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Julie Ho Lely
Clackamas High School

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THE EXAMINATION OF INCONSISTENCIES AMONG THE MISCONCEPTION,
IDEOLOGY, AND REALITY OF THE PUNISHMENT OF MALE AND FEMALE
ADULTERERS THROUGH LETTERS AND COURT RECORDS

Julie Lely
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“Thy desire shall be to thy husband, and he shall rule over thee.”¹ The oppression of women has been present throughout history, from Genesis to the Nathaniel Hawthorne’s *The Scarlet Letter*, which has been incorporated in high school curriculum across the United States. As women were viewed as the weaker sex, males continued to prevail as the more dominant sex in history. Patriarchal societies reigned, male masculinity was encouraged, and men were seen as superior to women emotionally, physically, and intellectually. As a result, when examining subjects such as adultery in medieval times, the misogynistic roots of history would lead us to believe the existence of a double standard that favored males. Consequently, many scholars believe that female adulterers were punished more often than male adulterers; however, the examination of court records and letters from the Middle Ages reveal that despite the historical prevalence of misogyny and the church’s ideology of equal condemnation of male and female adulterers, in reality, male adulterers were punished more frequently than women.

Loosely speaking, adultery in medieval times pertained to extramarital relationships, or sex involving a married person and a person that was not their legal partner. In medieval Europe, it was common for the church to have jurisdiction over marital and sexual offenses.² Religious values and teachings were often intertwined with the punishment and perception of sexual offenses, and the church’s heavy involvement in these cases explains why most court records involving adultery are now found through church records instead of European authorities. Although it is difficult to compare how adultery was handled across Europe because of various

¹ Gen. 3:16 AV.

² Sara McDougall, "The Opposite of the Double Standard: Gender, Marriage, and Adultery Prosecution in Late Medieval France," *Journal of the History of Sexuality* 23, no. 2 (2014): 208.

cultural, political, and governmental differences, author Ruth Mazo Karras establishes that “because marriage and sexual behavior were under the jurisdiction of the church courts and because the ecclesiastical court system used the same set of legal rules across Europe,” we can analyze adultery in medieval times with more continuity and ease.³

Because of the gender disparities throughout history, some scholars support the misconception that female adulteresses were punished more frequently than male adulterers.⁴ Women were often depicted as evil, vulnerable, and weak human beings who were heavily dependent on their male counterparts, while the church perpetuated the inferiority of women through Bible verses such as “Wives, submit yourselves unto your own husbands, as unto the Lord.”⁵ Scholars assume that women would be prosecuted more often because women “represented the objects of desire, the source of disorder because men competed for them.”⁶

This misconception was further encouraged because most European laws reinforced the dominance of men, such as laws that restricted women from making decisions regarding their property.⁷ April Harper and Caroline Proctor, authors of *Medieval Sexuality: A Casebook*,

³ Ruth Mazo Karras, "The Regulation of Sexuality in the Late Middle Ages: England and France," *Speculum* 86, no. 4 (2011), 1039.

⁴ Kermit L. Hall, "Adultery." In *The Oxford Companion to American Law*: Oxford University Press, 2002.

⁵ Eph. 5:22 AV.

⁶ Carol Lansing. "Gender and Civic Authority: Sexual Control in a Medieval Italian Town." *Journal of Social History* 31, no. 1 (1997): 47.

⁷ Eva Cantarella, Jane F. Gardner, Janet S. Loengard, Judith E. Tucker, Flavia Agnes, and Serena Mayeri. "Women." In *The Oxford International Encyclopedia of Legal History* (Oxford University Press, 2009).

emphasize the negative implications for married women involved in adultery. The authors claim that “women were always more likely than men to be presented to courts for sexual offenses.”⁸ In addition to this statement, Harper and Proctor also included in their analysis that laws in medieval Lombard, Italy, “dealt with sexuality largely as an aspect of property law and so it is unsurprising that sexual relationships, which could result in children and subsequent property claims, were regarded as most in need of regulation.”⁹ Because women were highly associated with property and their ability to produce progeny who would eventually inherit land, the prosecution of female adulterers could benefit their husbands.¹⁰ Harper and Proctor inquire: “would a husband really try to bring about an adulterous liaison for his wife so she would be killed and he could get her property? This is obviously possible.”¹¹ With these ideologies and rules, some scholars believe that women were punished more than men in adultery cases.¹² As a result, it is not surprising that when evaluating the punishment of adultery, popular belief would guide us to the gender disparities dating back to history’s misogynistic roots. However, Sara McDougall, the author of *The Transformation of Adultery in France at the End of the Middle Ages*, refutes this claim by telling a story of a woman found guilty for adultery. The adultress was punished and lost all of her property; nevertheless, McDougall claims that the author of this

⁸ April Harper and Caroline Proctor, “Medieval Sexuality: A Casebook,” *Medieval Casebooks*, New York: Routledge, 2008: 21.

⁹ Harper and Proctor, “Medieval Sexuality,” 21.

¹⁰ Harper and Proctor, “Medieval Sexuality,” 21.

¹¹ Harper and Proctor, “Medieval Sexuality,” 21.

¹² Kermit L. Hall. "Adultery." In *The Oxford Companion to American Law*. : Oxford University Press,, 2002.

adulterous account “describe[s] behaviors not found in medieval France.”¹³ Consequently, the argument that women were punished more frequently than men in adulterous crimes exists as a misconception, rather than in reality.

Despite the misconception that adultresses were punished more frequently than adulterers, in reality, medieval letters repeatedly highlight the church’s tendency to punish both sexes equally. In a letter written in February 1203, a Roman man confesses to having an adulterous affair with his wife’s sister. The author of the letter then recommends a penance that the Prior of Osney—the recipient of the letter—deems appropriate.¹⁴ Moreover, the author of the letter recommends that “her husband may and ought render the conjugal debt to her with the fear of the Lord” and “the wife should not be deprived of her right without her fault.”¹⁵ The bishop made it clear that this crime must “not to injure her since she was not a participant in the iniquity.”¹⁶ Essentially, the adulterer became in debt to his wife with her rights intact. This is an example of how the church was not unreasonably prejudiced to women despite the ideologies that underlined the gender disparities. This case also gives us insight as to why adultery was such a serious case in medieval times. According to the letter, the sister became pregnant with twins, which caused their neighbors to become aware of this sexual offense. As mentioned earlier, adulterous relationships could result in unwanted progeny and illegitimate children, which

¹³ Sara McDougall, “The Transformation of Adultery in France,” 493.

¹⁴ Paul Halsall, “Medieval Sourcebook: Innocent III: Letters on Marriage, and Women” Internet History Sourcebooks Project, 1998.
<https://sourcebooks.fordham.edu/source/innIII-marriagewomen.asp>

¹⁵ Paul Halsall, *Internet History Sourcebooks Project*.

¹⁶ Paul Halsall, *Internet History Sourcebooks Project*.

explains why adultery was viewed as a “serious transgression in most societies across the world.”¹⁷ Consequently, adulterous cases were not dealt with lightly, and the churches did not discriminate between the sexes of the adulterers.

Moreover, the church was known for emphasizing equal punishment for adulterers, regardless of sex. Bishop Hugh of Carlisle from the Roman church sent a letter to his archdeacon regarding potential adulterers in his archdeaconry. In the letter, the bishop states, “So take care of it in such a way that we and you do not become like them through inaction, for it is true that those who condone [evil] and those who do it ought to receive the same punishment.”¹⁸ The Bishop declared that anyone who is an adulterer, or who is aware of an offense but takes no action, should be punished. In no way does this letter exemplify any sense of bias toward any sex because he explicitly states that anyone, male or female, must be punished if they commit any type of evil. The Bishop emphasizes that if adulterers are not punished, they “will be able to corrupt the entire diocese, just as a small amount of yeast permeates the whole lump of dough.”¹⁹ The Bishop did not single out any sex, but instead viewed adulterers in general as corrupt; the church was indiscriminate of sex when it came to adulterers.

Regardless of sex, the church claimed that all adulterers would be punished equally since it denounced any form of evil practiced by any sex. Additionally, the Christian religion “viewed

¹⁷ David M. Turner. "Adultery." In *The Oxford Encyclopedia of Women in World History*: Oxford University Press, 2008.

¹⁸ Martha Carlin, David Crouch, and Project Muse. *Lost Letters of Medieval Life: English Society, 1200-1250*. 1st ed. Middle Ages Series. (Philadelphia: University of Pennsylvania Press, 2013), 225-226.

¹⁹ Martha Carlin, David Crouch, and Project Muse, *Middle Ages Series*.

adultery more as a spiritual failure than as a public crime.”²⁰ Because these cases were dealt with by church courts, the act of adultery was seen as sinful, evil, and unfaithful. The frequent appearance of religious concepts, such as “sin” or “evil,” in letters regarding sexual offenses illustrates the church’s influence on adulterous cases and emphasizes how these religious concepts affect both men and women. *Jurors, Respectable Masculinity, and Christian Morality: A Comment on Marjorie McIntosh’s Controlling Misbehavior* by Shannon McSheffrey further highlights the heavy influence of religion on law and persecution. McSheffrey refers to London officials and how they “frequently used religious language to describe their objections to sexual misconduct.”²¹ As a result, when London officials caught adulterers, records showed a mix of religious rhetoric—such as “all mighty god”—and secular language.²² McSheffrey further concludes that “the willingness of the leaders of London...to pursue the matters that theoretically pertained to the ecclesiastical jurisdiction but also to use explicitly religious rhetoric” implies that their moral and religious responsibilities were intertwined.²³ The frequent use of religious rhetoric further strengthens the idea that the majority of London churches had jurisdiction over sexual offenses and that the power of religion extended to the process of punishing adulterers as well as the convictions of medieval society. The church's significant influence on adultery cases

²⁰ Turner, *The Oxford Encyclopedia of Women in World History*.

²¹ Shannon McSheffrey, "Jurors, Respectable Masculinity, and Christian Morality: A Comment on Marjorie McIntosh's Controlling Misbehavior," *Journal of British Studies* 37, no. 3 (1998): 274, <http://www.jstor.org.proxy.lib.pdx.edu/stable/175820>.

²² Shannon McSheffrey, "Jurors, Respectable Masculinity, and Christian Morality," 274.

²³ Shannon McSheffrey, "Jurors, Respectable Masculinity, and Christian Morality," 274.

further stresses the power they had to enforce the idea of equal punishment to all sinners, regardless of sex.

Likewise, the following letter depicts the Roman Church's intent to pursue two adulterers, announcing that "John and Beatrice are known to be living in your parts, you should please have them and those communicating with them publicly denounced as excommunicate and most strictly avoided by everyone, until they return, blushing with shame, to the bosom of Holy Mother Church and earn the right the benefit of absolution from us."²⁴ In the letter, the two adulterers on the run are sentenced to public shame until they turn themselves in to the Church for further instruction and punishment.²⁵ This letter gives no indication of unequal punishments between the male and female adulterer and provides insight on the mechanisms of punishment, which included public shaming. Furthermore, some scholars emphasize that the late medieval English Church authorities punished anyone for adultery; from goldsmiths to beggars, "officials prosecuted men and women at fairly equal rates."²⁶ In addition, the combination of Canon Law and the ideologies of Christianity "defies current scholarly expectations for the gendered punishment of adultery"²⁷ because Canon Law also promoted the punishment of male and female

²⁴ Paul Halsall, "Medieval Sourcebook: Church Courts Pursue Adulterers, 1289" in *Internet History Sourcebooks Project*, 1998.
<https://sourcebooks.fordham.edu/source/hyams-xcourts.asp>

²⁵ Paul Halsall, *Internet History Sourcebooks Project*.

²⁶ Caroline Dunn, "Stolen Women in Medieval England: Rape, Abduction and Adultery 1100-1500," *Cambridge Studies in Medieval Life and Thought*; 4th Ser., 87. Cambridge: Cambridge University Press, 2013: 120.

²⁷ Sara McDougall, "The Transformation of Adultery in France," 493.

adulterers equally; it included laws that also protected women.²⁸ Overall, letters and law have continued to highlight the influence of the church and how they enforced punishing both sexes equally in adultery cases. Between the misconception that female adulterers were punished more frequently than male adulterers and the church's ideology that male and female adulterers must be punished equally, the reality of these punishments shows a radically different outcome.

Although the church promoted equal punishment of adulterers regardless of sex, in practice, men were more frequently punished than women. The first cases analyzed above centered on the male adulterer, but statistics from court records and European laws have further supported the increased punishment of male adulterers over female adulterers. Statistics have shown that in northern France, men were fined five times as often as women for adultery and that females "are almost absent from the legal records...The man-woman ratio of the convicted persons is about 80/20 in all the judicial sources of these towns or other institutions."²⁹ Giles of Rome's *De Regimine Principum* emphasized "how all citizens, particularly kings and princes, should manage their wives."³⁰ Likewise, the Coventry Leet, 1492 included that "eny man of worship within pis Citie...sclandred in the synnes of...ffornicacion" should be "eloynd from all worship & goode companye."³¹ In other words, this belief implied that men in power who were

²⁸ Carol Lansing. "Gender and Civic Authority: Sexual Control in a Medieval Italian Town." *Journal of Social History* 31, no. 1 (1997): 47.

²⁹ Sara McDougall, "The Opposite of the Double Standard," 208.

³⁰ D. Fowler, C. Briggs, and P. Remley, ed, *The Governance of Kings and Princes: John Trevisa's Middle English translation of the De Regimine Principum of Aegidius Romanus*, New York: Garland Publishing, 1997, 159.

³¹ Mary Dormer Harris, *The Coventry Leet Book : Or Mayor's Register, Containing the Records of the City Court Leet or View of Frankpledge, A.D. 1420-1555, with Divers Other Matters*. Early English Text Society. Publications. Original Series ; Nos. 134, 135, 138, 146.

guilty of any sexual misconduct, such as adultery or fornication, instantly lost their honor. These laws and beliefs in medieval Europe only perpetuated that men, who were always in power over women, had to suppress their sexual urges in order to protect their honor and maintain their title as the more responsible sex. In *Medieval Masculinities: Regarding Men in the Middle Ages*, the authors describe the origin of masculinity and Aristotle's belief that "men were not only intellectually superior to women but morally superior as well."³² Additionally, the philosopher Philo believed that men represented the more rational parts of the body: the soul. As a result of these beliefs, the authors established that the origins of masculinity still applied to medieval times, and these "anatomical and physiological assumptions...established strict roles for each sex."³³ Men were held to a very high standard, and if these expectations were not met, they would be humiliated and labeled as feminine, which could be seen as a weakness.³⁴

Giles of Rome's *De Regimine Principum*, Coventry Leet, 1492, and the analysis of masculinity serve as an important foundation to understanding the possible causes of the heavy punishment of male adulterers compared to female adulterers. The association of masculinity with intellectual and physical superiority only accentuates the strict expectations held on men, and this approach gives us a clear idea about why men would be punished more frequently: a male's inability to control his wife would only push society to shame him and punish him for his

London : [London] and New York: K. Paul, Trench, Trübner; H. Milford, (Oxford University Press, for the Early English Text Society, 1907), 545.

³² Jo Ann McNamara et al., "Medieval Masculinities Regarding Men in the Middle Ages," *Medieval Cultures*. Minneapolis: University of Minnesota Press, 1994: 34.

³³ McNamara et al., "Medieval Masculinities," 36.

³⁴ McNamara et al., "Medieval Masculinities," 36.

lack of control. The authors' analysis allows us to grasp the importance of masculinity and how strict gender norms can put males at a disadvantage in regards to the punishment of adulterers. Consequently, men were held to a higher standard than women, and the failure to maintain this standard would result in punishment. Thus, this may have caused the punishment of male adulterers to be more common than the punishment of female adulterers.

Various court cases and letters regarding adultery from the Middle Ages have showed that men were punished more frequently than women, despite the misconception that female adulterers were punished more frequently than men and the church's ideology of equal condemnation of both male and female adulterers. Given the patriarchal society that was meant to favor men and the church's seemingly unbiased viewpoint when it came to punishing adulterers of both genders, the fact that men were punished more frequently than women in adultery cases slipped through the cracks of history. In order to understand why male adulterers were punished more frequently than female adulterers, scholars must explore the motives of exposing adulterous relationships. Investigating the occurrences of public humiliation, the value of inheritance, and masculinity in medieval times may further clarify the unexpected prosecution rates between male and female adulterers. Additionally, exploring the discrepancies between the church's condemnation of adulterous accounts and the failure to equally punish both sexes may help scholars better understand why the church's ideology failed to be implemented in practice, despite their jurisdiction over adultery cases. Overall, the study of the unexpected double standard that pushed male adulterers to be punished more frequently than female adulterers emphasizes the importance of a holistic approach in which multiple disciplines and perspectives must be acknowledged when studying certain subjects.

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