is broken by man and by the law, who have no authority over such matters; only the Pope, with his overriding papal authority could justify such an annulment—a concept born in the Middle Ages and not with the Church

¹⁸⁶ Matt. 5:32. Quoted in Augustine *The Good of Marriage*. 7.7.

¹⁸⁷ I Cor. 7:12-16 AV

¹⁸⁸ Erasmus, Annotations in “Primam Epistolam ad Corinthios” in *Erasmus’s Annotations on the New Testament*, ed. Anne Reeve and M.A. Screech (London: E.J. Brill, 1971) at I Corinthians 7. Quoted in John T. Noonan, *A Church that Can and Cannot Change: The Development of Catholic Moral Teaching*, (Norte Dame, IN: University of Notre Dame Press, 2005), 162.

¹⁸⁹ Jerome *Against Jovinianus*. 1.14. Jerome quotes I Tim. 5:11-12. (I apologize for this translation, it is quite poor. The reader is advised to consult the Latin source in the CCSL).

¹⁹⁰ Ambrose *Concerning Virgins*, 1.

¹⁹¹ Augustine’s language was reminiscent of Tertullian’s ascetic influence here when Tertullian asserts that the sexual act does not dissolve the state of virginity, but rather merely the damming spiritual nature of having unclean sexual thoughts is enough to ‘deflower’ the virgin. Likewise, in the case of divorce, the condemnation of God is not inherent in the act, but the spiritual nature of the marital union, which further reinforces the notion of marriage as a Platonic shadow of a greater spiritual concept of marriage.

¹⁹² Ambrose *Letters*, 63.63

fathers. Thus, the marriage of Christians was not a covenant between man and woman, but rather a tri-party arrangement including God. Divorce represented an attempt by man to subvert the logic of God's sacramental will and was unanimously prohibited. Again, this theology stood in stark contrast to Roman divorce which consisted of one party simply walking out on the other, and German custom which saw marriages as contractual relationships between secular parties.. The consequence of such a theology would come to redefine the structure of the medieval family.

CHAPTER V

THE EMERGENCE OF THE MEDIEVAL FAMILY

Introduction

The preceding three chapters have laid the groundwork for the central historical question of this thesis—what was the Western medieval family and how did it come about? In answering this question, we will draw freely from the fertile field we have sown. The medieval family is itself a combination of something old and something new—a classic Hegelian thesis and antithesis—its structure drawn from Roman and Germanic models,¹⁹³ and its guiding philosophy determined by nascent Church theology. The study of the origin of the medieval family is, therefore, a synthesis of several disparate disciplines. Such a situation places the student of history in a precarious position. There is some hard evidence and often philosophical guidance; however, the union of fact and philosophy must be crafted by the historian. Therefore, I will accept Heidegger’s cautionary insight that in seeking a question we fundamentally change the inherent “truth” of the question in our own image.¹⁹⁴ My hope, is that such a “truth” as I dissect in the coming pages comports with currently accepted historical conceptions.

The evidence concerning the origin of the medieval family as an entity distinct from Roman and Germanic models is infuriatingly sparse prior to the late 8th century, at which point, as one historian delightfully remarks, “the story of the countryside in Western Europe gets suddenly

¹⁹³ David Herlihy, “The Emergence of the Early Medieval Household,” chap. 3. in *Medieval Households* (Cambridge, MA: Harvard University Press, 1985).

¹⁹⁴ Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962), 24. I should note that Nietzsche came to the same conclusion first, but in his typically grating way decided to describe the situation as *The Use and Abuse of History*. I like to think that I am not ‘abusing’ history in my analysis, but different strokes for different folks.

flooded with light.”¹⁹⁵ This increase of documentary evidence, mostly in the form of monastic inventories or censuses (*polyptychs*) coincided with the Carolingian Renaissance and a reestablishment, for the first time since Rome, of some type of centralized government. By the time of this reemergence of documentary evidence, dramatic changes had occurred in the structure of agrarian life.

Historiography

When studying such events in early medieval history, the historian is invariably hampered by the sources which are available. As mentioned previously, from the fall of Rome, up until about the 8th century, hard evidence regarding actual family organization in the form of censuses, tax records, monastic documents, and similar documents, simply does not exist. From a purely statistical standpoint, the period is a blank slate, a historical *tabula rasa*. Thus, the historian is forced to take a circumlocutious route around and through the period. While we know nothing in a concrete sense, we do have a feel for the intellectual climate of the time, as described in chapter IV. We also can consider the invisible hand of the economy to suggest how productivity and prices would have been modified by changes in slave power availability, as will be described in the forthcoming section. The historian’s greatest resource in this period, however, is not the power of his intellect to mold the scant evidence to fit a ‘perceived’ intellectual model, but rather the evidence and resources which border the time in question—both before and after. Such a situation is well known in physics, where knowledge of behavior at the boundary can uniquely describe the behavior of an entire system. Such a method of inquiry cannot possibly be as precise when applied to complex social structures, but it can still be insightful nonetheless. Prior

¹⁹⁵ Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. Cynthia Postan (Columbia, SC: University of South Carolina Press, 1976), 3.

to the fall of Rome, and occasionally thereafter, detailed records were published which listed and cataloged Roman property ownership and inventoried non-capital property on Roman estates, including slaves. Such documents have been studied with meticulous statistical methods, and the findings cataloged and analyzed.¹⁹⁶ Such studies give the historian a rough estimate regarding the size, power, and organization of Roman farms.

Aside from statistical accounts, the law also gives the historian much insight into the practice of Roman agriculture. In particular, the changes that occur in the law over time offer to the historian a unique lens to understand changing Roman attitudes toward the land and slaves. Before we jump into an analysis of law, however, we must create an intellectual framework for law's place in society. I choose to use Hans Kelsen's definition that "from the standpoint of rational knowledge, there are only interests and conflicts of interest... justice [being the] irrational ideal."¹⁹⁷ Such a definition allows flexibility in determining the often quixotic tendency of the law to attempt to strike a balance between conflicting interests with the intent of "satisfying the maximum number of wants (interests) with a minimum of sacrifice of other wants."¹⁹⁸ In such a vein, the law can be seen as a mechanism that forces an agent to modulate his / their wants in accordance with the 'greater' wants of the society. Thus, by studying the law, it is possible to better understand the social consciousness that created such laws to guard the greater consciousness of the cultural *spirit*.¹⁹⁹ Thus, any change that occurs in the law should reflect a change in the very *spirit* of the community. Such is the case with Roman law

¹⁹⁶ R. P. Duncan-Jones, "Some Configurations of Landholding in the Roman World" in *Studies in Roman Property*, ed. M. J. Finley (Cambridge, UK: Cambridge University Press, 1976), 23.

¹⁹⁷ Hans Kelsen, "The Pure Theory of Law," *Law Quarterly Review* 50 (1934): 482.

¹⁹⁸ Roscoe Pond, "Juristic Problems of National Progress," *American Journal of Sociology* 22 (1917): 724.

¹⁹⁹ I understand that such a circular grammatical construction is difficult to understand. Though, here, I take my cue from Hegel and refer the reader to his *Phenomenology of Spirit* for a more confusing and perplexing explanation of my restatement of his fundamental premise.

concerning protections of property from the 2d century to the 5h century AD. During this time, the law undergoes a transformation focusing preventing desertion and keeping the land productive.²⁰⁰ Fortunately for the historian, legal sources are remarkably prevalent and well studied. The major Roman codexes are all translated and well indexed.²⁰¹ Legal studies have also been carried out on specific subjects, such as agriculture.²⁰² By carefully studying the statistical records together with the insight that the changing laws give, the historian is presented with a picture complete enough to suggest that there is some type of historical change afoot. The organizations of land, social structure, and family appear to be undergoing some sort of transformation. What that transformation was is unclear. However, when viewed from the vantage of records available in the 8h century, historians are better able to articulate both what was transpiring at the end of the Roman empire and also in the historically hazy time thereafter.

What begins to appear in the historical record from about AD 750 onward are, as David Herlihy describes them, “*documents of practice*, administrative records chiefly, which reveal not only the aspirations of the law givers and the exhortations of the pastors, but the actual workings of the social system.”²⁰³ What Herlihy suggests, is that by AD 750, the evidence is strong enough for the historian to emerge out of the shadows—and that what the shadows had been hiding better comport with the evidence that emerges. In particular, such evidence is composed chiefly of two general types:

²⁰⁰ C.R. Wittaker, “Agri Deserti,” chap. 8 in *Slavery in the Roman Empire* (New York: Barnes and Noble, 1968).

²⁰¹ See for example: *Codex Justinianus*, *Codex Theodosianus*, *The Digest*, the *Institutions of Justinian*, and *Pauli Sententiae*.

²⁰² Robert S. Buck, *Agriculture and Agricultural Practice in Roman Law* (Germany, Franz Steiner Verlag GMBH Wiesbaden, 1983).

²⁰³ David Herlihy, *Medieval Households*, 56.

serial records, or runs of charters over time (mainly land conveyances), most of them granted by the administrative activities of great monastic landlords; and surveys of particular manors at particular times.²⁰⁴

The most important of such early records are the polyptychs of the Abbot Irminon of the Abby of St. Germain des Prés near Paris, the detailed study of which will compose section four of this chapter.²⁰⁵

Setting aside all the difficulties that are inherent in studying the early medieval period, taken together and carefully considered, the evidence can provide a fairly lucid picture of the condition of the family as the Western world moved forward into the Middle Ages. What is suggested is that toward the end of the Empire, a fracture occurred in the classical Roman system of property ownership. Instead of the Roman model of large independent plantations, populated and worked by slaves, land records of the 8th century report smaller land plots worked by individual *familia*. Apart from differences in land ownership, early literary accounts also exist which give new meaning to the term *familia*. Thus, not only did the basic unit of social organization change, but its composition also changed. A thorough study of how such changes came about will be the focus of the forthcoming sections.

The De-Romanization of European Agricultural Land Usage

Land ownership was vital to the Roman conception of class. Roman senatorial families were always landed gentry, and agriculture played an important role in the lives of upper-class

²⁰⁴ Ibid.

²⁰⁵ Aside from the fragmentary evidence which still exists, the Anglo-American student is also restricted in his analysis of primary documents by language barriers. This is because the initial statistical computation of such records was often undertaken by German and French scholars in their native languages, and their analyses are rarely translated, though Herlihy, in particular, made an effort at such translations.

Romans.²⁰⁶ Indeed, the jurists expressed a “bias toward the kind of *land* held by the upperclasses... there is very little directly referable to small farms with [their] handful of goats.”²⁰⁷ The emphasis in the law was not purely motivated by class politics. Detailed surveys have been carried out which “point unequivocally to heavy aggregation of property in the hands of the rich.”²⁰⁸ In almost all cases, the largest single estate was greater than 10% of the total area of a Roman province,²⁰⁹ and in many places larger estates would subsume entire villages or even larger political subdivisions.²¹⁰ The manpower to work such farms was derived not from the Roman citizenry, but from slaves.

The origins of Roman slavery, and sources of slaves, in the empire are complex. However, by and large, the greatest number of slaves were acquired from wars of imperial expansion.²¹¹ As the empire established itself territorially, the influx of slaves started to decline, and by the fifth century essentially came to a stop. Coupled with a native Roman population whose birth rate had been declining for several centuries, this created a critical manpower shortage. The importance of such a situation is not to be underestimated; even conservative historians ascribe the “ultimate cause of the fall of the Roman Empire... [to] the decline of productivity on the land”²¹² caused by the manpower shortage. It must be remembered that Rome for all its urban opulence, was still a society dependent upon agriculture to support its cities and armies. By the fourth century, with the onset of territorial collapse, there was simply not enough slave power to

²⁰⁶ See Marcus Cato, *Roman Farm Management; the Treatises of Cato and Varro*, trans. Fairfax Hamilton (New York: Macmillan Company, 1913).

²⁰⁷ Robert S. Buck, *Agriculture and Agricultural Practice in Roman Law*, 8.

²⁰⁸ R. P. Duncan-Jones, “Landholding in the Roman World.” in *Studies in Roman Property*.

²⁰⁹ Ibid.

²¹⁰ R. MacMullen, *Roman Social Relations* (New Haven, CT: Yale University Press, 1974), 159-160. Quoted in R. P. Duncan-Jones, “Landholding in the Roman World” in *Studies in Roman Property*, 24.

²¹¹ R. H. Barrow, “The Making of Slaves,” chap. 1 in *Slavery in the Roman Empire* (New York: Barnes and Noble, 1968).

²¹² C.R. Wittaker, “Agri Deserti,” chap. 8 in *Slavery in the Roman Empire* (New York: Barnes and Noble, 1968).

keep Roman agriculture active. The laws from the fourth to the eighth century are replete with references to land desertion (*Agri Deserti*). No piece of property was to be abandoned, and if it were, the law provided remedies to find sources by taxing adjacent lands.²¹³ Such a policy continued into the eighth century and created a number of unintended consequences, which undermined the original Roman conception of agriculture.

As the slave trade dried up with Imperial consolidation, basic economics must have dictated that the price of slaves would increase. Eventually, large land owners would have been presented with a situation where buying and working slaves would prove economically disadvantageous. After several generations of population decline and taxes, the land owner could either abandon the land, thus facing the ire of neighbors and imperial law, or manumit his former slaves and implement a ‘sharecropping’²¹⁴ arrangement borrowed from Germanic cultures, while at the same time taking advantage of laws that provided tax breaks for property transference as long as the land did not go fallow.²¹⁵

The Church was itself very interested in the question of slavery—in fact the canons of all early Church ecumenical councils (Gangra, AD 325 – Constantinople, AD 869) contain explicit references to slavery. At Gangra in AD 325, the council declared “if any one shall teach a slave, under pretext of piety, to despise his master and to run away from his service, and not serve his own master with good-will and all honor, let him be anathema.”²¹⁶ Chrysostom developed a

²¹³ Code of Theodosianus. 5.11.9. (Such a measure was likely twofold. First, it prevented desertion by making the initial landowning party liable to the anger of his neighbor should he desert; second, it maintained the coffers of the Empire so long as there were still neighbors to bear transferred tax.

²¹⁴ I use the term sharecropping at this point and we will see how the term serfdom develops from the same basic *economic* relationship implicit in sharecropping.

²¹⁵ Robert S. Buck, *Agriculture in Roman Law*, 52.

²¹⁶ *Gangra*. 3.

theology concerning the origins of slavery, declaring it “the fruit of covetousness, of degradation, of savagery... [it is] the fruit of sin of rebellion against the parents.”²¹⁷ The later popes also discussed manumission and slavery, yet they rarely granted freedom except in extreme and unique cases.²¹⁸ The conclusion is that the Church was not interested in actively changing the master-slave relationship and was thus willing to relinquish some power to political and economic forces to shape the organization of the family.

The result of the falling birth rate, increased slave prices, anemic farm revenue, laws which encouraged breaking up large estates, and a Church reluctant to intervene in political / economic matters was a dramatic change in the organization of human capital. Large estate owners seeking tax breaks on land transference would have been likely to transfer property rights to manumitted slaves so that they could work the land as individuals. In so doing, the landowner avoided taxes and maintained some income “as determined by the redvances of their [tenants].”²¹⁹ Some slaves also benefited by achieving total manumission in a *de jure* sense from their masters and were termed, in a new usage of an old Roman word *servi*; there also appeared a group known as *coloni*, who were “free”²²⁰ but bound by life (and progeny) to an estate.”²²¹ *Coloni* were passed on with the property when the estate was willed *sine instrumento*.²²² It was also such people who were bound to pay his master redvances for the use of the land. Thus, we

²¹⁷ Chrysostom *Homily 22*. It should also be noted that the phraseology implicit here suggests a connection to original sin, as does his paternalistic reference, and his preceding invocation of Abel and Noah (not quoted, but immediately before).

²¹⁸ Gregory *Epistles of St. Gregory the Great*. 6.12.

²¹⁹ Emily R. Coleman, “Medieval Marriage Characteristics: A Neglected Factor in the History of Medieval Serfdom,” *Journal of Interdisciplinary History* 2, No. 2, (Fall 1971): 207.

²²⁰ “Free” here merely means that they were not viewed as slaves in the traditional Roman sense, and were thus protected as freemen under Roman Law—allowing, specifically, for the possibility of marriage, which Roman slaves were denied.

²²¹ Cited in Frances Gies and Joseph Gies, *Marriage and Family*, 46.

²²² *Digesta*. 33.7.21. Quoted in Robert S. Buck, *Agriculture in Roman Law*, 17.

start to see the very beginning of the seigniorial dues system that would come to define European serfdom and family organization

Demographics and the Polyptych of St. Germain

So far we have taken up the problem of the early medieval family in purely intellectual terms.

The reason for doing so was made clear in section two of this chapter—records simply do not exist before Carolingian expansion. However, by AD 750, records do begin to appear. The most important of these, due to its completeness, is the Polyptych of the Abbot Irminon of the Abby of St. Germain de prés, near Paris. The polyptych was redacted, depending on the secondary source, anywhere between c. AD 800 to c. AD 840. The importance of this particular polyptych has caused it to be translated into English; however, there are several other polyptychs that have been reviewed and cataloged by foreign scholars, which have yet to be translated into English.²²³

Offhand statistics are sometimes presented in translated secondary sources; however, it is obvious that some historians are using such statistics to advance their particular analysis of a subject, which somewhat limits the range and breadth of information that can be inferred from such data.²²⁴ Thus, the anglicized student is unfortunately stuck with the data available to him concerning the polyptych of St. Germain. Fortunately the polyptych is replete with information concerning not only real estate, but also family dynamics and demographics. Before we begin our statistical survey directly, however, we will briefly take up a review of terms related to land ownership.

²²³ Georges Duby, *Rural Economy*, 31-33, notes 7-13.

²²⁴ Duby, in particular, appears to be advancing a development of Medieval life in terms of an economic, and marginally Legalist framework. Emily Coleman, as well, cautions the reader to be wary of the statistical analysis presented by some writers. Emily R. Coleman, “Medieval Marriage Characteristics”: note 5.

The term *mansus*, referring to a unit of land, is derived from the Latin *mansiō*, which has several meanings. Heretofore, no scholar has given a through etymological derivation of *mansus*, an important oversight, because a careful study of the origin of the medieval usage reveals an interesting combination of Latin meaning and medieval thought. One might expect the medieval redactors to have chosen *domus* for home, *patrimonium* for inherited property, or even some synonym for owned or cultivated land—*ager*, *solum*, or *terra*. The redactors, however, chose a relatively obscure Latin word which had several meanings, used in a myriad of contexts. The *Oxford Latin Dictionary* gives three substantive meanings:

- (1a) The fact of remaining or staying;
- (1c) Continuance (in a state or condition);
- (2) A place where one stays, abode, dwelling.²²⁵

The meanings, however, are not as cut and dried as they may appear. Take, for instance, a usage by Cicero in the sense of (1c), which expresses a mental state concerning suicide: “Sed cum ab his omnia proficiscantur official, non sine causa dicitur ad ea referri omnes nostras cogitationes, in his et excessum e vita et in vita mansionem.”²²⁶ Likewise, when Suetonius uses the root *mansiō* as in (2), he is describing a transient rest: “Deinde ad Pimam Statim mansionem febrim nactus, cum inde lectica transferretur, suspexisse dicitur dimotis Pallulis caelum, multumque conquestus erip: sibi vitam immerenti; neque enim exstare ullum suum factum paenitendum excepto dum taxat uno.”²²⁷ Neither relates directly to what the *mansus* was to the medieval redactors, which was “the basis of [the] peasant farm...comprised of a dwelling, a cultivated area, and a right of use of un-worked lands;” bound up with the “peasants obligation to reside on the farm.”²²⁸ In light of this dual definition, the term *mansiō* makes better sense—the word describes not only a

²²⁵ ed. P. G. W., *Oxford Latin Dictionary* (Oxford: Clarendon Press, 1997), 1074.

²²⁶ Cicero *de Finibus*. 3.60.

²²⁷ Suetonius *Titus*. 10.1.

²²⁸ Andree Vauchez, *Encyclopedia of the Middle Ages*, trans. Adrian Walford (Chicago: Fitzroy, Dearborn Publishers, 2000), 2: 900.

physical location, but, also, a condition in which a person remains in a single metaphysical state. In such a way it is implied that those who dwelled on the land, along with their progeny are forever bound to remain tied physically and mentally to the same plot of land.

Of course, not every geographical region used the same term, yet all early medieval cultures developed an equivalent term, “hide in England; *hobanna*, *hoba*, [and] *Hufe* in German lands.”²²⁹ We will confine our usage to *mansus* for consistency, unless directly quoting from another source. As has already been described, the term *mansus* has two distinct connotations. The first was that of the fundamental unit of land measurement. In particular, the *mansus* “was equal in aggregate to the area a plough team could cultivate in one year,”²³⁰ which was about 120 acres. The choice of 120 acres equaled the number of ‘plowable’ days per year, and thus the *mansus*’s residents sustenance was directly linked to their land, a psychological connection that some historians consider very important to the understanding of serfdom and the emergence of independent families.²³¹ While I do not entirely disagree with such analysis, I consider the second meaning of the term *mansus* much more important to the creation of a consciousness about the independent family. The second definition implies a direct connection between the land and inheritance. “‘Inheritance,’ says the Edict of Pistes (AD 864) of Charles the Bald, ‘that is *mansa*.’”²³² Likewise, Bede the Venerable, when making a survey of England, pronounced, “*Tanatos insula non modica, id est, magnitududinis iuxta consuetudinem aestimationis Anglorum, familiarum sexcentarum.*”²³³ Likewise, the German *Book of Traditions* always noted

²²⁹ David Herlihy, *Medieval Households*, 57.

²³⁰ Georges Duby, *Rural Economy*, 29.

²³¹ Georges Duby, “Wealth and Society. The Manorial Economy,” Chap. 2., *Rural Economy*.

²³² David Herlihy, *Medieval Households*, 57. Quoting: ed. A. Boretius and V. Krause, *Capitularia regum Francorum* (Hanover, 1893-1897), no. 273.

²³³ Bede *Baedae Opera Historica*. 1.25. Cited as an Epigram in Herlihy. Translation by Herlihy: “The isle of Thanet, not small in size, that is, according to the method of estimation of the English, 600 families.”

that when transfers of properties were made, the families living on the property are likewise transferred.²³⁴ Thus, the land and the family by the eighth century had become inexorably linked to one another, the one defined in terms of the other, with familial inheritance ensuring a timeless link between family and property. The result of all these factors is an identification of an individual unit of people (the family), with an individual unit of land (the *mansus*). From a sociological perspective, the group of individuals inhabiting the land thus has an identity external to any psychological ties between the group's constituent members—these external ties are bound up with the notion of real property boundaries, but in a more subtle way they define the group of persons inhabiting a particular unit of land as something fundamental.

The point I am attempting to make here is delicate. My argument requires the incorporation of at least a modicum of well grounded constructions from modern sociology and psychology which help to reveal deeper historical structures. The political conception of land as a divisible commodity, held by a well defined, inheritable lineage, created a niche for an individual “family” in the “law.” A Hegelian analysis²³⁵ suggests a dual correspondence between the manifestations of the “law” and the social consciousness of the times. Thus, the idea of an individual family as it arises in connection with land ownership and inheritance also suggests there was a mentality in the society that the family was independent in a sense not itself directly connected with the law.²³⁶ In such a manner, we come to understand that by the time of the polyptych of St. Germain, the structure of medieval society had changed in such a way as to

²³⁴ David Herlihy, *Medieval Households*, 57.

²³⁵ Georg Hegel, *Encyclopedia of the Philosophical Sciences in Outline* (Heidelberg, 1817), no. 363.

²³⁶ Put in perhaps more Heideggerian terms, *Dasein* cannot be that which does not compose itself. Martin Heidegger, *Being and Time*, 10.

permit the notion of an independent family on a piece of land that was that family's 'individual' property in perpetuity.

Having thus explicated the necessary theoretical and philosophical underpinnings, we now begin our direct statistical inquiry. The first complete antiquarian indexing of the Polyptych of St. Germain (hereafter: polyptych) was completed in AD 1844 by Benjamin Guérard.²³⁷ The Guérard text was reedited by another Frenchman, Auguste Longnon, at the end of the nineteenth century (AD 1886 – AD 1895).²³⁸ Both editions of the manuscript were in French, but significant information from the polyptych has been extracted and statistically cataloged by Herlihy²³⁹ and Coleman.²⁴⁰ Before we start in on the statistical analysis, however, it is important to note that we may garner important details concerning the structure of the medieval family by examining the way in which the redactors organized the polyptychs. “Each *fise* (villa) is broken down by *manse* (*mansus*), and those on the manse are denoted individually, by status and by name—including, in most cases, children.”²⁴¹ This method of organizing census records based on the individual family unit was not used in Roman surveys, where the interest was in the plantation as the functional, fundamental unit, nor was the method or organization unique in the eighth century to St. Germain. All secondary surveys of the subject explicitly note that the individual family farm was now the basic unit of land measurement and ownership. At St.

²³⁷ Benjamin Guérard, *Polyptyque de l' Abbé Irminon ... avec des Prolégomènes* (Paris, 1844) (source not checked by student).

²³⁸ Auguste Longnon, *Polyptyque de l'abbay de St. Germain—des—prés rédigé au temps de l'abbé Irminon* (Paris, 1886-1895). (Source not checked by student).

²³⁹ David Herlihy, *Medieval Households*, Chapter 3.

²⁴⁰ Emily R. Coleman, “Medieval Marriage Characteristics”: note 5

²⁴¹ *Ibid.*, 206.

Germain, in particular, there were 1,981 “logical units.”²⁴² Again, it is these independent logical units about which we care because the entire manor, and therefore survey, uses the *mansus* as its fundamental reference. Everything—land, animals, people, and wealth is reported in terms of the *mansus*, much as the modern United States census is reported in terms of the individual household. Such a survey reinforces the notion that the *mansus* was, by the time of the Polyphyte’s redaction something both common and recognizable both to the law and to peasants alike.

The survey of St. Germain is not perfect. As has been pointed out in many secondary sources, there is a dramatic inflation of the male / female sex ratio. In general, the raw evidence suggests that at St. Germain there were 4,857 men to 3,601 women: a ratio of 135 males to 100 females. Such numbers begin to approach the bounds of what might be considered to be acceptable evidence without mitigating factors. Historians before Herlihy, Duby and Coleman suggested, without evidence, that female infanticide was likely the main cause of gender imbalance. Herlihy, however, rejects such claims outright. By carefully considering the evidence, discarding obvious miscounts and double counts, and making careful quantitative statistical arguments, Herlihy is able to get the sex ratio down to 119 men to 100 women; a ratio in line with other known ratios from other surveys.²⁴³ Aside from the direct statistical method, Herlihy also makes reasoned arguments about possible factors that could be further inflating the ratio. In particular, Herlihy suggests that a higher ratio is not unexpected toward the outskirts of the lands, where men would have been clearing wood land for farming, a fact further confirmed by the fact

²⁴² David Herlihy, *Medieval Households*, 62. Any further reference to statistical data, as they pertain to St. Germaine, was taken from chapter three of Herlihy unless otherwise cited.

²⁴³ David Herlihy, *Medieval Households*, 63-67.

that the concentration of men increases toward the outskirts of St. Germain itself where men would have been actively engaged in clearing lands. More importantly, we know for a fact that women employed in the service of monasteries and some large households were not counted for census purposes, thus, causing an inflated sex ratio.²⁴⁴

We begin our study of the Polyptych by presenting a table given in Herlihy and extended by the student:²⁴⁵

Table 1 Household size on the estates of St. Germain-des-Pres according to amount of arable land.²⁴⁶

Land in <i>bunaria</i>	# of households	Men	Women	Total	Average Household Size	% men	Persons per <i>bunaria</i>
1	34	77	66	150	4.41	51%	4.41
2	75	173	139	331	4.41	52%	2.20
3	110	229	184	464	4.21	49%	1.40
4	206	463	397	950	4.61	48%	1.15
5	153	403	348	792	5.17	51%	1.03
6	169	422	378	872	5.15	48%	0.85
7	111	354	289	664	5.98	53%	0.85
8	96	248	204	492	5.12	50%	0.64
9	55	162	127	309	5.61	52%	0.62
10	60	238	165	418	6.96	57%	0.69
11	42	155	137	299	7.11	52%	0.64
12	80	305	268	585	7.31	52%	0.60
13	38	175	141	322	8.47	54%	0.65
14	32	132	119	363	8.21	36%	0.58
>14	151	605	508	1214	8.03	50%	
Totals	1378	4064	3404	7975	5.79	51%	

Here, the relevant statistical evidence is given in terms of total arable land area, measured in *bunaria*, one *bunarium* comprises about 120 acres. The information presented shows a clear trend in the average household size. The size of the household is directly related to the amount of arable land available for cultivation. This should be no surprise; more land means greater agricultural output, which meant greater ability to support a larger population. The trend,

²⁴⁴ Ibid., 71.

²⁴⁵ The student has calculated the last two columns of data

²⁴⁶ Ibid., 70.

however, holds other surprises. The last column ‘persons per *bunarium*’ reveals something of population density. At the extreme, it appears that one *bunarium* could support 4.5 persons. However, as we move down the rows, we see that this theoretical carrying capacity was not maintained. Indeed, from a mathematical perspective, the falloff is best fit with a negative power regression modified by the addition of an additive constant;²⁴⁷ such a model yields an asymptote at 0.41 persons per *bunarium*. This asymptote represents the optimal medieval population density, approximately one person per fifty acres. Because the number of people per *bunarium* does fall off, it is also suggested that economies of scale are at work in the medieval fields. Such a system would have required extra workers, probably men, to live as part of the household of large landholders. If the outlier value (14 *bunaria*) is neglected, linear regression analysis suggests with approximately 92 percent confidence that the percent of men increases as area of land increases. Again, this trend is likely the outcome of economic factors that enticed larger landholders to employ men in their fields. Such employment does not accurately reflect the structure of the family, and therefore, we shall confine our analysis to the top rows of table 1 (≤ 5 *bunarium*), where, more likely, we are seeing the statistical manifestations of the family, rather than the necessities of the economy.

The size of the family, therefore, ranged, on average, from 4.5 to 5 persons. Likewise, the man to male child ratio was 1 man to 1.11 boys; while the woman to girl ratio was 1 woman to 0.79 girls. This, combined with the sex ratio, represents a statistical family of 1 girl, 1.3 men, 1.3 women, and 1.4 sons. Mathematics of course, are excellent in theory, but often quite poor at elucidating what exactly 1.3 persons means. To get a better idea of what the fractional person

²⁴⁷ $Ax^{-n} + B$

means, we will apply an integer GCD population analysis, which, in this case will tell us that, on average, if we looked at three households, we would expect to find four men. The same is true with women: if we looked at three households, we would expect to find four women. On the other hand, if we looked at five households we would expect to find seven boys. We will discuss what these values above unity mean in a moment, but first we will consider the case of girls who seem curiously underrepresented. Indeed, using the data available to us from the survey, for every ten boys, there will only be seven girls. Yet, the adult ratio is exactly even. How can this be? Certainly the evidence helps to refute the idea of female favored infanticide;²⁴⁸ as such a practice would necessarily reduce the ratio of adult males to females. Yet, within fairly close limits, the ratio of men, women, and boys are all about even. Only girls' numbers are reduced (thus also reducing the total sex ratio). The explanation, says Herlihy, and I am apt to agree, is that many young girls were given up to the service of either large estates or monasteries and therefore undercounted in the household surveys. At the time of marriage, such girls would have been moved into the households of their husbands, thus, maintaining the balance of men to women. The question of why every third household had an extra man or woman is still somewhat perplexing. However, it is likely that this extra man or woman was an adult brother or sister of the head of that particular household. When that sibling wed, he or she would undoubtedly move out of household. Note that in our model we did not mention the grandparents; this was deliberate. The Polyptych specifically mentioned such relations when they occurred, and among nearly 8,000 persons listed, there are only twenty-six listed as

²⁴⁸ This is a point that Herlihy does not make, but one that almost absolutely destroys any chance of the infanticide model being correct.

grandparents. Such was the nature of family dynamics when a peasant might count themselves lucky to live into their early thirties.²⁴⁹

If we step back from the numbers, a very clear picture of the medieval family actually emerges. By and large, the medieval family was a nuclear one. On average²⁵⁰ there was one father, one mother, one son, and one daughter. Unbelievably, it can be calculated that such an arrangement occurred 60 percent of the time. The other 40 percent of the time, the family would pick up an extra male or female relative or send a daughter off to the monastery. We know that family structure was horizontal, not vertical, because grandparents typically died before grandchildren were born. To go further, and explain perturbations from the average, we must dive into the world of hypotheticals. Before we begin it is important to lay down some assumptions: a.) we would expect, ideally, that the biological sex ratio would be 1.05 to 1;²⁵¹ b.) infanticide was not practiced in a gender discriminatory way; c.) the redactors, for the benefit of the manor's master, accurately recorded both male and female children; d.) female children did not travel outside the geographical boundaries of the polychtych's survey in large numbers.²⁵² With these four assumptions, we can now dive deeper into the question of why girls were undercounted—perhaps the most remarkable feature of the medieval family from a structural standpoint. As has already been noted, the only reasonable given our assumptions, is that girls were in a state by which they would not be counted. We know such a state occurred when girls were employed in the service of some large manors and specifically in the service of the monastery. Young girls

²⁴⁹ It also suggests that the age at which women had children must have been fairly late, or else a greater number of grand parents would be alive to see their grandchildren born.

²⁵⁰ This is what is termed a 'median' average in statistics. The statistics suggest the mean average was 62%

²⁵¹ CIA World Factbook

²⁵² The four assumptions I give are not without critics; different historians give different interpretations of how to account for the sex ratio. I pick the premise in a way that is consistent with the facts available and the arguments Herlihy has established.

would have been a valuable commodity in such households, yet likely an expense to the family working in the field, thus creating an economic incentive to move the girl from field to farmhouse. Upon marriage such girls would be turned over to their husbands, and doubtless, after a certain age, would be returned, likely to their brother's care whether betrothed or not—such a situation would explain why there would be four women for every three households.

What should be stressed again, however, is that the model just suggested, and the theoretical tenets upon which it rests represent the minority of cases. In the majority of families (60%), the family consisted of a father, a mother, a sister, and a son. Statistically, this was the medieval family. In such a way, the medieval family bears a striking resemblance to the nuclear family of the Romans, and it seems to distance itself from the Germanic model. However, the practice of maintaining an excess of women in large households was distinctively Germanic. As Herlihy suggests, old patterns die slowly, especially for children.

Church Policy and the Family

We shall now turn our attention away from the political and statistical toward the spiritual and intellectual. As we have already suggested in chapter III, the entire philosophy which underlay the structure of the family was changed dramatically with the advent of early church theology. We shall endeavor to find how theology overlaps the structure of the family; and likewise, we will also attempt to show where theology and practice diverged. Specifically, we shall concern ourselves with the church policy of monogamy and exogamy and ask how such policies applied to the culture of the medieval family.

As we have already explicated at length, that the Church's conception of monogamy was a rock-hard rule by the death of Augustine.²⁵³ Marriage, in the eyes of the church, was more than secularly binding, it was a sacrament—an absolute indelible bond between man, woman, and God. What was more, the practice of polygamy, thought Augustine, interfered with procreation and also obscured the supreme lordship of a husband over his wife.²⁵⁴ Herlihy has suggested,²⁵⁵ and his suggestion has been echoed by many other historians,²⁵⁶ that by prohibiting polygamy, the Church was also attempting to redistribute women away from more powerful households so that all men, statistically, would have the option of marriage.²⁵⁷ The second Church policy, that of exogamy, was a combination of Roman, Germanic, and Church policies. Both the Romans and Germans required some degree of exogamy to prevent incest. The Romans adopted a model of exclusion to the third degree, while, theoretically, the Germanic model was extended to seven degrees. The Catholic Church chose to adopt the Germanic model, whereby marriage partners had to be separated up to the seventh degree.²⁵⁸ More pragmatically, Gregory II wrote Boniface in AD 726 “that as long as they [a couple to be wed] recognize that they are relatives, they ought not enter into marital relations.”²⁵⁹ By enlarging the range and scope of the exogamic net, the Church was weakening the traditional Germanic kinship power model. By forcing extra-familial marriage, power lines would have, in time, become more and more diffuse rather than gravitating toward a central family head. The practices of exogamy and monogamy would thus benefit the Church in its attempts to gain power by breaking the traditional power systems in Germanic

²⁵³ Ed. Roy J. Deferror, *The Fathers of the Church: A New Translation*, introduction (New York: Fathers of the Church, INC, 1955), 27:28.

²⁵⁴ Ibid.

²⁵⁵ David Herlihy, *Medieval Households*, 62.

²⁵⁶ Rosemary R. Ruether, *Christianity and the Making of the Modern Family*, (Boston: Beacon Press, 2000), 52.

²⁵⁷ The evidence to support Herlihy's underlying model is non-existent, though, as we shall see, monogamy did help to shape a nuclear family model.

²⁵⁸ David Herlihy, *Medieval Households*, 61.

²⁵⁹ Gregory *Letters*. 3.275, Quoted, David Herlihy, *Medieval Households*, 61.

lands, and, at the same time, such practices, especially monogamy, encouraged the structural ideal of husband, wife, and children. Such an argument has been put forth by Duby²⁶⁰ and was accepted in part by Herlihy, and hence many others. Problems, however, exist in applying such a theory too broadly, especially during the embryonic stages of the medieval family. In particular, Church enforcement of its own theology was fickle and often politically motivated.²⁶¹ For instance, Charlemagne's sexual exploits are well known—he kept both a brothel and carried out a polygamous series of marriages. His son, Louis the Pious, however, was forced into monastic exile after his wife was condemned for adultery. A few years later, Lothar II tried to change wives, but was thwarted by the papacy, while Charles the Bald forced his son, Louis the Stammerer, to divorce his wife Ansgard.²⁶² Not only were the elites given latitude by the Church prior to the first millennium, but common men were also granted variances and divorces, as the following item in the Formulary of Marculf demonstrates:

Since neither charity according to God but discord reigns between N. and his wife N., and because they are not able to live together, it was the will of each of them, that they should separate from the union of marriage, and this they have done.... Whether [they wish] to enter the service of God in a monastery *or to enter into [another] marital union*: [they] should not have to answer to their neighbors for it.²⁶³

²⁶⁰ Georges Duby, *Rural Economy*, 78

²⁶¹ Much has been made of the Church's political actions, especially in the 19th century German literature. However, such literature often misinterprets political maneuvers by the church as difficulties in determining doctrine. This is not correct. Church doctrine was consistent; enforcement ebbed and flowed with the political winds blowing in Europe. The German historian Davidson got the analysis correct when he observed Innocent's relationship concerning martial theology with Phillip: "Innocent proceeded energetically against Philip only when there was uncertainty in the King of France's Realm. He sought in such times to make good relations with Phillip and to suggest things which, had Phillip been more secure, he could not have otherwise." R. Davidson, *Philipp II. August von Frankreich und Ingeborg* (Stuttgart, 1888), 71. [My Translation]. Original German Quoted in D.L. d'Avery, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005), note 95.

²⁶² No comment on Carolingian moniker, but for a more complete exposition of the marital woes of the said family, see, J.A. McNamara and S. F. Wemple, "Marriage and Divorce in the Frankish Kingdoms," in *Women and Medieval Society* (Philadelphia: University of Pennsylvania Press, 1976), 106.

²⁶³ Marculf. *Formularum libri duo*, ed. A. Uddholm (Uppsala: Scriptorum Veterum Uppsaliensis, 1962), 2.3.273. Quoted in D.L. d'Avery, *Medieval Marriage*, 81. (My Emphasis).

In light of such pieces of contradictory evidence, and there are plenty more, we must be cautious about giving too much credit to theology as the underlying mechanism of family change, especially structural change. The process of promoting matrimony as a moral value was slow and driven primarily through passive mechanism. Thus, “The first thousand years of the Church’s life can be seen as a period during which Christian doctrine... concentrated its efforts on defending and enhancing the moral value of matrimony.”²⁶⁴ Exogamy and matrimony were strong theological values to the Church and would certainly come to be identified with marriage and family in later parts of the middle ages; yet, at the outset, Church doctrine took a back seat to stronger political and economic forces, which tended to shape the family into an organic, nuclear form.

Marriage

Thus far we have turned our attention to structural elements of the medieval family—a statistical analysis has suggested that the family was much like our own: a mother, a father, and a pair of siblings. Such a structure was different from that of ordinary agricultural Romans citizens or Germans, where large holdings of slaves or extended kinship networks represented the primary social unit. Further, we have suggested that the transformation from slave / kinship systems to “commensurable unit”²⁶⁵ was more likely the consequence of political / economic realities than theology. Having thus looked at the structure of the family, we will now examine the family as an arrangement of people living together for the purposes of love, friendship, and socialization. The most basic question of family is that of marriage—what constituted a marriage, who were the participants, and how were they related. The question for which we have the most available

²⁶⁴ Michael M. Sheehan, *Marriage, Family, and the Law in Medieval Europe: Collected Studies* (Toronto: University of Toronto Press, 1996), 90.

²⁶⁵ Herlihy’s term to describe the independent family, used in many other secondary sources.

hard evidence regards the age of the participants. Again, the Polyptych of St. Germain is extraordinarily valuable because it notes the marital status of those surveyed.²⁶⁶

The first bit of important information can be found in the ratio of widows to widowers; in St. Germaine, the ratio was 1 to 1.5. While not precisely unity, the figure does suggest that men and women were roughly the same age when they married, assuming both men and women lived to approximately the same age. It is impossible to tell directly from the evidence the age at which such marriages took place, but Herlihy, by comparing and matching key statistics, including, most importantly, the lack of vertical households, to other known population distributions, was able to show that the data indicate “that the peasants of St. Victor [a division within St. Germain], both men and women, were postponing marriage until their late twenties.”²⁶⁷ The factors that influenced the age of marriage are not well understood; however, we do know that there was a notion of an ideal age at which medieval youth were to be married. Such an age, famously described by Aquinious as being the moment “in iuvenile actate ad quem terminator motus crementi et quo incipit motus decrimenti.”²⁶⁸ The concept of an ideal age was not a new invention, Aristotle had written that the perfect age for men was thirty-seven and eighteen for women—such were the ages he suggested that classical men and women marry.²⁶⁹ Although the ages Aristotle suggested were no longer fashionable, the concept of a perfect age was. In one of the richest documents available on early medieval families, Dhuoda, a Frankish noblewomen instructs her son on how to become a man. In her manual, Dhuoda suggests that God will bear

²⁶⁶ David Herlihy, *Medieval Households*, 74-78.

²⁶⁷ *Ibid.*, 77.

²⁶⁸ Aquinious *Summae Theologiae, Supplementum*. 3.81.1.17 (in which the body’s vitality changes from a waxing state to a waning state). Translation by Student

²⁶⁹ Aristotle *Politics*. 3.16.14.

children to her son at a certain particular time, (*perfectum tempus*).²⁷⁰ The key point, however, is that there appears to have been a trend toward a set marital age. While the law allowed marriage at sixteen or younger, it would appear that few couples were actually married at such a young age.

Yet another change away from Roman models concerned the payment of a dowry. Legal evidence from the Carolingian period suggests that payments were now being made from the groom's family to the bride's family, much as in Germanic custom. Such a change initially is not surprising if we consider that a sizeable population of girls was being placed in larger households / monasteries. Such households, undoubtedly, would have been interested in controlling whom such girls would marry, for either direct or indirect gain.²⁷¹ Such claims began to be curbed by the ecclesiastical law,²⁷² and, "after 1200 very little attention was paid to [the lords] claims at all ... family [however] was another matter there was constant reference to the involvement of the family,"²⁷³ in choosing a mate and preparing for marriage. Although little evidence exists before AD 1200, the implication is clear; both families and lords were interested in deciding to whom girls would be betrothed. The dowry was a method by which either the family or lord could solicit eligible suitors. Solicitation, however, was as far as a family could legally motivate a marriage. The consent of the two parties was considered a necessary condition and appears repeatedly in the romantic literature. A long poem written in the 12h

²⁷⁰ Dhuoda *Manuel De Dhuoda*. 3.1.55. The English translation of this passage (1991 translation) is really quite poor. The reader is advised to obtain the reference in Latin.

²⁷¹ Regarding traditions of familial choice in mate selection in the Early Church, see Paul Veynes, "The Roman Empire" in *A History of Private Life, from Pagan Rome to Byzantium*, ed. Arthur Goldhammer (Cambridge, Mass: Belknap Press, 1987), 1:263-265.

²⁷² James A. Brundage, "Sex and Marriage in the *Decretum of Gratian*," Chap. 6 in *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 229-255.

²⁷³ Michael M. Sheehan, *Marriage, Family, and the Law in Medieval Europe*, 260.

century feature a heroine, Havelock the Dane, who decry's suitors who may try to take advantage of her through marriage or sex. At one point, Havelock asserts:

Bi crist and bi Seint Johan
Pat hire should no man wedde,
Ne no man bringen hire to bedde,
But he were King or Kinges eyr
Were he nevere man so fayr²⁷⁴

Not only does Havelock fear the prospect of marriage, but also, the prospect of losing her virginity to a suitor she has not selected. In either event, her language is very firm, invoking Christ and St. John to help her prevent her chastity against even King and Kings heir.

The importance of virginity to marriage cannot be understated. In the Roman model, marriage was created by mutual consent, which was itself symbolized by cohabitation; the German model was based upon bride purchase. The medieval model, however, was something completely different. The medieval marriage was at once a legal entity and also a spiritual entity.

Cohabitation or payment had been meant to fulfill a specific legal criterion, a tradition continued in the medieval payment from groom to bride's family, though, this now, even with cohabitation, did not a marriage make. To the Church, the marriage was a symbolic structure, which was the outward manifestation of Augustine's sacramental bond. Yet, as we shall see, the Church had a problem. Augustine never got down to the brass tacks of how the sacramental bond was formed. While the Church began requiring official, public, marriage ceremonies by the eleventh century, it was loathe to suggest that either the public in attendance, or the priest officiating at such ceremonies created such a spiritual bond through any secular action. The Church, by the ninth century, was actively promoting its place in marriage practice by slowly extending its reach into the law that surrounded marital practices. In so adjudicating disputes, the Church also elaborated

²⁷⁴ ed. D. Speed, "Havelock the Dane," in *Medieval English Romance* (Durham: University of Durham, 1993).

its theology to settle difficult questions that arose in the law. Such was the case of a German nobleman who refused to consummate his marriage even after he and his wife were promised to one another in the law and lived in the same household. The nobleman claimed his marriage was not valid because it was not consummated, while the ‘brides’ parents held it was valid because it met the necessary *legal* requirements. The matter was deferred to Hincmar, Bishop of Reims, for adjudication. Hincmar, we are told, was extraordinarily erudite; he seems well versed in Canon Scripture, and theology, particularly the Nicene fathers. It is evident that in deciding the merits of the case that Hincmar consulted and based his logic around that of Augustine. What Hincmar found about Augustine’s theology, however, was disturbing to him. Augustine never indicated any specifics about marriage practice, only avowing time and again the connection of sex with God’s original plan for man and the spiritual union implicit in that plan. After carefully considering Augustine’s premises, Hincmar concluded:

Marriage does not contain the sacraments of Christ, as blessed Augustine says, unless [the spouses] have used each other nuptially: that is, unless it has been followed by sexual intercourse.²⁷⁵

Consummation was, thus, the spiritual crux of marriage; furthermore, the Church considered it extraordinarily important that at the time of nuptial consummation that the couple be pure, thus Tertullian’s exhortation that girls be veiled at puberty, or at the very least, by betrothal.²⁷⁶ This exhortation to virginity appears to be very important in the sources. By ad large, virginal women are held out in the Romantic literature²⁷⁷ as paragons of faith and Christianity. It is hard to imagine that given its large place, in such a small body of artistic output that the concept of

²⁷⁵ Hincmar *Espousals and Decrees*. 136.93.6 Quoted in Philip Reynolds, *Marriage in the Western Church during the Patristic and Early Medieval Periods* (Leiden: E.J. Brill, 1994), 356. (I was unable to find this citation to Hincmar’s *Espousals and Decrees*. Though, it appears as though *Espousals and Decree* 137 may have been the quote to which Reynolds is referring).

²⁷⁶ Tertullian *On the Pallium*. 3.

²⁷⁷ ed. Cindy L. Carlson and Angela J. Weist, *Constructions of Widowhood and Virginity in the Middle Ages* (St. Martin’s Press, New York, 1999).

virginal marriage was not a goal which many, if not most, women sought. Like everything else, however, we must acknowledge conflicting evidence. Even the literary evidence begs caution from extending the notion of virginity too extensively. For example in the following 11th century text a noble woman warns her interlocutor that many women lose their grace to 'men of high birth':

Ah noble men & gentile & of
heh burðe ofte winnen luue
lihtliche cheape. For ofte mo
ni wummon letes hire mens-
ket þurch þe lune of wepmor
þat is of heh burðe. Þenne swete
iesu up o hwat herre mon
mai I mi luue sette. Hwer
mai I gentillel mon chose
þen þe þat art kinges sune
þat tis world wealds.²⁷⁸

Human nature is what it is, Church prohibitions or not. Virginity was likely the ideal, and certainly, it seems to be remarkably prevalent, but it would be remiss to suggest that extra and pre-marital sexuality did not exist, particularly among the noble classes.

The early medieval marriage is a confusing entity. When we try to discuss the specifics of marriage practices, we are often confronted with a vast array of conflicting evidence. The reason for the conflict probably has more to do with our perspective than the medieval practice. Unfortunately, the available evidence covers nearly 500 years and an entire continent. We have been careful to select sources that present at least a semblance of uniformity throughout that period, though, that can only go so far. The early medieval marriage was very confusing, because it was at the confluence of three cultures. In general, marriage retained a legal aspect from Latin and Germanic cultures, while also incorporating a new spiritual notion, derived from

²⁷⁸ Ibid., 119.

Church philosophy. The choice of mate,²⁷⁹ likewise represents a merger of ideas. It seems that in an embryonic stage, lords and families were given latitude in determining to whom sons and especially daughters would be given away, yet this practice was modified with the intervention of Canon Law in the 11th century and took on a form much more reminiscent of Roman models. Finally, the notion of marriage gained a new sexual seriousness as it appears couples heeded Church advice and waited longer to become married, and stayed abstinent while waiting. These factors, among others, would form the basis of marriage practices throughout the middle ages, and continue, in many respects to this very day. The Church, moving into the second millennium, would further consolidate its power and begin to codify the practices herein cited into official dogma.

²⁷⁹ Michael M. Sheehan, "Choice of a Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage," *Studies in Medieval and Renaissance History* 1 (1978): 1-33.

CHAPTER VI CONCLUSION

The Origins of the Medieval Family

We have reached the end of our study of the early medieval family. It may be appropriate at this point to ask if we have answered the question: what was the early medieval family? The answer is complicated. The early medieval family was a historically complex entity, as a family tends to be in any age. Part of the problem with asking the question, “what was the early medieval family” derives from the fact that the family is never, in any historical situation, a static entity, and therefore asking what it was in any sort of absolute way leads to confusion because it demands an absolute answer. This was the mistake of 19th century historians when they addressed the family from the perspective of formal legalistic models. We, however, have skirted around the issue entirely. We have not asked what the medieval family was, except from a structural perspective, but what were its origins, how did it come about—how did culture synthesize to form the medieval conception of the family.

In so doing, we have examined the culture of the Romans, the Germans, and the Catholic Church very carefully. It is admitted, that much was excluded, the way in which this paper was constructed begs almost infinite expansion. However, we have tried to cover the most relevant aspects of every situation. The family would continue to evolve from AD 1050 onward. For the next 500 years, the influence of the church grew in remarkable leaps and bounds as the Church’s political power was able to control the family through ecclesiastical courts. Yet, such policies were simply refinements and extensions of the early medieval family, and even ecclesiastical

courts, as Hincmar discovered, had to contend with the secular customs and traditions established by long forgotten Roman and Germanic customs. The medieval family and marriage practices were extraordinarily influential, not only in the latter Middle Ages, but also on modern culture, where we continue to confront notions of marriage, divorce, and sex given to us by Roman, German, and Church sources.

Works Cited

Primary Sources

References to Classical authors, either Roman or Greek, are usually taken from the Loeb classical library. References to English translations of the Church Father are usually from the Church Fathers Series, or the Nicene / Anti-Nicene Fathers Series. References to Latin works by the Church fathers are usually taken from the Corpus Christianorum Latina.

Ambrose *Cain and Able*.
Ambrose *Concerning Virgins*.
Ambrose *Expositions of the Gospel According to Luke*.
Ambrose *Letters*, 63.
Ambrose. *Paradise*.

Aquiunious *Summae Theologiae, Supplementum*.

Aristotle, *Nicomachean Ethics*.
Aristotle, *Politics*.

Augustine *Confessions*.
Augustine *Letter 262*.
Augustine *Marriage and Concupiscence*.
Augustine *On Genesis According to the Letter*.
Augustine *The Good of Marriage*.
Augustine *The Nature of Good*

Bede *Baedae Opera Historica*.

Cato, Marcus. *Roman Farm Management; the Treatises of Cato and Varro*, trans. Fairfax Hamilton. New York: Macmillan Company, 1913.

Chrysostom. *On Ephesians* .
Chrysostom *Homily 20*.
Chrysostom *Homily 22*.
Chrysostom *On Marriage*.

Cicero *de Finibus*.
Cicero *Letters to Atticus*
Cicero *Topica*.

Clemens Terentius, *Lex Julia et Papia*

Clement *Stromata*.

Clement *Two Epistles Concerning Virginity*.

Codex Theodosianus

Diogenes Laertius.

Dhuoda, *Manuel De Dhuoda*.

Erasmus of Rotterdam. *Erasmus's Annotations on the New Testament*, ed. Anne Reeve and M.A. Screech London: E.J. Brill, 1971.

Gaius *Provincial Edict*

Gregory *Epistles of St. Gregory the Great*
Gregory Letters.

Hegemonius *Acts of Archelaus*.

Hincmar *De Divortico*.

Hincmar *Espousals and Decrees*.

Hippocrates *Oath*.

Hispalensis Isidorus, *De ecclesiasticis officiis*.

Homer *Odyssey*.

Horace *Sermones et epistulae*.

Jerome *Against Helvidius*.

Jerome *Against Jovinianus*.

Julian *Digest*

Justinian *Digest of Justinian*

Lex Gund.

Lex Rom. Burg.

Lex Vis.

Lucretius *De rerum natura*.

Marculf. *Formularum libri duo*, ed. A. Uddholm. Uppsala: Scriptorum Veterum Uppsaliensis, 1962.

Milton, John. *Paradise Lost*, ed. Scott Elledge. New York: W. W. Norton & Company, 1975.

Paul *Pauli Sententiae*.

Paul the Deacon *Historica Longobardorum*.

Plato *Gorgias*.

Plato *Republic*.

Plutarch *Life of Anthony*.

Soranos *Gynecology*.

Speed, D. ed. "Havelock the Dane," in *Medieval English Romance*. Durham: University of Durham, 1993.

Suetonius *Titus*.

Tacitus *Germania*

Tacitus *Agricola*

Tertullian *On Exhortation of Chastity*.

Tertullian *On the Pallium*.

Tertullian *On the Veiling of Virgins*.

The Bible (AV)

The Bible (Wycliffe Translation)

Secondary Sources

Aries, Philippe. *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick. New York: Alfred A. Knopf, 1962.

Barrett, Judith. *Fagioli: The Bean Cuisine of Italy*. Canada: Rodale, 2004.

Barrow, R. H. "The Making of Slaves," chap. 1 in *Slavery in the Roman Empire*. New York: Barnes and Noble, 1968.

Botsford, George Willis. "Some Problems Connected with Roman *Gens*." *Political Science Quarterly* 22, No. 4, (Dec 1907).

Brundage, James A. *Law, Sex, and Christian Society in Medieval Europe*. Chicago: University of Chicago Press, 1987.

Buck, Robert S. *Agriculture and Agricultural Practice in Roman Law*. Germany, Franz Steiner Verlag GMBH Wiesbaden, 1983.

Carcopino. *Daily Life in Ancient Rome*. trans. E.O. Lorimer. New Haven, CT: Yale University Press, 2003.

Carlson, Cindy L., J. Weist, Angela, Ed. *Constructions of Widowhood and Virginity in the Middle Ages*. St. Martin's Press, New York, 1999.

CIA World Factbook

Clark, Elizabeth. "Heresy, Asceticism, Adam and Eve: Interpretations of Genesis 1-3 in Later Latin Fathers." in *Ascetic Piety and Women's Faith: Essays on Ancient Christianity*. Lewiston / Quenston: Edwin Mellon Press, 1986.

Coleman, Emily R. "Medieval Marriage Characteristics: A Neglected Factor in the History of Medieval Serfdom." *Journal of Interdisciplinary History* 2, No. 2, (Fall 1971).

Cooper, Kate. *The Virgin and the Bride: Idealized Womanhood in Late Antiquity*. Cambridge MA, Harvard University Press, 1996.

Cornell, T.J. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars*. London: Routledge Press, 1995.

Coulanges, Fustel De. *The Ancient City*. trans. Unknown. Baltimore: The Johns Hopkins University Press, 1982.

d'Avery. *Medieval Marriage: Symbolism and Society*. Oxford: Oxford University Press, 2005.

David Herlihy. "The Household in late Barbarian Antiquity." Chap. 2 in *Medieval Households*. Cambridge, MA: Harvard University Press, 1985.

Davidson, R. *Philipp II. August von Frankreich und Ingeborg*. Stuttgart, 1888.

Deferror, Roy J, ed. *The Fathers of the Church: A New Translation*, introduction. New York: Fathers of the Church, INC, 1955.

Dixon, Suzanne. *The Roman Family*. Baltimore: The Johns Hopkins University Press, 1992.

Duby, Georges. *Rural Economy and Country Life in the Medieval West*. trans. Cynthia Postan. Columbia, SC: University of South Carolina Press, 1976.

Duncan-Jones, R. P. "Some Configurations of Landholding in the Roman World." in *Studies in Roman Property*. ed. M. J. Finley. Cambridge, UK: Cambridge University Press, 1976.

- Eckhard, K.A. ed. "Pactus Legis Salicae." in *Monumenta Germaniae Histroica Legum Sectio*, Hanover, 1962.
- Elmer, M.C. *The Sociology of the Family*. New York: Ginn and Company, 1945.
- Eyban, Emiel. "Fathers and Sons." *Marriage, Divorce, and Children in Ancient Rome*. Oxford, England: Clarendon Press, 1991.
- Freeman, Charles. *The Closing of the Western Mind: The Rise of Faith and the Fall of Reason*. New York: Vintage Books.
- Friedlander, Ludwig. *Roman Life and Manners Under the Early Empire*, vol I. trans. Leonard Magnus. New York, 1965.
- Gies, Frances and Gies, Joseph. *Marriage and the Family in the Middle Ages*. New York: Harper & Row, 1987.
- Grant, Robert. *Gnosticism and Early Christianity*. New York: Harper and Row, 1966.
- Guérard, Benjamin. *Polyptyque de l' Abbé Irminon ... avec des Prolégomènes*. Paris, 1844.
- Hegel, Georg. *Encyclopedia of the Philosophical Sciences in Outline*. Heidelberg, 1817.
- Heidegger, Martin. *Nietzsche* Vol I. trans David Krell. New York: HarperCollins, 1991.
- Hughes, Diane O. "From Bridesprice to Dowry in Mediterranean Europe." *Journal of Family History* 3, (1978).
- Joyce, George. *Christian Marriage: An Historical and Doctrinal Study*. (London: Steed and Ward, 1933.
- Kelsen, Hans. "The Pure Theory of Law." *Law Quarterly Review* 50 (1934).
- Kenkel, William. *The Family in Perspective: A Fourfold Analysis*. New York, 1960.
- Legrand, Lucien. *The Biblical Doctrine of Virginity*. New York, 1963.
- Longnon, Auguste. *Polyptyque de l'abbay de St. Germain—des—prés rédigé an temps de l'abbé Irminon*. Paris, 1886-1895.
- MacMullen, R. *Roman Social Relations*. New Haven, CT: Yale University Press, 1974.
- Maine, Henry. *Lectures on the Early History of Institutions*. Kitchner, Ontario: Batoche, 1999.
- Maine, Henry. *The Ancient Law*. New York: Dent & Sons, 1931.

Martin, Dale B. "The Construction of the Ancient Family: Methodological Considerations." *The Journal of Roman Studies* 86, (1996).

Mason, Michael. *The Making of Victorian Sexuality*. (Oxford: Oxford University Press, 1994.

McNamara, J.A., Wemple, S. F. *Women and Medieval Society*. Philadelphia: University of Pennsylvania Press, 1976.

Morgan, Lewis. *Ancient Society*. Tempe, AZ: University of Arizona Press, 1985.

Nietzsche, Friedrich. *Thus Spake Zarathustra*. trans. Thomas Common. New York: Random House, nd.

Noonan, John T. *A Church that Can and Cannot Change: The Development of Catholic Moral Teaching*. Norte Dame, IN: University of Notre Dame Press, 2005.

Noonan, John T. *Contraception: A History of its Treatment by the Catholic Theologians and Canonists*. Cambridge, MA: Harvard University Press, 1966.

Noonan, John T. *Contraception: A History of its Treatment by the Catholic Theologians and Canonists*. rev. ed. Cambridge, MA: Harvard University Press, 1986.

P. G. W. *Oxford Latin Dictionary*. Oxford: Clarendon Press, 1997.

Paul Veynes. "The Roman Empire" in *A History of Private Life, from Pagan Rome to Byzantium*. ed. Arthur Goldhammer. Cambridge, Mass: Belknap Press, 1987.

Pond, Roscoe. "Juristic Problems of National Progress." *American Journal of Sociology* 22 (1917).

Radcliffe-Brown, A.R. "The Mother's Brother in South Africa." *South African Journal of Science* 21, (1924).

Rawson, Beryl. "Adult-Child Relationships in Roman Society." in *Marriage, Divorce, and Children in Ancient Rome*. Ed. Beryl Rawson. Oxford: Clarendon Press, 1991.

Reynolds, Philip L. *Marriage in the Western Church*. Leiden: E.J. Brill, 1994.

Ruether, Rosemary R. *Christianity and the Making of the Modern Family*. Boston: Beacon Press, 2000.

Salisbury, Joyce. *Church Fathers: Independent Virgins*. New York: Verso Publishers, 1991.

Saller, Richard P. "'Familia, Domus,' and the Roman Conception of Family." *Phoenix* 38, no. 4 (Winter 1984): 338.

Saller, Richard. "Roman Kinship: Structure and Sentiment" in *The Roman Family in Italy: Status, Sentiment. Space*, Ed. Beryl Rawson and Paul Weaver. Oxford: Clarendon Press, 1997.

- Sawyer, P.H., Wood, I.N. "Lex Scripta and Verbum Regis." in *Early Medieval Kingship*, Leeds, UK: University of Leeds Press, 1977.
- Sheehan, Michael M. "Choice of a Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage." *Studies in Medieval and Renaissance History* 1 (1978).
- Sheehan, Michael M. *Marriage, Family, and the Law in Medieval Europe: Collected Studies*. Toronto: University of Toronto Press, 1996.
- Simpson, John ed. *The Oxford English Dictionary*, 2d ed. Oxford, England: University of Oxford Press, 1989.
- Skidmore, Clive. *Practical Ethics for Roman Gentleman: The Work of Valerius Maximus*. Exeter: University of Exeter Press, 1996.
- Stock, George. *Stoicism*. London: Kennikat Press, 1969.
- Tibbetts Schulenburg, Jane. *Forgetful of Their Sex: Female Sanctity and Society 500-1000*. Chicago: University of Chicago Press, 1998.
- Tannahit, Reay. *Sex in History*. New York, Stein and Day, 1980.
- Treggiari, Susan. "Divorce Roman Style: Ease and Frequency" in *Marriage, Divorce, and Children in Ancient Rome*, Ed. Beryl Rawson. Oxford: Clarendon Press, 1991.
- Treppo, Del and Leone. Alfonso, *Amalfi Medioevale*. Naples: Biblioteca di Studi Meridional, 1977.
- Vauchez, Andree. *Encyclopedia of the Middle Ages*. trans. Adrian Walford. Chicago: Fitzroy, Dearborn Publishers, 2000.
- von Deines, Hildegard, Grapow, Hermann, Westerndorf, Wolfhart. "Uebersetzung der Medizinischen Texte." *Grundriss der Medizen der Alten Aegypten IV*. Berlin, 1958.
- Waitz. *Monumenta Germaniae Histroica*. Hanover, 1878.
- Watson, Alan ed. and trans. *The Digest of Justinian*, vol. 4. Philadelphia: University of Pennsylvania Press, 1985.
- West, Stephen. *The Duty and Obligation of Christians to Marry only in the Lord: Illustrated and Urged*. Hartford, CT: Watson and Goodwin, 1779.
- Wittaker, C.R. *Slavery in the Roman Empire*. (New York: Barnes and Noble, 1968.

Index

A

abortion.....29, 30
 Abraham45, 56
 Adam and Eve49, 60, 96
 adolescent23
 adultery58, 59, 61, 83
 agrarian64
 agriculture65, 67, 68, 77
 Ambrose49, 50, 51, 55, 61, 93
 Ansgard83
 Aquinious85
 Aristotelian30, 44, 53
 Aristotle29, 30, 32, 43, 44, 51, 85, 93
arrha37
 Augustine 4, 49, 50, 51, 52, 55, 57, 58, 59, 60, 61, 82,
 87, 88, 93

B

Babylon50, 53
 betrothal38
 betroth26, 28
 Boniface82
Book of Traditions73
 bride purchase38, 87
bullā24
bunaria77
 Burgundians34, 39

C

Canonical44
capitus deminutio16
 Carolingian12, 64, 71, 83, 86
 Catholic9, 29, 39, 42, 46, 49, 61, 82, 91, 98
 celibacy44, 47, 48, 50, 55
 Charlemagne83
 Charles the Bald73, 83
 chieftains36
 Childhood22, 23, 95
 Christ42, 44, 47, 52, 57, 61, 87, 88
 Christian . 9, 24, 25, 26, 43, 44, 49, 53, 54, 57, 59, 60,
 84, 86, 95, 97
 Chrysostom19, 51, 56, 58, 69, 70, 93
 Church .. 11, 12, 30, 34, 35, 36, 37, 38, 39, 40, 41, 42,
 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56,
 58, 60, 61, 63, 69, 70, 81, 82, 83, 84, 86, 87, 88,
 89, 90, 91, 96, 98
 Church Fathers44, 48, 50
 Cicero16, 21, 23, 24, 72, 93
 cognately36

coitus interputis29
 commandment46, 60
 concubines39
 Constantine25
 Constantinople69
 consummate88
 Corinthians61
 culture9, 11, 12, 16, 18, 30, 34, 37, 40, 81, 91

D

Daseign74
 Devil51, 54
 Dhuoda85, 86, 94
 Dionysius19
 Divorce19, 23, 25, 28, 39, 60, 62, 83, 97, 98, 99
 dogma41, 44, 47, 52, 90
dos27
 dotation37
 dowry27, 28, 38, 86

E

ecclesiastical courts41, 91
 Edict of Pfistes73
 Erasmus61, 94
 Etruscan16, 18
 Europe9, 12, 34, 38, 56, 63, 83, 84, 86, 95, 97, 99
 exogamy81, 82

F

famila18, 27
 family 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 27, 31, 34,
 36, 37, 40, 42, 44, 46, 50, 57, 62, 63, 64, 67, 70,
 71, 73, 74, 75, 78, 80, 81, 82, 83, 84, 86, 87, 91
 Family 9, 11, 12, 18, 21, 22, 23, 24, 25, 26, 27, 28, 35,
 38, 42, 55, 60, 70, 81, 82, 84, 86, 91, 95, 96, 97,
 98, 99
farra35
 Fathers ... 19, 46, 48, 49, 50, 54, 55, 58, 82, 96, 97, 98
 fetus29
fise75
 Formulary of Marculf83
 Fustel15, 16, 96

G

Gangra69
 Garden of Eden45, 49
 genesis51
gens15, 16, 17, 18
 German law37, 38
Germania22, 34, 36, 37, 39, 95

Germanic 9, 10, 12, 21, 34, 37, 38, 39, 40, 53, 63, 69,
82, 89, 92
gnosis47
God . 26, 43, 45, 48, 49, 50, 52, 54, 57, 59, 60, 61, 82,
83, 85, 88
Greek 15, 19, 29, 30, 49, 53
Gregory II82
Gynecology29, 30, 95

H

hagiographies24
Havelock the Dane87, 95
hedonist53
Hegel 11, 50, 65, 74, 97
Hegelian9, 11, 63, 74
Hegemonius54, 94
Heidegger43, 63, 74, 97
Herlihy .. 34, 35, 36, 38, 63, 66, 67, 73, 74, 75, 76, 77,
79, 80, 82, 85, 96
Hincmar60, 88, 92, 94
Hippocratic Oath29

I

Ides of March24
infanticide30, 76, 79, 80

J

Jesus45, 46, 48, 49, 53, 55
Jewish29, 60
Judeo-Christian25
Justinian21, 26, 30, 66, 94, 99

K

kinship .. 12, 15, 17, 20, 21, 22, 34, 35, 37, 40, 42, 82,
84
kinship system35

L

lectus genialis26
Lombard38
Lothar II83
Louis the Pious83
Louis the Stammerer83
Lucretius24, 94

M

Maine, Henry 19, 20, 97
Mani50
Manichean51
Manicheans50, 51
mansio72
mansus72, 73, 75
manumit69
Marc Antony32
Marcianus19

marriage.. 9, 25, 26, 27, 34, 36, 37, 39, 40, 43, 45, 46,
52, 53, 55, 56, 57, 58, 59, 60, 61, 79, 81, 82, 83,
84, 85, 86, 87, 88, 89, 92

Mary49, 53
matrimony26, 58, 84
medieval . 9, 10, 11, 12, 27, 30, 34, 42, 50, 62, 63, 64,
71, 72, 73, 74, 75, 78, 80, 81, 83, 84, 85, 87, 89,
91
Merovingian39
middle ages 26, 39, 42, 55, 56, 57, 61, 67, 84, 90
monastery80, 83
monogamy81, 82

N

neo-Platonic44
New Testament45, 46, 48, 60, 61, 94
Nicomachean Ethics30, 32, 43, 44, 93
nuclear 10, 18, 40, 57, 80, 82, 84
Nuptias consensus27

O

Odysseus31
Old Testament45, 46, 48, 49
original sin48, 49, 52, 54, 56, 70

P

papyrus scrolls12, 28
paterfamilias 18, 19, 20, 21, 26, 27
Penélopê31, 32
perfectum tempus86
Plato30, 32, 43, 44, 95
Platonic43, 44, 48, 50, 53, 60, 61
pleasure32, 53
Pleasure53
Pliny29
Plutarch32, 95
polygamy39, 82
polyptychs64, 67, 71, 75
Priscillian51
procreation29, 45, 46, 51, 58, 82
proles, fides, sacramentum52
puer senex24

R

Radcliffe-Brown20, 98
Rechtsschule34
Roman 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 30, 34, 37, 40, 44, 62,
63, 65, 66, 67, 68, 69, 70, 75, 82, 86, 87, 90, 92,
93, 95, 96, 97, 98, 99
Roman Empire17, 27, 68
Rome 15, 16, 18, 19, 23, 25, 27, 28, 40, 64, 68, 86,
96, 97, 98, 99

S

saints24, 34

sex... 32, 38, 45, 46, 48, 49, 53, 54, 55, 56, 58, 59, 76,
78, 80, 88
sexual morality32, 45, 47, 53
sine instrumento.....70
slaves 18, 65, 67, 68, 69, 70, 84
sociology.....42, 74
Socrates43
Soranos of Ephesus.....29, 30, 95
spirit.....65
St. Germain.....67, 71, 74, 75, 76, 77, 97
statistical 23, 36, 64, 65, 67, 71, 75, 76, 77, 78, 81, 84
Stoicism47, 48, 99
Stoics47, 48
Suetonius72, 95
Symbolism.....26, 83, 96

T

tabula rasa.....64

Tacitus 21, 22, 23, 34, 36, 37, 39, 41, 95
Telemakhos.....31
Tertullian53, 54, 61, 88, 95
Thecla55
theologians.....30, 44, 48, 49, 51, 54
toga praetexta24
toga virilis.....24

V

Valerius44, 99
virgin53, 54, 55, 61
virginity . 31, 39, 46, 50, 52, 53, 54, 55, 56, 61, 87, 88

W

women .. 25, 26, 27, 29, 31, 32, 36, 37, 40, 45, 54, 55,
56, 57, 59, 76, 78, 80, 81, 82, 85, 87, 88