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When Two Become One: Sacramental Woes And Theological Anxiety In Medieval Representations Of Marriage

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Abstract

This dissertation traces the long, winding, and problematic road along which marriage became a sacrament of the Church. In so doing, it identifies several key problems with marriage's ability to fulfill the sacramental criteria laid out in Peter Lombard's Sentences: that a sacrament must signify a specific form of divine grace, and that it must directly bring about the grace that it signifies. While, on the basis of Ephesians 5, theologians had no problem identifying the symbolic power of marriage with the spiritual union of Christ and the Church, they never fully succeeded in locating a form of effective grace, placing immense stress upon marriage's status as a signifier. As a result, theologians and canonists found themselves unable to deal with several social aspects of marriage that threatened this symbolic capacity, namely concubinage and the remarriage of widows and widowers. For, just as concubinage possessed the dangerous ability to signify the one-to-one unity of Christ and the Church (and the pressure for exact symbolic conformity prevented theologians from imposing a formal marriage ceremony distinguishing the two), second marriages threatened to off-set the sacrament's precarious numeric balance, wherein Christ and his heavenly bride are forever joined as two unique but entirely unified entities.

This dissertation also contends that awareness of these problems was embedded in the larger medieval discourse about matrimony, and can be detected in literary depictions of marriage, marriage-making, and quasi-marital situations. It thus explores attitudes towards marriage in several prevalent literary genres, with an eye towards how each genre handles the sacramental problems outlined above. While these literary treatments are all perceptibly impacted by the lacunae within sacramental discourse, they each display this impact in specific ways, depending upon social context and wider generic features and customs. In highlighting this discursive interplay, this dissertation finally seeks to illuminate the sense in which what we think of as "marriage" is a highly constructed conceptual entity, the result of much conversation, contention, and invention.

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WHEN TWO BECOME ONE:
SACRAMENTAL WOES AND THEOLOGICAL ANXIETY IN MEDIEVAL
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Elizabeth Churchill

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In memory of Dr. Lana Schwebel

1971-2007

Manibus date crustis plenis

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ABSTRACT

WHEN TWO BECOME ONE: SACRAMENTAL WOES AND THEOLOGICAL ANXIETY IN MEDIEVAL REPRESENTATIONS OF MARRIAGE

Elizabeth Churchill

E. Ann Matter

This dissertation traces the long, winding, and problematic road along which marriage became a sacrament of the Church. In so doing, it identifies several key problems with marriage's ability to fulfill the sacramental criteria laid out in Peter Lombard's *Sentences*: that a sacrament must signify a specific form of divine grace, and that it must directly bring about the grace that it signifies. While, on the basis of Ephesians 5, theologians had no problem identifying the symbolic power of marriage with the spiritual union of Christ and the Church, they never fully succeeded in locating a form of effective grace, placing immense stress upon marriage's status as a signifier. As a result, theologians and canonists found themselves unable to deal with several social aspects of marriage that threatened this symbolic capacity, namely concubinage and the remarriage of widows and widowers. For, just as concubinage possessed the dangerous ability to signify the one-to-one unity of Christ and the Church (and the pressure for exact symbolic conformity prevented theologians from imposing a formal marriage ceremony distinguishing the two), second marriages threatened to off-set the sacrament's precarious numeric balance, wherein Christ and his heavenly bride are forever joined as two unique but entirely unified entities.

This dissertation also contends that awareness of these problems was embedded in the larger medieval discourse about matrimony, and can be detected in literary depictions of marriage, marriage-making, and quasi-marital situations. It thus explores attitudes towards marriage in several prevalent literary genres, with an eye towards how each genre handles the sacramental problems outlined above. While these literary treatments are all perceptibly impacted by the lacunae within sacramental discourse, they each display this impact in specific ways, depending upon social context and wider generic features and customs. In highlighting this discursive interplay, this dissertation finally seeks to illuminate the sense in which what we think of as "marriage" is a highly constructed conceptual entity, the result of much conversation, contention, and invention.

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INTRODUCTION

“To her lord, or rather father; to her husband, or rather brother; from his handmaid, or rather daughter; from his wife, or rather sister: to Abelard, Heloise.”¹

In addressing her first letter to Abelard, Heloise presents him with both a challenge and a personal history lesson, unspooling the various contradictory roles they have accrued throughout their long and circuitous relationship. Her “brother” in the Christian vocation to which they have mutually pledged themselves, he is also her spiritual “father” via his founding of the convent in which she now serves as Prioress. And while this latter position might also account for his status as her “Lord,” it is also owing to another lingering tie which Heloise is particularly anxious he remember: their furtive, pre-conversion marriage, which has rendered him always and forever her “husband.”

Abelard, for his part, responds by tapering this list of personal entanglements from three to one, reducing Heloise to simply his “dearly beloved sister in Christ.”² Their marriage, their famous affair, the complicated power dynamics that have shaped their shared narrative: all of this, for Abelard, has been nullified by their religious vows, through which he hopes to save both his reputation and his soul. From his perspective, Heloise has ceased to be his bride the moment she became a “bride of Christ,” a point he makes clear in the salutation of his final “personal letter.”³ Yet, in a sense, it is Heloise who manages to have the last word in this dizzying negotiation, addressing her third letter with an ironclad, irrefutable summary of their relationship: “To her only one after Christ,

¹ *Domino suo, imo patri; conjugii suo, imo fratri; ancilla sua, imo filia; ipsius uxor, imo soror: Abaelardo, Heloissa.* Abelard and Heloise, *Epistolae, Patrologia Latina* 178, col 181. All English translations taken from *The Letters of Abelard and Heloise*, trans. Betty Radice (New York: Penguin, 1974).

² *Heloissae dilectissimae sorori suae in Christo, Abelardus frater eius in ipso.* PL 178, col 187; Radice, 56.

³ *Sponsae Christi servus ejusdem.* PL 178, col. 139.

from his only one in Christ.”⁴ For, while Christ is certainly the common denominator in their newfound religious bond, so too is he abundantly present in their ties as man and wife, given the sacramental principle that “husbands are to love their wives just as Christ loves the Church.”⁵

At the heart of this correspondence is one of the most contentious social and theological questions of their day: what it meant for two people to be married to each other.⁶ Like their contemporaries, both Abelard and Heloise arrive at strikingly divergent answers to this question, creating a set of competing perspectives that are neither internally coherent nor mutually exclusive. For Abelard, matrimony was a source of both legitimacy and public shame, rectifying the disgrace of Heloise’s out-of-wedlock pregnancy while simultaneously destroying his chances as a public scholar.⁷ On a deeper level, it was also a double-edged spiritual sword, expiating the sin associated with the “wretched pleasures” he enjoyed with Heloise just as it gave these pleasures dangerously free reign over his soul.⁸

Heloise, who shares Abelard’s concerns about the public aspect of their marriage, is famously far more apprehensive about the “chains” that public matrimony would place

⁴ *Unico suo post Christum unica sua in Christo*. PL 178, col 191; Radice, 63.

⁵ Ephesians 5:25.

⁶ The zeitgeist quality of Abelard and Heloise’s letters, and their tendency to take up what seem to be stock roles culled from contemporary discourse, lead to a longstanding debate about whether their correspondence was real, or whether Heloise herself was a real person. These doubts were largely put to rest with Peter Dronke’s seminal article “Abelard and Heloise in Medieval Testimonies,” and are in fact irrelevant to my argument, as it is the very contextual nature of their perspectives which I wish to emphasize.

⁷ As a cleric in minor orders, Abelard was expected, though not required, to remain unmarried. Both he and Heloise discuss this problem at length in a conversation he relates in his *Historia Calamitatum*; Heloise confirms, though slightly amends, this version of events in her first letter to Abelard.

⁸ Throughout his letters, Abelard draws strikingly little distinction between his and Heloise’s pre-and-post marital sexual encounters, describing them universally as base and sinful. The reference cited above is drawn from a particularly brutal moment in his second letter to Heloise: “I took my fill of my wretched pleasures in you, and this was the sum total of my love.” Abelard, Epist. 5; Radice 85.

on her freely-given love, particularly through its introduction of material and financial affairs.⁹ And yet, while she too purports to feel shame for the lusts they indulged together, it is these very chains that provide a substitute for the physical union she and Abelard can no longer enjoy, binding them together as her lingering desires persist unsatisfied and unrequited. For Heloise, their conjugal ties exist above and beyond the existence of Abelard's genitalia, a view potentially due to the fact that she imagines their marriage in a way that Abelard never does: as a sacrament.¹⁰ It is this bond, and its implication of indissoluble person-to-person unity, that underlies her salutation to Abelard at the start of her second letter, in which they are "unico" and "unica" to each other. It is also, however, the source of this statement's central asymmetry, for while their marriage bond has rendered them "unicus/ unica in Christo," Abelard is now also rendered "unicus post Christo," via the subsequent "marriage" of Heloise's religious vows.

If both Abelard and Heloise struggle to resolve these ambiguities, it is perhaps because, in the hazy theological atmosphere surrounding their letters, there were no easy answers to be found. Writing some forty years after the attempted divorce and temporary excommunication of Philip I, during which the Church strove to assert its claims over marriage as a sacred union, Abelard and Heloise were still a decade shy of Peter Lombard's definitive declaration of marital sacramentality, in which marriage became

⁹ In her first letter, Heloise plaintively assures Abelard that she sought "only you, nothing of yours," deriding women who, in seeking a husband of means, offer themselves "for sale." She also revises Abelard's version of her reasons for rejecting marriage, explaining that one of her main reasons for doing so was her preference of "freedom over chains."

¹⁰ Heloise is the only one to refer to their marriage as a sacrament, and does so only once: "*Cui quidem tanto te majore debito noveris obligatum, quanto te amplius nuptialis foedere sacramenti constat esse astrictum.*" PL 178, col 184.

one of the seven holy entities which are “so great a sign of the grace of God and the form of invisible grace, that it bears its image and exists as its cause.”¹¹ It would be still more than a century before Thomas Aquinas would step in to provide a clear explanation of how the sacrament of marriage fits into this formula—that is, what exactly it signifies, and how it “causes” this particular form of grace. Alongside the increasingly technical work of theologians, of course, were the more practical efforts of canon lawyers, who sought to outfit this numinous symbolism with a socially realistic and enforceable legal definition. Lombard and Aquinas’s marital sacrament was thus eventually buttressed by Alexander III’s canonical marriage requirements, stipulating that marriage was formed and solidified (just as, in theology, the conjugal sacrament was signified) by the verbal consent of the married couple. Writing at the inception of all this, Abelard and Heloise embodied many of the questions that canonists and theologians had yet to answer, as well as those that would haunt marital theory for centuries to come.

This dissertation explores one of the fundamental problems at the core of Medieval conjugal theology; namely, how the symbolic intricacies of the marital sacrament are squared with marriage as a human social institution. In particular, it traces the struggle to mould marriage within the ever more specific conditions for full sacramentality, wherein a sacrament must not only signify a specific grace imparted by the New Law, but also actively bestow this grace on the believer. While marriage enjoyed an almost automatic position among Lombard’s eventual septenary list (owing

¹¹ *Sacramentum enim signum est sacrae rei: Quid igitur hic signum est, et quae est res sacra huius signi. Sententiae* 4 D 22 c 2 CCSL-A. King Philip I’s attempt (in 1094) to divorce his wife and marry his mistress is cited by George Duby as one of the first and most important clashes of the “ecclesiastical” and “aristocratic” models of marriage, particularly due to the vociferous objections to this divorce by Ivo of Chartres. Georges Duby, *Medieval marriage: Two models from twelfth-century France*, trans Elborg Foster (Baltimore: Johns Hopkins University Press, 1991).

to its designation as such by both Paul and Augustine) it was never entirely clear how it met his definition, particularly the need to impart the grace that it signifies. Everyone agreed (from the time of Tertullian) that marriage signified the spiritual nuptials of Christ and the Church, it was near impossible to specify how the joining of two human beings could bring about this spiritual truth. Even after the question was “settled” by Aquinas, who more or less equated matrimony’s salvific power with its remission of sexual sin, doubts persisted as to whether such grace was equal to that of the other sacraments, thus casting doubt on marriage’s sacramental status as well.

The net result of these misgivings was that they placed enormous pressure on matrimony’s signifying power, which was in itself not unproblematic. Simply put, if marriage represents the union of Christ and the Church, it should be both indissoluble and unrepeatable, sustained by the very love and fidelity that emanates *sui generis* from both partners. This is challenging in that, first, it would seem to invalidate the remarriage of widows and widowers, a practice that was specifically sanctioned by Paul on two separate occasions. Second, linking marriage to the self-sustaining Christ-Church union left no room for a mandatory marriage ceremony, rendering holy matrimony effectively indistinguishable from concubinage. So central are these issues that they underlie the precipitous marital negotiations of Abelard and Heloise. It is, indeed, Abelard’s attempt to cast Heloise as a “holy widow” that constitutes one of the main points of their dispute, as he echoes the traditional Christian exhortation to subsume her dangerously awakened sexuality in a “new marriage” to Christ. It is Heloise, however, who points out the numerical precariousness of this image, for once *unicus* and *unica* have become split, there is always the destabilizing possibility of a *post*—the dangerous potential for an

unwieldy third party, even if this third party happens to be Christ. And it is of course also Heloise who famously raises the conceivably greater holiness of unofficial partnerships, both due to the unavoidable connection between marriage and money and the more freely-given quality of unmarried love. This evaluation drives both her brash statement that she would prefer being Abelard's "concubine or whore" to his wife, as well as her extremely evocative claim that, while Abelard is bound to her by the sacrament of marriage (such as it existed at the time), they are all the more deeply bound by virtue of "the love I have always borne you...a love which is beyond all bounds."¹²

The anxiety produced by these discrepancies was palpable, and perceptible outside of theological circles. This dissertation also examines the various ways in which the problems of marital sacramentality (and the theological angst that accompanied them) seeped into other forms of discourse, particularly literature and law. Canon lawyers, tasked with establishing marriage's sacred status on a social and legal level, became the direct inheritors of these theoretical quandaries, which concretely affected how they chose to legislate conjugal life. Due to the theological impossibility of mandating a wedding ceremony, canonists were forced to accept spoken consent as the sole requirement for marital validity, forcing them into an uneasy confrontation with the issues of concubinage, abandonment, and bigamy. The problem of widowhood also fell largely to canonists, who labored to find a place for theology's deeply ambivalent attitude towards second nuptials.

¹² "*Et eo te magis mihi obnoxium, quo te semper, ut omnibus patet, immoderato amore complexa sum.*" PL 178, col. 184; Radice 50.

Combined, these two centers of anxiety deeply impacted the way marriage was portrayed in literature, particularly portrayals of widowhood and concubinage. The theological equivocation on these topics provided the backdrop against which marital plotlines played out, with authors utilizing this material as their genre, subject matter, and personal perspective dictated. Almost invariably, these individual depictions can be linked with a larger attitude (either individual or contextual) towards marriage or the Church establishment in general. What to do with a widow, or an ambiguously-partnered “wife,” will largely depend on what an author wishes to say about the ecclesiastical atmosphere that created her, and the extent to which he or she wishes to expose the theological fault lines at the core of her religious identity. Hence the abrupt death of Roland’s Aude, before she can so much as hint at destabilizing the sacramental construction (and corresponding ideological system) that the author clearly seeks to protect. Hence too the endless gallivanting (and eventual remarriage) of Gautier le Leu’s bawdy *veuve*, whose grotesque incarnation of theological anxieties perfectly exemplified Gautier’s general tendency towards religious parody.

Exploring these topics also requires dialoguing with several “big picture” theoretical issues: gender, genre, and the perambulatory nature of discourse. In treating the latter, I am guided by Foucault’s notion of “discursive polyvalence,” wherein the spread of a particular idea is envisioned as “a complex and unstable process, whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy.”¹³ In

¹³ Michel Foucault *The History of Sexuality*, v. 2, trans. Robert Hurley (New York: Vintage Books, 1990), 100

this way, the sacramental structure of marriage becomes both an agent of the Church's ideological dominance and a threat to its ideological coherence, reflecting the cracks in general sacramental logic which corollary discourse is constantly threatening to break apart. I view marital sacramentality, then, not only as a specific collection of ideas developed by Augustine, Peter Lombard, and others, but as one of Foucault's "comprehensible systems," wherein "the logic is perfectly clear, the aims decipherable, and yet it is often the case that no one is there to have invented them, and few who can be said to have formulated them."¹⁴ This is not to say, of course, that specific authors cannot be cited in the development of conjugal sacramentality, or that specific points of intertextuality cannot be located between theological, legal, and literary texts. It does mean that, in analyzing the connection between these discursive modes, I am less interested in locating these particular overlaps than I am in charting the development of more global interactions and responses, whereby different textual agendas appraise and deconstruct each other.

Another major implication of this approach to discourse is that my focus will be limited to the world of words, with human the realities of married life left to the various historians whose work is cited throughout the proceeding chapters. The past five years have seen the publication of several thorough and insightful studies of the social margins of medieval marriage, such as Ruth Karras's study of Parisian concubines or Sara McDougall's look at the widespread connection between clandestine marriage and

¹³ Ibid, 95.

bigamy.¹⁵ My aim is to contribute to this field by illuminating the ideological climate that accompanied these societal conditions, and by demonstrating how these ideas migrated from one textual milieu to another. In so doing, I am guided by the belief that the history of representation constitutes a revealing and necessary brand of history, and that, with Kathryn Gravdal, “we must examine the crucial connection between a historical institution and its literary depiction” in order to fully understand that institution.¹⁶

My engagement with the remaining two “big ideas,” gender and genre, is greatly simplified by the fact that they are widely recognized to be linked. I take Simon Gaunt’s point that medieval genre groupings are generally “predicated on distinct ideologies...[that] may only be fully elucidated by studying the way mediates the sex/gender system of its culture.”¹⁷ As one of the primary ways of mediating gender and sexuality, marriage obviously figures prominently in medieval genre politics, largely because of the enduring Christian tendency of (to borrow a phrase from Elizabeth Clark) “using women as tools to think with.”¹⁸ Thus, the various problems within sacramental theology are generally discussed in terms of the women who will “cause” them, meaning that women remain the focus in literary depictions of these issues. These considerations have greatly aided me in navigating the highly contentious realm of medieval gender

¹⁵ Ruth Mazo Karras, *Unmarriages: Men, Women, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012); Sara McDougall, *Bigamy and Christian Identity in Late Medieval Champagne* (Philadelphia: University of Pennsylvania Press, 2013).

¹⁶ Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia: University of Pennsylvania Press, 1991), 15.

¹⁷ Simon Gaunt, *Gender and Genre in Medieval French Literature* (Cambridge University Press, 1995), 17.

¹⁸ Elizabeth Clarke, “Thinking with Women: The Appeal to ‘Woman in Pre-Nicene Christian Propaganda Literature,” in *The Spread of Christianity in the First Four Centuries: Essays in Explanation*, ed. W.V. Harris (Leiden: Brill, 2005), 43-52.

studies, particularly with regard to the suspiciously nineteenth-century parameters assigned to courtly romance and *chanson de geste*. Thus, while my last two chapters are structured according to traditional literary genre groupings, I have treated these groups as cohesive only to the extent each one displays a generally unified attitude towards women and marriage—which, as Gaunt theorizes, they largely do.

My exploration of this topic is divided into two broad sections, the first analyzing the way these problems arise in theology and law, the second examining how they are incorporated and depicted in literature. In Chapter One, I trace the inception of the conjugal sacrament throughout Patristic thought, from the shadowy allusions of Paul to its inclusion in Augustine’s tripartite “marriage goods.” In so doing, I emphasize the fundamental—and surprisingly controversial—contributions of Tertullian, whose conception of marriage as a human reflection of the Christ-Church union both locked theologians into a numerically inflexible one-to-one ratio, and left them with an enduring (and unwelcome) remnant of his quasi-heretical rejection of second marriages.

Chapters Two and Three demonstrate how theologians struggled to cope with the lacunae of their Patristic inheritance, and how these struggles directly precipitated problems of marital legislation. Special attention is paid to the insurmountable challenges posed by evolving notion of effective grace, and how theologians’ solutions to these obstacles were often at odds with the legislative needs of canonists and courts. These chapters also locate specific moments of anxiety and awareness, wherein Church writers confront their collective inability to square the conjugal sacrament.

The extreme complexity of this process—whereby marriage was declared sacramental, and whereby this sacramentality was incorporated into law—is attested by

the recent thousand-page tome of Philip Reynolds, published in June of this year. Surveying the myriad twists and turns of marriage's sacramental journey from Augustine to the Council of Trent (1463), Reynolds laments "I realized even before I started writing this book that it would have to be very long," a sentiment with which this dissertator most certainly sympathizes.¹⁹ While the intricate detail of Reynolds' account certainly is not replicated here (partially so that these theological perspectives may be made to share space with their literary counterparts), I do hope to add to his endeavors by emphasizing two crucial points which he does not: the importance of Tertullian's contribution to marriage's sacramental narrative, and the intense pressure placed on the conjugal signifier due to matrimony's dubious ability to confer grace.

Chapters Four and Five are devoted to the literary perspective on these theological "marriage problems," with the focus divided between texts where marriage is an agent of pathos and those where it is an agent of laughter. In Chapter Four, I examine genres in which marriage plays out as either a backdrop or a corollary to military life; coarsely put, where marriage is portrayed within the implied constraints of feudalism. Thus, my analysis of these texts identifies points of dialogue with various theological incongruities (which they generally choose to either conceal or expose) as well as their reaction to aristocratic marital norms, which also formed a main point of contention within canon law. This chapter focuses on three primary groups of texts. I begin by discussing cases of marriage, betrothal, and domestic life in the Old French *chansons de geste*, epic poems composed between 1100 and 1150 recounting the great military exploits of the

¹⁹ Philip Reynolds, *How Marriage Became One of the Sacraments* (Cambridge: Cambridge University Press, 2016), xxv.

Carolingian aristocracy. While the importance of women and marriage in this genre has been traditionally underestimated, its deep engagement with Christian doctrine has not, as these texts have long been considered to bear some connection, formal or informal, to the ecclesiastical establishment.²⁰

Next, I explore the relationship between marriage and love in twelfth and thirteenth century *romans*, encompassing the concept traditionally referred to as “courtly love.” While this label is avoided due to various critical concerns—namely, that the qualities and criteria assigned to “courtliness” can be seen directly to emanate from the nineteenth-century scholarly culture that created them—these texts are nonetheless perceptibly linked by elements of shared tone and subject matter, in particular the foregrounding of love within a military and political environment, and a tendency to portray love as an overpowering, all-consuming experience.²¹

Finally, this chapter investigates some of medieval literature’s most eccentric meditations on love and fidelity: the quasi-marital adventures of Troilus and Criseyde, as recounted by Boccaccio and Chaucer. Drawn from a sparse, several-line account within Benoît de Saint-Maure’s *Roman de Troie* (1165), these two expanded accounts test the boundaries of the Christian matrimony vis-à-vis non-marital partnerships, positioned along the safely non-Christian sidelines of a re-imagined Homeric Troy.

²⁰ This notion has been under discussion since the early 20th century, when Joseph Bédier raised the possibility of chansons de geste being composed to accompany and explain various pilgrimage sites. See . Joseph Bédier, *Les Légendes épiques. Recherches sur la formation des chansons de geste*, 4 vol. (Paris: Champion, 1908-1913) and Michel Zink, *Introduction à la littérature française du Moyen Âge* (Paris: Librairie Générale Française, 1993), 39-43

²¹ For nineteenth-century origins of “courtliness” see David Hult, "Gaston Paris and the Invention of Courtly Love." *Medievalism and the Modernist Temper*, ed. R. Howard Bloch and Stephen G. Nichols (Baltimore: Johns Hopkins University Press, 1996), 192-224.

Chapter Five takes up these questions in relation to various genres of comic literature, where the setting tends to emphasize domestic as opposed to dynastic family matters. Here, I explore various registers of literary parody, wherein the cracks in marriage's sacramental foundation are exposed (and possibly even widened) to varying degrees. My point of departure is a survey of the Old French *fabliaux*, a set of naughty comic verse tales popular between the mid-twelfth and mid-fourteenth centuries. Bawdy, scatological, and often hyperbolically sexual, these *contes à rire*²² frequently take for their setting the homes and bedrooms of ordinary men and women, exhibiting a focus on the material details of everyday life that has frequently been taken for historical realism.²³ While I make no claims about the historicity of the *fabliaux*, I do take them to be an invaluable source for popular attitudes towards marriage and domestic life, in particular the various complicated sexual scenarios that theology and canon law were far more reluctant to discuss.

From here I address the peculiar genre of anti-marital or “misogamous” literature, defined by Kathrina M. Wilson and Elizabeth M. Malowski as tracts “written by and for male readers...for the purpose of dissuading [young men] from matrimony.”²⁴ Such texts are of particular interest because they are largely presented from an explicitly clerical perspective, hence providing an obvious zone of contact for church attitudes towards

²² A phrase borrowed from Philippe Ménard's famous definition of the *fabliaux* as texts that existed primarily to elicit laughter. Philippe Ménard, *Les Fabliaux: contes à rire du moyen âge* (Paris: Presses Universitaires de la France, 1983).

²³ This assessment of the *fabliaux* as a mirror for medieval social history was developed by Marie-Thérèse Lorcin in *Façons de sentir et de penser. Les fabliaux français* (Paris: Champion, 1979). For other iterations of this theory see Charles Muscatine, *The Old French Fabliaux* (New Haven: Yale University Press, 1986), 160-5.

²⁴ Kathrina M. Wilson and Elizabeth M. Makowski, *Wykked Wyves and the Woes of Marriage* (Albany: State University of New York Press, 1990), 1.

marriage. My focus, however, remains on a sub-group within this genre that portrays these issues from a humorous or even satirical point of view, complicating their relationship to Christian marital dogma and creating the possibility for commentary or critique.

I end this chapter by discussing depictions of marriage in later medieval story compilations, in particular the *Decameron*, the *Canterbury Tales*, and the *Cent Nouvelles Nouvelles*. This includes, of course, a lengthy meditation on medieval literature's most famous wife, Chaucer's Wife of Bath, whose account of her many marriages is explored both on its own terms and in accordance with its place within Chaucer's larger text. It is my contention that this sort of intertextual dialogue is one of the defining features of the portrayal of marriage offered by these compilations, creating a varied, cacophonous picture of matrimony reflecting the range of inconsistencies and complications making their way into the court system.

This project, finally, has been completed in the midst of a particularly fascinating and turbulent moment in the long history of Western marriage, during which America and various other Western democracies have chosen to revisit the question of what marriage can and should look like. During the time it has taken me to write this dissertation, same-sex marriage has gone from being legal in four to fifty American states, which is a testament both to the extremely ponderous pace of my writing process and to the extremely rapid pace of America's shifting marital mores. Throughout this breakneck negotiation, however, both sides have remained committed to the idea of marriage as a static, reified, "traditional" institution, and that in reimagining the contours of matrimony they are, either bravely or foolishly, bucking this tradition. Justice

Kennedy, in 2015 his majority opinion for *Obergefell v. Hobbes* (which extended federal protection to all same-sex marriages), repeatedly sets his ruling in opposition to the “traditional, biologically-rooted definition of marriage,” despite the rare acknowledgement that “the history of marriage is one of both continuity and change.”²⁵ The final purpose of this dissertation, therefore, is to illustrate the “continuity and change” that characterized the medieval idea of marriage, and the deep, anxious instability at the core of what we in the twenty-first century imagine to be the most traditional of traditional marriage models. Examined on their own terms, the sources in this dissertation reveal more of a conversation than a tradition, through which members of an evolving society imagined, debated, and revised what it really meant for two people to be joined in matrimony.

²⁵ *Obergefell v. Hodges*, 576 U.S. ____ (2015), 6; 2.

CHAPTER ONE

The Mathematics of Marriage in Tertullian, Jerome, and Augustine

The Christian theology of marriage, for all of its complexities and innovations, was in many ways something that remained constrained by its origins. Specifically, “Christian marriage” found its ineradicable beginning in the Biblical tradition: the sayings of Jesus and the letters of Paul, as well as the sundry perspectives of the Hebrew Bible. This foundation, however, proved to be an unstable one. Consisting of just a few scattered proclamations, the New Testament vision of marriage soon emerged as almost irresolutely vague, displaying both internal inconsistencies as well as discord with Old Testament marital mores. The task of defining marriage, therefore, fell to early Christian exegetes and theologians, making this process of interpretation the key element in the creation of marriage as Christian concept. It in fact may not be an exaggeration to say that there is no such thing as a “Christian marriage” per se, but rather a variety of different interpretive visions that would come to make up the annals of Christian marital theology. Put more precisely, this chapter will treat “Christian marriage” as the result of many different processes of interpretation: the attempts of various authors in various historical moments to harmonize the Biblical marriage perspectives with the discursive, social, and political dynamics of their age.

The purpose of this chapter, therefore, is to examine this interpretive process in some of its earliest iterations, exploring the way the conversation about marriage was developed and defined up through Augustine of Hippo. In this vein, its complimentary purpose is to demonstrate the ways in which the evolving discursive boundaries of this

conversation came to delimit marriage according to the sacramental formula, and how this vision created an enduring problem for the church in its dealings with both widows and concubines. While the broad strokes of this are generally attributed to Augustine, it is my contention that much of his material was in fact inherited (largely unwittingly) from his predecessors, resulting in a set of buried gaps and inconsistencies that were carried forward into the medieval world.

“Christian Marriage”: Biblical Elements of the Equation

Marriage held an uneasy status within the New Testament. For every passage that seems to endorse conjugal life, another corresponding passage appears that seems to discourage it as something spiritually dangerous. Hence the first and most precipitous challenge that would greet early interpreters of Biblical marriage: to balance these positive and negative assessments of marriage while remaining true to the social and discursive demands imposed on them by their time.

This balancing act was based primarily on a smattering of significant Biblical passages, the first of which being God’s commandment in Genesis 1:28 to “Be fruitful and multiply.” While this may initially appear a resoundingly straightforward command (and a resoundingly straightforward endorsement of marriage), it becomes complicated in a Christian context for two main reasons. The first is that, as we shall see repeatedly below, it was not immediately clear whether this imperative was still valid, now that the Jesus had come and heralded the impending end of the world. Secondly, the Biblical patriarchs did not always fulfill this commandment in a way that was easy for Christian interpreters to swallow. The oft-discussed example of Jacob, for example, forced Christian thinkers to confront jointly the issues of polygamy and concubinage, obliging

them to maintain a delicate balance of condemning these marital practices without condemning the great patriarch himself.

This task was further complicated by the fact that many New Testament marital instructions served explicitly to reverse the portrayal of nuptial affairs in the Hebrew Bible, an objective that applies especially the Gospels. As David Hunter has nicely summarized, “The world into which Christianity emerged was profoundly ambivalent on the question of marriage. While the earliest Christians inherited from Judaism a rich tradition of reflection on marriage, other currents of thought, such as apocalypticism, tended to run counter to that tradition.²⁶” Jesus, to be sure, did not say much about marriage, but what he did say made it clear that he envisioned marriage very differently than his current or historical Jewish context. Indeed, Rosemary Ruether has argued that much of Jesus’ energies in the synoptic gospels seems devoted to breaking up marital and family relationships, forming “a new eschatological community that negates the natural family.”²⁷

One thing is clear: Jesus saw marriage as a radically indissoluble union, something that was not true of matrimony in either Jewish or Roman legal codes.²⁸ Many of his marital pronouncements speak explicitly to this point. Mark 10:9 and Matthew 19:6, for starters seem fairly straightforward endorsements of indissolubility, both declaring that “What God has joined let no man separate.” In both cases, Jesus grounds this pronouncement in an allusion to Genesis 2:24, reminding his audience that a man and his

²⁶ David Hunter, *Marriage in the Early Church* (Minneapolis: Fortress Press, 1992), 2.

²⁷ Rosemary Ruther, *Christianity and the Making of the Modern Family: Ruling Ideologies, Conflicting Realities* (Boston: Beacon Press, 2000), 25.

²⁸ James K. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (University of Chicago Press, 1987), 38, 51.

wife are to be considered “two in one flesh.” In Luke 16:18, Jesus becomes slightly more specific about this point, proclaiming, “Whoever divorces his wife and marries another commits adultery; and whoever marries her who is divorced from her husband commits adultery,” one of his most straightforward pronouncements on the permanence of the nuptial bond. This passage is complicated, however, by the oft-quoted Matthew 19: 9, in which Jesus wavers by saying that a man, in fact, may send away his wife—but only in cases of adultery.²⁹ In attempting to square the laconic Gospel perspective on marriage, Eric Fuchs has argued that Jesus’ original point in fact had nothing to do with the legal allowability or disallowability of divorce; rather, Jesus was attempting a theological argument, aimed at making marriage more about “the reminder of God’s promise” and less about the various worldly conditions (finances, infertility) that may lead to divorce.³⁰ Dominic Crossan, by contrast, sees Jesus’s marriage pronouncements as exclusively “public and juridical” in character, uttered simply to deny the power to adjudicate marital matters claimed by the Pharisees and lacking in any “moral” instruction.³¹ Theodore Mackin joins him in this assertion, claiming that “Jesus had shaped his words to function as a criticism of Jewish conduct contemporary with himself.”³² These conflicting possibilities highlight the very ambiguous nature of Jesus’ statements about marriage, and the various difficulties involved in using them to form a cohesive nuptial paradigm.

²⁹ “And I say unto you, whosoever shall put away his wife, except it be for fornication (*porneia*), and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.”

³⁰ Eric Fuchs, *Sexual Desire and Love: Origins and History of the Christian Ethic of Sexuality and Marriage* (New York: The Seabury Press, 1983), 65.

³¹ Dominic Crossan, “Divorce and Remarriage in the New Testament,” in *The Bond of Marriage*, ed. William Bassett (South Bend, IN: University of Notre Dame Press, 1968), 15.

³² Theodore Mackin, *Divorce and Remarriage* (New York: Paulist Press, 1984), 46.

One of the most ambiguous but ultimately significant New Testament treatments of marriage is gleaned from Ephesians 5: 25, “Husbands love your wives as Christ loves the church.” While it is not immediately clear what kind of matrimony is implied by this analogy—how exactly the love between husbands and wives is meant to mirror the love of Christ for his Church—context seems to suggest a bond based upon both hierarchy and radical togetherness. Thus, wives are instructed to “submit to their husbands in everything,” a directive that is predicated upon the fact that “the husband is the head of the wife as Christ is the head of the church.” (Ephesians 5: 22-24). Husbands, meanwhile, are meant to “love their wives as they love themselves.” (Ephesians 5: 29). This command is justified by a double derivation: the fact that the individual members of the church are themselves all members of Christ’s body (Ephesians 5: 31), coupled with the Genesis statement that a man and his wife “become one flesh” (Ephesians 5: 32; Genesis 2:24). One of the distinguishing features of the Ephesians vision of marriage, as Gillian Beattie has argued, is its abstract and idealized nature. The Ephesians author is not particularly concerned (as both Jesus and Paul seem to be) with questions surrounding the tricky social and soteriological status of matrimony, such as the relative merits of marriage and virginity in the face of the world’s impending end. The Ephesians paradigm, rather, seems to function so as to imbue marriage with a permanence lacking in Paul’s provisional instructions, as well as to “bestow divine sanction on a socially conservative, hierarchical vision of the marriage partnership.”³³ Indeed, Ephesians 5: 25

³³ Gillian Beattie, *Women and Marriage in Paul and his Early Interpreters* (New York: Continuum, 2005), 77.

would come to represent one of the main “divine sanctions” for matrimony in general, ultimately becoming the basis for the conception of marriage as a sacrament.

Perhaps the most thorough (and most frequently invoked) New Testament treatment of marriage as a social institution is found in 1 Corinthians, though, as its labyrinthine exegetical tradition might indicate, this passage is not particularly transparent. While an intensive examination of 1 Corinthians 7 is outside the scope of this project, the basic points often gleaned from this passage are as follows. Paul clearly opines that sexual relations, if they are to be had, are only to be enjoyed with one’s spouse (1 Cor. 7: 2), and for this reason instructs that both parties have an obligation to fulfill the sexual needs of the other (1 Cor. 7: 3). If a respite from conjugal relations is to be taken, it is therefore only to be imposed temporarily and only (1 Cor. 7: 5) by explicit mutual consent, lest one or both parties be tempted to seek satisfaction elsewhere. Divorce, or any separation of the spouses, is strongly discouraged, even when only one person is a baptized believer (1 Cor. 7: 12). Finally, while Paul acknowledges that it would be better for all who are not yet married (virgins and widows alike) to stay as they are—and as Paul is—he states that marriage remains a viable option for those who feel unable to do so, for “it is better to be married than to burn.” (1 Cor. 7: 9).

While, as stated above, the different readings of this passage are various, a recent, helpful trend in modern critical scholarship has aimed at re-positioning Paul’s words in their original mid first-century context. This method is especially useful in that it sets the interpretive choices of later authors into greater relief. Almost all contemporary scholars who take this tack choose to emphasize Paul’s eschatological leanings. As Ruether succinctly puts it, “Paul’s view of sexual abstinence in relation to Christian

eschatological identity is ambivalent.”³⁴ However, as Roger Steven Evans has argued, even the earliest interpretive treatments of Paul were grounded in a radically out-of-context reading, universalizing terms such as “virgin” and “wife” so as to utilize them as broad “ontological categories.”³⁵ Paul’s original meaning, in Evans’s opinion, was much more specific in nature—that is, meant only to address the individual “virgins” of Corinth with whom he had been corresponding, who seem to have embraced an increasingly radical form of asceticism. Following a similar line of reasoning, J Edward Ellis has further argued that Paul’s original intention was to discourage this extreme lifestyle rather than promote it, and to “affirm the essential goodness of marriage and sex and, for those who are called to it, the goodness of celibacy.”³⁶ Both authors, moreover, follow the even more widespread critical trend of seeing Paul’s larger context as a certain eschatological immediacy, meaning that either choice, as Paul is imagining it, is not one that will last very long.³⁷

Another modern critical trend regarding 1 Corinthians 7 is to focus on internal inconsistencies within Paul’s text itself, a tactic that can also shed a great deal of light on choices made by later interpreters. Peter Brown, for example, has labored to elucidate what he terms the “lopsided” understanding of marriage created by Paul—that is, a marital theology that did not seek to “praise marriage,” but rather to discourage the radical asceticism of his correspondents by presenting marriage as a safer alternative to

³⁴ Ruether, 31.

³⁵ Roger Steven Evans, *Sex and Salvation: Virginity as a Soteriological Paradigm in Ancient Christianity* (Lanham, MD: University Press of America, 2003), 111.

³⁶ J. Edward Ellis: “Controlled Burn: The Romantic Note in 1 Corinthians 7,” *Perspectives in Religious Studies* 29 (2002), 91.

³⁷ See also Charles Talbert, *Reading Corinthians: A Theological and Literary Commentary on 1 and 2 Corinthians* (New York: Crossroad, 1987).

“unconsidered celibacy.”³⁸ John Cavadini has made similar observations about the Pauline legacy, arguing that “the elements that Paul held in tension seem to have come somewhat undone and were represented in different strands of the later Pauline tradition”—one friendlier towards marriage, one more hostile.³⁹ Likewise, David Hunter has argued that “from its very inception early Christian tradition was fractured on the question of marriage and sexuality,” a fact Hunter directly attributes to the “contradictory tendencies” found in Paul’s letter.⁴⁰ The rhetorical strategy at work in 1 Cor. 7—defending marriage by making it something that is “not bad” rather than something that is explicitly good—inspired what Brown describes as “the fatal legacy of future generations...an attitude that viewed marriage itself as no more than a defense against desire.”⁴¹

These modern scholarly perspectives remind us of two important points. First, while the “fatal legacy” perceived by Brown can certainly be traced back to Paul’s letter, it was in no way the inevitable result thereof. As much as Paul’s convoluted marital theology sowed the seeds for the radical ascetic rejection of marriage, it also laid the groundwork for various defenses of marriage and family life—a fact that is inherent in the very “lopsided” structure of Paul’s argument. Secondly, Hunter’s observation of “contradictory tendencies” is significant in that it largely characterizes the processes of interpretation to be discussed in the remainder of this chapter—on both the micro and macro level. In the macro sense, the inherent conflicts in Paul’s understanding of

³⁸ Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University Press, 1988), 54-5.

³⁹ John Cavadini, “The Sacramentality of Marriage in the Fathers,” *Pro Ecclesia* 17: 4 (2008), 443.

⁴⁰ David G. Hunter, *Marriage, Celibacy and Heresy in Ancient Christianity* (Oxford University Press, 2007), 87-89.

⁴¹ Brown, *Body and Society*, 55.

marriage spawned two different exegetical camps: one friendlier towards marriage, one more hostile. More narrowly, however, the contradictory nature of Paul's argument (combined with the Christian belief in the absolute truth of scripture) created a parallel tension that embedded itself within the structure of each individual interpretative treatment of the passage at hand. Simply put, each author who leans towards a defense of marriage must also account for Paul's potentially preferential attitude towards celibacy. Similarly, authors who seek to further the cause of radical asceticism must account for the explicit good that Paul's affords to marriage. Finally, all of these authors approached their task within a discursive context that was at an increasing distance from the first-century Corinthian milieu for which Paul's thoughts were originally intended—and, as time went on, from the eschatological fervor that pervaded this environment.

Tertullian and “the Mathematics of Marriage”

One author still embedded in this eschatological fervor was Tertullian, whose three major marital tracts (*Ad Uxorem*, *De Exhortatione Castitas*, and *De Monogomia*) represent Christianity's most sustained attempt to grapple with the realities of conjugal life in the face of the impending eschaton. Belief in the world's immanent demise, in addition to preoccupation with the persecutions constantly threatening his Christian brethren, lead Tertullian to conceptualize marriage in a uniquely spiritual way, rejecting its worldly characteristics and embracing instead its potential for religious edification and significance. This focus, in turn, prompted him to create one of those most enduring visions of matrimony in the history of Christian theology: the idea of marriage as a sacrament, on the basis of its unique ability to reflect certain truths about divine nature and unity. This section will thus explore the contextual and discursive elements that went

into Tertullian's idea of marital sacramentality, as well as the implications of his theory for the later Christian tradition.

One of the contentions of this chapter is that Tertullian's contribution to the theology of Christian marriage has been critically overlooked. One sense in which he has earned frequent mention, however, is for his role in tipping the exegetical scales towards a preference for celibacy over conjugal sexuality—that is, for taking Paul's relativised defense of matrimony to be a “lesser of two evils” scenario. Examples of this scholarly perspective abound. Ellis, for example, treats Tertullian as the dominant representative of this “negative” understanding of Paul, in which marriage becomes a necessary evil as opposed to a general good.⁴² For Peter Brown, Tertullian's grudging attitude towards matrimony constitutes “the first concrete statement” on the superiority of celibacy to marriage.⁴³ David Hunter, lastly, places Tertullian's perspective on marriage in direct opposition to pro-marital apologists such as Clement of Alexandria, whose task became in part to break down the “sharp boundaries” between Christianity and family life that had been erected by Tertullian and his Patristic ilk.⁴⁴

While perspectives such as these are certainly justified, they tell a deceptively partial version of the story. This is partly because Tertullian, while an innovative and prolific theologian, was not a particularly systematic one. The oft-conflicting nature of Tertullian's theological precepts, in addition to his tendency towards polemical argumentation, has led Geoffrey Dunn to argue that Tertullian's writings are best

⁴² Ellis, 94.

⁴³ Peter Brown, “Bodies and Minds: Sexuality and Renunciation in Early Christianity,” in *Before Sexuality: The Construction of Sexual Experience in the Ancient Greek World*, David M. Halperin, John J. Winkler, Froma I. Zeitlin eds (Princeton University Press, 1990), 485.

⁴⁴ Hunter, *Marriage in the Early Church*, 11.

analyzed as works of literature, with primary importance given to issues of context and discursive strategy.⁴⁵ This is especially true of his point of view on marriage, several aspects of which vary considerably throughout his three major matrimonial treatises. In addition to his famous about-face on the issue of second marriages, Tertullian's nuptial formulae occasionally seem to display internal inconsistencies—moments in which (as Dunn has characterized it) the author seems to “tangle himself with his arguments.”⁴⁶ All of this makes Tertullian's conjugal theology somewhat difficult to pin down, and impossible to broadly characterize as “pro” or “anti” marriage. For, as Kris de Brabander reminds us, Tertullian's many invectives against the conjugal life are at least partially balanced by the closing passage of *Ad Uxorem*, wherein he describes “le bonheur et la bénédiction qui accompagne le mariage chrétien.”⁴⁷ This is all to say that Tertullian's marital theology is best treated with sensitivity and caution, and with close attention to rhetorical structure and historical context.

One particularly pressing issue that must be addressed on this latter count is Tertullian's connection with the Montanist movement, a factor that is often invoked as the primary impetus for his disavowal of second marriages. According to the traditional narrative (gleaned largely from Jerome's brief account of his life in *De Viribus Illustribus*), Tertullian began associating with the Montanists around 206, becoming

⁴⁵ Geoffrey Dunn, *Tertullian* (New York: Routledge, 2004), 12.

⁴⁶ Dunn, 35.

⁴⁷ Kris de Brabander, *Le retour au paradis: une étude sur la relation entre la sanctification de l'homme et l'ascèse sexuelle chez Tertullien* (Romae : Pontificium Athenaeum S. Anselmi de Urbe, Facultas Sacrae Theologiae, 2004), 9.

increasingly enmeshed in the movement until his death in 212.⁴⁸ As far as Tertullian's marital theology is concerned, the implication of this trajectory of marriage is that two-thirds of his nuptial theology comes to be classified as "Montanist": *Ad Uxorem* being dated sometime between 198 and 203, *De Exhortatione Castitatis* at 208/9, and *De Monogomia* at 210/11.⁴⁹

On the one hand this traditional chronology finds a fair amount of support in Tertullian's marital works, which become increasingly pre-occupied with Montanist concerns such as irredeemable sin and multiple marriages.⁵⁰ Since these (in addition to the active pursuit of martyrdom and lack of respect for Church authority) constituted the best-known aspects of the Montanist "heresy," it seems reasonable to assume that Tertullian's theory of marriage grew directly out of a close association with the New Prophecy.⁵¹ On the other hand, assumptions such as these have come under increasing scrutiny by contemporary scholars, as they inevitably rest on a fair amount of speculation. As Dunn laments, "Tertullian's life remains hidden in obscurity"⁵²—a claim that could also easily be made about the Montanist faith itself.⁵³ Much of what we know about second- and third- century Montanism is in fact culled from Tertullian's own writings, making it somewhat circular to attribute his marital mores to direct New

⁴⁸ For a detailed account of this "traditional" narrative of Tertullian's life, as well as Jerome's role in creating it, see Timothy Barnes, *Tertullian: A Historical and Literary Study* (Oxford: Clarendon Press, 1971), 130-142.

⁴⁹ These dates have been determined using Barnes's influential chronology. See Barnes, 55.

⁵⁰ Montanists (and, increasingly, Tertullian) held that just as believers could only marry once, so too could their serious sins (such as adultery) be forgiven only once. See Dunn, 56.

⁵¹ Eric Nestler, "Was Montanism a Heresy?" *Pneuma* 6 (1984), 67-78.

⁵² Dunn, 3.

⁵³ Pierre Champagne de Labriolle admits, "L'immense littérature hétérodoxe des premiers siècles chrétiens a presque totalement péri, telle qu'elle était du moins en sa teneur originale." Pierre Champagne de Labriolle, *Les sources de l'histoire du montanisme* (New York: AMS Press, 1913), 1.

Prophetic influence.⁵⁴ This paucity of evidence has led several scholars to question whether or not Tertullian actually left the fold of Catholic Christianity at all—a question that seems to be begged by a broad sampling of Tertullian’s work. As Dunn has noted, “There is much that is Montanist in [Tertullian’s] writings even before his “Montanist period,” such as his fascination with martyrdom and obsession the impending eschaton.⁵⁵ David Rankin, moreover, has noted several orthodox tropes in Tertullian’s later “Montanist” works, such as a tendency to refer to the Church (from which, as Montanist, he would have disassociated himself) reverently as the “Bride of Christ.”⁵⁶ What does remain unchallenged is that Tertullian became incrementally distrustful of conjugal life in each of his marital treatises, and that this distrust seems to be at least topically in line with the broad strokes of Montanist belief.

Whence, then, does Tertullian’s unmistakable unease with marriage (and his outright disgust with second marriage) arise? What sources can we identify for Tertullian’s prominent anti-marital attitudes? In the analysis that follows, I have elected simply to take Tertullian at his word, and to place the roots of his nuptial discomfort where he himself places them: in its ability to distract from spiritual realities which, with every passing day, become more and more pressing. The locus of this urgency, moreover, is perpetually located in two particularly time-sensitive concerns: the currently abounding opportunities for salvation via martyrdom (which renders marriage impractical) and the nearness of the eschaton (which renders marriage ridiculous). These

⁵⁴ See Christine Trevett, *Montanism: Gender, Authority, and the New Prophecy* (Cambridge University Press, 1996), 66-69.

⁵⁵ Dunn, 9.

⁵⁶ David Rankin, *Tertullian and the Church* (Cambridge University Press, 1995), 34.

two related concerns, which by their very nature become more pressing as time wears on, become more and more pronounced throughout Tertullian's works, eventually resulting in his utterly spiritualized, one-time-only view of marriage.

One aspect of these anxieties is Tertullian's understanding of marriage as an exclusively this-worldly affair—that is, one that is both practically and temporally limited to en fleshed mortal life. Throughout his various works, Tertullian is unfailingly clear about the fact that marital bonds will not be restored upon mankind's resurrection, and that matrimony is “a way of life which is not found in Paradise.”⁵⁷ Hence Tertullian's prevailing distress about the connection between marriage and monetary affairs, and the inevitable “worldly concupiscence” which such a connection engenders. This business-like aspect of marriage directly impels Tertullian to portray it as something that is diametrically opposed to spiritual pursuits, and as a drain on the spiritual faculties of both male and female parties. In speaking to his male readers, Tertullian waxes poetic about “how much better a man feels when he happens to be away from his wife,” and how his “appreciation for the spiritual things” is suddenly sharpened.⁵⁸ To his female audience, he extols the “liberty” of celibacy as opposed to the “enslaving” bonds of matrimony.⁵⁹ In both cases, marriage is explicitly portrayed as the distracting force that comes between

⁵⁷ *Unde praesumendum est hos qui intra paradium recipi volent tandem debere cessare ab ea re a qua paradisus intactus est.* Tertullian, *De exhortatione castitatis* 13: 4., ed. Claudio Moreschini (Paris: Cerf, 1985). All English translations of *Ad uxorem*, *De Exhortatione castitatis*, and *De monogamia* from *Tertullian: Treatises on Marriage and Remarriage*, trans. William P. Le Saint (Westminster, MD: The Newman Press, 1951), 64.

⁵⁸ *Quam alim se homo sentiat, cum forte a sua femina cessat. Spiritualiter sapit.* *De exhortatione castitatis*, 10:2; Le Saint, 58.

⁵⁹ *Quid libertatem oblatam tibi iterata matrimonii seruitute fastidis?* *Ad uxorem* 1:7, 2, ed. Charles Munier (Paris: Cerf, 1980); Le Saint 20.

the believer and his or her surety of salvation, depleting the “great stores of sanctity” amassed through constant focus on spiritual things.⁶⁰

Tertullian’s negative assessment of marriage becomes all the more scathing in moments when he chooses to be explicit about his immediate historical context: a period marked by intense persecution for North African Christians, which, in Tertullian’s opinion, heralded the impending end of the world.⁶¹ On several noteworthy occasions, Tertullian invokes the prevalence of martyrdom as a reason why marriage and children are to be avoided. Reproduction is, in general, an impulse that Tertullian finds suspect as a reason for matrimony, as the world (he wryly remarks at one point) is already plenty full of merchants, judges, and those “to shout ‘The Christians to the lion!’”⁶² What is primarily troubling to him about children, however, is the hesitation they instill in those who might otherwise go willingly to martyrdom, which clearly emerges throughout all of his works as the “first prize” in the great soteriological contest.⁶³ In one particularly telling passage, he imagines the situation this way: “Doubtless, when persecutions come, a man [without children] will be best prepared to meet them unencumbered. He will be the most steadfast under torture.”⁶⁴ Elsewhere, he is even more transparent about the immediacy of these concerns, exclaiming sarcastically that “We [Christians] are so sure

⁶⁰ *Per continentiam enim negotiaberis magnam substantiam sanctitatis. De exhortatione castitatis* 10.1 ; Le Saint, 58.

⁶¹ For a historical survey of persecutions in Tertullian’s immediate surroundings, see Dunn 143-163.

⁶² *Numquid ergo huiusmodi et rei publicae prospectu aguntur ? Ne ciuitates deficiant. Si suboles non exerceantur, ne legis iura, ne commercia delabantur, ne templa derelinquantur, ne non sint qui acclament, ‘Christianis leonem !’ Ad exhortatione castitatis.* 12. 4 ; Le Saint, 61.

⁶³ *At quanto beatiores, qui valent beata testimonii confessioe exedere...Ad primum enim locum certamen omne contendit. Ad uxorem* 1. 3 . 4, 6 ; Le Saint 13.

⁶⁴ *Certe expeditissimus in persecutionibus, constantissimus in martyriis, promptissimus in communicationibus, temperantissimus in acquisitionibus, postremo securus morietur, relictis filiis. De exhortatione castitatis,* 12. 4. Le Saint, 61.

of our salvation that we have time for children!”⁶⁵ For, he goes on, “Why did the Lord prophesy, *Woe to them that are with child and that give suck*, if He did not mean that on the day of our great exodus children will be a handicap to those who bear them?” But perhaps Tertullian’s strongest, and most strongly enunciated, objection to reproduction is the very fact that it brings new life into the world—a world that, by his very definition of the faith, we should all be attempting to either ignore or flee. As he strikingly puts it: “For, why should we be so anxious to propagate children since, when we do, it is our hope—in view, that is, of the straightened times which are at hand—that they will go to God before us. We ourselves desire...to be delivered from this wicked world and received into the arms of the Lord.”⁶⁶

Tertullian’s reference to “these straightened times” alludes to a further problem with marriage and the creation of new life: the fact that the nearness of the world’s end makes conjugal life both dangerous and superfluous. In *Ad Exhortatione Castitatis*, for example, he incredulously remarks, “To think that Christians should be concerned about posterity—Christians for whom there is no tomorrow!”⁶⁷ A similar charge of ridiculousness is leveled against marriage in general, as Tertullian expounds sardonically and at some length on the stubbornly enduring will to marry:

Shall we have weddings every day and in the midst of nuptials be overtaken by the last day...? That day will the woe pronounced over them that are with child and give suck be fulfilled, over the married, that is, and the incontinent; for from

⁶⁵ *Satis enim de salute nostra securi sumus, ut liberis uacemus. Ad uxorem*, 1.5. 2; Le Saint 17.

⁶⁶ *Nam quid gestiamus liberos serere, quos cum habeamus, praemittere optamus, respectu scilicet imminentium angustiarum, cupidi et ipsi iniquissimo isto saeculo eximi et recipi ad dominum. Ad uxorem* 1. 5, 1; Le Saint, 16.

⁶⁷ *Sed posteritatem recogitant Christiani, quibus crastinum non est ? De exhortatione castitatis* 12. 3 ; Le Saint, 61.

marriage come swelling wombs and infants. And when will there be an end of marrying? I suppose, when there is an end of living!”⁶⁸

For Tertullian, of course, that “last day” is fast approaching, meaning that the temporal limitations facing current marriages are a very real problem indeed.

Given that eschatological concerns form such an important part of Tertullian’s discomfort with conjugal life, it makes sense that he would ground these concerns in a repeated engagement with 1 Corinthians 7, pushing all of Paul’s ambiguous waverings towards their most apocalyptic conclusions. It is here, indeed, that we see most clearly the “anti-marital” Tertullian described by Brown and others, for it is here (treading on the solid foundation of Biblical exegesis) that he is most strident in his nuptial critiques. Paul’s permissive attitude towards marriage, he argues, was a mere concession for those who cannot remain celibate, made out of worldly “prudence” and on the basis of Paul’s own human judgment alone. His recommendation of celibacy, by contrast, was one that was made “on the authority of the Holy Spirit,” thus affording far greater merit to the celibate life.⁶⁹ Tertullian wants to be extremely clear about the fact that celibacy is Paul’s (and, by extension, God’s) first choice, with marriage only permitted for those who cannot control their carnal urges. For, “[God] could have forbidden marriage altogether, and all the more credible that he should have restricted a concession which it would have been perfectly proper to withdraw completely. Here, also, you ought to recognize the

⁶⁸ *Nubamus igitur quotidie, et nubentes ab ultimo die deprehendamus, tamquam Sodoma et Gomorra, quo die ‘uae’ illud super praegnantes et lactantes adimplebitur, id est super maritos et incontinentes ; de nuptiis enim uteri et ubera et infantes. Et quando finis nubendi ? Credo post finem uiuendi. De exhortatione castitatis 9. 5 ; Le Saint, 57-58*

⁶⁹ *Si quid indulserat ex necessitate, id spiritus sancti auctoritate reuocaret. De monogamia 3. 8, ed Paul Mattei (Paris: Cerf, 1988); Le Saint, 75.*

Paraclete as your advocate, since He pleads your weakness as a reason which excuses you from total continence.”⁷⁰

Tertullian’s biggest gripe, however, seems to be with those who defend marriage on the basis of Paul’s famous proclamation that “it is better to marry than to burn.” Building upon the “concessive” understanding of marriage described above, Tertullian repeatedly questions the exact meaning of the Apostle’s comparison, as “better,” in his estimation, does not necessarily mean “good.” According to Tertullian, the “good” of marriage “cannot be viewed as such except when it is compared with the pain of punishment.”⁷¹ He elaborates:

A thing deserves to be called “good” only if it is such in an absolute sense, without any reference, I do not say to evil, but even to another good...But if we are obliged to call it “good” by comparison with something that is evil, then it is not so much good as it is a lesser kind of evil...In removing the term of comparison which makes marriage out to be better than some other evil, you remove the element which constrains us to speak of it as good.⁷²

In two separate instances, this reasoning culminates in the colorful proposition that, “it is better to lack one eye than two,” contributing vividly to Tertullian’s portrayal of marriage as a lesser of two evils .⁷³

Having so colorfully described the downside to matrimony, Tertullian, of course, must also find a way to balance the other side of the Christian marital equation: he must

⁷⁰*Facile tibi persuadebis multo magis unicas nuptias competisse Paraclito Praedicare, qui potuit et nullas, magisque credendum temperasse illum quod et abstulisse decuisset, qui que uelit Christus intellegas. In hoc quoque Paraclitum agnoscere debes aduocatum, quod a tota continentia infirmitatem tuam excusat. De monogamia 3. 10; Le Saint, 76.*

⁷¹*Quale id bonum intellegendum, quod melius est poena? De monogamia 3. 4; Le Saint 73.*

⁷²*Bonum illud est quod per se hoc nomen tenet, sine comparatione, non dico mali, sed etiam boni alterius, ut et si alio bono comparatum adumbretur, remaneat nihilominus in boni nomine. Ceterum si per mali comparationem cogitur bonum dici, non tam bonum est quam genus mali inferioris...Fit ergo iam non melius, et, dum non melius, nec bonum, sublata condicione quae, dum melius illud facit alio, ita bonum haberi cogit. De Monogamia 3. 5; Le Saint, 74.*

⁷³*Melius est unum oculum amittere quam duos. Ibid.* Tertullian expounds an almost identical argument in *De exhortatione castitatis 3.*

provide reasons (in keeping with both the Pauline formula and his own theological principles) why marriage should continue to exist. This is partially because not to do so would be heretical (as Tertullian himself acknowledges) and partially because Tertullian is not (evidence of the previous paragraph aside) actually anti-marriage. Throughout his matrimonial treatises, Tertullian emphatically asserts that he “does not reject the union of man and woman in marriage,” as this institution has been “blessed by God for the reproduction of the human race.”⁷⁴ The fact that this latter imperative has now been “superseded by the warning “time is short” (1 Cor. 7:29) does not negate the dignity it affords to the institution of marriage, as it testifies to the nobility and purity of its divinely-sanctioned origins.⁷⁵ Besides, Tertullian concedes, “we do not read anywhere at all that marriage is forbidden; and this for the obvious reason that marriage is actually a good.”⁷⁶ Lastly, Tertullian wishes to distance himself from certain extreme elements of second/third-century asceticism: those “heretical eunuchs” whose “Puritanism” causes them to “repudiate marriage” altogether⁷⁷. He goes on: “Continence is as worthy of veneration as freedom to marry is worthy of respect, since both are according to the will of the creator.”⁷⁸

In seeking to elaborate on these points, however, Tertullian must have immediately found himself in an awkward position, given that his apparent reticence to

⁷⁴ *Non quidem abnuimus coniunctionem uiri et feminae, benedictam a Deo ut seminarium generis humani et replendo orbi et instruendo saeculo excogitam. Ad uxorem* 1. 2 ; Le Saint, 11.

⁷⁵ *Vel si etiam nunc locus est uocis illius ‘crescite et multiplicamini id estsi nonum alia uox superuenit, tempus iam in collecto esse. De exhortatione Castitatis* 6. 1; Le Saint 52.

⁷⁶ *Denique prohiberi nuptias nusquam omnino legimus, ut bonum scilicet. Ad uxorem* 1. 3. 2; Le Saint 12.

⁷⁷ *Inter alienos spadones et aurigas tuos tandtumdem queris de domestico obsequio quantum de fastidio extraneo. De monogamia* 1. 1; Le Saint 70.

⁷⁸ *Continentia religiosa est cum licentia uerecunda, ambea cum creatore sunt. De Monogamia* 1: 2; Le Saint 70.

invoke the two main Biblical defenses of matrimony (Genesis 1: 28 and 1 Corinthians 7: 9). Tertullian's way of addressing this problem involved some of the earliest original thinking in the history of Christian marital theology, drawing on key Biblical passages while using them to create entirely new conjugal paradigms. The first of these paradigms is his vision of marriage as a religious partnership. The second (and eventually more prevalent) is his reconfiguration of marriage as a signifier of divine reality, a formula that would sow the seeds for marriage's eventual status as a sacrament.

Tertullian's portrayal of marriage as a spiritual partnership is laid out in an uncharacteristically sentimental passage at the end of *Ad Uxorem*, in which he imagines the day-to-day reality of two Christians joined in the faith. As Tertullian envisions it, these spouses "pray together, they worship together, they fast together; instructing one another, encouraging one another, strengthening one another."⁷⁹ When they want to spice things up they "sing to one another, striving to see which one of them will chant more beautifully the praises of their Lord."⁸⁰ Such exaltations, apparently, do not fall on deaf ears, for Tertullian asserts that "Christ rejoices" at such a union, and that "to such as these [spouses] he gives his peace."⁸¹ Tertullian is clear throughout the passage that the kind of union he is describing ultimate conjugal ideal, the complete fulfillment of the dictum that "they shall be two in one flesh."⁸²

More frequently, however, Tertullian defends the institution of marriage on the basis of its prime importance within the order of divine/human history; specifically, its

⁷⁹ *Simul orant, simul vonutantur, simul ieniunia transigunt, alterutro docentes, alterutro exhortantes, alterutro sustinentes. Ad uxorem 2. 8. 7, ; Le Saint, 35.*

⁸⁰ *Sonant inter duos psalmi et hymni, et mutuo prouocant, quis melius Domino suo cantet. Ad uxorem 2: 8, 8; Le Saint, 35.*

⁸¹ *Talia Christus uidens et audiens gaudet. His pacem suam mittit. Ibid.*

⁸² *Nulla spiritus carnisue discretio, atquin uere duo in carne una. Ad uxorem 2. 8. 7; Le Saint 70.*

ability to exhibit (or even prefigure) certain truths about the spiritual nature of things. In making this case, Tertullian frequently employs the word *sacramentum*, a term that was fast gaining traction among Latin Christian authors as a means of conveying various types of sacred significance. Since, however, Tertullian's way of using the term was rather particular (and could vary rather wildly depending on context), it is first necessary to gain a broader understanding of Tertullian's overall conception of *sacramentum*, and how he invoked it to create a coherent portrayal of marriage.

As has often been recognized, Tertullian was among the first Christian authors to heavily utilize the term *sacramentum*, and played a crucial role in how the word came to be defined and applied in the Christian theological tradition. Occasionally employed as a translation for the Greek term *mysterion*, *sacramentum* also bore along with it its pagan roots, wherein it denoted a solemn (often military) oath.⁸³ As Christine Mohrmann and René Braun both note, Tertullian's usages of the term most frequently conform more to its Greek origins: a visible or material manifestation of “vérité cache à notre intelligence et reveler par Dieu.”⁸⁴ Often, as Braun observes, the specific contents of this “vérité cachée” correlates to specific Christian dogmas such as the revelation or the Trinitarian mystery—or, even more frequently and specifically, “l'union mystique des Chrétiens avec leur Dieu.”⁸⁵ His understanding of *sacramentum*, however, is not limited to these connotations. As Mohrmann remarks, Tertullian's usage of *sacramentum* also occasionally veers towards the Roman military context, taking it to mean a sacred vow or

⁸³ See Christine Mohrmann, “*Sacramentum* dans les plus anciens textes chrétiens,” *Harvard Theological Review* 47 (1954), 141-152.

⁸⁴ René Braun, *Deus Christianorum: Recherches sur le vocabulaire doctrinal de Tertullien* (Paris: Études Augustiniennes, 1977), 435. Mohrmann, 142.

⁸⁵ Braun, 440 and 443.

an oath made under divine aegis.⁸⁶ Finally, Tertullian shows a very sporadic tendency to imbue *sacramentum* with official, ritualistic implications, closely approximating the way the word would come to be commonly understood in Christian liturgy and theology.

Tertullian's works, as indexed by James Morgan, display four "sacraments" conceived of in this way: baptism, confirmation, Eucharist, and marriage.⁸⁷

While the use of *sacramentum* in Tertullian's marital treatises is somewhat varied, they are generally in line with this numinous sense of *verité cachée*. Specifically, he uses *sacramentum* to illustrate matrimony's relation to truths of a spiritual nature—most commonly, the union between God and his people. This usage appears with great clarity in this passage from *De Exhortatione Castitatis*, in which marriage becomes a *sacramentum* of both God's oneness and man's primordial nature:

When the Apostle interprets the text, *They will be two in one flesh*, in its relationship to Christ and the Church, he is thinking of the spiritual nuptials between Christ and the Church, in which Christ is one and his Church is one. We see here the second giving of the law of monogamy, and a forceful one, in that it comes from both the primordial origins of human society but also from the very sacrament of Christ [*Christi sacramentum*]. In both instances we draw our origins from a monogamous union, carnally through Adam, spiritually through Christ.⁸⁸

Here, Tertullian imbues marriage with so much significance as to make it the lynchpin in the narrative of human salvation history. Marriage, due to its privileged place in the divine order, becomes the living signifier of the two great moments of man's creation: his physical generation (via the original monogamous union of Adam and Eve) and his

⁸⁶ Mohrmann, 148.

⁸⁷ Rev. James Morgan, *The Importance of Tertullian in the Development of Christian Dogma* (London: Kegan Paul, Trench, Trubner & Co., 1928), 127.

⁸⁸ *At cum apostolus in ecclesiam et Christum interpretatur erant duo in unam carnem, secundum spirituales nuptias ecclesiae et Christi (unus enim Christus et una eius ecclesia), agnoscere debemus duplicatam et exaggeratam esse nobis unius matrimonii legem tam secundum generis fundamentum quam secundum Christi sacramentum. De uno matrimonio censemur utrobique, et carnaliter in Adam et spiritaliter in Christo. De exhortatione castitatis 5. 3-4; Le Saint 51.*

spiritual re-generation (through Christ's joining himself to his spiritual spouse, his Church and all its members). Elsewhere, Tertullian allows this mystical significance to determine the very social shape of human marriage, as the conjugal sacrament becomes a perfect mirror image of the divine-human bond:

But you will say that the Holy Patriarchs contracted multiple marriages, not only with legitimate wives but with concubines. Thus, isn't it lawful for us to remarry? Certainly, it is lawful—if your marriages are types or symbols of some future thing [*typi futuri alicujus sacramenta*], or if the old command increase and multiple is still valid in our own day and not superseded by the warning that the time is short, that it remaineth that they also who have wives act as if they had none...But now, in these latter times, He has restricted what he allowed before and revoked the indulgence which He had then permitted.⁸⁹

While acknowledging that marriage (specifically the Biblical portrayals thereof) can take many social forms, Tertullian simultaneously limits the acceptable structure of Christian matrimony to its ability to reflect God's covenant with humanity. When the operative clause of that covenant was "be fruitful and multiply," multiple marriages were allowed (even simultaneously) so as to facilitate reproduction; now that God's promise to the world centers around its impending end, reproduction is considerably less important, meaning that the number of allowable marriages should be restricted so as to reflect this fact. In a sense, Tertullian molds marriage into a model for all of human salvation history—a tactic that would later be taken up (albeit with greater symbolic exactitude) by Augustine.

⁸⁹ *Sed et benedicti, inquis, patriarchae non modo pluribus uxoribus, uerum etiam concubinis conuugia miscuerunt. Ergo propterea nobis quoque licebit innumerum nubere? Sane licebit si qui adhuc typi alicuius futuri sacramenti supersunt, quod nuptiae tuae figurent, uel si etiam nunc locus est uocis illius Crescite et multiplicamini id est, si nondum alia uox superuenit, tempus enim collecto est, restare, ut et qui uxores habeant tamquam non habentes agant...Nunc vero sub extremitatibus temporum compressit quod emiserat et reuocauit quod indulerat. De exhortatione castitatis 6. 1; Le Saint 52.*

While Tertullian’s description of marriage as a *sacramentum* is limited to his second two marital works, it seems to build on an idea that had been germinating since the opening chapters of *Ad Uxorem*: the mystical mathematics that seem to link human (monogamous) marriage with God’s plan. As in the passage above, Tertullian begins by contrasting contemporary nuptials with marriage under the Old Law: “Although figurative language is used in speaking of both Church and Synagogue, we may rectify this conundrum by simply saying that it was necessary in the past that there be practices which alter had to be abolished or changed...Just as, at a later date, the Word of God was to replace the Law and introduce spiritual circumcision.”⁹⁰ In this instance, however, he moves on to justify this logic on the basis of a sort of supernatural equation, whereby marriage becomes defensible on the grounds of its divinely-ordained expression of oneness:

This is a charge they must be prepared to answer who, among other perversions of doctrine, teach their followers to divine those who are two in one flesh, opposing the will of Him who first subtracted woman from man, in the mathematics of marriage, added two together again who had originally been substantially one.⁹¹

Over the course of his marital works, this “mathematical” aspect of marriage—i.e. its transformative ability to derive “oneness” out of “twoness”—becomes even more precisely defined as a reflection of divine reality. It also becomes a major supporting argument for Tertullian’s campaign against remarriage. In *De Exhortatione Castitas*, for example, Tertullian remarks that “[Jesus] says, *They will be two in one flesh*—not three or

⁹⁰ *Sed licet figuraliter in synagoga ecclesia intercesserit, ut tamen simpliciter interpretemur, necessarium fuit instituere, quae postea aut amputari aut temperari mererentur...item mox legi succedere habebat Dei sermo, circumcisionem inducens spiritalem. Ad uxorem. 1. 2. 3, ; Le Saint, 11.*

⁹¹ *Viderint qui inter cetera peruersitatum suarum disiungere docent carnem in duobus unam, negantes eum, qui feminam de masculo mutuatus, duo corpora ex eiusdem materiae consortio sumpta, rursus in se matrimonii compactione compegit. Ad uxorem 1. 3, 1; Le Saint 12.*

four. If there were three or four they would not really one flesh, nor two in one flesh. They will be such only if their union is formed once and for all.”⁹² This rhetorical trend culminates in *De Monogamia*, with Tertullian’s assertion that, “We admit one marriage just as we admit one God.”⁹³ Even without invoking the term *sacramentum*, therefore, Tertullian has come to see marriage and God as intricately linked, with the former serving mainly to reflect and glorify the latter.

Just as his symbolic understanding of matrimony grows stronger as his works progress, so too does his opposition to second marriages. This makes particular sense since his use of the word *sacramentum* (and his figural understanding of marriage in general) is almost always presented in the context of an attack on the remarriage of widows or widowers, thus giving the strong impression that the “sacrament” of marriage is strictly a one-time deal. Thus, what begins in *Ad Uxorem* as “a great obstacle to holiness” has become by *De Monogamia* nothing short of “adultery,” placed utterly outside the very definition of marriage.⁹⁴ In *Ad Uxorem*, he advises his wife that to remarry after the death of her spouse (him!) would be a missed opportunity for spiritual “liberty” and “continence.”⁹⁵ In *De Monogamia*, he addresses the same hypothetical scenario by wondering to which of her two husbands (should she remarry) will she be playing the adulteress. His final conclusion is that it would be both.

⁹²*Denique erunt inquit duo in carne una, non tres, neque quattuor. Alioquin iam non una caro nec duo in unam carnem. De exhortatione castitatis* 5:2 ; Le Saint 51.

⁹³*Unum matrimonium nouimus sicut unum Deum. De monogamia* 1. 2; Le Saint 70.

⁹⁴*Quantum detrahant fidei, quantum obstrepant sancitati nuptiae secundaw, disciplina ecclesiae et praescriptio apostoli declarat. Ad uxorem* 1.7. 4 ; Le Saint, 20. Compare with his much harsher assessment of second marriages in *De Monogamia* 10: 7: *Aliud habebit in spiritu, aliud et in carne. Hoc erit adulterium, unius feminae in duos uiros conscientia.* Le Saint, 93.

⁹⁵*Ad uxorem* 1. 7. 2. See footnote 36 above.

This trajectory lays bare exactly how central the prohibition of second marriages was to Tertullian's marital theology, and how closely tied this prohibition was to his conception of matrimony as a sacrament. If marriage is to be legitimated through adherence to a symbolic pattern, it must hold to that pattern completely, without allowances for worldly social necessities. And, if this pattern is determined to be the union between Christ and his Church, then remarriage becomes, in essence, not marriage at all, but rather nothing more than an awkward, sinful remainder hanging off to the side of the Tertullian's perfect matrimonial equation.

It is this very question of the validity of remarriage that, in many ways, determined Tertullian's legacy within the realm of marital theology. On the one hand, by disallowing second marriages, Tertullian assured his own exclusion from this conversation in the proceeding centuries. As was mentioned above, the prohibition on remarriage after the death of a spouse was one of the specific aspects of Tertullian's Montanism to be declared heretical—no insignificant detail, given that Montanism in general seemed to contain few other doctrinal abnormalities. As Eric Nestler notes, a thorough analysis of extant Montanist works (Tertullian's among them) reveals almost total compliance with what would eventually become Catholic doctrine, with two major exceptions: its encouragement of the active pursuit of martyrdom, and its harshness towards the remarriage of widows.⁹⁶ What's more, to disallow second marriages is to openly flout three explicit Pauline decrees, all of which clearly state that widows are permitted to remarry at will.⁹⁷ Since both points, as we have seen, formed an integral

⁹⁶ Nestler, 71-3.

⁹⁷ Paul's explicit authorization of remarriage is found in 1 Cor 7:39, Romans 7:3, and 1 Tim 5:14.

portion of Tertullian's position on matrimony as a whole, it stands to reason that his marital theology would not fare particularly well in the developing Catholic tradition.

There is another sense, however, in which Tertullian proved to be deeply influential in the formulation of "Christian marriage" as a concrete entity; specifically, his very conception of matrimony as a sacramental union. In particular, Tertullian's theology would eventually serve as one of the most prominent sources for Augustine's concept of the sacrament of marriage—that is, the marital paradigm that would become official church doctrine for the next thousand years. The irony of this is not to be missed. As Philip Reynolds has put it, if Tertullian is to be credited with creating the sacramental "marriage bond" as it eventually came to be defined, is in itself "a product of Montanist eschatology," silently affirming and carrying forward one of the few principles (the prohibition of remarriage) that made Montanism heretical.⁹⁸

Tertullian's conception of marriage, therefore, emerges in the Christian tradition as something of a theological catch-22. On the one hand, its main structural principle—marriage as a sacramental entity—came to be both accepted and incorporated into the subsequent ecclesiastical conception of matrimony. On the other hand, the chief logical conclusion of this principle—the prohibition of multiple marriages—was rejected as heretical. The combined effect of this conundrum, as the latter half of this chapter will show, is that Tertullian became a rather troublesome silent partner in the evolution of Christian marriage as a doctrinal entity, with his position on remarriage enduring as the perfidious Trojan horse that would come to vex the ecclesiastical discourse on matrimony for centuries to come.

⁹⁸ Reynolds, 200.

Jerome's *Adversus Jovinianum*: Subtracting the Sacrament

One of the most prominent authors to absorb and carry forward Tertullian's theological influence was Jerome, whose late fourth-century marital treatise *Against Jovinian* bears the unmistakable traces of Tertullian's particular distaste for matrimony. Jerome, as David Hunter points out, provided the main "theological afterlife" for Tertullian's ascetic vision, "imitating" and incorporating Tertullian's main points without directly naming their dubious source.⁹⁹ As Philippe Henne further observes, this "*nefaste influence*" did not go unnoticed by subsequent authors, who swiftly relegated Jerome's treatise to the theological fringes in much the same way they had with Tertullian's.¹⁰⁰ Indeed, Jerome's idea of matrimony is strikingly similar to that of his predecessor, denigrating conjugal life almost to the point of absolute prohibition. Like Tertullian, Jerome maintained a darkly suspicious view of procreation and the distractions of domestic life. And, like Tertullian, he justifies these suspicions through a corrective if not antagonistic reading of Paul. Jerome distinguishes himself from Tertullian, however, by drastically downplaying marriage's sacramental character—a major, fundamental difference with far-reaching implications for his overall theology of marriage.

Against Jovinian was, in many ways, a text that was somewhat over-determined by its discursive origins. Composed after Jovinian's public condemnation by Pope Siricius, Jerome's tract was designed as an explicit attack on a man (Jovinian) whose teachings had already been flagged as doctrinally suspect, and which Jerome especially

⁹⁹ Hunter, *Marriage, Celibacy, and Heresy*, 120

¹⁰⁰ Philippe Henne, *Saint Jérôme* (Paris : Cerf, 2009), 183.

considered “a vile heap of blunders.”¹⁰¹ Jovinian’s specific “blunders” (lost in their original form, known primarily from Jerome’s arguments against them) were numerous, but Jerome centered his indignation on one that he found particularly odious: the assertion that “virgins, widows, and married women, who have been once passed through the laver of Christ, if they are on a par in other respects, are of equal merit.”¹⁰² Jerome’s rhetorical objective, therefore, is clearly determined from the outset: he must dismantle Jovinian’s argument by proving that married Christians, while potentially saved through baptism, gain markedly less heavenly clout than their virginal or continent counterparts.

In this endeavor, the stakes were visibly high, particularly for a writer of Jerome’s ascetic persuasion. As Henne notes, high Roman society in this period remained deeply suspicious of asceticism—particularly female asceticism, a fact that had deep implications for most of Jerome’s close personal relationships.¹⁰³ Indeed, much of Jerome’s extant writings consist of correspondence with upper-class virgins and chaste widows, partially intended as a defense of their way of life. Peter Brown, moreover, has hinted at some slightly more insidious motivations for Jerome’s hostility towards marriage, as upper class women, when freed from the financial and domestic responsibilities of family life, made up Jerome’s most powerful benefactors.¹⁰⁴ Whatever his reasons, they lead Jerome to attack Jovinian’s assertion with especial vigor, coming down hard on the side of virginity at the rhetorical expense of marriage.

¹⁰¹ *Verum scriptorum tanta barbaries est, et tantis vitiis spircissimus sermo confusus...Adversus Jovinium* 1.1, Latin citations of the *Adversus Jovinianum* via PL 23, 211-338. All English translations of the from *The Principal works of St. Jerome*, trans. W.H. Fremantle, G. Lewis, and W.G. Martley (Grand Rapids: WM B. Eerdmans Publishing Company, reprinted 1983), 346.

¹⁰² *Dicit, virgines, viduas, et maritatas, quae semel in Christo lotae sunt, si non discrepent caeteris operibus, ejusdem esse meriti. Adversus Jovinianum* 1.3; Fremantle 348.

¹⁰³ Henne, 91.

¹⁰⁴ Brown, *The Body and Society*, 379-81.

Indeed, what Jerome ended up producing turned out to be one of the most strident anti-marital tracts in all of Christian discourse, tipping the scales of the matrimonial balancing act sharply towards the side of celibacy. While admitting at the outset that he is “anxious to strike a blow for virginity” Jerome also attempts to insert a certain degree of moderation, claiming (much like Tertullian) that he does not fall into the camps of those heretics who “disparage marriage” and “think all intercourse impure.”¹⁰⁵ Almost immediately, however, he seems to abandon this perspective in favor of a ringing endorsement of celibacy, entirely at the expense of conjugal life. If the church, for example, were to be imagined as a “great house,” virgins and celibate people would be the prized “vessels of gold and silver”; married believers, by contrast, are depicted as the far less valuable “vessels of wood and earthenware.”¹⁰⁶ Like Tertullian, he denies that marriage bonds persist after death, and thus comes to see matrimony as rather pointless—“for if death be the end of marriage, why not embrace the inevitable?”¹⁰⁷ As the treatise progresses, Jerome’s anti-marital attitudes become even more pronounced, to such an extent that marriage emerges almost as a species of fornication. Paul’s grudging allowance of marriage, he argues, only serves to demonstrate that “God loves virgins more,” for “they willingly give what was not commanded of them.”¹⁰⁸ In perhaps the most rhetorically biting jab at married life in the entire treatise, he interprets a passage from Revelation to mean that “all who have not preserved their virginity, in comparison

¹⁰⁵ *Neque vero nos Marcionis et Manichaei dogma sectantes, nuptiis detrahimus. Adversus Jovinianum* 1. 3; Fremantle, 347.

¹⁰⁶ *Scimus in domo magni, non solum vassa esse aurea et argentea, sed lignea et fictilia.* *ibid*

¹⁰⁷ *Si autem mors finis est nuptiarum, eam necessitatem non in voluntatem vertimus? Adversus Jovinianum* 1.13; Fremantle, 357

¹⁰⁸ *Et ideo plus amat virgines Christus quia sponte tribuunt quod sibi non fuerat imperatum. Adversus Jovinianum* 1. 12; Fremantle, 356.

of pure and angelic chastity and of our Lord Jesus Christ Himself, are defiled”¹⁰⁹—perhaps as close as a fourth-century theologian could come to an outright ban on marriage without skating into clear heretical territory.

Most pervasively, however, Jerome casts the general aspersion that matrimony represents a set of “bonds” that prohibit one from enjoying the “freedom” of the continent ascetic life—much in the same way that Tertullian presents marriage as the major impediment to martyrdom. As he puts it, “Moreover, he who when called by the Lord had not a wife and was free from the bondage of wedlock, he is truly Christ’s bondservant. What happiness to be the bondservant, not of a wife but of Christ, to serve not the flesh, but the spirit!”¹¹⁰ A crucial part of this freedom, moreover, is the independence to sacrifice oneself entirely to God—“to offer oneself as a whole burnt offering, much like Tertullian’s martyrs. This is not to suggest, of course, that aversion to sex and anti-feminism were not defining features of Jerome’s marital theology, and they did not significantly shape major aspects of his vision of marriage. It is to suggest, however, that his theology was complex and supple enough to allow for a diverse array of motivations and influences, and that he was in a uniquely good position to be influenced by Tertullian.

It is not surprising, therefore, that Jerome’s construction of his marital theology mirrors that of Tertullian in several crucial aspects, particularly his mode of mode of scriptural exegesis. Jerome is strikingly similar to Tertullian, for example, in his

¹⁰⁹ *Ex quo ostendit omnes qui virgines non permanserunt ad comparationem purissimae et Angelicae castitatis et ipsius Domini nostri Jesu Christi, esse pollutos. Adversus Jovinianum* 1: 40; Fremantle, 379.

¹¹⁰ *Porro qui uxorem non habens, et liber a servitute conjugii vocatus est a domino, ille vere servus est Christi. Adversus Jovinianum*. 1. 11 ; Fremantle, 355.

treatment of the famous Pauline declaration that “it is better to marry than to burn”—which is to say, he uses it to argue that marriage (unlike virginity) is not in and of itself something “good.” Like Tertullian, he takes especial issue with the conditional nature of Paul’s statement, maintaining, “I suspect the goodness of that thing which is forced into the position of being only the lesser of two evils. What I want is not a smaller evil, but a thing absolutely good.”¹¹¹ And, like Tertullian, he even conveys his disapprobation through a series of vivid bodily analogies, as in the following passage:

The reason why it is better to marry is that it is worse to burn. Let burning lust be absent, and he will not say it is better to marry. The word *better* always implies a comparison with something worse, not a thing absolutely good and incapable of comparison. It is as though he said, it is better to have one eye than neither, it is better to stand on one foot and to support the rest of the body with a stick, than to crawl with broken legs.¹¹²

In moments such as this, Jerome’s exegetical strategy becomes so strong as to take on what Evans has termed a “corrective” approach, manipulating the Pauline text to “make Paul say the opposite of what he is actually saying.”¹¹³ Or, as Rosemary Ruether has put it, “Jerome turned Paul’s cautious allowance of marriage into a flat negotiation.”¹¹⁴ In general, this tendency expresses itself in Jerome’s overriding position that Paul’s conjugal permissions are somewhat regrettable moments of indulgence—or, as he puts it, “The Apostle’s wish is one thing, his pardon another. If a wish be expressed,

¹¹¹ *Suspecta est mihi bonitas ejus rei, quam magnitudo alterius mali, malum esse cogit inferius. Ego autem non levius malum, sed simplex per se bonum volo. Adversus Jovinianum* 1. 9 ; Fremantle, 353.

¹¹² *Ideo melius est nubere, quia pejus est uri. Tolle ardorem libidinis, et non dicet, melius est nubere. Melius enim semper ad comparationem deterioris respicit, non ad simplicitatem incomparabilis per se boni. Velut si diceret: Melius est unum oculum habere, quam nullum: ¹⁶ melius est uno inniti pede, et alteram partem corporis baculo sustentare, quam fractis cruribus repere. ibid*

¹¹³ Roger Steven Evans, 134.

¹¹⁴ Ruether, 45.

it confers a right; if a thing is only called pardonable, we are wrong in using it.”¹¹⁵ The intensity of Jerome’s interpretive slant, combined with the specific ways in which this slant mirrors that of Tertullian, suggests a strong degree of influence and affinity between the two authors.

Jerome also partially echoes Tertullian in his manner of rehabilitating Christian marriage—or rather, the ways in which he balances out his overall censorious portrayal of matrimony by finding ways for it to be at least partially good. Specifically, Jerome accomplishes this by creating a matrimonial ideal based exclusively on joint worship and mutual Christian values, to the deliberate exclusion of any more worldly components. “The kind of wedlock [God] enjoins,” according to Jerome, is one in which “husbands and wives are to dwell together according to knowledge, so that they may know what God wishes and desires.”¹¹⁶ The main difference between Jerome’s perspective and Tertullian’s, however, is that Jerome is absolutely explicit about the fact that sex is to have no part in this idealized conjugal vision—so much so that abstinence from sex becomes the defining feature of his idea of a “good” marriage. “If we abstain from intercourse,” he argues, “we give honor to our wives: if we do not abstain, it is clear that insult is the opposite of honor.”¹¹⁷ Ideally, even the randiest of wives can be tamed into

¹¹⁵ *Aliud est, velle quid Apostolum, aliud est ignoscere. In voluntate promeremur, in venia abutimur. Adversus Jovinianum* 1. 8; Fremantle, 352.

¹¹⁶ *Cernis, quale conjugium inter viros uxoresque praecipiat? Cohabitanes juxta scientiam, ut noverint quid velit, quid desideret Deus, ut tribuant honorem vasculo muliebri. Adversus Jovinianum* 1: 7; Fremantle 531.

¹¹⁷ *Si abstinemus nos a coitu, honorem tribuimus uxoribus: si non abstinemus, perspicuum est honori contrariam esse contumeliam. Ibid.*

conjugal abstinence. With some patience, he advises, “your spouse will become a sister,” an image that encapsulates Jerome’s ultimate picture of married bliss.¹¹⁸

Jerome’s rejection of marital sex, moreover, relates directly to the biggest divergence between his marital theology and that of Tertullian: the fact that Jerome does not see marriage as a sacramental union. While he does, briefly, consider the potential sacramental significance of the conjugal bond, he swiftly turns it into yet another opportunity to champion virginity, writing:

Christ in the flesh is a virgin, in the spirit once he is married. For he has one Church, concerning which the same Apostle says, “Husbands, love your wives, even as Christ also loved the Church.” If Christ loves the Church holily, chastely, and without spot, let husbands also love their wives in chastity. And let everyone know how to possess his vessel in sanctification and honour, not in the lust of concupiscence, as the Gentiles who know not God.”¹¹⁹

Thus, Jerome’s formulation of the marital sacrament, and the salvific implications thereof, is one that directly eliminates sex from the equation. Rather than viewing marriage’s sacramental significance as something that rehabilitates matrimony in general, Jerome uses this image to champion chaste marriage in particular, and to deliberately exclude consummated conjugal unions. The logical implication of this point (that Christ and the Church are virginal and chaste) is that unchaste marriages are not sacramental, and hence do not benefit from the redemptive association with the union between Christ and his church.

¹¹⁸ *Si egeris patienter, conjux mutabitur in sororem. Adversus Jovinianum* 1: 11; Fremantle, 355.

¹¹⁹ *Christus in carne virgo, in spiritu monogamus. Unam enim habet Ecclesiam, de qua idem Apostolus: Viri, inquit, diligite uxores vestras, sicut et Christus Ecclesiam. Si Christus sancte, si caste, si absque ulla macula Ecclesiam diligit: viri quoque in castitate uxores suas diligant, et sciat unusquisque vas suum possidere in sanctificatione et honore, non in passione desiderii, sicut et gentes, quae nesciunt Deum. Adversus Jovinianum* 1. 16; Fremantle, 360

Obviously, this narrow definition of marital sacramentality has vast repercussions upon other aspects of Jerome's marital theology—most notably, his perspective on widowhood and remarriage. Perhaps as a result of Tertullian's influence, Jerome at least partially upholds the position that marriage is less holy the second time around, arguing that Christ himself established this principle by attending only one marriage celebration, and that Paul's allowance of multiple marriages was by way of grudging concession, not blessing.¹²⁰ At the same time, however, his refusal to see marital sex as sacramental robs him of the firm one-to-one model on which to ground this position, resulting in dizzying leaps of logic such as the one below:

The first Adam was married once: the second was unmarried. Let the supporters of second marriages show us as their leader a third Adam who was twice married. But granted that Paul allowed second marriages: upon the same grounds it follows that he allows even third and fourth marriages, or a woman may marry as often as her husband dies. The Apostle was forced to choose many things which he did not like. What he says is something like this—God indeed permits marriage, He permits second marriages, and if necessary, prefers even third marriages to fornication and adultery. But we who ought to present our bodies a living sacrifice, holy, acceptable to God, which is our reasonable service, should consider, not what God permits, but what He wishes: that we may prove what is the good and acceptable and perfect will of God. It follows that what He merely permits is neither good, nor acceptable, nor perfect.¹²¹

¹²⁰ This refers to Jerome's somewhat bizarre assertion (in *Adversus Jovinianum* 1:40) that while Jesus authorized marriage by participating in the Cana ceremony, it is also true that "by going once to a marriage, He taught that men should marry only once" (Fremantle, 379). This strange logic will later be taken up by Chaucer's *Wife of Bath*; see pages 240-2 of this text.

¹²¹ *Primus Adam monogamus: secundus agamus. Qui digamiam probant, exhibeant tertium Adam digamum, quem sequantur. Verum fac ut concesserit Paulus secunda matrimonia; eadem lege et tertia concedit, et quarta, et quotiescumque vir moritur. Multa compellitur Apostolus velle, quae non vult. Circumcidit Timotheum, rasis ipse calvitium, nudipedalia exercuit, comam nutrit, et totondit in Cenchris. Et certe castigaverat Galatas, Petrumque reprehenderat, quod se propter observationes Judaicas a gentibus separaret. Quomodo igitur in caeteris Ecclesiae disciplinis Judaeis Judaeus, Ethnicis Ethnicus, et omnibus omnia factus est, ut omnes lucrifaceret: sic et digamiam concessit incontinentibus, nec nuptiarum numerum praefinivit, ut dum vident sibi mulieres ita post mortem mariti secundum concedi, ut tertius quartusque conceditur, erubescant alterum accipere, ne trigamis et quadrigamis compareantur. Ubi enim unus exceditur, nihil refert secundus, an tertius sit, quia desinit esse monogamus. Omnia licent, sed non omnia expediunt. Non damno digamos, immo nec trigamos, et, si dici potest, octogamos: plus aliquid*

Once marital sex has placed outside the realm of “what God wishes,” marriage itself becomes subject to something of a theological free-for-all. Without a sacramental formula to distinguish and dignify the marital institution, all marriages are placed on the same desacralized playing ground—for, after the “living sacrifice” of one’s body has been sullied, what is there left to preserve? This passage becomes all the more incongruous when considered from the perspective of Jerome’s larger intellectual and biographical context (discussed earlier), which gave him every reason to celebrate chaste widowhood. That he misses the opportunity to do this, choosing instead to emphasize the universal undesirability of all marriages, represents the theological corner into which he has painted himself by distancing marriage from sacramental significance.

Jerome’s marital theology, like that of Tertullian, enjoys something of a mixed legacy. On the one hand, his evident distaste for marriage was so strong as to essentially exclude him from the annals of orthodox matrimonial theology, with its attempts to find balance and sanctity in human conjugal relations. In Rosemary Ruether’s words, the *Adversus Jovinianum* immediately became such “an embarrassment to [Jerome’s] colleagues” that it was essentially buried in the proceeding centuries.¹²² While stray selections from the *Adversus Jovinianum* can be found in various later discussions of marital law and theology (such as, for example, Gratian’s *Decretum*) it was almost immediately placed on the periphery of Christian orthodoxy, especially as marriage came to be included in the increasingly crystallized tradition of sacramental marital theology.

inferam, etiam scortatorem recipio poenitentem. Quidquid aequaliter licet, aequali lance pensandum est. Adversus Jovinianum 1. 15. Fremantle, 359.

¹²² Ruether, 45.

The main reason for Jerome's marginalization, however, was the swift response to *Adversus Jovinianum* by Augustine of Hippo, whose *De Bono Conjugali* was an explicit attempt at theological damage control directly promoted by Jerome's treatise.

Augustine's treatise is generally considered as an attempt to find a "middle ground" between Jerome and Jovinian, tempering the extravagant austerity of Jerome's position while retaining the key components of his ascetic flavor. Augustine's prime method of accomplishing this, as we will see below, was to re-incorporate the sacramental formula introduced by Tertullian, hence effectively excluding Jerome's marital vision from subsequent theological discourse.

There is another sense, however, in which Jerome's conception of marriage remained even more influential than the one put forward by Augustine, though this influence existed almost entirely outside of orthodox theological channels. As John Oppel has persuasively argued, Jerome's treatise remained a dominant undercurrent in literary discourse up through the end of the middle ages, profoundly impacting medieval antifeminist and anti-marital attitudes. In Oppel's opinion, "If the middle ages was hostile to marriage, as is sometimes asserted, and was bitterly anti-woman, some of this—or at least, some of the tendencies insofar as they are characteristically medieval—can be attributed to the influence of Jerome's work."¹²³ The enduring afterlife of Jerome's treatise—and in particular its key role in literary attacks against women and marriage—will be significant to this dissertation for two reasons. First, it illuminates an important strain of medieval counter-discourse surrounding questions of marriage—a discourse that displayed a willingness and desire to engage with worldly and gender-

¹²³ John Oppel, "Saint Jerome and the History of Sex," *Viator* 24 (1993), 5.

related issues that the official church discussion ignored. Second, the continued evocation of the *Adversus Jovinianum* demonstrates that this counter-discourse originated from within the annals of ecclesiastical dialogue itself. While Jerome's position was unpopular, it was never judged to be heretical, and his overriding orthodoxy (not to mention his high theological profile) placed his treatise well within the acceptable Christian fold.

As later authors began to weave together an official vision of Christian marriage, Jerome's treatise would thus emerge as a something of a loose theological thread. Excluded from the ecclesiastical discourse on matrimony, the *Adversus Jovinianum* would nonetheless take on increasing importance in less-official milieu, particularly among authors whose prevailing interests lay in the daily trials of gender dynamics and quotidian domestic life. By his willingness to engage in realities ignored by the sacramentally-grounded church formula, Jerome earned himself a lasting position on the fringes of the clerical conversation, his treatise remaining a testament to the rejected building blocks of the emerging sacramental formula.

Augustine's Balanced Equation

Augustine's contribution to the Christian theology of marriage cannot be overstated. As Philip Reynolds has remarked, "No Latin theologian during the patristic and medieval periods wrote as extensively or thought as deeply about the nature and purpose of marriage as Augustine did. No one else was as influential."¹²⁴ Simply put, Augustine created the concept of "Christian marriage" as it henceforth came to be imagined, and thus directly shaped all aspects of the medieval discourse about

¹²⁴ Reynolds, xv

matrimony. Eric Fuchs, in his exhaustive study of Christian theories of marital sexuality and love, remarks that Augustine “shaped the conversation about marriage for one thousand years to come,” creating a model that proved remarkably impervious to shift in time and social context.¹²⁵ From a legal perspective, James Brundage has argued that “Augustine’s underlying belief in the intrinsic sinfulness of carnal desire and the sensual delight that accompanied sexual union became a standard premise” in the development of canon law and the legal definition of marriage.”¹²⁶ Finally, there is no question as to Augustine’s influence in the subsequent theological understanding of marriage, as Seamus P. Heaney makes clear by asserting that “the Augustinian definitions of *sacramentum*, which were to figure largely in the scholastic development of the theology of marriage, were the point of departure for medieval sacramentology.”¹²⁷

While most modern scholars share these sentiments—and fully affirm the importance of Augustine’s marital formula—there is also the consensus that Augustine’s originality consisted not so much in creating an idea of marriage *ex nihilo*, but rather in the inventiveness with which he incorporated and adapted existing theories of matrimony. According to Margaret Miles, Augustine “created no new Christian dogmas” on the regulation of human sexuality. His innovation, rather, lay in the freshness and sensitivity he applied to the intellectual tradition that he had inherited—the “painstaking systematic articulation” through which he responded to the “repressed longing of human beings for

¹²⁵ Fuchs, 127.

¹²⁶ James A Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 80.

¹²⁷ Seamus P. Heaney, *The Development of the Sacramentality of Marriage from Anselm of Laon to Thomas Aquinas* (Washington, D.C: The Catholic University of America Press, 1963), xi.

wholeness” between soul and body.¹²⁸ This opinion is echoed by Peter Brown, who argues that Augustine’s contribution to the Christian conception of sex was to shift the emphasis onto the individual human person, reformulating the theological understanding of sexuality so as to consider the entirety of the human constitution.¹²⁹ We might characterize Augustine’s theology of sexuality—and hence, by extension, his theological formula for marriage—as something of a humanized fusion of the trends and theories that came before him. Augustine’s formula sought to rectify the various contradictory tendencies in his immediate theological environment, created with an attention towards human needs and frailties and a desire to incorporate these imperfections into the Christian understanding of sex.

The fact that Augustine’s theory of matrimony was shaped by the larger Christian conversation about marriage and sex is something that is apparent throughout his marital treatises. As Augustine makes clear in his *Retractions* for *De Bono Conjugali*, this work was intended as a direct response to both Jovinian and Jerome, attempting to quell the “rumors and whisperings” regarding the relative merits of marriage and virginity that had been sweeping throughout Rome.¹³⁰ While Augustine confirms the obvious fact that his own position on matrimony was developed in opposition to Jovinian’s (i.e., the idea that “the merits of holy virginity and chaste marriage are equal”), he also places himself somewhat in conflict with the Jerome, lamenting that “in responding to Jovinian it was

¹²⁸ Margaret Miles. *Augustine on the Body* (Missoula, MT: Scholars Press, 1979), 128.

¹²⁹ Peter Brown, *The Body and Society*, 406-8.

¹³⁰ *Remanserant autem istae disputationes eius in quorundam sermunculis ac susurris. Retractiones* II. 22. 1, CCL 57

not possible to praise marriage but only to vilify it.”¹³¹ Contemporary scholars have generally agreed that Augustine opted for the middle path in the Jerome/Jovinian debate, though some (such as Peter Brown) have argued that “distancing himself from Jerome” was Augustine’s first priority.¹³² Whatever Augustine’s exact relation to the positions of Jovinian and Jerome, it is clear that his conception of marriage was partially formed by this dispute, and by the theological moderation with which he attempted to resolve it.

Augustine’s theological surroundings were further complicated by the participation of several fringe groups in the conversation about marriage, groups who were soon to be deemed heretical largely through Augustine’s own efforts. What’s more, the ferocity of Augustine’s anti-heretical struggles gave his own thoughts a certain malleability, as the specific contours of his marital formula seem to shift to meet the challenges posed by each particular interlocutor. *De Bono Conjugali*, for example, displays various markers of Augustine’s struggle against the Manichaean sect, which was in its final stages at the time this work was penned. Against the Manichee belief that human sexuality constituted a barrier to salvation, Augustine casts sexuality as an integral part of the divine order, with sexual procreation explicitly defined as its “one worthy outcome.”¹³³ Augustine was forced to re-evaluate this position, however, some fifteen years later, when his contest with the Pelagian bishop Julian compelled him to re-think the specific degree of “goodness” he was willing to accord to human sexual relations. In his c. 421 treatise *De*

¹³¹ *Ioviniani haeresis sacrarum uirginum meritum aequando pudicitiae coniugali tantum uahuit. Ibid; Maxime quoniam iactabatur Iouiniano responderi non potuisse cum laude sed cum uituperatione nuptiarum. Ibid.*

¹³² Brown, *Body and Society*, 401.

¹³³ *Consequens et connexio societatis in filiis, quis unus honestus fructus est non coniunctionis maris et feminae, sed concubitus. De bono conjugali 1.1.* All latin text and English translation for *De bono conjugali* and *De sancta uirginitate* from P.G. Walsh’s edition and translation (Oxford: Clarendon Press, 2001).

Nuptiis et Concupentia was also attempting to defend and advance his position on sexuality and original sin, countering the Pelagian view that “infants born of the flesh have no need of Christ’s medicine, through which sins are healed” with his emphatic assertion that “all children, whoever their parents, are under the power of the devil unless they are born again in Christ and transferred out of the shadows into his kingdom, as he was not born of the union of the two sexes.”¹³⁴ The result of this latter objective, according to various scholars, is a certain darkening of Augustine’s attitude towards marital sexuality.¹³⁵ One aspect of Augustine’s darker take on sex is the increasingly restrictive logic he comes to apply to his assessment of sexual goodness. This is to say that rather than emphasizing the goodness of sex because of its procreative potential, Augustine’s later works (*De Nuptiis et Concupentia* chief among them) resoundingly state that procreation is the only possible condition under which sex can be anything other than sinful, emphasizing instead the depraved and uncontrollable nature of human sexual desires. The secondary effect of this position is that it separates marital goodness from the sexual acts that take place within a marriage. Augustine in fact makes this latter implication clear on several occasions, asserting that “in that marriage produces good out

¹³⁴ *Haeretici noui, dilectissime fili Valerie, qui medicinam Christi, qua peccata sanata, carnaliter natis paruulis necessariam non esse contendunt... De parentibus qualibuscumque nascantur non negamus adhuc esse sub diabolo, nisi renascantur in Christo et per eius gratiam de potestate eruti tenebrarum in regnum illius qui ex eadem sexus utriusque commixtione nasci noluit transferantur. De nuptiis et concupiscentia* 1.1. CSEL 42, 211.

¹³⁵ . Margaret Miles, for example, has noted “a discernable hardening” in Augustine’s marital writings dating his anti-Pelagian period, resulting in an almost unqualified alignment of human sexuality with sin. Miles, *Augustine on the Body*, 73. This view is also shared by Fuchs (*Sexual Desire and Love*, 116) and Brown (*Body and Society*, 401), among others.

of evil [of carnal concupiscence) it is glorified; because without marriage this good cannot come to be, marriage has reason for shame.”¹³⁶

Before delving into Augustine’s formula itself, however, it is necessary to examine one final contextual force that is often brought to bear on his marital theology: the story of Augustine’s own quasi-marital misadventures, as recounted in his *Confessions*. The potential relevance of the *Confessions* as a source-text often proves irresistibly obvious. In addition to the pages of lamentation Augustine expends on his decades-long struggle with lust (frequently invoked as the driving force behind his distrustful attitude towards sex), there is his sparse but significant description (*Conf.* 4.2.2) of his longtime sexual companion, with whom he “personally experienced the vast difference between the pleasing bond of marriage, entered into for the sake of having a children, and the kind of pact that is made for libidinous pleasures.”¹³⁷ The apparent confluence between Augustine’s reflections on his own life and his formulation of Christian marriage has traditionally caused scholars to interpret Augustine’s marital theology biographically, treating the eventual shape of his matrimonial formula as a direct result of his own life experience. Brown, for example, characterizes Augustine’s thoughts on concubinage in *De Bono Coniugali* as the author “allowing himself to feel again about [his concubine],”¹³⁸ while Philip Reynolds cites Book Four of the *Confessions* as support for his own interpretation of Augustine’s theory of

¹³⁶ *Proinde nuptiae quia etiam de illo malo boni aliquid faciunt, gloriantur, quia sine illo fieri non potest, erubescunt. De nuptiis et concupiscentia* 1.7.

¹³⁷ ...in quia sane experier exemplo meo quid distaret inter coniugalis placiti modum, quod foederatum esset generandi gratia, et pactum libidinosi amoris. *Confessions* 4.2.2, ed. James J. O’Donnell (Oxford: Clarendon Press, 1992), vol 1.

¹³⁸ Brown, *Augustine of Hippo: A Biography* (Berkeley: University of California Press, 1967), 80-81.

concubinage.¹³⁹ Other scholars, however, have grown distrustful of this biographical approach, viewing the *Confessions* less as a faithful recording of Augustine's life and more as a stylized portrait written to serve his various rhetorical agendas. In this vein, Paula Fredriksen has argued that the *Confessions* represents not so much an autobiography as an expression of his "theological opinions,"¹⁴⁰ wherein his life is used as an exemplar whereby to demonstrate and further these beliefs. By this logic, Augustine's description of his concubine cannot be used as a biographical corollary for his theoretical treatment of concubinage, as it is not necessarily a truthful representation of his feelings, motives, or even the events themselves.

I am inclined to follow Fredriksen's lead in my own work with the Augustinian corpus, and will therefore decline to invoke Confessions 4.2.2 as an accurate portrait of Augustine's own sexual experience, or as potential psychological motivator for his marital theology. At the same time, I do not think that this passage can be ignored outright, especially when attempting to understand Augustine's formulation of Christian marriage as a process of discursive development. The fact that Confessions was penned in 397 (four years before *De Bono Conjugali*) in fact makes his description of his concubine one of Augustine's earliest meditations on the nature of marital relations—and in particular, that which distinguished marriage from concubinage. My intention, therefore, is to view *Confessions* 4.2.2 as a moment of rhetorical rather than biographical importance. While this passage may not provide insight into Augustine's own experiential connection with marriage, it does constitute a significant step in his

¹³⁹ Reynolds, 305.

¹⁴⁰ Paula Fredriksen, "Paul and Augustine: Conversion Narratives, Orthodox Traditions, and the Retrospective Self," *Journal of Theological Studies* 37 (1986), 22.

construction and reification of marital ties, representing various key discursive factors that would come into play in his later theoretical works.

Augustine's theology of marriage begins from the simple premise that marriage is, in and of itself, good—not merely good “by comparison with fornication,”¹⁴¹ but imbued by God with the intrinsic goodness of being “the first natural link of human society.”¹⁴² The fact that marriage is less spiritually beneficial than virginity (a point that is never called into question throughout the whole of Augustine's writing on marriage) does not prevent married persons from participating in this goodness—one major way in which he both echoes and differentiates himself from the theologies of both Tertullian and Jerome. Further, Augustine conceptualizes “holy virginity” in such a way so as to allow marriage to occasionally come out on top. This is to say, he consistently privileges inner virtues such as obedience over the physical condition of virginity, saying “The matron who is more obedient is to be preferred to the virgin who is less so.”¹⁴³ Even when directly addressing his celibate brethren, Augustine is clear that an honest married person will always trump a hypocritical virgin: “[These celibate women] would like to marry, and the reason why they do not marry is because they cannot do so with impunity. They would do better to marry than to burn, that is to be ravaged in their inmost hearts by the flame of lust.”¹⁴⁴

The reason that Augustine was able to seem so strikingly marriage-positive (particularly given the distrust of sex and family life that permeated his theological

¹⁴¹ *Quod non sic dicimus bonum ut in fornicationis comparatione sit bonum. De bono conjugali* 8.8.

¹⁴² *Prima itaque naturalis humanae societatis copula uir et uxor est. De bono conjugali* 1.1.

¹⁴³ *Oboedientior coniungata minus oboediento uirgini praeponenda est. De bono conjugali* 23.30.

¹⁴⁴ *Hae igitur quae nubere uolunt et ideo non nubunt quia impune non possunt, quae melius nubere quam urerentur, id est quam occulta flamma concupiscentiae in ipsa conscientia uastarentur. De sancta uirginitate* 34. 34.

surroundings) is that all of this was carefully balanced by his tripartite theory of marital goodness: *proles* (children), *fides* (mutual fidelity) and *sacramentum*. Simply put, distributing the goodness of marriage across three separate categories allowed Augustine to define the conjugal good in such a way that, while it could easily accommodate sexual activity, it did not depend on sexual consummation for either its existence or its goodness. Because not all of Augustine's marriage goods involve any sort of sexual activity, it was possible for Christians to be married with no sex at all. Augustine's most straightforward summation of his marriage goods is as follows: "Therefore the good of marriage in every nation and throughout mankind lies in the purpose of procreation and in the fidelity of chastity; but so far as the people of God are concerned, it also lies in the sanctity of the sacrament."¹⁴⁵

The first of these goods, procreation, has something of a nebulous status within Augustine's marital theology as a whole. Augustine never wavers in his assertion that the production of offspring (for all the evil of carnal concupiscence it may entail) is something good—a point that distinguishes him greatly from both Tertullian and Jerome. Unlike his predecessors, Augustine does not see the new covenant as a *de facto* nullification of the divine imperative to "be fruitful and multiply," though he does concede that an end to all human procreation would not necessarily be a bad thing. Were this to take place, he reasons in *De Bono Conjugali*, "then the city of God would be filled much more speedily and the end of the world would be hastened."¹⁴⁶ Operating under the assumption, however, that such an event is unlikely to take place, Augustine finds a

¹⁴⁵ *Bonum igitur nuptiarum per omnes gentes atque omnes homines in causa generandi est et in fide castitatis; quod autem ad populum dei pertinet, etiam in sanctitate sacramenti. De bono conjugali* 24.32.

¹⁴⁶ *Multo citius dei ciuitas completeretur et adceleraretur terminus saeculi. De bono conjugali* 10.10.

purpose for procreation within this new and final phase of salvation history: to produce more souls who can ultimately be baptized into the city of God. This notion becomes increasingly important towards the latter end of Augustine's career, and reaches its fullest development in *De Nuptiis et Concupentia*: "For [married Christians] have the intention of engendering children who will be born again, so that those who are born of children of the world may be reborn as children of God."¹⁴⁷ Thus, Augustine makes the "good" of new human life contingent upon this new human's baptism. In so doing, he manages to create a degree of difference between the sexual act and the true "good" that comes from procreation.

This is not to say that Augustine does not confront the sexual realities of procreation, particularly in a post-lapsarian world. As a result of Adam's sin, sexual lust "assumes power not only over the whole body...but also internally,"¹⁴⁸ resulting in an ultimate loss of spiritual control whereby sin becomes inevitable. Augustine is adamant, however, that the incorporation of carnal concupiscence in no way sullies the goodness of marriage: "Even with the addition of this evil, the goodness of marriage could not be destroyed." Rather, marriage retains its good nature by absorbing the lust of both parties and transforming it for a noble objective. As he says in *De Bono Conjugali*: "Marriages promote this further good: carnal or youthful incontinence...is applied to the honorable task of begetting children, and so intercourse within marriage engenders something good

¹⁴⁷ *Habent quippe intentionem generandi regenerandos ut qui ex eis saeculi filii nascuntur in dei filios renascantur. De nuptiis et concupiscentia* 1.4.

¹⁴⁸ *The City of God*, translated by Henry Bettenson, (New York: Penguin Books, 1972), 14.16.

from the evil.”¹⁴⁹ Even though it is technically wrong to have sex for reasons other than procreation (i.e., to use one’s spouse for the satisfaction of lust) is “pardonable” due to the mercy God demonstrated in creating the institution of marriage.¹⁵⁰

One further implication of Augustine’s ambiguous treatment of procreation is that, in the final analysis, it comes to be explicitly portrayed as unnecessary (or even extraneous) in the make-up of a valid marriage. As Augustine clearly states:

Let it not be said that the marital bond is broken between those who, by mutual consent, decide to abstain from sexual relations. In fact, it will be firmer, as they have entered in an even greater pact, in which love and harmony is not sustained by the pleasures of fleshly joining, but by the voluntary affection of souls.¹⁵¹

This notion does not result (as it does in Jerome) in the utter exclusion of sexual relations for Augustine’s marital paradigm; by and large, he always writes with the understanding that marriage will involve at least some sex, and thus at least some lust. What it does result in, however, is the later medieval debate on whether consummation (and thus procreation) need take place at all for a marriage to be fully affected, or whether consent of the two parties alone constituted full marital validity.

The other main way in which Augustine dealt with the presence of lust between married couples is the development his second good: mutual fidelity or chastity. While Augustine occasionally interprets this to mean a sense of kindness and equanimity between the spouses, it is more generally presented as a sort of spiritual insurance policy,

¹⁴⁹ *Habent etiam id bobum coniuga, quod carnalis uel iuuenalis incontinentia, etiamsi uitiosa est, ad propagandae prolis redigitur honestatem, ut ex malo libidinis aliquid boni faciat copulatio coniugalis. De bono conjugali* 3.3,

¹⁵⁰ Augustine argues that Paul does not “pardon” marriage, but rather the sin of sexual intercourse via marriage. *De bono coniugali* 11.12.

¹⁵¹ *Quibus uero placuit ex consensu ab usu carnalis concupiscentiae in perpetuum continere, absit ut uinculum inter illos coniugale rumpatur; immo firmiter erit, quo magis ea pacta secum inierunt, quae carius concordiusque seruanda sunt nin uoluptariis corporum nexibus sed uoluntariis affectibus animorum. De nuptiis et concupiscentia* 1.11.

put in place to make sure that neither party sins by seeking sexual fulfillment outside of the marriage: “So married couples owe fidelity to each other not merely in performance of the sexual act to bring forth children...but also in ministering, so to say, to each other, to shoulder each other’s weakness, enabling each other to avoid illicit sexual intercourse.”¹⁵² It is in this vein that Augustine introduces the corollary concept of the “marriage debt:” the responsibility of each spouse to consent to sexual activity whenever (and under whatever circumstances) the other is feeling randy. So insistent is Augustine on the importance of this mutual duty that he forbids both wives and husbands from permanently abstaining from sex without the other’s consent—despite the extreme approbation with which he otherwise views sexual abstinence.

Finally we come to the third and most complex of Augustine’s marital goods: the “sacramental significance” of the union between husband and wife. That this is the most important component of Augustine’s conjugal formula cannot be doubted, as the author himself places it above his other marriage goods: “In the marriages of our Christian women, the sanctity of the sacrament takes precedence over the fertility of the womb.”¹⁵³ The sacramentality of marriage, indeed, provides Augustine with a crucial balancing tool relative to his other two goods, as it creates an utterly non-sexual sort of glue with which a marriage can be held together. As Augustine makes plain, sacramentality means (among other things) that a marriage can continue to exist even when the spouses have

¹⁵²*Debent ergo sibi coniugati non solum ipsius sexus sui commiscendi fidem liberorum procreandorum causa...uerum etiam infirmitatis inuicem excipiendae ad illicitos concubitus euitando. De bono coniugali* 6.6.

¹⁵³*In nostrarum quippe nuptiis plus ualet sanctitas sacramenti quam fecunditas uteri. De bono coniugali* 18.21.

ceased to have all physical contact, thus providing a crucial link between the sexual and non-sexual components of marriage.¹⁵⁴

It should be noted at the outset that it is not automatically clear what Augustine meant by describing marriage as a “sacramentum,” since his definition of the term, while tremendously influential, was also notoriously vague. Broadly defined as “a sign that brings something else before the senses” and “a visible form of invisible sacrifice,” a sacrament for Augustine could be a wide variety of things, from the Nicene Creed to the kiss of peace.¹⁵⁵ Moreover, on the few occasions on which he did set out to catalogue sacramental church rites, marriage was notably absent.¹⁵⁶ This fact has piqued the interest of various modern scholars, who interpret this omission in several different ways. Emile Schmitt, for example, argues that the reason Augustine decides not to list marriage as a sacrament of the church is that he defines it as an active, ongoing state, as opposed to a specific ritual moment.¹⁵⁷ John Conbere, meanwhile, postulates that this omission relates directly to Augustine’s discomfort with the sexual nature of marriage, thus rendering it too “profane” to hold the status of a sacramental rite.¹⁵⁸

One complicating factor in all of this is that Augustine does, on several occasions, directly compare the “sacramentum” of marriage to that conveyed via baptism—a rite

¹⁵⁴ See *De nuptiis et concupiscentia* 1.10, cited above.

¹⁵⁵ *Signum est enim res praeter speciem, quam ingerit sensibus, aliud aliquid ex se faciens in cogitationem uenire. De doctrina christiana* 2:1.1, CCL 32; *Sacrificium ergo uisibile inuisibilis sacrificii sacramentum, id est sacrum signum est. De ciuitate dei* 10. 5, CCL 47.

¹⁵⁶ The enumeration of church sacraments had not advanced much between the lifetimes of Tertullian and Augustine, and was generally not (as John Conbere has noted) a matter of much concern until the early medieval era. John Conbere, “Sexuality, Death, and Sacramental Theology,” *The Saint Luke’s Journal of Theology* 28 (1985), 113.

¹⁵⁷ Emile Schmitt, *Le Mariage chrétien dans l’oeuvre de saint Augustin: une théologie baptismale de la vie conjugale* (Paris: Etudes augustiniennes, 1983), 218-20.

¹⁵⁸ Conbere, 121.

which he most definitely does consider to be an official “sacrament” of the church. For example: “Just as someone excommunicated for having committed a crime retains the sacrament of rebirth, even if he is never reconciled with God, a wife who has been divorced for committing adultery retains the bond of the marital sacrament within herself, and she does not lose that bond even if she is never reconciled with her husband.”¹⁵⁹ The key element in this analogy seems to be that both marriage and baptism confer something that is radically indissoluble, a fact that has often been seen as the defining feature Augustine’s conjugal *sacramentum*. Philip Reynolds, for example, has argued that the most frequent meaning of *sacramentum* in Augustine’s marital writings is related to the permanence of the marriage tie (*vinculum*), and that this permanence was one of Augustine’s main objectives in imagining marriage as a sacrament.¹⁶⁰ Indeed, this usage is strikingly constant throughout Augustine’s marital treatises. In *De Bono Conjugali*, wherein he offers his most succinct classification of the marital goods, his definition of “the sanctity of the sacrament” hinges precisely on its indissolubility: “[the good of marriage] lies also in the sanctity of the sacrament, by reason of which is forbidden for a woman, for so long as her husband lives, to marry another.”¹⁶¹ Likewise: “Beyond any doubt the thing signified by this sacrament is that the man and the woman united in

¹⁵⁹ *Sicut enim manente in se Sacramento regenerationis, excommunicatur cujus quam reus criminis, nec illo Sacramento caret, etiam si nunquam reconcilietur Deo: ita manente in se vinculo foederis conjugalis, uxori; dimittitur ob causam fornicationis, nec carebit illo vinculo, etiamsi nunquam reconcilietur viro; carebit autem, si mortuus fuerit vir ejus. De Aulterinis Coniugiis 2.5, PL 40, 473.*

¹⁶⁰ Reynolds, 281.

¹⁶¹ *Etiam in sanctitate sacramenti, per quam nefas est etiam repudio discentem alteri nuberi, dum uir eius uiuit. De bono conjugali 24.32.*

marriage persevere inseparably in that union as long as they live, and it is not permitted that one be sent away from the other, except for the cause of fornication.”¹⁶²

What is particularly striking about the preceding passage is the sentence that immediately follows it, which serves as Augustine’s explanation as to why the marriage bond possesses this permanence: “This [indissolubility] is, after all, what is preserved between Christ and the Church, namely, that, while Christ lives and while the Church lives, they are not separated by any divorce for all eternity.”¹⁶³ Thus, human marriage is indissoluble because it is a direct, living reflection of the equally indissoluble union between Christ and his Church, as is suggested by Ephesians 5:12 (“Husbands love your wives as Christ loves the Church”). By understanding the implications of Ephesians 5:12 in this way, Augustine is drawing a direct parallel between the social shape of human marriage and the theological shape of the divine “marriage,” a move that Schmitt has seen as creating a two-tiered system of marital sacramentality.¹⁶⁴ Augustine’s conception of the conjugal *sacramentum* as a permanent link (his *sacramentum minimum*) is thus upheld and demonstrated by its connection to the marital *sacramentum magnum*: the sense in which marriage serves as a reflection of the Christ-Church paradigm. According to Schmitt, conjugal ties thus retain their strength because they are reinforced by something sacred. This, in turn, leads us to the second major meaning of *sacramentum* in Augustine’s matrimonial writings: a visible reflection of an invisible thing—in this case, the relationship between Christ and his Church as manifested by the human marital bond.

¹⁶² *Huius procul dubio sacramenti res est, ut mas et femina conubio copulati quamdiu uiuunt inseparabiliter perseuerent nec liceat excepta causa fornicationis a coniuge coniugem dirimi. De nuptiis et concupiscentia* 1.10.

¹⁶³ *Hoc enim custoditur in Christo et ecclesia, ut uiuens cum uiuente in aeternum nullo diuortio separetur.*
ibid

¹⁶⁴ Schmitt, 257.

In depicting human marriage according to the Christ-Church paradigm, Augustine draws an extremely precise kind of parallel. This is to say, he allows the sacred truth of what marriage signifies to determine the contours of the conjugal union in the human social realm. The first implication of this reading is the indissolubility clause described above. The second, and more complex, implication is the way in which marriage is made to fit the exact specifications of the Christ-Church relationship at each specific moment in salvation history, mirroring these specifications exactly in both form and meaning. Take, for example, Augustine's explanation of polygamy within Old Testament marriages. On the one hand, the permissibility of such unions for Biblical patriarchs appears merely as a practical matter, as the easiest and surest way to fulfill the commandment to be fruitful and multiply: "When certain [patriarchs] were allowed to have multiple wives, the reason was to increase the number of offspring."¹⁶⁵ Augustine's main method of interpreting Biblical polygamy, however, is to see it as an expression of spiritual truth, reflecting the nature of the divine-human bond at each exact moment in history: "Similarly, we read that none of the holy women served two or more living husbands...Several women can be made pregnant by one man, but one woman cannot become plurally pregnant by a number of men...This is why souls have only one true God: a soul can indeed commit fornication with many false gods, but it cannot be made fruitful."¹⁶⁶ This is also the logic that Augustine uses to explain why polygamy is now prohibited for men and women of faith:

¹⁶⁵ *Quando quibusdam etiam singulis plures habere concessum est, ubi ratio fuit prolis multiplicandae, non variandae appetitio voluptatis. De nuptiis et concupiscentia* 1.8.

¹⁶⁶ *Ita duobus seu pluribus maritis uiuis nullam legimus seruisse sanctarum...Plures enim feminae ab uno uiro fetari possunt, una uero a pluribus non potest...Ideoque non est uerus deus animarum nisi unus; una uero anima per multos falsos fornicari potest, non fecundari. De bono coniugali* 17. 20.

In the future, the one city will be composed of many souls who have one soul and one heart in God, and after this earthly pilgrimage it will be the perfection of our unity... For this reason the sacrament of marriage in our time has been reduced to one husband and one wife.¹⁶⁷

What is striking in all of this is how similar Augustine's theory of sacramentality appears to Tertullian's, a resemblance also noticed by Reynolds and Schmitt.¹⁶⁸ Like Tertullian, Augustine sees marriage as intrinsically linked to the broader features of the Christian meta-narrative, and as a manifestation of the spiritual realities in which these features are most fully realized. And, like Tertullian, Augustine uses this reflection to imbue marriage with an extreme degree of permanence. All of this remains true despite Augustine's attempts to distance himself from the overall distrust of conjugal ties that drove Tertullian's work, and that he was not particularly invested in the valorization of martyrdom that, in turn, create this distrust.

The first of these practical problems is in relation to remarried widows, who violate Augustine's mathematics of marriage in much the same way they do Tertullian's. Throughout his marital writings, Augustine is clear that sacramentality equals extreme indissolubility, and that the only thing that can possibly destroy the marital bond is the death of one of the spouses. He is also clear, however, that when marital ties are finally dissolved in this way the surviving spouse is free to remarry, even in the most spiritually dubious circumstances: "At the death of the husband to whom a woman was truly married, [a woman] can enter into a true marriage with the man with whom she had been

¹⁶⁷ *Sed quoniam ex multis animis una ciuitas futura est habentium animam unam et cor unum in deum, quae unitatis nostrae perfectio post hanc peregrinationem futura est...propterea sacramentum nuptiarum temporis nostri sic ad unum uirum et unam uxorem redactum est. De bono coniugali 18. 21.*

¹⁶⁸ See Reynolds, 282 and Schmitt, 216

previously living in adultery.”¹⁶⁹ In stressing the acceptability of remarriage, moreover, Augustine explicitly sets himself in opposition to the position of Tertullian. In his 414 treatise *De Bona Viduat* (composed in response to the queries of one particular widow, Juliana), Augustine takes a pointed swipe at “the loud, senseless puffed-up cheeks of Tertullian,” who “who slanders second marriages by calling them illicit, whereas the apostle, with a sober mind, conceded that they were permitted.”¹⁷⁰

Augustine continues to defend remarriage throughout his examination of widowhood, using essentially the same logic through which he upheld the goodness of marriage itself: that remarriage is good, but chaste widowhood is better. For example: “The excellence of [the chaste widowhood] that you have chosen does not condemn second marriages, but means that they are honored less.. In the same way, the excellence of holy virginity, which your daughter chose, does not condemn your one single marriage.”¹⁷¹ Once again, Augustine seems to have found a perfect middle-ground between total marriage-positivism and the harsh asceticism of his predecessors, upholding the acceptability of remarriage while making chastity the better option.

Where Augustine runs into trouble, however, is when he attempts to square this permission to remarry with the larger marital sacrament, which he had so strictly defined as the indissoluble, monogamous union of Christ and the Church. This anxiety is

¹⁶⁹ *Denique mortuo viro cum quo verum connubium fuit fieri verum connubium potest cum quo prius adulterium fuit. De nuptiis et concupiscentia* 1.10.

¹⁷⁰ *Hinc enim maxime Cataphrygarum ac Nouatianorum haereses tumuerunt, quas buccis sonantibus, non sapientibus etiam Tertullianus inflauit, dum secundas nuptias tamquam illicitas maledico dente concidi, quas omino licitas apostolus sobria mente concedit. De bono uiduat* 4.6, ed. Joseph Zycha, CSEL 41, 310.

¹⁷¹ *Quapropter hoc primum oportet ut noueris, bono, quod elegisti, non damnari secundas nuptias, sed inferius honorari. Nam sicut bonum sanctae uirginitatis, quod elegit filia tua, non damnat unas nuptias tuas, sic nec uiduatas tua cuiusquam secundas. Ibid.*

especially palpable when Augustine attempts to graft remarriage onto the Christian meta-narrative, in which marriage had come uniquely to signify Christ's singular bond with his people:

You are living in the final age... If therefore you had chosen to marry again it would not be out of obedience to a prophecy or in accordance with the law, but for the simple reason of your own incontinence... A careful investigation of Christian teaching reveals that in these present times, unless incontinence provides an obstacle, even first marriages should be condemned... Now that Christ has given the word and been resurrected, there are already so many children of all races waiting to be born spiritually."¹⁷²

When taken in isolation, Augustine's assessment of second marriages versus chaste widowhood is perfectly logical, and entirely confluent with his relativised understanding of marital good as a whole. When forced to consider these sorts of unions as a reflection of spiritual reality, however, Augustine ends up sounding remarkably like Tertullian, going even so far as to question the validity of first marriages. In fact, Augustine himself deigns to admit that multiple marriages make him uneasy, despite the fact that he can find no scriptural basis for disallowing them: "I would not dare to condemn any marriage, but neither would I say that great number of them is no cause for shame... Who am I to decide where the limit lies, when I can see that the apostle did not set one?"¹⁷³ Augustine's tone here is almost helpless, as though he is fighting to square his own inclinations with the guiding rule of scriptural precedent.

¹⁷² *Tu autem, quae et filios habes et eo saeculi fine uiuis... Profecto, si secundas nuptias adpetisses, nullum prophetiae nel legis obsequium, nullum prolis saltem carnale desiderium, sed solius incontinentiae fuisset indicium.... Nam diligenter interrogata doctrina christiana et primas nuptias iam isto tempore, nisi incontinentia sit inpedimento, contemnaendas esse respondet... Post resurrectionem praedicationemque Christi, quando iam ex omnibus gentibus filiorum spiritaliter gignendorum tanta suppetit copia. De bono uiduatis 8.11*

¹⁷³ *Nec ullas nuptias audeo damnare nec eis uerecundiam numerositatis auferre... Qui putem definiendum, quod apostolum nec uideo definisse? De bono uiduatis 12.15.*

The second difficulty within Augustine's overall marital system was the status of concubines. This is partially due to the fact that concubinage most definitely has the ability to realize at least one of Augustine's marriage goods: the procreation of children. Augustine acknowledges this, and takes the official position that, in essence, it doesn't matter, as the goodness of the marriage lies in the institution itself—not the individual conduct of those who enter into it. Take, for example, the following passage, in which Augustine something of a “best-case scenario” for the taking of a concubine:

It is the same with temporary possession of concubines: even if they have intercourse to produce children, it does not make their concubinage lawful. On the other hand, even if wives play the wanton with their husbands, that does not put a stigma on the status of marriage.¹⁷⁴

The fact that a man may enter into a relationship with a concubine with nothing but the noblest of intentions (and indeed, one of the goods of marriage) in mind thus does not excuse the fact that he engaged in sex outside of the institutionalized safety of marriage. Augustine is adamant about this point, and about the fact that sex is only truly excused within the confines of marriage: “So too if temporary concubines have intercourse for the sake of having children, they do not thereby make their concubinage right; and married women who are lascivious with their husbands do not make the institution of marriage responsible for their guilt.”¹⁷⁵

¹⁷⁴ *Sed tamen, si forte ad tempus adhibita concubina filios solos ex eadem commixtione quaesiverit, nec sic ista coniunctio vel earum nuptiis praeponenda est quae ueniale illud operantur. Quid sit nuptiarum considerandum est, non quid sit nubentium et immoderatus nuptiis utentium. De bono coniugali 14.16.*

¹⁷⁵ *Ita nec concubinae ad tempus adhibitae, si filiorum causa concumbant, iustum faciunt concubinatum suum, nec coniugatae, sic cum maritis lasciuant, nuptiali ordini crimen imponunt. Ibid.* While Augustine's engagement with the question of concubinage is often directed at women, there are moments in which he addresses the behavior and responsibilities of men who associate with concubines—namely, his Sermon 392, often cited in early canon law, in which he advises his audience: “*Sufficiant vobis aut uxores aut nec uxores: concubinas vobis habere non licet.*” PL 39, 170.

It's worth noting the striking parallel here with Augustine's anti-Donatist writings, wherein he also argued that it was the integrity of the sacrament (in this case, baptism) and not the conduct of those celebrating it that counted for sacramental efficacy. Such similar logic reveals how thoroughly integrated marriage was within Augustine's larger sacramental framework, despite his reluctance to include it in his rare lists of official sacraments. It also points to a problem that would come to haunt the medieval theologians who followed Augustine's conjugal theology; namely, that marriage consists only in the bond between the married parties themselves, who, no matter their conduct, are solely responsible for creating and maintaining the crucial signification of the "marriage" between Christ and the Church.

It is perhaps due to this lack of clear distinction that Augustine's tone softens when he turns to confront concubines on a more personal level, exhibiting much of the ambivalence that was evident in his discussion of widows and remarriage. When addressing the spiritual status of concubines themselves Augustine becomes almost downright forgiving, particularly if their liaisons resulted from a genuine desire for children. While such a woman has sinned, he would be hard-pressed "to refer to her as an adulteress," and the nobility of her intentions may render her more "honorable" than some lusty matrons, who abuse the institution of marriage with their constant sexual demands.¹⁷⁶ He thus openly raises the possibility of a concubine being inwardly "better" than her married sisters, with just the thin layer of the marital institution keeping her within the technical realm of sin.

¹⁷⁶ *Verumtamen si ei tori fidem seruet et, cum ille uxorem duxerit, nubere ipsa non cogitet atque a tali prorsus opere continere se praeparet, adulteram quidem fortassis facile appellare non audeam. De bono coniugali 5.5.*

To further complicate matters, it is not immediately plain what precisely differentiates concubinage from Augustine's definition of marriage, and it is difficult for even Augustine himself to locate an official, structural boundary-marker. While he somewhat laconically decrees that those "who had not been rightly united" may remedy their error through "a subsequent honorable agreement," he does not go on to proscribe the exact form or nature of such a pact.¹⁷⁷ His prevailing definition of a valid marriage seems to consist in the marriage goods itself, a formula which, in its intense preoccupation with behavioral and spiritual conditions, neglects to add an obligatory ceremonial component. Augustine never pinpoints the specific moment at which a marriage officially begins—at which a couple's procreative potential and mutual fidelity become cloaked in the marital *sacramentum*. If we were to seek to understand, on the basis of the preceding passages, what precisely differentiated a wife from a concubine, we might settle upon the temporary nature of the concubinage arrangement. The hypothetical man in this scenario takes a concubine "for a time"; she is clearly described as "temporary."

These above factors combine to create an uncertain middle-ground between marital and non-marital unions, as Augustine makes plain in the following passage:

A further question often raised is when a man and a woman, neither of them married to anyone, have sex with each other not to have children, but merely to indulge in intercourse because they cannot control their lust. But they show fidelity to each other in that the man does not have sex with another woman, nor

¹⁷⁷ *Posse sane fieri nuptias ex male coniunctis honesto postea placito consequente manifestum est. De bono coniugali* 15.17. As Judith Evans Grubbs points out, this suggestion was also commonly featured in contemporary Roman marital law, as emperors from Constantine onward "allow[ed] retroactive legitimation of wives and children in relationships that should have been marriage, not concubinage, in the first place." Grubbs, "Marrying and Its Documentation in Later Roman Law," in *To Have and to Hold: Marrying and Its Documentation in Western Christendom 400-1400* (Cambridge University Press, 2007), 89.

the woman with another man....Doubtless without absurdity it can indeed be labeled a marriage, provided, to that they do not avoid having children.¹⁷⁸

The fact that Augustine never actually utilizes the term *concubina* in this passage (which could easily be seen as describing concubinage) illustrates the thin theoretical ice on which he is skating. Indeed, what he is saying here comes dangerously close to asserting that there is little to no difference between marriage and lifelong, monogamous concubinage, a fact that would only be accentuated by referring to the woman above as a *concubina*. The fact that he instead chooses to refer to her obliquely reveals a potential locus of anxiety within his conjugal paradigm; specifically the dubious difference between a wife and a concubine.

This passage appears even more complex when compared with Augustine's description of his own non-marital partnership in the *Confessions*. Here, Augustine also declines to utilize the word *concubina*, defining this woman instead as "a woman whom I had not by that which is called legitimate marriage," or "she with whom I habitually slept."¹⁷⁹ In James O'Donnell's opinion, this woman was in fact "his wife in all but name," speculating that the only reason their union was not considered official was the relative class difference between them.¹⁸⁰ Augustine, however, attributes the non-marital state of their relationship according to their lack of procreative intentions (regardless of the fact that they did, in fact, have a son). As he famously put it:

¹⁷⁸ *Solet etiam quaeri cum masculus et femina, nec ille maritus nec illa uxor alterius, sibimet non filiorum procreandorum sed propter oncontinentiam solius concubitus causa copulantur ea fide media, ut nec ille cum altera nec illa cum altero id faciat....Et potest quide, fortasse non absurde hoc appellari conibium, si usque d mertem alicuius eorum id inter eos placuerit....non tamen uitauerint ut uel nolint sibi nasci filios. De bono coniugali 5.5.*

¹⁷⁹ *Unam habebam, non eo quod legitimum vocatur coniugio cognitam. Confessions 4.2.2. Interea mea peccata multiplicabantur, et auulsa a latere meo, tamquam impedimento coniugii, cum qua cubare solitus eram. Confessions 6.15.25.*

¹⁸⁰ James O'Donnell, *Confessions: Commentary on Books 1-7*, v.2 (Oxford: Clarendon Press, 1992) 381-2.

With her I learned through my own experience what a vast difference there is between right and proper marriage, which has been entered into for the sake of having children, and a pact based on lustful desires, wherein the birth of a child is not intended, although once born he compels his parents to love him.¹⁸¹

What is immediately striking about this description, especially when viewed alongside the preceding passage from *De Bono Coniugali*, is that Augustine predicates the non-marital status of his relationship on their lack of intention to have children—despite the fact that (four years later in *De Bono Coniugali*) he would eventually cease to see a couple’s lack of intention to procreate as a barrier to their being deemed “married.” One reason for this may lie in certain details that Augustine is choosing not to disclose above. It has frequently been speculated that Augustine and his partner did engage in some sort of contraceptive practice, as they produced only one child over the span of a thirteen-year relationship.¹⁸² This would mean that Augustine and his concubine “did something wrong to prevent the birth of children,” and thus make this passage confluent with the description of quasi-marriage presented in *De Bono Coniugali*. Whatever the reason, it is clear that Augustine vacillated somewhat on this issue in his earliest writings on marriage, a sign of its thorny status within his marital theology.

Another, more subtle clue to the way in which Augustine conceived (either consciously or unconsciously)¹⁸³ of the difference between concubines and wives can be found in what actually happens to his partner in the *Confessions*, and how Augustine

¹⁸¹ *In qua sane experirer exemplo meo, quid distaret inter coniugalis placiti modum, quod foederatum esset generandi gratia, et pactum libidinosi amoris, ubi proles etiam contra votum nascitur, quamvis iam nata cogat se diligi. Confessions 4.2.2.*

¹⁸² See Brown, *Augustine of Hippo*, 61.

¹⁸³ In making assertions of this sort I am directly following Margaret Miles, who has noticed a host of what she terms “unconscious” tendencies within Augustine’s thought. Augustine, according to Miles, was a writer especially plagued by suppressed thoughts and assumptions, which can be observed occasionally bubbling to the surface of his otherwise perfectly systematized theological works. See Miles, *Augustine on the Body*, 129.

portrays this chain of events. After living with her faithfully for nine years (much to his mother's disapproval), Augustine finally decides to cast her aside in favor of a legitimate marriage—a decision he explicitly portrays as a social rather than a moral one.¹⁸⁴ When Augustine at last consents to the prospect of marriage it is a direct result of his mother's pressure, with no consideration of, "how the goodness of marriage is the result of the duty to honor the discipline of matrimony and raise children."¹⁸⁵ It is at this point that Augustine's partner is sent away—not because he repents of their relationship's moral implications, but because she has now officially become "an impediment" to his engagement.¹⁸⁶

If the details of Augustine's personal life do not meet the standards he was attempting to set for good Christian behavior, they are nonetheless perfectly confluent with the practices and expectations of contemporary Roman society, who would have seen no cause for shame in his lengthy monogamous partnership or social-climbing betrothal. As will be discussed at greater length in the following chapters, Roman law defined marriage by the loose, ambiguous criterion of *maritalis affectio*: the ongoing intention of both spouses to remain married to one another.¹⁸⁷ In this context, the primary (perhaps only) differentiating factor between marriage and concubinage was the

¹⁸⁴ For the social implications of Augustine's decision see J.J. O'Meara, *The Young Augustine* (London: Brill, 1980), 129. Also Larissa Carina Seelbach, "Augustine on Concubinage and Women's Dignity," *Studia Patristica* 43 (2003).

¹⁸⁵ *Neutrum enim nostrum, si quod est coniugale decus in officio regendi matrimonii et suscipiendorum liberorum, ducebat nisi tenuiter. Confessions* 6. 12. 22

¹⁸⁶ *Confessions* 6. 15. 25; see footnote 156 above. Constantinian marriage legislation indeed forbid a man to keep a wife and a concubine simultaneously, so the dismissal of Augustine's companion is historically understandable. See Beryl Rawson, "Roman Concubinage and Other De Facto Marriages," *Transactions of the American Philological Association* 104 (1974), 297-305, Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation* (Oxford University Press, 1995), 298.

¹⁸⁷ Fourth and fifth century law defined marriage as the free consent of two legally eligible parties. No ceremony was required, but the occasion was often marked by a ceremonial *deductio in domum*, the leading of the bride to her new husband's home. Grubbs, *Marrying and its Documentation*, 47-8.

relative social status of the parties, as Roman legal codes were extremely specific as to which classes were allowed to intermarry.¹⁸⁸ “Brides” were therefore distinguished from “concubines” by the extent to which they matched the social position of their partner, with some sort of parental or dotal agreement generally tacked on among the higher classes.¹⁸⁹ It was not at all unusual, moreover, for a young man to bide his time with a lower-class partner until he was prepared for the domestic and financial responsibilities of a *paterfamilias*, and laws existed to sort out the status of any children produced through this sort of premarital union.¹⁹⁰ Most importantly, all of this legislation was devoid of moral judgment, treating such partnerships as a perfectly acceptable source of companionship, household stability, and progeny.¹⁹¹

Augustine thus emerges as an entirely typical example of fourth-century Roman conjugal and domestic norms—perhaps too much so for his own comfort. In reimagining marriage as a union grounded in lifelong fidelity and sacramental symbolism, he had attempted to create something that was radically different from the dissoluble, class-conscious unions of secular Roman society, in keeping with the Church’s extremely divergent ideas about property, class, and sex. Within this framework, his own story becomes a pointed counterexample, and he is careful throughout the *Confessions* to

¹⁸⁸ For Roman marriage and class restrictions, see Grubbs, *Law and Family in Late Antiquity*, 261-3; Rawson, 304.

¹⁸⁹ According to Susan Treggiari, the line between marriage concubinage was precariously thin, so much so that “the lack of intention of one partner suffices to reduce the union to concubinatus, conceivably unbenownkst to the other.” Treggiari, “Concubinae,” in *Papers of the British School at Rome* 49 (1981), 61.

¹⁹⁰ Treggiari points out that concubinage could confer a comparatively advantageous status on a lower class woman, as it was a legally recognized status that generally permitted children a share of their father’s estate. Treggiari, 60. For Augustine’s situation as an example of this practice, see Brown, *Augustine of Hippo*, 61 and O’Donnell, *Confessions: Commentary*, 379-84.

¹⁹¹ In addition, Grubbs has convincingly argued that post-Constantinian laws facilitating marriage and legitimization of children aren’t meant to demean or discourage concubinage, but merely to aid in the production of legitimate heirs. Grubbs, *Law and Family in Late Antiquity*, 279.

portray it as such. However, what he ended up creating was, functionally and legally, almost identical to Roman marriage: a consent-based partnership, consisting primarily in the mutual will of the parties. What's more, his formulation of marriage as a spiritual, symbolically-laden bond left no room for dowry or contractual requirements, thus eliminating some of the main components that separated Roman matrimony from simple cohabitation.

With social status and dowry out of the picture, all that remained for Christian theologians was the principle of mutual consent (*maritalis affectio*). While a sole reliance on this concept was entirely confluent with the spiritualized Christian notion of matrimony, it came with the adverse effect of making marriage socially indistinguishable from lifelong concubinage. The fact that Augustine realized this, and the fact that he found it troubling, can be made to account for the way in which he portrays his non-marital relationship in the *Confessions*, as well as his persistent ambiguity he displays in defining and distinguishing concubinage.

It was this ambiguity that would become the most unwelcome inheritance of medieval thinkers, as theologians and canon lawyers strove to fill in the gaps left by Augustine's formula. In so doing, they were also forced to confront the logical difficulties embedded in this formula, and to square them with the social realities of their own day. It is the argument of this chapter that in so doing they were wrestling not just with Augustine, but with the preceding thinkers and theories that went into the development of his marital theology. In attempting to balance the unwieldy marital equations of both Tertullian and Jerome, Augustine also paradoxically ensured their survival, carrying them forward as awkward remainders into the theological future.

CHAPTER 2

Building a *Mysterion*: The Construction of Marriage as a Sacrament

For the last fifty years, the narrative about marriage in the middle ages has been dominated by a story of gradual assimilation, whereby the church managed to disseminate and enforce its marital policies against a vast array of previously secular practices. This understanding found its genesis in the various marital studies of Georges Duby¹⁹², who argued that medieval matrimony was defined by a struggle between an “aristocratic” model of marriage that privileged worldly concerns and an “ecclesiastical” model that emphasized the married couples’ spiritual needs and religious duties. Duby’s thesis received a noteworthy addendum in the work of Jack Goody, who saw the church’s insistence upon the “ecclesiastical model” as a means of increasing its own wealth and power at the expense of the aristocracy.¹⁹³ It is not surprising that this way of thinking has attracted its fair share of critics in recent years, particularly on the grounds that clerical and aristocratic identities were by no means mutually exclusive.¹⁹⁴ There is also the increasingly prevalent awareness that, as Ruth Mazo Karras has recently argued, “in every dispute over the validity of marriage, there were churchmen and laymen on both

¹⁹² See especially Georges Duby, *Medieval Marriage: Two Models from Twelfth Century France*, trans. Elborg Foster (Baltimore: Johns Hopkins University Press, 1987) and *The Knight, the Lady, and the Priest: the Making of Modern Marriage in Medieval France*, trans. Barbara Bray (New York: Pantheon Books, 1983).

¹⁹³ Jack Goody, *The Development of the Family and Marriage in Europe* (New York: Cambridge University Press, 1983). See especially pg. 59.

¹⁹⁴ Michael Sheehan, for example, has argued that high-powered clerics were recruited from among the ranks of the aristocracy, and thus the two classes were often of the same mind on most marital questions. See Sheehan, “Marriage of the Unfree and the Poor,” in *Marriage, Family, and Law in Medieval Europe: Collected Essays*, ed. James K. Farge (Toronto: University of Toronto Press, 1996), 216.

sides,” a condition resulting from the general lack of a unified opinion about marriage among either social milieu.¹⁹⁵ What has remained influential, however, is Duby’s general notion of the “Christianization” of European ideas about marriage, along with the idea that laypeople eventually came to understand and accept the Church’s marital doctrines.

Historical Considerations

To be sure, the church would have found plenty to disapprove of among early medieval marriage customs, which mostly comprised a scattered mélange of Roman and Germanic traditions. First of all, there was the pervasive tendency to see nuptials as a process of negotiation between the couples’ parents, a practice leftover from Roman law that ran in direct contradiction to the church’s growing insistence on the freely-given consent of the actual married parties. There was also, perhaps more troublingly, a general lack of compliance with the Christian doctrine of indissolubility, as both Roman and Germanic marriages contained built-in provisions for divorce. While Late Antique marriage bonds do not seem to have been broken with the frequency that Christian apologists would have had us believe, Roman law codes also included detailed divorce legislation, with no proof of adultery or abuse required on the part of either spouse.¹⁹⁶ Germanic law codes made marriages somewhat more difficult to dissolve, though still

¹⁹⁵ Ruth Mazo Karras, *Unmarriages: Men, Women, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 5.

¹⁹⁶ Judith Evans Grubbs has argued that ideals of marital indissolubility were prevalent in pre-Constantian Roman law, though these ideals rested exclusively on marriage’s value as a means of social stability, and were by no means compulsory. See Judith Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine’s Marriage Legislation* (Oxford University Press, 2000), 54-65. For an alternative perspective, see Susan Treggiari, “Divorce, Roman Style: How Easy and Frequent Was it,” in *Marriage, Divorce, and Children in Ancient Rome*, ed. Beryl Rawson (Oxford: Oxford University Press, 1991), 31-46. For examples of Roman divorce provisions see *Codex Justinianus* [CJ] 5.24.1, 5.12.15, 5.16.18, 5.17.4, 5.18.8, 5.21.2, *Corpus Iuris Civilis*, vol 2, edited by Paul Keuger (Clark, NJ: The Lawbook Exchange, reprint 2010); *Digesta Justinianus* [DJ], 23.2.12.3, 23.2.45.5, 23.3.48.1, 23.3.63, *Corpus Iuris Civilis* vol 2, edited by Theodore Mommsen (The Lawbook Exchange).

offered relatively consequence-free options if the complainant was male. Burgundian law, for example, imposed a mere fine of twelve *solidi* upon men who put away their wives for reasons other than adultery or witchcraft, and allowed them to do so freely if they could furnish proof of these crimes.¹⁹⁷ The Visigothic Code, which maintained a somewhat more prohibitive attitude towards divorce, nonetheless permitted men to “unjustly” divorce their wives for the simple price of returning the woman’s dowry, which they were free to keep if they were able to demonstrate just cause for the separation.¹⁹⁸

Perhaps the most difficult issue for the church to confront was the widespread tolerance of extra-marital sexuality, a practice that (in both Roman and Germanic cultures) was restricted only by the relative social status of the parties. In general, this meant that high-class men were free to pursue relations with women of lower social status, and that neither party would be penalized for enjoying such a dalliance. Roman law did put some limits on the sexual activities of the senatorial class, as well as the amount that could be bequeathed on children produced outside of marriage. It mattered little whether the man himself had a spouse at the time, as, in both cultures, “adultery” occurred only when the female partner was married. It was women, of course, who saw the greatest constraints placed upon their sexual activity—particularly upper-class women, whose sexuality was reserved for marriage alone. None of these restrictions,

¹⁹⁷ Women, on the other hand, were sentenced to be “smothered in mire” for the crime of leaving their husbands. See *The Burgundian Code*, trans. Katherine Fisher Drew (Philadelphia: University of Pennsylvania Press, 1972)34. 1-3, pg. 41.

¹⁹⁸ The only legitimitae cause for divorce listed in the Visigothic Code is adultery, but even if a woman were put off for “unjust” reasons she would not be allowed to marry again. This is perhaps in keeping with the Code’s larger (and must loughtier) maxim on divorce, “Ne inter coniuges divortium fiat.” Lex Visigothorum 3.6.1-2, in *Leges Visigothorum*, edited by Karolus Zeumer, *Monumentae Germaniae Historicae*, Tomus 1 (Laepzig, 1902), 166-169.

however, emanated from a place of moral judgment, or from an effort to control the sexual act itself. Rather, the focus remained on preserving the intricate balance of class and inheritance structures, and finding a place for extra-marital sex within this system.

In addition to these casual relationships, both Roman and Germanic societies also allowed for a more permanent sort of non-marital partnership: concubinage, the profusion of which would soon become the single greatest thorn in Christian marital theology's side. The Roman institution of concubinage was, as we have seen, a tremendous influence on the conjugal ideas of Augustine, who had to confront the issue on both a personal and a cultural level. As in short-term sexual relationships, Roman concubinage was restricted only by class distinctions of the parties, and was protected by various legal and social traditions. The Germanic equivalent of concubinage, *friedelehe*, is somewhat more difficult to pin down, largely because marriages themselves were so much more loosely defined. In Régine le Jan's estimation, *friedelehe* could comprise anything from an undowered marriage to a polygamous union to a loosely-monogamous domestic arrangement—the latter roughly corresponding to the Roman notion of *concubinatus*.¹⁹⁹ In all instances, these partnerships maintained deep roots within the overall fabric of domestic and sexual life, eventually finding a tacit (though enduring) place within the Christian notion of marriage.

If this situation saw little change between the years 500 and 1100, it is partially because ecclesiastical authorities displayed little interest in changing it. Bogged down in matters of ecclesiology and the ever-evolving Trinitarian doctrine, early medieval

¹⁹⁹ Régine Le Jan, *Famille et pouvoir dans le monde franc (VIIème-Xème siècle): essai d'anthropologie sociale* (Paris: Publication de la Sorbonne, 1995), 270-2; see also Brundage, *Law, Sex, and Christian Society*, 128-30.

theologians had little interest in regulating the sexual habits of the laity, holding instead to the idealization of virginity adopted by their Patristic forebears.²⁰⁰ Even Isidore of Seville, who did tackle the subject, spent much of his *De Conjugatis* insisting that Adam and Eve remained chaste in Paradise, as “the goods of marriage are not to be equated with those of virginity or a widow’s continence.”²⁰¹ Isidore’s preference for virginity is even exceeded by that of Rabanus Maurus, who (channeling Tertullian) insists that “be fruitful and multiply” has been superseded by the warning that the end is near.²⁰²

Just after the turn of the millennium, several forces collided to make Church authorities turn their attention to questions surrounding matrimony—in addition to the possible financial motivations posited by Goody and Duby. There was, first of all, the famous surge in lay piety chronicled by André Vauchez, which forced the church to address the spiritual needs of the “third order” and to expand its doctrine accordingly.²⁰³ After the late eleventh century these concerns were joined by those of the Gregorian reformers, who, in their efforts to curtail clerical sexuality, strove to provide a clearer picture of the conjugal life available to the laity.²⁰⁴ Challenges to sacramental logic, such as that posed by Berengar of Tours, also provoked Church authorities to clarify what

²⁰⁰ See Glenn W. Olsen, “Marriage in Barbarian Kingdom and Christian Court, Fifth through Eleventh Centuries,” in *Christian Marriage: A Historical Study* (New York: The Crossroad Publishing Company, 2001), 146-152.

²⁰¹ *Ideo que nec peccatum nuptias dicimus, nec tamen eas bono virginalis continentiae vel etiam vidualis coaequamus.* Isidore of Seville, *De Ecclesiasticis Officiis* Lib. II, 20, *PL* 83, pg. 810.

²⁰² *Non ergo damnandae sunt nuptiae, quas ad propagationem generis humani terramque replendam supernae gratia benedictionis instituit. Sed magis honoranda, majori est benedictione digna virginitas, quae postquam impleta est terra hominibus, casta mente simul et corpore Agnum quocumque ierit, id est Dominum Jesum in coelestibus sequi, et canticum novum quod nemo alius potest ei cantare, desiderat.* Rabanus Maurus, *Commentarius in Genesim* 1.14, *PL* 107, pg. 461.

²⁰³ André Vauchez, *Les laïcs au Moyen Age: Pratiques et expériences religieuses* (Paris: Cerf, 1987).

²⁰⁴ For the connection between reformers and sacramental theology, see Thomas M. Finn, “The Sacramental World in the Sentences of Peter Lombard,” *Theological Studies* 69 (2008), 559-582.

exactly they meant by a “sacrament,” the sacrament of marriage included.²⁰⁵ Finally, the growing threat of Catharism prompted a natural brightening in the way clerics discussed marriage and sexuality, since a wholesale endorsement of virginity now appeared dangerously ascetic (if not downright heretical).

Once Church authorities began to interest themselves in marriage, they also began instituting a variety of mechanisms to communicate their fledging marital theology. Penitentials, and later, confessors’ manuals, were developed to help priests advise their parishioners on conjugal matters, particularly the always-tricky question of when and how a married couple might fulfill their marriage debt.²⁰⁶ Preaching, as D.L. D’Avray has demonstrated, constituted another important means through which the Church broadcast its ideas about marriage, particularly with the advent of “mass-scale” mendicant preaching. Here, D’Avray argues, marriage became a popular symbol for conveying “the strength of the bond between God and humanity,” which in turn reinforced the notion of human marriage as indissoluble.²⁰⁷

The Church also attempted to insert itself into how marriages were contracted, an aim that it accomplished with varying degrees of success. Dotal charters, which canon law greatly encouraged, were increasingly imbued with ecclesiastical language, invoking

²⁰⁵ See E. Ann Matter, “Orthodoxy and Deviance,” in *The Cambridge History of Christianity Volume 3*, ed. Thomas F.X Noble and Julia M.H. Smith (Cambridge: Cambridge University Press, 2008), 510-30.

²⁰⁶ Michael Sheehan, “Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage,” *Marriage, Family, and Law in Medieval Europe*, 25, Brundage, *Law, Sex, and Christian Society* 152-67, Jacqueline Murray, “Gendered Souls in Sexed Bodies: The Male Construction of Female Sexuality in Some Medieval Confessors’ Manuals,” in *Handling Sin: Confession in the Middle Ages*, edited by Peter Biller and A.J. Minnis (York Medieval Press, 1998), 79-93.

²⁰⁷ D.L. d’Avray, *Medieval Marriage: Symbolism and Society* (Oxford University Press, 2005), 17.

matrimony's divine origins and sacred purpose.²⁰⁸ Clerical authorities also began urging couples to solemnize their union through a priestly blessing, a practice that had been somewhat sporadically adopted prior to the thirteenth century. In contrast to the early medieval model (which generally involved a private ceremony, often at the couple's bedside), the blessings the church began promoting after 1100 were to take place in full public view, sparking the popularly-known designation (repeated famously by the Wife of Bath) of marriage "at chirche dore."²⁰⁹

One of the great disagreements of medieval marriage studies is the extent to which this blessing was successfully imposed, as well as what exactly these ceremonies would have looked like.²¹⁰ No standardized text existed to provide the firm contours of the marital liturgy, and (for complex reasons to be discussed in the subsequent chapter) the church had no way of knowing, much less recording, how many couples married publically. Rituals varied widely across cultures and geographic regions, as did the degree of clerical involvement in the marriage process.²¹¹ The fact that this picture did

²⁰⁸ In his study of Frankish dotal charters, Philip Reynolds sees a spike in "sacred preambles" around the end of the twelfth century, at which point Biblical and Augustinian references become commonplaces. See Philip L. Reynolds, "Dotal Charters in the Frankish Tradition," *To Have and To Hold: Marrying and Its Documentation in Western Christendom, 400-1600*, edited by Philip L. Reynolds and John Witte Jr. (Cambridge University Press, 2007), 134-148.

²⁰⁹ Based on surviving liturgical manuals, the blessing of the nuptial chamber seems to have taken hold in France and Spain from the fifth century onward, and remained, until the twelfth century, the main locus of priestly involvement in nuptial rites. See Korbinian Ritzer, *Le mariage dans les églises chrétiennes du Ier au XIe siècle* (Paris: Les Éditions du Cerf, 1970), 391-5; Molin and Mutembe, 25-32.

²¹⁰ On the one hand, we have historians who argue that priestly involvement in nuptial rites would have been the "norm" in Christian Europe from the 8th century onward, arguing mostly on the basis of liturgical texts that have survived from this period. See Kenneth Stevenson, *The Nuptial Blessing: A Study of Christian Marriage Rites* (Oxford: Oxford University Press, 1983), 28-36; Ritzer 406-8. On the other, many historians argue that evidence is far too spotty to posit any sort of widespread lay participation in marriage rites, based on lack of liturgical regularization and ongoing invectives against clandestine marriage. See Philip L. Reynolds, "Marrying and Its Documentation in Pre-Modern Europe," 1-42; Michael M. Sheehan, "Theory and Practice: Marriage of the Unfree and Poor," 211-16; Brundage, *Law, Sex, and Christian Society* 135-7, 183-5.

²¹¹ Reynolds, "Marrying and Its Documentation," 19-25.

not become clearer after the Fourth Lateran Council of 1215, which made a public blessing obligatory, is one of the central issues to be explored in the two following chapters.

Regardless of how many marriages were publically celebrated, missals from the later Middle Ages display an increasing awareness of sacramental principles, and a desire to transmit and enact these principles through the marital liturgy. This was true of both the blessing contained within the nuptial mass and the variety of church-door vows and rituals that emerged from the eleventh century onward. The Gregorian Sacramentary, which replaced the Leonine Sacramentary as the standard liturgical text in the early ninth century, added explicitly sacramental language to the nuptial benediction, blessing those who are entering into “the sacrament prefigured by nuptial bond of Christ and the Church.”²¹² Likewise, after the fourteenth century, couples were regularly asked to swear to both the indissolubility of their union and their free consent in contracting it, reflecting (albeit in a somewhat delayed fashion) the theological consensus that consent both signified and created the marriage bond.²¹³

All of these modes of church involvement, however, might be said to spring from a single (albeit complicated) source: the increasingly collaborative relationship between sacramental theology and canon law. The rise of medieval universities (in particular those of Paris and Bologna) allowed both theology and canon law to develop as sophisticated, unique areas of specialization, and also created an ideal breeding ground

²¹² *Deus qui tam excellenti mysterio coniugalem copulam consecrasti, ut Christi et ecclesiae praesignares in foedere nuptiarum. Le Sacramentaire Grégorien: ses principales formes d'après les plus anciens manuscrits*, édité par Jean Deshusses (Éditions Universitaires: Fribourg, Suisse, 1971), 310. For usage of the Gregorian Sacramentary in medieval marriage rites, see Ritzer 245-50; Molin et Mutembe 214-223.

²¹³ Molin and Mutembe, 67-9, 103.

for cross-pollination between the two disciplines.²¹⁴ As a result, theologians gained a practical framework for their often numinous sacramental notions, just as canonists gained a firm ideological basis on which to ground their legal compilations. As an additional result, the Church found a clear-cut channel for communicating their marital ideas to the laity, flowing from the classroom to the legal annals to (from the fourteenth century onward) the developing system of ecclesiastical courts.²¹⁵

The effect of canon law upon sacramental theology can be detected almost as soon as the former emerged as an individualized type of discourse; that is, just after the publication of Gratian's *Decretum* (c. 1140). As Marcia Colish has noted, Gratian's masterwork had a profound influence on the sacramental system promulgated some ten years later by Peter Lombard, in particular his treatment of penance and marriage.²¹⁶ Gratian's vast array of source material, as well as the itemized and systematic way in which he presented it, aided the Lombard in accomplishing what had eluded his theological predecessors: establishing a set criteria through which the sacraments could be enumerated and analyzed. Canon law also provided a real-life perspective for theologians to draw upon, which proved crucial in rendering their idea of marriage relevant and applicable. Thomas Aquinas, for example, drew heavily upon thirteenth-

²¹⁴ For a more sophisticated discussion of the emergence of medieval university system (and the specialization of disciplines therein), see A.B. Cobban, *The Medieval Universities: Their Development and Organization* (London: Methuen & Co, 1975); Ian P. Wei, "From Twelfth-Century Schools to Thirteenth-Century Universities: The Disappearance of Biographical and Autobiographical Representations of Scholars," *Speculum* 86.1 (2011), 42-78; Pierre Riché, *Écoles et enseignement dans le Haut Moyen Age* (Paris: Picard, 1999), 162-286, and finally the still immensely useful tome Hastings Rashdall, *The Universities of Europe in the Middle Ages*, Vol I and II (Oxford: Clarendon Press, 1895).

²¹⁵ As various analyses of court records attest, ecclesiastical judges rarely deviated from the main principles of canon law. See Richard Helmholz, *Marriage Litigation in Medieval England* (Holmes Beach, FL: Wm. W. Gaunt & Sons, Inc. 1986), 3; Frederick Pederson, *Marriage Disputes in Medieval England* (London: The Hambledon Press, 2000), 10-15; Charles Donahue, "The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages," *Journal of Family History* 8 (1983), 144-158.

²¹⁶ Marcia L. Colish, *Peter Lombard, vol.2* (Leiden: E. J. Brill, 1994), 82.

century case law in his articles on free versus compulsory consent, incorporating Alexander III's famous criterion of "fear that would cause a steady man to fall."²¹⁷

Likewise, canon law saw also itself deeply transformed by the theological advances of the twelfth and thirteenth centuries, perhaps to an even greater extent than by the "Roman law revival" of roughly the same period. Clearer theological guidelines meant clearer boundaries between different modes of Christian living, allowing canonists to better address, in Stephan Kuttner's words, the "supernatural mystery which manifests itself in the structural forms of social life."²¹⁸ This especially applied to canonists' treatment of marriage, which, even in the great schematized tome of Gratian, appeared as an uneven and oft-contradictory collection of dicta. Just twenty years after the probable date of his *Decretum* (and almost directly on the heels of Lombard's *Sentences*) canonists had begun to preface their conjugal rulings with a theological primer of sorts, explaining the abstract symbolic principles upon which these rulings would be based.²¹⁹

The innovations of scholastic theology also helped canon lawyers to clarify and support their individual points. When Ivo of Chartres, at the dawn of the twelfth century, wished to make the argument that marriage bonds were unbreakable until death, he had only snippets of Augustine's marital treatises to offer support, reproduced verbatim with

²¹⁷ ...*per metum, qui potuisset cadere in constantem virum*... Thomas Aquinas, *Summa Theologica* 3 Suppl. Q 47 A 2, Opera Omnia 11 (Rome: Thomistic Fathers, 1906), 90. for canon law context see Gregory IX, *Liber extravagantium decretalium*, ed by Emil Friedberg, in *Corpus Iuris Canonici*, vol. 2 (Leipzig: Bernhard Tauchnitz, 1881), 4.1.15.

²¹⁸ Stephan Kuttner, "Harmony from Dissonance: An Interpretation of Medieval Canon Law," in *The History of Ideas and Doctrines in Canon Law in the Middle Ages* (Hampshire: Variorum, 1992), 12.

²¹⁹ See, for example, Rufinus' *Summa Decretorum*, edited by Heinrich Singer (Paderborn: Ferdinand Schoningh, 1902. Reprint Aalen: Scientia, 1963), C31, Q 2 c4. See also Paucapalea, *Die Summa des Paucapalea über das Decretum Gratiani*, edited by Johann Friedrich von Schulte (Giessen: Emil Roth, 1890), C27, Q2, c10. This is also not to say that Gratian himself was not deeply influenced by theology, such as it existed in his time. See Atria A. Larson, "The Reception of Gratian's *Tractatus de Poenitentia* and the Relationship Between Canon Law and Theology in the Second Half of the Twelfth Century," *Journal of Religious History* 37 (2013), 457-473.

no supplemental analysis.²²⁰ By the time Hostiensis (whose *Summa Area* dates to roughly 1253) sought to make the same case, he had a wealth of theological reasoning upon which to ground his contentions, including complex symbolic logic drawn from linking the sacraments marriage and baptism.²²¹ It is this sort of disciplinary give-and-take has prompted Ian P. Wei to envision theology and canon law as the “armor and weaponry” of the ecclesiastical agenda, producing the necessary tools for spreading and enforcing the evolving body of dogma.²²²

What is difficult to determine, however, is the success this “armor and weaponry” might have had against the unsavory conjugal practices outlined above, in particular divorce and concubinage. Even as both canon law and theology reached the height of their sophistication, there is evidence that many couples either did not understand Church marital policies or chose to manipulate these rules for their own purposes. The annals of canon law itself are littered with cases of individuals seeking to either enforce or extricate themselves from a hazily-contracted marriage, as well as opportunistic lotharios attempting to gain conquests through false promises.²²³ This confusion is also borne out by the records of ecclesiastical courts, where canon law collided with both human nature and the stubborn persistence of local custom. Well into the sixteenth century, courtrooms

²²⁰ Ivo, *Decretum*, 8.9-14.

²²¹ *Intelligo nam quod in unitatem animorum fidelium eam matrimonii factam, virtute sacramenti baptismi cooperante, ambo simul uniantur Deo in fide catholica, ut sic sint duo animi cum post talem coniunctionem uniti unus animus in fide una, sicut posteam coniunctione corporum efficiuntur una caro efficiuntur.* Hostiensis, *Summa Aurea* 4:19.(Venice, 1574), pg. 1265.

²²² Ian P. Wei, “From Twelfth-Century Schools to Thirteenth-Century Universities,” 51.

²²³ Specific cases of this sort are discussed in Chapter 3, pages 157-8. Shannon McSheffrey also recounts an anecdote from fifteenth century London court records, in which a certain Richard managed to seduce a young neighbor by promising “I will wed you as well as I can,” taking “wed” (he later told the court) to have a far narrower set of connotations than his purported bride had understood. See *Marriage, Sex, and Civic Culture in Late Medieval London* (University of Pennsylvania Press, 2006), 70.

remained crowded with pregnant would-be brides, demanding recognition of marriages their “grooms” said had never taken place.²²⁴ Often, courts also had to contend with ignorance or defiance on the part of both parties, in particular couples who had chosen to enter into a union without the proper formalities. These “clandestine” marriages remained some of the most commonly punished sexual offenses up through the middle of the sixteenth century, suggesting that the Fourth Lateran Council’s interdiction of such unions had been to little effect.

Thus, while authorities could prohibit divorce by excommunicating formally-married spouses who chose to separate and remarry, they could do little to counter the more surreptitious version of this scenario: couples who had clandestinely “married” in order to keep their options open for the future. As Ruth Mazo Karras has recently demonstrated, medieval couples continued to make use of “the gray and ambiguous” margins of marriage well after the Church’s policy on indissolubility was firmly in place, enjoying both the stability of a monogamous pair bond and the possibility of a more advantageous union. Often, courts chose to deal with such couples by issuing a judgment of abjuration *sub pena nubendi*, stipulating that they were to either separate or publically marry within a fixed period of time.²²⁵ Should they choose the former, however, nothing prohibited either party from formally marrying at will.

²²⁴ Emyln Eisenach, *Husbands, Wives, and Concubines: Marriage, Family and the Social Order in Sixteenth-Century Verona* (Kirksville, MO: Truman State University Press, 2004), 87.

²²⁵ For examples of such decisions over a variety of geographic regions, see A.J. Finch “Sexual Relations in Later Medieval Normandy,” *Journal of Ecclesiastical History* 47 (1996), 236-256; Richard Helmholz, “Abjuration *sub pena nubendi*,” in *Canon Law and the Law of England* (London: The Hambledon Press, 1987), 145-155; Charlotte Chrisensen-Nugues, “Mariage consenti et mariage contraint : l’abjuration *sub pena nubendi* à l’Officialité de Cerisy, 1314-1346,” *Médiévales* 40 (2001), 101-111.

Yet it was concubinage that posed the far more pernicious threat to Christian conjugal doctrine, particularly since the official reaction to it was so scattered and indecisive. In some regions the practice seemed to be not only tolerated but legally protected. Parisian courts, despite doling out several punitive decisions against couples living in concubinage, also seemed to reserve punishment for couples who caused trouble that went beyond the simple fact of cohabitating.²²⁶ Iberian authorities went one step further by allowing women to enter into a “*carta de compañia de mesa y cama*,” whereby she would be paid a fixed sum for cohabitating (and sleeping) with a man for a fixed period of time, and any children produced through this union would be assured his financial support.²²⁷ Of course, all of this ran counter to the Church’s formal definition of concubinage as nothing more than simple fornication, which it was able to impose through a variety of public-shaming practices. The ritual of “churching,” which cleansed and reintegrated a new mother back into the congregation, became increasingly restricted to publically-married women, thus identifying and excluding women in more irregular

²²⁶ One striking example provided by Karras is that of Georges and his concubine Pierette, who, in the midst of a public quarrel, “pulled out [Georges’] testicles or pulled them so that blood flowed. Karras, *Unmarriages*, 155. For concubinage in Paris see also Karras, “The regulation of sexuality in the late Middle Ages: England and France,” *Speculum* 86.4 (2011), 1010-1039. This tolerance was also exhibited by Bolognese judges, who allowed couples to cohabit so long as they remained monogamous. See Carol Lansing, “Concubines, Lovers, Prostitutes: Infamy and Female Identity in Medieval Bologna,” in *Beyond Florence: The Contours of Medieval and Early Modern Italy*, edited by Paula Findlen, Michelle M. Fontaine, and Duane J. Osheim (Stanford University Press, 2003), 85-100. Finally, this footnote would not be truly epic without mention of the curious absence of the term “concubine” (or its equivalents) from English court records, which has been generally chalked up to the overall English “exceptionalism” in all marriage litigation. See Charles Donahue, “The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages,” *Journal of Family History* 8 (1983), 144-158.

²²⁷ Eukene Lacarra Lanz, “Changing Boundaries of Licit and Illicit Unions: Concubinage and Prostitution,” in *Marriage and Sexuality in Medieval and Early Modern Iberia*, edited by Eukene Lacarra Lanz (New York: Routledge, 2002), 158-194.

circumstances.²²⁸ On a practical level, however, a non-married partner's status seemed to have depended on a complex web of factors, chiefly her personal behavior and her community's willingness to accept it.²²⁹

By the high Middle Ages the church also found itself with a marital problem of its own making: what to do about the remarital possibilities of widows. On the one hand, post-twelfth-century canon law affirmed a widow's right to marry the partner of her choosing, and guaranteed her a portion (typically one third) of her late husband's estate. Widows theoretically could, and often did, find themselves in an enviable position: independent, financially secure, and (unlike their virgin or married counterparts) able to represent themselves in legal and fiscal decisions. But whether or not a woman achieved this position depended on a complicated set of circumstances, which often took the decision to remarry out of her hands. While widows in lower social classes were often forced into second marriages purely out of monetary concerns, upper-class women were frequently told whether (and who) to remarry by their superior feudal lords.²³⁰ Any misstep could cost the widow a hefty amount of her resources and privileges, including

²²⁸As Paula M. Reidar explains, "As a rite of purification, churching cleansed a woman in two ways: first, from the pollution of intercourse and, second, from the dangers connected to the bloody process of childbirth. From an ecclesiastical point of view, both of these conditions were ideally and theoretically applicable only to married women." The first statute specifically excluding laymen's concubines from this ritual appeared in 1452, meaning that only women with proof of marriage could be reintegrated into the worship community. See "The Implications of Exclusion: The Regulation of Churching in Medieval Northern France," *Essays in Medieval Studies* 15 (2011), 71-79.

²²⁹Lacarra Laz, 160; McSheffrey 71-2.

²³⁰For widows' circumstances and class distinctions see Barbara Hanawalt, "Widows," in *The Cambridge Companion to Medieval Women's Writing*, edited by Carolyn Dinshaw and David Wallace, (Cambridge University Press, 2003), 58-69. For the difficulties experienced by upper-class women, see Rhoda L. Friedrichs, "The Remarriage of Elite Widows in the Later Middle Ages," *Florilegium*, vol. 23.1 (2006): 69-83; Elizabeth Haluska-Rasch, "Transformations in the Power of Wives and Widows near Montpellier, 985-1213," in *The Experience of Power in Medieval Europe, 950-1350*, edited by Robert F. Berkhofer III, Alan Cooper, and Adam J. Kosto (Burlington: Ashgate, 2005), 153-168.

custody of her children.²³¹ Widows were also regularly forced to fight for what was theirs on a financial front, as her in-laws could have a variety of reasons for keeping her inheritance out of her hands, particularly if it consisted largely of real estate. Unless her late husband had left behind a generous and detailed will, it was not uncommon for a widow to find herself in court in order to reclaim something so basic as her dowry—the bare minimum of what was due to her after her husband’s death.²³²

In negotiating these affairs, widows also had to contend with a vast and contradictory nexus of social expectations, which often seemed to limit their already narrow options. The widely-circulated “educational” manual of Juan Luis Vives, for example, advises widows that “a good woman does not bring the arguments of a litigant into court...even to the detriment of her possessions.”²³³ Rather, Vives enjoins the widow to live a life entirely dedicated to the memory of her late husband, viewing any subsequent marriage as a base concession to lust.²³⁴ Vives’ sentiments are perhaps the culmination of several centuries’ worth of pressure for a widowed woman to act as her deceased husband’s spiritual cheerleader, an expectation which, as Katherine Clark points out, can be directly linked to the illustrious “birth of purgatory.”²³⁵ In the best-known

²³¹ See Sue Sheridan Walker, “Widow and Ward: Feudal Law of Child Custody in Medieval England,” in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), 159-72

²³² See Sue Sheridan Walker, “Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350,” in *Wife and Widow in Medieval England*, edited by Sue Sheridan Walker (Ann Arbor: University of Michigan Press, 1993), 81-108, Janet Loengard, “Which May Be Said to Be Her Own: Widows and Goods in Late Medieval England, in *Medieval Domesticity: Home, Housing and Household in Medieval England*, edited by Maryanne Kowaleski and P.J.P. Goldberg (Cambridge University Press, 2008, 162-176.

²³³ Juan Luis Vives, *The Education of a Christian Woman: A Sixteenth Century Manual*, translated and edited by Charles Fantazzi (University of Chicago Press, 2000), 281.

²³⁴ *Ibid.*, 259, 285-9.

²³⁵ Katherine Clark, “Purgatory, Punishment, and the Discourse of Holy Widowhood in the High and Later Middle Ages,” *Journal of the History of Sexuality* 16 (2007), 169-203.

example of this trope, that of Guibert of Nogent's mother, the widow in question not only endures a posthumous confession of adultery from her husband, but gamely agrees to pray for his soul, offering up "almost daily masses, prayers, and tears."²³⁶

While this "holy widow" archetype was most certainly encouraged, it was nonetheless somewhat difficult to navigate. Exceptional cases such as Guibert's mother notwithstanding, Christian monasticism offered few official opportunities for the widow who wished to remain in prayerful continence, the antique tradition of *ordo viduarum* having died out by the early middle ages.²³⁷ Indeed, renouncing the world could prove a tricky proposition for any woman with children, as she now found herself caught between the expectations placed upon her as a widow and those enjoined on her as a mother. Even the saintly widow Angela of Foligno waited until after the death of her children to pursue her mystical calling, and Margery Kempe (whose case is far from exemplary) consistently sees childrearing as a hindrance to her vigils and visions.²³⁸ The fact is that a single, sexually mature woman remained a dangerous possibility within medieval society, especially when there was no cloister in which to place her. Without the protection of her husband's reputation, a woman became vulnerable even (and perhaps especially) if she

²³⁶ *Self and Society in Medieval France: The Memoirs of Abbot Guibert of Nogent*, edited by John F. Benson (University of Toronto Press, 1970), 92.

²³⁷ For the *ordo viduarum* and its disappearance, see Clark, "Purgatory, Punishment, and the Discourse of Holy Widowhood," 172-5; Eric Palazzo, "Bénédiction et consécration des veuves au cours du haut Moyen Age," in *Veuves et veuvage dans le haut Moyen Age*, études réunies par M. Parisse (Paris: Picard, 1993), 31-35.

²³⁸ *The Book of Margery Kempe*, edited by Barry Windeatt (Edinburgh: Longman, 2000), see especially 1.21 (131-5). See also Kim M. Phillips, "Margery Kempe and the Ages of Woman," in *A Companion to the Book of Margery Kempe*, edited by John H. Arnold and Katherine J. Lewis (Cambridge: D.S. Brewer, 2004), 17-35. Angela of Foligno recounts her conversion in her *Book of Visions and Instructions. Angela of Foligno: Complete Works*, trans. Paul Lachance and Romana Guarnieri (Mahwah, NJ: Paulist Press, 1993).

expressed a wish to remain unmarried.²³⁹ In the end, there were really very few ways in which to be a “good widow,” as each criterion seemed to conflict with a disparate host of others.

Perhaps the main root all of this confusion, however, was the corresponding degree of uncertainty within the annals of sacramental theology, wherein widows and concubines remained a perpetually difficult topic. Despite the growing clarity with which marriage was coming to be envisioned as a sacrament, theologians encountered a great deal of difficulty making these two groups of women fit into the picture, meaning that they had no clear answers to share with their colleagues in the legal realm. The specific features of this struggle, therefore, represent a key factor in the overall construction of medieval marriage, with implications extending far beyond the abstract theological domain.

The Theological Process

In order for medieval writers to speak precisely about marriage as a sacrament, they first had to find a precise way of defining the term *sacramentum* itself, a process that was by no means complete by the dawn of the scholastic period. Medieval theologians had inherited a range of meanings from their antique predecessors, all of which were used interchangeably throughout early medieval texts. Was it the Augustinian notion of “sacred virtues” hidden within corporeal things (championed by Rabanus Maurus), or

²³⁹ Ecclesiastical authorities, as discussed below, remained suspicious of any widow who took a vow of continence without fully cloistering herself, assuming that she was more than likely to break this vow through remarriage or fornication. See Chapter 3, pages [...]. Charges of adultery were especially common against wealthier widows, often as a way of undermining them in court or as executors of their late husband’s estate. See Sheridan Walker, “Litigation as Personal Quest,” 100-1; Núria Silleras-Fernández, “Between Expectation and Desire: Widowhood and Sexuality in Late-Medieval Iberia,” *Viator* 42 (2011) 353–370.

was it the more Biblically-rooted notion of “liturgical rite when an action is performed in such a way that it is understood to signify something that ought to be received in a holy way” (posited by Isidore of Seville)?²⁴⁰ These two senses were used interchangeably up through the twelfth century, leading to the frustrating impression, voiced by Hugh of Saint Victor, that almost anything could be a sacrament.²⁴¹

If *sacramentum* emerged as a hazy concept throughout the annals of early medieval literature, the same might easily be said of *matrimonium* or *coniugium*, particularly regarding the extent to which such terms bore sacred or sacramental implications. Under the influence of Augustine, marriage continued to be called a sacrament by many writers in this period, through the exact terms of its sacramentality were rarely defined. Early medieval authors tended to spill much more ink addressing the practical parameters of conjugal life than they do pondering its sacramental significance. Isidore’s *Etymologies*, for example, devotes exactly zero of its thirty subheadings on *coniuges* to questions of sacramentality, focusing instead on issues such as dowry agreements and precisions of marital vocabulary.²⁴² The same holds true for later authors such as Ratramus and Johannes Scotus Eriugena, whose treatments of

²⁴⁰ *Sub tegumento corporalium rerum virtus divina secretius salutem eorumdem sacramentorum operatur, unde et a secretis virtutibus vel sacris, sacramenta dicuntur*, Rabanus Maurus, *De Clericorum Institutione* 24, PL 107; *Sacramentum est in aliqua celebratione, cum res gesta ita fit ut aliquid significare intelligatur, quod sancte accipiendum est.*” *Etymologies* 6.19.41. English translation, *The Etymologies of Isidore of Seville*, edited and translated by Stephen A Barney, W.J. Lewis, J.A. Beach, and Oliver Berghoff, Cambridge University Press (Cambridge: 2006), 6.19.39; Latin text in PL 82, pg. 251.

²⁴¹ *Sunt quaedam, sacramenta in Ecclesia in quibus etsi principaliter salus non sonstet, tamen salus ex eis augetur...Haec licet in praesenti omnia enumerari non possint.* Hugh of Saint-Victor, *De Sacramentiis* 1.9.1, PL 176, pg. 471. Thomas M. Finn notes that early medieval definitions of “sacrament were so wide so as to allow for some 30 church rituals being defined, at various points, as sacraments. See Finn, “Sacramental World,” 567.

²⁴² Isidore’s matrimonial terminology can be found in *Etymologies* 9.7.1-30.

marriage concentrate primarily on specifying who can get married and how they should go about doing so.²⁴³

When theologians did attempt to pin down the exact contours of the conjugal sacrament, they invariably fell back upon the understanding of sacramentality as “a sign of a sacred thing”—and in particular upon the patristic identification of this “sacred thing” with the union between Christ and the church. This was true even in the case of Isidore, who had so carefully emphasized ritual action in his general definition of *sacramentum*:

The sacrament that exists between the married couple is spoken of as such because the church cannot be divided from Christ just as a wife cannot be separated from her husband. Therefore the sacrament that exists between Christ and the church also exists inseparably in any single joining between men and their wives.²⁴⁴

Isidore thus echoes Augustine both in terms of the signification of the marital sacrament (the Christ-Church union) and the primary effect of this signification (the indissolubility of the human conjugal bond). In so doing, he was also grounding himself in an extremely conservative (if not outright literal) interpretation of Ephesians 5, which once again freighted the matrimonial *sacramentum* with an exclusively figurative meaning. As Walafrid Strabo put it, “Let us accept that between husband and wife, just as between Christ and the Church, there is now not two, but one flesh, as in a head joined to a

²⁴³ The omission of sacramental considerations is especially notable in Scotus’ case, as he spends much of the letter in question discussing Pauline notion of sacraments yet bypasses the question when it comes to marriage. See Johannes Scotus Eriugena, *In Epistolam I Ad Corinthios*, PL 103 126-46, and Ratramnus Corbensiensis, *Contra Graecorum*, 4.4 PL 121, 318.

²⁴⁴ *Sacramentum autem ideo inter conjugatos dictum est, quia sicut non potest Ecclesia dividi a Christo, ita et uxor a viro (Ephes. 5). Quod ergo in Christo et in Ecclesia, hoc in singulis quibusque viris atque uxoribus conjunctionis inseparabile sacramentum est.* Isidore of Seville, *De ecclesiasticis officiis*, Lib II 20. 11, PL 83, 810.

body... This was that sacrament of spiritual unity that was spoken of as literal conjugal union in Genesis.”²⁴⁵

Interestingly, it was Hincmar of Reims who offered the most precise pre-scholastic definition of the matrimonial sacrament, as well as the first major Church intervention into aristocratic marital affairs. Hincmar came down hard on the side of marital indissolubility in the famous attempted divorce and remarriage of Lothar I, arguing that, while both spouses are still alive, the Pauline command that “the man hath not power over his body” (1 Cor. 7:4) prevented him from “using his genitals” with others.²⁴⁶ Hincmar’s tough stance with Lothar might be seen as a direct result of his remarkably clear notion of conjugal sacramentality, wherein “the nuptial bond has in it the sacrament of Christ and the Church... because of the sexual joining of the couple.”²⁴⁷ Lothar’s remarriage, therefore, would violate the main sacramental element of his first nuptials, assuming that both would be consummated. This sacramental formulation made Hincmar sacramental theology’s first “consummationist,” introducing an idea that would be contentiously repeated throughout theology and canon law.

Throughout the twelfth century ecclesiastical writers gradually accrued a collection of firm criteria for both defining and enumerating sacraments, most famously crystallized in the *Sentences* of Peter Lombard. Building upon the basic Augustinian notion of a sacrament as a *sacrae rei signum*, the Lombard and his contemporaries began

²⁴⁵ *Secundum hoc ergo quod in Christo et Ecclesia, accipitur quod dictum est: Non jam duo, sed una caro sunt, et quomodo sponsus et sponsa dicuntur, sic caput et corpus... Hujus spiritualis unitatis sacramentum fuit illud quod in Genesi de unione conjugii ad litteram dicitur.* Walafrid Strabo, *In Epistola ad Ephesios*, 5. 32, PL 114, 599.

²⁴⁶ Hincmar of Rheims, *De Divortio*, trans. Rachel Stone and Charles West (Manchester: Manchester University Press, 2016), 115.

²⁴⁷ *Unde cum societas nuptiarum ita ab initio consituta sit, ut praeter sexuum conjunctionem, haberet in se Christi et Ecclesiae sacramentum.* Hincmar, *Epistola 22*, PL 126, 437.

to place restrictions on exactly what kinds of signs could rightfully count as sacraments. As the Lombard noted, “all sacraments are signs, but not all signs are sacraments,” as it is only those *signa* given through divine revelation which have the potential to fit the sacramental bill.²⁴⁸ The Lombard further winnowed down the list of sacramental contenders by specifying that sacramental signs consist of both words and physical elements, such as the water and priestly blessing that comprise the full sacrament of baptism.²⁴⁹

Twelfth-century theologians also narrowed the sacramental field by being more selective about what these signs could signify. A consensus arose fairly early that the *sacrae res* in question must be ones that pertain exclusively to the New Law, thus eliminating anything that owed its significance exclusively to the time before the coming of Christ. Thus, according to the Lombard, the “sacred thing” signified by all of these signs was, at the most basic level, grace, a blessing brought into the world by Christ and “emanat[ing] from the virtue of his death and passion.”

It was this alignment of sacramentality with grace, moreover, that brought about perhaps the most important criterion for the church-sanctioned sacrament: the requirement that sacraments must not only signify grace, they must effect the specific kind of grace they signify. As Hugh of St. Victor somewhat bulkily summarized these terms “[a sacrament is] a corporeal or material element set before the senses without, representing by similitude and signifying by institution and containing by sanctification

²⁴⁸ *Signorum uero alia sunt naturalia, ut fumus significans ignem; alia data. Et eorum quae data sunt, quaedam sunt sacramenta, quaedam non. Omne enim sacramentum est signum, sed non e conuerso. Peter Lombard, Sententiae in iu libris distinctae 4.1.3. CCSL-A (online edition, <http://www.brepols.net>)*

²⁴⁹ *Duo autem sunt in quibus sacramentum consistit, scilicet uerba et res; uerba, ut inuocatio trinitatis; res, ut aqua, oleum et huiusmodi. Lombard, Sententiae 4.1.5.*

some invisible and spiritual grace.”²⁵⁰ In the Lombard’s more streamlined formulation, a sacrament became “that which is so great a sign of the grace of God and the form of invisible grace, that it bears its image and exists as its cause.”²⁵¹ This ability to confer grace, finally, found its ratification in the authoritative work of Thomas Aquinas, who defined a sacrament simply as “a sign of a sacred thing insofar as it makes men holy.”²⁵² By then, the definition of *sacramentum* had become firm and clear: a sign, consisting of both verbal and physical elements, signifying the grace of the New Law and effecting the grace that it signified.²⁵³

Throughout this process ecclesiastical writers never doubted that marriage would be included in the sacramental fold—despite the fact that it met exactly none of these criteria. First of all, marriage was not exclusively a sign of the New Law, having been instituted in pre-lapsarian Eden before even the Old Law had been established. Theologians were quick to address this lacuna, pointing out that matrimony served certain “Christian” salvific functions that made up for its idiosyncratic timeline. In Hugh’s words: “The institution of marriage is twofold: one before sin, as an office, the

²⁵⁰ *Sacramentum est coporale vel materiale clementum foris sensibiliter propositum ex similitudine representans, et ex institutione significans, et ex sanctificatione contiens aliquam invisibilam et spiritualam gratiam.* Hugh of St. Victor, *De Sacramentiis* 1.9.2, PL 176, 318. It is worth noting, however, that Hugh’s understanding of sacramentality was evidently not limited to this strict (and remarkably prescient) definition, as he elsewhere uses the term *sacramentum* to describe much wider symbolic entities such as “why fishes and birds were made of one matter and not placed in one abode” and simply “divine works,” while also claiming that the devil himself has his own set of sacraments. See *De Sacramentis*, 1. 1. 12, 1.1.27, and 1.8.11.

²⁵¹ *Sacramentum enim signum est sacrae rei: Quid igitur hic signum est, et quae est res sacra huius signi.* *Sententiae* 4 D 22 c 2 CCSL-A

²⁵² *Signum rei sacrae inquantum est sancificans homines.* Aquinas, *Summa Theologica* 3. Q 60 A2, co.

²⁵³ For a fuller (and more critical) discussion of this process, see J.A. Appleyard, “How does a sacrament ‘Cause by Signifying?’” *Science et esprit* 23 (1971), 167-200 and John F. Gallagher, *Significando Causant: A Study of Sacramental Efficiency* (Fribourg: The University Press, 1965).

other after sin, as a remedy; the first was so that nature might be multiplied; the second, so that human nature might be supported and sin kept to a minimum.”²⁵⁴

A second (and perhaps more successful) way of differentiating the marriage of the New Law was to emphasize the ways in which this new “Christian” matrimony differed from the unions of the Old Testament. Specifically, theologians were careful to mark the transition from dissoluble, multiple-partner marriages to indissoluble, monogamous ones. As Peter Abelard put it: “It should be known that at one time many things were allowed in this sacrament which now are not allowed, since in the Old Testament many women were allowed for one man, so that they people of God might increase... But now this is not allowed since the people of God are already numerous enough.”²⁵⁵

By taking this tack, theologians also followed Augustine in making the signifier relationship key to the understanding of marriage as a sacrament, as well as the familiar one-to-one ratio that undergirded this connection. For Albertus Magnus, for example, the transition from polygamy under the Old Law to monogamy under the New Law could be conveniently mapped onto the corresponding evolution of the Christian worship community, as “the scattered churches were to be joined as the spouse of Christ.”²⁵⁶ Thus, matrimony’s place within the New Law came to be at least partially

²⁵⁴ *Institutio coniugii duplex est: una ante peccatum ad officium, altera post peccatum ad remedium Prima ut natura multiplicaretur, secunda ut natura exciperetur et vitium cohiberetur.* Hugh of Saint Victor *De Sacramentis* 2.11.3, PL 176, 481.

²⁵⁵ *Sciendum vero est quod in hoc sacramento multa olim fuerunt licita, quae modo licita non sunt, quia in veteri testamento licebat uni multas uxores habere, ut populus Dei augetur...Nunc vero non licet, quia populus Dei auctus est.* Peter Abelard, *Epitome theologiae christianae* 31, PL 178, 1746.

²⁵⁶ *Significabatur quod ecclesiae diversae coniungendae errant Christo tamquam vero sponso. Tractatus de matrimonio.* Albertus Magnus, *Tractatus de Matrimonio* 9 Q3 A1 ad 2, *Opera Omnia* Tomus 26 (Monasterii Westfamororum in aedibus Aschendorf, 1958), 157.

predicated on its ability to reflect the union between God and man via its social formation, placing a tremendous amount of stress upon its status as a signifier.

This strategy, with its Augustinian foundations, met little opposition in itself. Yet it was rendered somewhat problematic by the existence of yet another deficiency within marriage's sacramental makeup: a sense of uncertainty in the crucial relationship between signified and signifier. While theologians, following Paul and Augustine, universally identified the *sacra res* of marriage as the union of Christ and the church, the corresponding *signum* proved surprisingly problematic—particularly in its compliance with the *materia et verba* formula set down by the Lombard.

One contender for the marital *signum* was consummation of the marriage by the couple, partially because, by the twelfth century, this had already gained a great deal of traction within canon law. For theologians, consummation recommended itself due to its obvious symbolic precision. In the words of the anonymous twelfth-century tract *Deus de cuius principio fine tacetur*, the sexual union of man and wife represented a perfect imitation of the invisible union between Christ and the Church, given that both bonds united their individual constituent into “one body.”²⁵⁷ This notion came with the extreme disadvantage, however, of desacramentalizing marriages that had not been consummated, including (most problematically) that of Mary and Joseph. Thus, as Hugh of St. Victor argued, unconsummated marriages may be considered ever more sacramental than

²⁵⁷ *Sacramentum est, quod aliquid sanctum occultat et significant in Christo et ecclesia, quod sacramentum intelligitur, ubi vir et femina legitime coniunguntur. Nam nuptias Christi et ecclesie significant, quia Christus et ecclesia unum corpus sunt. “Deus de cuius principio et fine tacetur,” Recherches de théologie ancienne et médiévale 5 (1933) 273.*

consummated ones, as they match more exactly the sort of incorporeal spiritual link of marriages *res sacramenti*.²⁵⁸

As a result, post-Victorine theologians attempted to find ways to integrate consummation into the second popular option: the consent of the married couple. In its most developed formulation, this idea involved dividing both the signified and the signifier into a bi-partite structure: the spiritual union between Christ and the Church, signified by unconsummated unions, and the physical union of Christ with humanity (the incarnation), signified by consummated marriages. This idea was key to Peter Lombard's construction of the marital sacrament, and was also readily adopted by subsequent authors attempting to clarify the connection between marital sign and signifier.²⁵⁹

Alexander of Hales even managed to use this formula to address the pesky question of unconsummated marriages and indissolubility, arguing:

Marriage is the *sacramentum* of the union of Christ and the church, indeed it is the *sacramentum* of the union of human nature with the divine. It is also the union of Christ with the faithful soul. After the first of these unions, marriages became indissoluble, as at no time would Christ ever recede from the church. For always he is within all persons. After the second of these it was even more indissoluble, as the human nature he had taken on he would not send away.²⁶⁰

²⁵⁸*Si magnum est quod in carne, magnum non est: imo multo maius quod in spiritu est?* De sacramentis, 2. 11. 3 PL 176. Pg. 481. As Thomas M. Finn points out, this perception of unconsummated marriages as “imperfect,” and hence dissoluble, never really goes away, possibly because Lombard did not properly address it in his sacramental theory of marriage. See Thomas M. Finn, “Sex and Marriage in the Sentences of Peter Lombard,” *Theological Studies* 72 (2011), 41-69.

²⁵⁹ *Copulata est ergo sponso spiritualiter et corporaliter, id est caritate et conformitate naturae. Huius utriusque copulae figura est in coniugio: consensus enim coniugum copulam spiritualem Christi et Ecclesiae, quae fit per caritatem, significat; commixtio vero sexum illam significat, quae fit per naturae conformitatem.* Peter Lombard *Sententiae* 4.1.4.

²⁶⁰ *Matrimonium est sacramentum unionis Christi et Ecclesiae; item est sacramentum unionis humanae naturae cum divina; item est sacramentum unionis Christi cum fidei anima. Post primam autem unionem manet quaedam indissolubilitas, quia numquam Deus omnino recessit ab Ecclesia.* Alexander of Hales, “*Quaestio de repudio et divortio*” transcription via Killian Lynch, “Alexander of Hales on the Efficacy of Matrimony,” *Franciscan Studies* 11 (1951), 69-130.

This solution became problematic, however, in that it created the confusing notion that marriage was in fact two separate sacraments—one signified by consummated marriages, the other signified by the sexual bond of consummated ones. Such was in fact the exact contention of Hugh of St. Victor when he first addressed this division, stating: “In marriage a twofold sacrament exist[s]: on in carnal intermingling, the sacrament of association which exists between Christ and the Church; the other in conjugal association, the sacrament of that association which exists between God and the soul.”²⁶¹

Hugh’s opinion was popular enough to be followed by near contemporaries such as Guy of Orchelles, but also confusing enough that it proved a sticking point for his successors, particularly those who sought to limit the sacramental number to seven.²⁶² What’s more, this notion of matrimony as a “double sacrament” made things difficult for all those who wished to draw a more precise liaison between the *signum* and *res sacramenti* in marriage—a matter of increasing importance as sacramental doctrine developed and stabilized. By the early thirteenth century theologians had begun to actively refute the “double sacrament” theory, often by drawing parallels between marriage and other, more well-established sacraments. Peter of Poitiers, for example, argues that marriage is “one sacrament” in exactly the same way that the Eucharist is one sacrament—for just as the bread and wine each individually function to represent one

²⁶¹ *In conjugio duplex sacramentum constaret. Unum in commixto carnali, sacramentum illius societatis quae est inter Christum et Ecclesiam, alterum in societate conjugali, sacramentum illius inter societatis inter deum et animam. De sacramentis 2.11.8. PL 176, pg. 494.*

²⁶² *In matrimonio enim ex coniunctione animarum representatur sacramentum unionis fidelis animae ad Christum. ...Iterum, ex coniuncte duorum corporum in matrimonio representatur unio duarum naturarum in Christo.* Guy of Orchelles, *Tractatus de Sacramentis* C 9 a 2, edited by D & O Van den Eynde (Bonaventure, NY, 1953), pg. 200.

part of the larger sacrament of communion, so too do consent and consummation each represent different facets of the larger divine-human bond.²⁶³

Yet without a doubt the trickiest, most enduring stumbling block in marriage's road to sacramentality was its dubious ability to "effect that grace which it signified." While medieval writers generally agreed that marriage conferred some form of "remedial" grace—that is, the grace of excusing the carnal concupiscence between married partners—post-Lombardian theology called for a more positive and specific sort of sanctifying power. In the case of marriage this requirement presented a particularly potent riddle—for how exactly were the nuptial relations of a human couple supposed to "bring about" the union between Christ and humankind?

Some chose to confront the issue by simply accepting the possibility that marriage did not confer any real grace—beyond, that is, its universally recognized remedial properties. Such is the approach of Peter Abelard, who flatly asserts that "assuredly [marriage] is a sacrament, but it does not confer any kind of gift as the others do, but rather is a remedy for evil. It is given for the purpose of restraining incontinence, thus the great one [Paul] calls it an indulgence."²⁶⁴ The fact that nuptials constitute such an anomaly apparently poses no problem for Abelard, who goes on to enumerate marriage's other sacramental properties—including and especially its strength as a symbolic

²⁶³ " *Sacramentum est hic consensus animorum et carnalis copula, nec sunt duo sacramenta, sed unum sacramentum unionis Christi at Ecclesiam...Sicut vides quod species panis et vini non sunt duo sacramenta, sed unum: species panis significant corpus Christi et non sanguinem; species vini sanguinem et non corpus.*" *Sentarium* 5. 14.

²⁶⁴ *Nunc de conjugio dicendum est, quod quidem sacramentum est, sed non confert aliquod donum, sicut caetera faciunt, sed tamen mali remedium est Datur enim propter incontinentiam refrenandam; unde magis ad indulgentiam pertinet.* Peter Abelard, *Epitome theologiae christianiae* 31.

entity.²⁶⁵ For Abelard, the entirety of marriage's sacramental status emanates from its symbolic possibilities, reflecting the perfect one-to-one union of Christ and the Church.²⁶⁶

Abelard's strategy would become significantly more problematic with the adoption of Peter Lombard's sacramental doctrine at the dawn of the thirteenth century, which both assured marriage's sacramental status and forced it into an uneasy confrontation with the requirement of efficacy. The great irony of this situation, however, is that the Lombard himself remains extremely elusive on the exact relationship between marriage and effective grace, so much so that, as Marcia Colish notes, there is "debate as to whether Peter truly extends his definition of sacrament in general to marriage, or whether his treatment of marriage is asymmetrical with his treatment of the other sacraments as a means of grace."²⁶⁷ Indeed, while Lombard finds that "some sacraments (like baptism) both act as a *remedium* against sin and confer fortifying grace," he also concedes that "others only exist as a *remedium*," with marriage the only sacrament ever included in this latter category.²⁶⁸ It is this sort of lopsided treatment that caused Seamus P. Heaney to conclude that Lombard "did not consider marriage to be

²⁶⁵ It is worth noting, however, that Abelard's general sacramental theory placed efficacy outside of the sacraments themselves and rather in the passion of Christ that initiated and sustained them; it is therefore somewhat less surprising that he attributed no efficient grace to marriage. See Gallagher, *Significando Causant*, 56.

²⁶⁶ *Sacramentum est Christi et Ecclesiae, quia sicut uxor unius viri et vir unius uxoris, sic Christus unius sponsae, id est Ecclesiae sponsus est et Ecclesia unius sponsi, id est Christi sponsa.* Abelard, *Epitome*, 31.

²⁶⁷ Colish, *Peter Lombard*, vol 2, 53.

²⁶⁸ *Quorum alia remedium contra peccatum praebent et gratiam adiutricem conferunt, ut baptismus; alia in remedium tantum sunt, ut coniugium; alia gratia et uirtute nos fulciunt, ut eucharistia et ordo.* Peter Lombard, *Sententiae* 4, d. 2, c. 1.

efficacious in the realm of grace,” leaving the matter instead to be decided by his theological successors.²⁶⁹

Later solutions, however, proved scattershot at best. Some writers, such as Peter of Poitiers, stumbled into the Lombardian trap of simply affirming marriage’s sacramentality without clarifying the specifics, particularly regarding matrimony’s ability to affect the unique form of grace it symbolized. Indeed, Peter’s blank assertion that marriage “brings about the union of Christ and the Church” seems to rest solely on the fact that it is a sacrament of the New Testament, with no explanation offered as to how human unions might effect this momentous spiritual truth.²⁷⁰ Others, such as William of Auvergne and Hugh of St. Cher, attempted to locate marriage’s sacramental efficacy in the nuptial blessing offered by the priest—joining, in Hugh’s words, “the intentions of those contracting matrimony” with the “virtue of the priestly blessing.”²⁷¹ This reliance on the priestly blessing, however, came with its usual set of difficulties, not least of which was the fact that it resulted (as William acknowledged) in the de-sacramentalizing

²⁶⁹ Seamus P. Heaney, *The Development of the Sacramentality of Marriage from Anselm of Laon to Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 1963), 97. One recent dissenting opinion is that of Thomas M. Finn, who concludes (based on a somewhat creative reading of *De Bono Conjugali*) that Lombard is in fact following Augustine in according a very specific sort of efficient causality to marriage—an “inner reality” in which “the indissoluble union” of Christ and the church comes about via the married couple’s mutual fidelity. See Thomas M. Finn, “Sex and Marriage in the Sentences of Peter Lombard,” *Theological Studies* 72 (2011), 41-69.

²⁷⁰ “Item, conjugium est sacramentum novi testamenti. Ergo efficit quod figurat: ergo efficit unitatem Christi et Ecclesiae.” *Sentarium libri quinque*, c. 14.

²⁷¹ *In aliis sacramentis virtute sacramenti confertur gratia vel augmentum gratiae sed non in matrimonio virtute matrimonii confertur gratia. Aliquando tamen datur vel virtute sacerdotalis benedictionis vel propter intentionem contrahentium.* Hugh of Saint Cher, *Commentarium in sententias* 4 D 26. Cited in Heaney, 114.

of unblessed nuptials—which, in accordance with consent theory, should be fully recognized as sacramental.²⁷²

In the end, the winning strategy involved a return to matrimony’s remedial qualities, along with an attempt to give them a more active sanctifying effect. Such was the approach introduced by Bonaventure and refined by his successor, St. Thomas Aquinas, who managed to largely settle the issue until the larger challenges of the Reformation. For Bonaventure, the marital *remedium* is what enables conjugal partners to live out Augustine’s marriage goods, providing them with the strength to remain sexually exclusive and the freedom to sinlessly beget children.²⁷³ As such, marriage becomes an efficient cause of grace in the same way as the sacrament of penance, “joining souls” both to each other and to God by removing the sinful barrier between them.²⁷⁴ Bonaventure’s resolution proves limited, however, in that it is still largely dependant on the good intentions (and good behavior) of the human participants, whose mutual fidelity remains the main result of the marital *remedium*. It also remains deeply contingent upon the priestly blessing, which Bonaventure (despite his best attempts to avoid the issue) describes as the “ratifying” agent for marriage’s active spiritual grace.

²⁷² *Neuter autem eorum modorum sacramentalis est; quod enim facit matrimonium virtute sua essentiali, hoc est, contrarietate, aut quod facit merito suo, non facit virtute sacramentali, sive virtute benedictionis et orationis, quem consuervit super nubentes.* William of Auvergne, *Tractatus de sacramento matrimonii*, 9, *Opera Omnia* Tom. 1 (Orléans-Paris, 1674; Reprint Frankfurt, Minerva, 1963), 525.

²⁷³ “*Et ideo tertio modo dicendum, quod suscipientibus hoc sacramentum detur remedium, quantum est de ratione sacramenti, quod excusat coitum et facit illud esse veniale...Nunc tempore legis novae non tantum praestat illud remedium, sed etiam aliquod gratiae donum digne suscipientibus, utpote his qui ex caritatis consensu uniuntur ad procreandum prolem ad divinum cultum.*” Bonaventure, *Commentaria in quatuor libros Sentarum*, 4. D. 26. A. 2, q. 2, *Opera Omnia Vol 1*, 668.

²⁷⁴ *Ad illud quod obiicitur, quomodo efficit quod figurat, dicendum quod figurat coniunctionem animorum primo et hanc efficit,* Bonaventure, *Commentarium in quatuor libros sentarum*, 4 D 26 a2 q2, *Opera Omnia* 4, Quaracchi Edition (Collegio San Bonaventura, 1887), 668.

Aquinas, in formulating his own notion of the conjugal sacrament, strove to incorporate Bonaventure's emphasis on marriage's remedial power while enhancing its status as an independent agent. In so doing he also sought to assimilate marriage into his more precise understanding of sacramental grace, which distinguished between grace conferred via the participation of the recipients (*ex opere operantis*) and that which operates via its own sanctifying merits (*ex opere operato*). Sacraments of the New Law fell squarely into the latter category, thus invalidating Bonaventure's equation of the marital *remedium* with good conjugal behavior.²⁷⁵ Aquinas further stipulated that, while all sacraments bring about some sort of grace, they do so solely as instrumental causes, their shared principle cause being the passion of Christ. Such a formulation proved crucial for matrimony in that it exempted it from actually causing the Christ-Church union, but rather simply transmitted its effects to those partaking in the sacrament.²⁷⁶

Thus, marriage becomes efficient in that it “gives a man the grace without which he cannot becomingly use his wife for the procreation of children.”²⁷⁷ Unlike Bonaventure, however, Thomas sees this *remedium* as operating directly upon concupiscence as a root cause, as opposed to combating lust on a day-by-day basis. For Aquinas, therefore, accepting the efficacy of marriage is no different than accepting the efficacy of baptism—for just as the baptismal water “imprints a character” that leads to

²⁷⁵ This would have, of course, left the possibility for sanctification via the priestly blessing, but this invited obvious problems involving marriage's symbolic reflection of Christ and the Church (who of course did not require an officiant at their “wedding ceremony”). This is likely why Aquinas rejected this portion of Bonaventure's argument, as well as all such solutions to the problem of marital grace.

²⁷⁶ *Contra concupiscentiam potest praestari rededium dupliciter. Uno modo, ex parte ipsius concupiscentiae...Et sic remedium praestat matrimonium per gratiam. Alio modo, ex parte actus eius...Summa Theologica 3 Suppl Q 42 A 1 r. 4.*

²⁷⁷ *Unde cum in matrimonio detur homini ex divina institutione facultas eutendi uxore sua ad procreationem prolis, datur etiam gratia sine qua id convenienter facere non potest, Summa Theologica 3 Suppl Q 42 A3 R.*

the infusion of grace, so to do “the words of consent” effect a bond which similarly confers grace upon those so united.²⁷⁸

Aquinas’ theory was almost immediately adopted as Church doctrine, allowing for the Tridentine affirmation of marital grace several centuries later. It was, however, not without its detractors. As early as 1285, Peter Olivi attacked the idea of marital sacramentality on the specific basis of its inability to confer grace, arguing that it remained simply a sacred sign in the same way as the Temple or Moses’ burning bush.²⁷⁹ Though Olivi himself was quickly quashed, his ideas saw a revival by the early fourteenth-century Spiritualist movement, forcing the church to revive the debate at the Council of Vienna in 1311.²⁸⁰ But perhaps the most strident challenge to marital grace came from the great fourteenth century thinker Duns Scotus—all the more striking given that Scotus, as le Bras notes, “submits, in all things, to the doctrine of the church.”²⁸¹ Indeed, while Scotus carefully affirms that “the Church communally holds the that marriage is seventh among the sacraments,” he goes on (at some length) to aim the brute force of his reasoning at matrimony’s vital organs, in particular its long-debated relationship to sacramental efficacy.²⁸² Indeed, Scotus hints that his only reason for not entirely de-sacramentalizing matrimony is fear of being branded a heretic, and grudgingly

²⁷⁸ *Sicut habet aqua baptismi quod corpus tangat et cor abluat, ex tactu carnis Christi, ita matrimonium hoc habet ex hoc Christus sua passione illud repraesentavit. . . Summa Theologica 3 Suppl Q 42 A 3 r 1.*

²⁷⁹ G. Le Bras, “Mariage (dans l’église latine après 1000), *Dictionnaire de la théologie Catholique* 9, ed. A. Vacant, E. Mangenot, and E. Amann (Paris: Librairie de Letouzey et Ané, 1927), 2212.

²⁸⁰ *ibid*

²⁸¹ Le Bras, 2213.

²⁸² *Sed quia communiter tenet Ecclesia Sacramentum Matrimonii esse septimum inter Ecclesiae Sacramenta, et de Sacramentis Ecclesiae non est aliter sentiendum quam sentit Ecclesia Romana, extra de haereticis. Ad abolendam: ideo dici potest, quoad contractui matrimonii annexit Deus Sacramentum proprie dictum, saltem pro lege Evangelica, alioquin non esset Sacramentum novae legis. Quaestiones in Librum Quartum Sententiarum, D 26 Q1, Joannis Duns Scoti, Opera Omnia, vol 19, (Paris: L Vivès, 1894).*

concedes that marriage must be a sacrament since the Church deems it so.²⁸³ Scotus' most piercing objection concerns the equation of efficient grace and *remedium*, given that unconsummated marriages (most notably that between Mary and Joseph) would contain no such carnal concupiscence on which this sort of grace could operate.²⁸⁴ While Scotus eventually upholds the church doctrine of full marital sacramentality, he does not by resolve the problem of grace. Rather, he simply reaffirms marriage's status as *a sacrae rei signum*, and in particular to the "indissoluble bond" both created by and reflective of this sacred reality.²⁸⁵

The underpinnings of Scotus' approach—and indeed, the reason why the sacrament of matrimony managed to survive several centuries of scholastic wear-and-tear—may be located in a parallel discursive strand, which found itself effectively buried beneath of triumph of marital grace. This line of thought involved obfuscating the challenges of sacramental efficacy by placing emphasis on marriage's signifying power—a sleight of hand generally employed by authors who were unable to locate any sort of conjugal sanctifying ability.

This strategy was key to the marital theology of Peter Abelard, who, as we saw above, flatly denied marriage's ability to confer grace. As a seeming counterbalance, Abelard grounded his vision of marital sacramentality in a strikingly firm emphasis on this one-to-one ratio, for "just as a woman is a wife of one man and a man a husband of one wife, so too is Christ the husband of one spouse—which is the church—and the

²⁸³ See footnote 282 above.

²⁸⁴ *Praeterea, in matrimonio Joseph et Mariae non oportuit ponere excusantia ista, nec universaliter in spirituali matrimonio videlicet, cum pari voto castitatis conjugum. Quaestiones D31 Q1.*

²⁸⁵ *Sacramentum est ipsum indissolubile vinculum, et forma permanens contractus. Ibid.*

Church is the spouse of one husband—who is Christ.”²⁸⁶ In this vein, he also displays an especial intolerance for the polygamous unions of the Old Testament, which he sees as violating both natural law and the base structure of the sacrament.²⁸⁷

This approach can be observed with striking regularity over the course of the next two centuries, always in cases where the author has either denied or declined to approach the question of sacramental efficacy. Master Simon (who, despite his relative obscurity as a historical figure, left behind the tremendously influential *Tractatus de Sacramentis* of c. 1160) spills a great amount of ink expounding upon the perfect similitude between human nuptials and the Christ-church bond, stating “just as a man and a woman, through becoming one flesh, produce one flesh (through the procreation of children), so too do Christ and the Church join in one flesh so that Christ, in the Holy Church, might multiply his spiritual offspring.”²⁸⁸ He spills exactly zero drops of ink, however, explaining how marriage might be effective in the realm of grace—a striking omission in his mid-twelfth century context. The anonymous author of the *Deus de cuius fine tacetur* is overt in his contention that “marriage is not made as the other sacraments were”—that is, with specific sanctifying abilities.²⁸⁹ What he does find in abundance are ways in which nuptials neatly reflect the Christ-Church union: both are of “one body,” both are without

²⁸⁶ “*Sacramentum est Christi et Ecclesiae, quia sicut uxor unius viri et vir unius uxoris, sic Christus unius sponsae, id est Ecclesiae sponsus est et Ecclesia unius sponsi, id est Christi sponsa.*” Abelard, *Epitome*, 21.

²⁸⁷ “*Etiā tunc regibus non licebat multas, sed unam habere, ut subditis suis providere possent. Si enim multas haberent, earum sollicitudine animus impediretur et ita minus providerent. Quod vero David et Salomon multas habuerunt, plane contra legem fecerunt.*” Ibid.

²⁸⁸ “*Sicut enim vir et mulier in carne una ad carnem unam, id est sobolem procreandam, copulantur, sic Christus et Ecclesia in una carne sunt et sic Christo operante spiritualis in sancta Ecclesia filii multiplicantur.*” Master Simon, *Tractatus de Sacramentis*, in *Maître Simon et son groupe*, edited by H. Weisweiler (Louvain: *Spicilegium sacrum Lovaniense* 17: 1937), 48.

²⁸⁹ *Coniugium namque non ita videtur propter remedium fuisse inventum ut cetera sacramenta.* Transcription via “Le Recueil des sentences, “*Deus de cuius principio et fine tacetur*” et son remaniement,” H. Weisweiler, *Récherches de la théologie ancienne et médiévale* 5 (1933), 270.

end, and both are characterized by a hierarchy in which “Christ reigns over the Church” just as a man should reign over his wife.²⁹⁰

Yet nowhere is this tactic more explicitly utilized than in the thought of Alexander of Hales, who was writing as the concern over marriage’s capacity to cause grace was reaching its fever pitch. While Alexander does somewhat sporadically affirm that marriage may sanctify in some way, he elsewhere reverses this opinion, offering no explanation for the discrepancy. He does, however, offer why marriage’s lack of grace may be less problematic, stating:

Marriage does not confer grace, either in its construction or its reception, and because of this it is ordered after all of the other sacraments, yet while it is lesser with respect to efficient grace it is greater with respect to its signification. It signifies the union of Christ and the Church, or the union of the divine person with human nature, and there is no greater signification among creatures. And while therefore a sacrament should have in itself that which is both the sign and the cause, it should also be more of a cause [of grace] than a sign. . . On the other hand, the signification of this sacrament is greater or equal than that of the other sacraments, and so with respect to signification it is placed before them.²⁹¹

In other words, marriage’s inability to confer grace is trumped by its abundant ability to signify spiritual truth—and in its especial ability to reflect the sacred Christ-Church paradigm.

Alexander’s ideas lingered even after grace became an obligatory part of the conjugal sacrament, finding a particularly interesting afterlife in the writings of his

²⁹⁰ *Nam nuptias Christi et ecclesie significat quia Christus et ecclesie unum corpus sunt. Christus tamen preest et regit.* Ibid, 273.

²⁹¹ *Hoc autem sacramentum non confert gratiam gratum facientem, etiam digne suscipienti. Et propter hoc ordinatur post alia sacramenta, tamquam illud quod est minoris efficiae in disponendo ad gratiam, licet sit maius in significando. Significat enim coniunctionem Christi et Ecclesie, vel unionem divinae naturae cum humana, quibus significatis nihil est maius in creaturis. Cum ergo sacramentum habeat in se quod sit signum et causa, plus habet ex eo quod est causa quam ex eo quod est ultimum sacramentum; nam, si secundum rationem signi esset, cum huius sacramenti maius sit signatum vel aequale, preponeretur pluribus aliis sacramentis.* Alexander of Hales, *Glossa in quatuor libros sententiarum Petri Lombardi*, D 26, q 2, Quaracchi Edition (College of S. Bonaventure, 1957), pg. 446..

student, Bonaventure. In his struggle to find a source of marital grace, Bonaventure displays a striking tendency to fall back on the idea of marriage as an enduring one-to-one relationship, and thus also its essential makeup as a *signum*: “Concupiscence inclines one to wish for multiple partners, since a lustful man is not content with one woman. But in matrimony grace is given to a man so that he wishes only to be with his wife, and in this way he eschews the possibility of having many women through exclusive sexual relations.”²⁹² Marital grace, therefore, operates solely to preserve the oneness whence marriage draws its signifying power, just as Christ unites the various members of his church into one faithful spouse.²⁹³

The net result of this tendency was that it placed a tremendous amount of stress upon the already unstable relationship between the conjugal sign and signifier, making it all the more crucial that human marriages perfectly and precisely mirrored the divine union they signified. Marital sacramentality remained viable, therefore, only so long as couples remained within the narrow criteria set out by the church: monogamy, free consent, indisputable (but hopefully humdrum) consummation. Equally unproblematic were couples whose behavior lay completely outside the bounds of sacred matrimony: bigamous marriages, adultery, simple fornication. What presented a serious challenge, however, were those unions that found themselves on the margins of the precariously

²⁹² *Ratione enim expressionis consesus in individuum consuetudinem vitae, et ratione benedictionis Ecclesiae, cuius est sacramenta debite tractare, sublevatur anima a corruptione concupiscentiae inordinata, et datur gratia ad copulam singularem et a copularum utilem et ad copulam inseparabilem.* Bonaventure, *Commentarium in Sent.* 4 D 26, a 2 q 2, *Opera Omnia* 4, 668.

²⁹³ *Ad illud quod obiicitur, quomodo efficit quod figurat, dicendum quod figurat coniunctionem animorum primo et hanc efficit, non primo uniendo, sed magis, sicut confessio contritionem, et doc iterum quodam modo efficit coniunctionem cum deo, quia, si membrum membro magis inicitur, per consequens etiam magis unitur christo. Sed in eucharistia dum membra magis uniuntur christo et per consequens magis uniuntur ad invicem, unde christo incorporantur, et sic patet differentia. Ibid.*

defined conjugal sacrament, in particular the familiar Patristic riddles of concubinage and second marriages. In a medieval context these partnerships proved all the more dangerous in that they quite clearly fulfilled some portions of the marital sacrament while violating others, resulting in the accidental inclusion of the concubines, and the accidental exclusion of the remarried widows.

The Sacramental Defect: Concubines and Widows

On the one hand, the concubine proved quite an easy woman to exclude from the standards of good Christian behavior, especially given the foundation that had already been laid by Patristic thinkers. Once licit sexual activity was restricted to married partners alone, concubinage became nothing more than simple fornication, a point that (as seen in the previous chapter) had already been clear in the writings of Augustine and Jerome. This exclusion became all the more deep-seated, however, as the sacrament of marriage became a more definite entity, in that marriage was now the only conduit for the special form of grace that excused carnal concupiscence. While for earlier medieval authors the concubine remained only a nebulous source of “pollution” and shameful concession to lust,²⁹⁴ by the scholastic period she had become a more definite sort of threat, as (in the Lombard’s words) “one avoids fornication by having a wife, not a concubine.”²⁹⁵ Thus Bonaventure’s lengthy argument that concubinage is maintained against both natural and sacred law, for marriage is the only way in which post-lapsarian

²⁹⁴ See Isidore of Seville, *Quaestiones in Genesim*, 20: *Namque per Ruben primogenitum populus primogenitus Israel ex circumcissione significatur, qui torum concubinae polluit.* PL 83, 253; Bede, *Hexameron* Lib 4: *Quod autem ad rem pertinet gestam, nullo modo est inferendum, inurendum de hac concubina crimen Abrahae, usus est ea quippe ad generandam prolem, non ad explendam libidinem.* PL 91, 155.

²⁹⁵ *Bonum est non tangere, sed tamen propter fornicationem vitandam unusquisque habeat suam, non alienam, uxorem, non concubinam.* Peter Lombard, *In Epistolam I Ad Corinthios*, 7, PL 191, 1587.

humans can only avoid the chaotic impulses of lust.²⁹⁶ Aquinas goes one step further by classifying concubinage as a criminal act of fornication, making the concubine a one-way ticket to moral sin.²⁹⁷

Despite all this easy vilification, the concubine proved a much more difficult woman to define, as demonstrated by the sundry usages of the term throughout the annals of medieval theology. After the eleventh century she could, of course, be the consort of a priest, but this still left a wide variety of lay unions that were grouped under the terms *concubinatus* or *contubernium*.²⁹⁸ Many of these interpretations can be traced back to Old Testament exegesis, wherein concubinage appeared with troubling regularity. Much ink was spilled, for example, excusing Abraham for having taken a concubine, which he did (theologians are eager to point out) for procreation and not for lust.²⁹⁹ Many writers also chose to interpret Old Testament concubinage in an allegorical sense, with results that were always less than flattering for the concubine. Abimilech's concubine, for example, is regularly imagined as a prefiguration of the Synagogue, the cast-off predecessor to Christ's true wife, the Church.³⁰⁰ David's concubines, meanwhile,

²⁹⁶ See Bonaventure *Commentaria* D33 A 1 Q1, *Opera Omnia* 6, 302-8.

²⁹⁷ Aquinas *Summa Theologica*. 3 Suppl Q 65 A 3 & A 4.

²⁹⁸ The great innovator in applying the term concubine to priest's consorts was Peter Damian: *Illorum vero clericorum feminas, qui matrimonia nequeunt legali jure contrahere, non conjuges, sed concubinas potius, sive prostibula congrue possumus appellare. Contra Intemperantes Clericos* 2, PL 145, 590.

²⁹⁹ See Isidore of Seville, *Expositiones in Genesim* 20, PL 83, pg 253.. Peter Damian, *Contra Intemperantes Clericos* 3, PL 145, pg. 392 ; Alcuin, *Interrogationes et responsiones in Genesim*, PL 100, 541; Bonaventure, *Commentarium* D 33 Q 1 a 1, *Opera Omnia* 6, 303.

³⁰⁰ One particularly evocative example is provided by Isidore: *Concubinam hoc in loco Synagogam vocat. Quae in novissimis temporibus Antichristo est creditura...Eritque filius ancillae, id est, Synagogae illius peccatricis, quia qui peccatum, inquit, facit, servus est peccati. Expositiones in Jugem* 6, PL 83, 386. See also Bede, *Hexameron* 4 (in which Agar is the Synagogue and Sarah is the Church), PL 91, 155; Rabanus Maurus, *Commentaria in Librum Judicum* 2.10; and finally Bonaventure, *Commentaria* D25 Q3 a2 (in which the synagogue is described as Christ's pre-marital concubine so as to defend him from a possible charge of bigamy), *Opera Omnia* 6, 206.

become symbols of Christianity's various heretical churches and movements, banished to theological mistressdom by the triumph of Orthodoxy.³⁰¹

In all of these readings one prominent theme is that of multiplicity, as the concubine is almost always imagined as one consort among many. When pondering the long-settled question of whether Christians are permitted to have concubines, theologians almost always give recourse to the principle that divine law restricts believers to one sexual partner apiece, thus negating the possibility of concubinage as a monogamous domestic partnership. Aquinas, in his *Summa Theologica*, even classifies concubinal relations under his question on "plurality of wives," effectively blurring the line between concubinage and bigamy. In this way, medieval theologians seemed to deliberately distance themselves from the Roman idea of concubinage represented in the thought of their Patristic forebears, in which concubinage was by necessity a monogamous (if possibly temporary) union.

If medieval thinkers chose not to portray concubines as monogamous partners, it is not because this sort of union had ceased to exist. As Karras has recently shown, cases monogamous cohabitation can be detected in Paris court records well into the sixteenth century.³⁰² Rather it is because the stakes had been raised by the precarious composition of their own matrimonial formula, which (as we saw above) was too reliant on the exact symbolism of consent and consummation to structurally annex a required priestly blessing. Thus, a woman who entered into a conjugal union without dowry or blessing

³⁰¹ See Rabanus Maurus, *Commentaria in IV Libros Regum* 2.5: *Concubinae vero ejus significant haereticorum ecclesias, quae sub Christi nominis titulo se manere gloriantur; sed quia propter carnalia lucra Christum sectantur, non conjuges, sed concubinae vocantur.* PL 109, 82; Peter Damian, *Epistola* 13; Alan of Lille, *Contra Waldenses* 20, PL 210, 395.

³⁰² Karras, *Unmarriages*, 194-201.

could be considered a fully legitimate wife, to the great chagrin of the very theologians who had set the aforementioned sacramental criteria.

The resulting ambivalence can be observed as early as Hugh of St. Victor, who, a firm consentist, had vociferously argued that “where one’s own will and legitimate vow assist even without all these other things [betrothal, blessing, ceremony, etc] there can be legitimate marriage.”³⁰³ Hugh essentially throws up his hands, however, when he turns to confront the full implications of this definition—namely that it left a husband free to replace his first “wife” with a second, more officially procured partner. Hugh’s solution (which would be unanimously reversed by later writers) was essentially to sweep problematic unions under the carpet, arguing “those things which lie hidden should never prejudice the manifest and especially those which cannot be changed without grave scandal; rather it is more expedient that in manifest affairs scandal should be guarded against and regarding hidden thing recourse should be had to grace and mercy.”³⁰⁴ Hugh’s successors proved somewhat more adept at keeping up sacramental appearances, though they came no closer to solving the logical conundrum at hand. One strategy, introduced by Peter Lombard, was to insist upon the “words of consent” as the efficient cause of the marital sacrament.³⁰⁵ This stipulation also allowed Lombard to draw a theoretical line between marriage and simple cohabitation, arguing that it was by verbalizing their intentions that a couple displayed the sincerity befitting the conjugal *sacramentum magnum*. What Lombard was not able to do, however, was to insist upon a

³⁰³ *Tunc siquidem voluntas propria suffragaverit, et legitima vota succurrerint, cum id quod in occulto fecerent sponte utrique in manifesto profitentur De Sacramentis 2.11.6.*

³⁰⁴ *ibid*

³⁰⁵ *Efficiens autem causa matrimonii est consensus, non quilibet, sed per uerba expressus; nec de futuro, sed de praesenti. Lombard, Sentarium 4. D 27. 2.*

mechanism for publically proclaiming these words, as, by his formulation, “the substance of the sacrament is consent in the present tense, which alone is sufficient for contracting matrimony.”³⁰⁶ Lombard’s reticence on this matter was echoed by his theological heirs, as later writers seemed content to leave the problem half solved. By the time of Aquinas, it was standard to penalize informally contracted unions (typically by imposing a period of penance) while roundly affirming their validity. As Aquinas explains, “just as in the other sacraments certain things are essential to the sacrament, and if they are omitted there is no sacrament, while certain things belong to the solemnization of the sacrament, and if these be omitted the sacrament is nevertheless validly performed, although it is a sin to omit them.”³⁰⁷ On this account, “consent expressed in words of the present between persons lawfully qualified to contract makes a marriage, because these two conditions are essential to the sacrament.”³⁰⁸

The more monogamous associations with the term *concubina*, meanwhile, were gradually transferred to the notion of *matrimonia clandestina*, a term which appeared with increased regularity from the twelfth century onward. The clandestine wife took on most of the features of the faithful domestic concubine: the lack of dowry, the lack of ceremony, the troubling possibility that her arrangement might turn out to be temporary. Her existence, however, afforded theologians a crucial buffer between consent-based marriage and concubinage, shielding matrimony from the centuries of moral vitriol that accompanied the concubine and her partner. Clandestine nuptials,” therefore, allowed the

³⁰⁶ *Auctoritatibus probat quod consensus solus faciat matrimonium. Ibid.*

³⁰⁷ *Sicut in aliis sacramentis quaedam sunt de essentia sacramenti, quibus omissis non est sacramentum, quaedam autem ad solemnitatem sacramenti pertineent, quibus omissis verum perficitur sacramentum, quamvis pecet qui omittit: ita etiam consesus expressus per verba praesenti.. matrimonium facit. Summa Theologica Q 45 A5 Resp.*

³⁰⁸ *ibid*

concept of marriage to remain sacramentally intact, while leaving the practical results of this conceptual compromise, once again, to the canon lawyers.

Yet nowhere is the anxiety over unblessed unions more evident than in the records of the Council of Trent: moment at which the Church officially declared marriage to be a sacrament, and finally decided to make the marriage ceremony necessary for conjugal validity. With the momentous *tametsi* decree, the council sweepingly declared all unofficiated, unwitnessed unions to be null and void, a step that had been attempted, but never formally made, by their predecessors at the Fourth Lateran Council. The final version of this decree buttresses its position through a lengthy catalog of moral and social predicaments, highlighting the ability of clandestine marriages to create arrangements of dubious permanence.³⁰⁹ In choosing to prevent these problems, however, council attendees were also keenly aware that they were putting the sacramental structure of marriage in jeopardy. Antonius Cochier argues that clandestine nuptials contain “all that is required” in order to signify the union of Christ and the Church, hence fulfilling the criteria for sacramentality.³¹⁰ Even more explicit were the objections of Antonius de Gragnao, for example, argued that clandestine matrimony could not be banned without “disrupting the true sacrament,” consisting as it did of “consent as its form, and [the spouses’] bodies as its material.”³¹¹ The fact that the council decided to affirm the

³⁰⁹ *Concilium Tridentium, Diariorum, actorum, epistularum, tractarum nova collectio*, ed. S. Merkle, S. Ehses, T. Freudenberger, A. Postina, et. al, vol 9, pars 6. (Freidburg: Herder, 1901-1980), 398.

³¹⁰ *Quoad secundum articulum comprobavit, clandestina matrimonia esse vera matrimonia, cum in eis ea sin, quae ad vera matrimonia requiruntur*, *ibid*, 398.

³¹¹ *Ecclesiam non posse irritare matrimonia clandestina ergo et non expedit ut fiat clandestinum iam contractum. Ecclesia enim non potest irritare verum sacramentum, sicut potest esse clandestinum matrimonium, in quo possunt concurre omnia necessaria ad sacramentum, quae sunt consensus et verba uti forma, corpora erorum uti material, inistri ipsi contrahentes*, *ibid*, 407.

tametsi decree despite these extremely fundamental concerns demonstrates just how vexing the implications of clandestine marriage had become, and how social and theological issues, in the end, still proved mutually exclusive.

Widows, by contrast, enjoyed an ostensibly comfortable status within medieval marital theology, bolstered by the Pauline proclamation that they should be free to remarry at their own discretion.³¹² So secure were theologians in this tenet that they rarely found need to address it in the early stages of marriage's sacramental development, only taking interest when the topic began gain traction in canon law. When theologians did begin to address the widow's rights and responsibilities, they were unwavering in their support for second marriages, and equally unwavering in their assertion that such nuptials conveyed all the sacramental benefits of the widow's first union. Peter Lombard, for example, decrees second and even multiple marriages to be lawful, citing the authority of both Augustine and Jerome.³¹³ Later authors, such as Bonaventure, were careful to clarify that successive marriages came with all of the standard conjugal allowances, most importantly the ability to sinlessly beget children.³¹⁴ Several decades later Aquinas repeated this reassuring verdict almost verbatim, adding that "marital intercourse is excused by the marriage goods which are fidelity, offspring, and sacrament; therefore a second marriage is a sacrament."

³¹²I Cor. 7: 39.

³¹³"*Sciendum est etiam quod non solum primae vel secundae nuptiae sunt licitae, sed etiam teriae et quartae non sunt damnandae.*" *Sentarium* 4. 42. 9.

³¹⁴"*Dicendum, quod non tantum secundae nuptiae, sed etiam teriae et quartae et ampliores sunt licitae, dum tamen fiant bono sine, scilicet propter prolem generandam, vel propter fornicationem vitandam, vel propter necessitatem suam sustentandam, ut cum contrahavit vir cum muliere, ut ipsum foveat, vel e converso.*" *Commentaria in Sentarium*," 4. 42.3.1.

Matters became more complicated, however, when theologians turned to confront the sacramental significance of these marriages, particularly with regard to the one-to-one ratio set in place by the conjugal *sacrae rei signum*. In its first iteration, this discussion revolved primarily around marriages of the clergy—or more precisely the marital history of certain clergy members, once clerical marriage prohibitions gained ground.³¹⁵ These concerns, on one level, emanate from the nebulous Pauline dictum that “a bishop should be a man of one wife,”³¹⁶ which had been taken from very early on to mean that remarried men should be barred from clerical office.

On a deeper level, however, such anxieties are also clearly linked to what D.L. D’Avray has termed a “symbolic value rationality”³¹⁷—that is, a regard for the sacred math through which marriages become sacramental. Such considerations are clearly on display in the writings of Peter Damien, who takes up the extremely valid question of why men with “bigamous” backgrounds are rejected from the priesthood while men with concubines are allowed to continue on. The matter, Damien explains, is not so much one of “sin” as it is of sacramental integrity, for “just as Christ...is a man of one bride—the Holy Church, who is beyond doubt a virgin—in this way a priest must be a man of one wife, so that he may be the uppermost spouse.”³¹⁸ In rejecting the bigamist, the Church is

³¹⁵ Post-Gregorian reform this meant that the clergy in question were only those in minor orders, whether others continued to marry or not.

³¹⁶ 1 Timothy 3:2.

³¹⁷ D’Avray, *Medieval Marriage*, 132.

³¹⁸ *Sicut enim Christus, qui est pontifex futurorum bonorum et verus sacerdos iuxta ordinem Melchisedech, qui videlicet obtulit agnum proprii corporis in ara crucis Deo Patri pro salute mundi, vir est unius sponsae, totius scilicet sanctae aecclesiae, quae proculdubio virgo est, quia fidei integritatem inviolabiliter servat, ita quilibet sacerdos unius uxoris vir esse praecipitur, ut illius summi sponsi praeferre imaginem videatur.* Petet Damian, Letter 28, *Die briefe des Petrus Damiani*, edited by ed. Kurt Reindel (Munich; Monumenta Germaniae Historica, 1983), 264.

therefore “guarding” the “mystical rule” of marriage, which is clearly violated by the inclusion of a third party.³¹⁹

Damien’s solution—that bigamists were to be rejected because they infringe upon the form of the sacrament—was to become standard among his successors, who rounded it out using an increasingly precise sacramental logic. Hugh of Saint Victor, for example, argued that “a cleric more honorably upholds the bond of Christ when he has been married to one single woman, in the same way that Christ has been joined to one single Church.”³²⁰ Peter Lombard offers an even clearer symbolic explanation, for “according to many fathers of the church wives signified that in the future all Churches, and all of the people who belong to them, will be subject to one man, Christ—so too our leaders, our bishops, should be “men of one wife,” signifying that all people have been joined in unity under Christ’s leadership.”³²¹ Aquinas, finally, puts the point even more succinctly, as “the sacrament of matrimony signifies the joining of Christ to the Church, which is a union of one man and one woman; and in this way the perfection of the sacramental signification requires that in the same way one man be joined to one wife, and one wife be joined to one man.”³²²

³¹⁹ *In bigimis itaque non mensura peccati, sed forma potius inquiritur sacramenti atque in eorum reprobatione non reatus ulciscitur sed mistica veri sacerdotii regula custoditur. Ibid.*

³²⁰ “*Honestius enim vicem Christi gerit episcopus qui junctus est soli mulieri sicut uni ecclesiae juctus est christus.*” *Summa Sentarium* 7.11.

³²¹ “*Et sicut plures antiquorum Patrum uxores significaverunt futuras ex omnibus gentibus Ecclesias, uni viro subditas, id est Christo, ita noster antistes, id est episcopus, unius uxoris vir significat ex omnibus gentibus unitatem uni viro subditam, id est Christo.*” “*In epistolam ad Titum*, “PL 192, 386.

³²² “*Sacramentum autem matrimonii significat conjunctionem Christi ad Ecclesiam, quae est unius ad unam; et ideo requiritur ad perfectam significationem sacramenti ut vir sit tantum unius vir, et uxor tantum unius uxor; et ideo bigamia, quae hoc tollit, irregularitatem inducit.*” *Commentaria in IV Libri Sentarium* D 27 Q 3 a 1. CSSL-A.

Such pronouncements, however, begged a troubling question: if second marriages endangered the sacrament when entered into by clerics, why should this be any less true of lay marriages—which were grounded, after all, in the exact same symbolic rationale? This caused especial disquietude in that the strongest testaments to the sacramentality of these unions (such as those of Bonaventure and Aquinas) rested squarely upon the marital sacrament’s weakest link: the dubious ability of marriage to confer grace via its status as a *remedium*. Acknowledgement of this problem became gradually more prominent as marital theology progressed, forcing theologians to square their sacramental architecture with the full spectrum of conjugal life. Earlier authors expressed these concerns by simply citing those of their Patristic predecessors. Peter Lombard, for example, chose to hedge his theological bets with a passage from Ambrose, quoting “second marriages lack glory even in the present [life]” to balance out his own permissive stance.³²³ Augustine’s famous proclamation that second marriages are “an embarrassment” became another a popular choice.³²⁴ By digging into the distant past for opprobrium about second marriages, medieval theologians managed to distance themselves from this pressing—and still current—symbolic problem, displacing this disapproval onto the traditions of the Patristic era.

Yet the real challenge emerged when theologians began to confront the sacramentality of second marriages in their own terms. The problem, once again, proved

³²³ *Ambrosius etiam dicit quod primae nuptiae tantum a domino sunt institutae, secundae uero sunt permissae. Et primae nuptiae sub benedictione dei celebrantur sublimiter, secundae uero etiam in praesenti carent gloria. Sententiae 4 D 42 a7.*

³²⁴ See, for example, Hugh of Saint Victor: *Nec solae primae vel secundae nuptiae sunt licitae; sed etiam tertiae et quartae et aliae, juxta Augustinum qui dicit: De tertiis et quartis et ultra de plurimis nuptiis solent homines movere quaestionem. Unde breuiter respondeo, nec me ullas nuptias audere damnare nec verecundiam numerositatis auferre. Summa Sentarum 7:21, PL 176, 172.*

to be the incongruity between these unions and the one-to-one sacramental ratio, rendered all the more manifest by the growing anxiety over marriage's ability to confer grace. Bonaventure, tackling this issue in his commentary on the *Sentences*, carefully affirmed that second unions were perfectly sacramental "in themselves," containing both the expression of legitimate consent that constitutes the sacramental *signum* as well as the remedial properties described above. The problem, however, arises when these marriages are placed in comparison with either partner's first union, wherein "they provide a less complete reference to the signification of the sacrament." As he frames the objection: "In second marriages there is a division of flesh on the part of either the man or the woman; but Christ is undivided, and, in the same way, the church remains the undivided wife of one sole spouse, who in who in turn represents the undivided union of divine and human nature."³²⁵

The compromise for Bonaventure was to point out that second marriages, while tolerated, remained ineligible for the priestly blessing—a custom of unknown origin that began to receive increased mention as sacramental concerns progressed. Thus, second marriages retained the core components of the marital sacrament while lacking its added honor and dignity. The problem of their "incomplete signification," however, remains unresolved.

This withholding of the nuptial blessing is striking enough on its own, given the lengths to which the Church was currently going to make a public benediction a key component of a valid marriage. What is all the more remarkable, however, is the sense in

³²⁵ "Item, in secundis nuptiis est carnis divisio ex parte viri vel mulieris; sed Christus est indivisus, et Ecclesia similiter indivisa et unius solius sponsa, et humana natura a divina est indivisa." *Commentaria in Quator Libros Sentarum* 4, d 42, a 3 q2.

which the aforementioned problem of signification was left to linger over the next few centuries of marital theology. Albertus Magnus couched his own defense of second nuptials in an almost verbatim repetition of Bonaventure, arguing that these unions “are sacramental, though they do not have perfect signification.”³²⁶

This ambivalence is echoed by even the great theological problem-solver Aquinas, who is even more explicit in admitting the symbolic challenges posed by successive unions. According to Aquinas, “although the second marriage, considered in itself, is a perfect sacrament, yet if we consider it in relation to the first marriage, it is somewhat a defective sacrament, because it has not its full signification, since there is not a union of only one woman with only one man as in the marriage of Christ and the Church.” Again, Aquinas brings up the compromise of the omitted priestly blessing, framing this as a concession for this lack of symbolic exactitude.³²⁷ He avers, however, that such a formality would be perfectly appropriate for couples in which the bride is a virgin, for “though Christ has but one Church for a spouse, there are many persons espoused to him.”³²⁸ In treating unions without this fortunate gender dynamic, Aquinas deigns only to repeat that they constitute a *defectum sacramenti*, a sacramental defect.³²⁹

One interesting development over the course of this conversation is the gradual shift towards gender-neutral language, as the panic over remarried widows expressed by

³²⁶ “*Dicendum, quod sacramentum sunt, sed non adeo perfectae significationis.*” Albertus Magnus, *Commentaria in Quator Libros Sentarum* 4. d42. a17.

³²⁷ *Summa Theologica*, Book 3 Supplement, Q 63 A 2, r 2.

³²⁸ Quia Christus, etsi unam Ecclesiam sponsam habeat, habet tamen plures personas desponsatas in una Ecclesia. *Summa Theologica* 3 Suppl Q 63 A 2 r 2, *Opera Omnia* 3, pg. 129.

³²⁹ *Secundum matrimonium, quamvis in se consideratum sit perfectum sacramentum, tamen in ordine ad primum consideratum habet aliquid de defectu sacramenti, quia non habet plenam significacionem, cum non sit una unius, sicut est in matrimonio Christi et Ecclesiae. ...et propter hoc quando mulier secundo nubit, nuptiae non benedicuntur, propter defectum sacramenti.* *Ibid.*

Tertullian and Augustine became a more pervasive anxiety about remarriage in general. This is especially striking given the social context, since, as described above, the potential instability of successive marriages was an issue that primarily impacted women. As we will see in Chapters Four and Five, the “gendered” version of this discourse is also prominently preserved in literature, wherein it is widows, not widowers, who become the primary test cases for the advisability of remarriage. The non-gendered language of theologians is thus especially evocative, demonstrating just how deeply this problem penetrated the structure of the marital sacrament itself. While larger gender dynamics can never, of course, be entirely divorced from male writers’ opinions about marriage, here they are clearly not the main factor, revealing a sacramental defect that applies equally to both sexes.

This designation of *defectum sacramenti* therefore becomes the final word on the remarriage of widows and (as of the thirteenth century) widowers, capping off a millennium’s worth of hesitancy and suspicion. Neither perfectly sinful nor perfectly sacramental, these women existed as a threat to the very building blocks of the marital sacrament, cogs in an increasingly complex piece of theological machinery. Like concubines and mistresses, they saw their status become the stuff of debate, scandal, and ridicule throughout various discursive traditions. And, like concubines, they found themselves under the auspices of tortuous and contradictory legal tradition, which served to carry the concerns of the theological sphere out into the secular world.

CHAPTER 3

The Bride and Groom Come Down to Earth: The Sacramental Theory of Marriage in Canon Law

One of the generally accepted truths about medieval canon law is that it went through a process of “Romanization” beginning in the mid-twelfth century, gradually taking on the formal and juridical spirit of newly rediscovered codes of Justinian.³³⁰ With respect to marriage, however, this is only partially true. While canonical treatments of marriage do come to exhibit the streamlined *rescriptum* model found in Roman legal texts, they were far more deeply influenced by developments in sacramental theology, in terms of how they both understood and approached marriage as a legislative concept. From the twelfth century onward, canons dealing with marriage were accompanied by increasingly sophisticated sacramental framework, drawn directly from contemporary theological notions. Likewise, sacramental concerns often provided the contours for the legal shape of matrimony—how it was contracted, how it was adjudicated, and under what conditions it might be dissolved. The one glaring exception, as we shall see, was the canonical perspective on concubinage, wherein the Roman distinction between a *concubina* and an *ancilla* long outlasted its actual social relevance.

³³⁰ This idea is so widespread as to almost defy citation, but its basic elements can be traced mainly to the thought of Stephan Kuttner, who describes canon law as “one of the most effective instruments in the reception of roman law.” See Kuttner, “Some Considerations on the Role of Secular Law and Institutions in the History of Canon Law,” in *Studies in the History of Medieval Canon Law* (Brookfield, VT: Variorum, 1990), 278-306 and, “Harmony from Dissonance.”

Ivo, Burchard, and the Christianization of Marriage Law

Canonists in the period before Gratian (c.1140) faced a unique set of challenges in discussing matrimony, not least of which stemmed from the fact that the church had yet to promulgate a cohesive idea of marriage (as discussed in the previous chapter). For pioneers such as Burchard of Worms (965-1025) and Ivo of Chartres (1040-1115) little was clear beyond the fact that marriage somehow reflected the mystical union between Christ and the Church, a notion that they (like their theological contemporaries) mainly used to bolster the principle of conjugal indissolubility. Both cite Leo I's dictum that "on account of the couple's sexual joining, conjugal ties have within them the sacrament of Christ and the Church."³³¹ Thus, married Christians create a bond whose legal standing can be linked directly back to Christ's union with the Church, rendering their pact unbreakable by association.

For Burchard, this is the sole use of the word *sacramentum* in the entirety of his marriage canons. Ivo, by contrast, displays a much more thorough engagement with the concept of conjugal sacramentality, a fact perhaps attributable to Ivo's own deep personal involvement in various marriage cases.³³² In addition to citing Augustine's illustrious "three goods" passage from *De bono conjugali* (a mainstay on the theological scene of this period as well),³³³ Ivo used Augustinian thought to present a firmer and more nuanced picture of marital indissolubility. He includes, for example, Augustine's

³³¹ "Unde cum societas nuptiarum ita ab initio consituta sit, ut praeter sexuum conjunctionem haberet in se Christi et Ecclesiae sacramentum..." Burchard *Decretum* 9.1, PL 140, 816; Ivo *Decretum* 8.74, PL 161, 599 and *Panormia* 6.23, *ibid*, 1247.

³³² Ivo's personal involvement on the early 12th century marriage scene was such that he actually found himself jailed for his opposition to King Philip I of France's second marriage. Juicy details may be found in Georges Duby, *Medieval Marriage: Two Models from the Twelfth Century*, trans. Elborg Foster (Baltimore: Johns Hopkins University Press, 1977).

³³³ *Decretum* 8.15 (PL 161, pg. 587), *Panormia* 6.30 (*ibid*, pg. 1250). See also pages 60- 65 of this text.

comparison of marriage to baptism (discussed at length in the previous chapter), in which the conjugal bond persists between separated spouses just as the baptismal mark remains upon the soul of the apostate.³³⁴ On the whole the word *sacramentum* appears thirty-five times in the combined marriage canons of the *Panormia* and *Decretum*, most often used to convey some sense of the bond's indissoluble nature.

This recourse to sacramental imagery helped Ivo somewhat in facing the second major challenge facing pre-Gratian canon law collections: early medieval Europe's panoply of conflicting marital traditions, all of which presented different ways of contracting and envisioning marriage. On the whole, this diversity of opinion left canonists with three major options. The first, championed largely in the Germanic societies, afforded prime importance to the betrothal process, through which parties became almost irrevocably joined.³³⁵ Both Visigothic and Frankish law imposed penalties for broken engagements, while Burgundian and Visigothic codes list some sort of betrothal arrangement as an essential element of marriage.³³⁶ Secondly, perspectives differed on the importance of sexual consummation in the formation of a marriage, with some Germanic cultures making it the final step in the ratification of a union initiated by

³³⁴ *Decretum* 8.13 (PL 161, pg. 586) For Ivo's use of Augustine to establish marital indissolubility, see also 8. 9, 8.12, and 8.15.

³³⁵ The process of *Kafehe*, by which a bride was purchased and incorporated into her husband's family, seems to have been the ideal mode of marrying in most Germanic cultures. See *Brundage, Law, Sex, and Christian Society*, 128-29, Regine Le Jan, *Famille et pouvoir dans le monde franc (VIIeme-Xeme siècle): essai d'anthropologie sociale* (Paris: Publication de la Sorbonne, 1995), 264-5, Suzanne Wemple, *Women in Frankish Society: Marriage and the Cloister, 500 to 900* (University of Pennsylvania Press, 1981), 31-38.

³³⁶ For severity of betrothal, see *Laws of the Salian Franks* 65a; *Leges Visigothorum* 3.1.2 ed Karolus Zeumer, *Leges Nationum Germanicarum, Tomus 1*, (Hannoverae et Lipsiae: Impensis Bibliopolii Hahniani, 1902); Burgundian Code 51. 3-5.

betrothal.³³⁷ Finally, there was the enduring Roman notion of a marriage made and upheld by *maritalis affectio*: the simple intention of the couple to be married to one another.

Burchard and Ivo include examples of all three of these customs in their canonical collections, in addition to early Christian attempts to impose their own hazy idea of marriage. Both mention various differences among the different Germanic customs, particularly with regard the requirement of a betrothal or dowry.³³⁸ Both also display a familiarity with the Theodosian Code, though choose, interestingly, not to cite any of its marital dictates.³³⁹ Ivo, in fact, becomes an early harbinger of the “Roman law revival” by including several citations of Justinian, displaying a nuanced grasp on the Roman process of marriage-making.³⁴⁰ The assumption would be that such customs would be subordinated to the Church’s own marital policies, but the canons included by Burchard

³³⁷ For Germanic consummationism and its influence upon the development of Christian marriage, see Glenn W. Olsen, “Marriage in Barbarian Kingdom and Christian Court, Fifth through Eleventh Centuries,” in *Christian Marriage: A Historical Study* (New York: The Crossroad Publishing Company, 2001), 146-212, Philil Reynolds, *Marriage in the Western Church: The Christianization of Marriage During the Patristic and Early Medieval Periods* (New York, Brill, 1994), 328-61.

³³⁸ Both Ivo and Burchard include a canon from the Council of Tibur explaining the difference between Frankish and Saxon marital customs, and that neither may give grounds for divorce. Burchard, *Decretum* 9.76; Ivo, *Decretum*, 8.213. Ivo includes a further explication of how fornication is to be managed amongst the Franks, Burgundians, and others. Ivo, *Decretum* 8.224.

³³⁹ Burchard cites Theodosian law just once, in discussing women’s rights to represent themselves in court (an interesting choice for our purposes): Burchard, *Decretum* 8.85. Ivo (who cites the code more amply) repeats this citation in *Decretum* 8.85. Both provide a faithful rendering of Theodosian Code 2.12.5. Neither Burchard nor Ivo cite the code with respect to marriage proper.

³⁴⁰ Ivo, *Decretum* 9.20 (consent as active agent in engagements and marriage)9.62 (freewomen cannot be kept as concubines), 9.68 (children follow their mother’s status), 9.123 (anyone accused of adultery with a servant is to be publically shamed), 9.246 (women can’t remarry when husbands are in captivity). Unlike the Theodosian Code, Justinian’s works were not cited at all in canon law collections dating from before 1090, making Ivo a true innovator in this regard. It is however highly unlikely that he came into contact with Justinian’s law codes in their original form; rather, Ivo’s citations of Justinian seem to come exclusively from a non-extant Italian sentence collection known as the *Pandectarum*. See Charles Radding and Antonio Ciaralli, *The Corpus Iuris Civilis in the Middle Ages: Manuscripts and Transmission from the Sixth Century to the Juristic Revival* (Boston: Brill, 2007).

and Ivo do not provide a clear picture as to what exactly these policies would be.³⁴¹ In some canons, betrothal emerges as an essential component of a valid union; Ivo, in his letters, famously goes so far as to make a betrothal agreement analogous to marriage.³⁴² In others, priestly involvement seems to be the key, in particular the nuptial blessing that was to become such a sticking point in subsequent canon law.³⁴³ At no point do either Burchard or Ivo attempt to collate one single, cohesive idea of what marriage was or how it was made, placing them in sharp contrast with their twelfth century, post-Lombardian counterparts.

In Ivo's work, one option does surface slightly above the fray: consent, which consistently emerges as the one element without which a valid marriage cannot exist. In privileging this method Ivo draws from Christian and secular sources, seeming to conflate both notions of consent. From John Chrysostom (via Pope Nicholas I), he takes the idea that "marriage is made by will, not by coitus."³⁴⁴ From Justinian we have the even more explicit notion that "if someone takes a wife with marital affection, without any instruments of betrothal, he may not repudiate her..."³⁴⁵ The long-held scholarly

³⁴¹ One additionally confusing element, as Theodore Mackin points out, is Ivo's attachment to his own Frankish traditions, which is apparent in both his collections and his letters. Theodore Mackin, *The Marital Sacrament* (Mahwah, NJ: The Paulist Press, 1989), 265.

³⁴² For canons necessitating betrothal or dowry agreement, see Burchard, *Decretum* 9.1, 9.2, 9.6; Ivo *Decretum* 8.139, D 8.4, 8.6, D 8.140, *Panormia* 6.6. For Ivo's strident stance on betrothal see Ivo Letter 99, PL 162, 118-19. and Christophe Rolker, *Canon Law and the Letters of Ivo of Chartres* (Cambridge University Press, 2010), pg. 214-15.

³⁴³ Burchard, *Decretum* 9.5, 9.7; Ivo, *Decretum* 8.145, 8.146.

³⁴⁴ *Matrimonium non facit coitus, sed voluntas. Decretum* 8.17 PL 161, 588.

³⁴⁵ *Si quis sine dotalibus instrumentis, affectione maritali uxorem duxerit, non audeat sine causa legibus cognita repidium ei mittere. Decretum* 8.34, PL 161, pg 591. Corresponds roughly to Codex Justinianus 5.4.22: *Si donationum ante nuptias vel dotis instrumenta defuerint, pompa etiam aliaque nuptiarum celebritas omittatur, nullus aestimet ob id deesse recte alias inito matrimonio firmitatem vel ex eo natis liberis iura posse legitimorum auferri, inter pares honestate personas nulla lege impediende consortium, quod ipsorum consensu atque amicorum fide firmatur, Corpus Iuris Civilis*, vol 2, edited by Paul Keuger (Berlin: Weidmann, 1888).

consensus, however, is that Ivo and his colleagues were primarily influenced by the Roman idea of *maritalis affectio* in promoting consent as the effective agent in marriage, which they assimilated without distinction into the emerging Christian idea of marital formation.³⁴⁶

On a conceptual level this recourse to pure *maritalis affectio* worked nicely alongside the Christian doctrine of marriage, such as it existed in Ivo's time. A union that was created and sustained by the ongoing will of the parties bore some clear symmetry to the Augustinian vision of "a single soul and a single heart turned to God," which had been inherited by both canonists and theologians.³⁴⁷ On a practical level, however, it brought with it several major practical difficulties, especially when divorced³⁴⁸ from its original social context. Roman law stipulated only that marriage was "a union of a man and a woman in a shared way of life," and required no ceremony for those who wished to so join.³⁴⁹ As Judith-Evans Grubbs and Susan Treggiari have demonstrated, the Roman definition of *maritalis affectio* worked largely because it would have been immediately clear who was married and who was not, depending upon the relative social status of the partners.³⁵⁰ Indeed, Roman legal codes are littered with restrictions upon unions between the various classes, drawing a clear social line between

³⁴⁶ See A. Esmein, *Le Mariage en Droit Canonique* (Paris: L. Larose et Forcel, 1891), 97; Jean Gaudemet, *Église et cité: Histoire du droit canonique* (Paris: cerf, 1994), 560-4; Rolker adds a slight nuance in that Ivo uses Roman law texts at proof "without adopting the Roman law concept of marriage," Rolker, *Canon Law*, 213.

³⁴⁷ Augustine, *De Bono Conjugali* 18.21.

³⁴⁸ All puns in this dissertation are intended.

³⁴⁹ *Nuptiae sunt coniunctio maris et feminae et consortium omnis vitae, divini et humani iuris communicatio. Digesta Justinianus* 23.2.1, *Digesta Justinianus, Corpus Iuris Civilis* vol 1, ed Theodore Mommsen (Berlin: Weidmann, 1888), pg. 319. For consent as sine qua non of Roman marriage see DJ 23.1.11, 23.2.2; CJ 5.4.6, 5.4.13, 5.4.22.

³⁵⁰ Judith Evans-Grubbs, "Marrying and Its Documentation in Later Roman Law," in *To Have and to Hold: Marrying and Its Documentation in Western Christendom 400-1400* (Cambridge University Press, 2007), 95-113 and Susan Treggiari, "Contubernales in CiL 6," *The Phoenix* 35: 1 (1981), 42-69.

marriage and other monogamous sexual unions. Even Justinian, whose marriage litigation was markedly more egalitarian, plainly delineates which classes of women would be off-limits to men of the senatorial class, and bars any kind of marriage between slaves and freepersons.³⁵¹ Thus, a domestic relationship between two freepersons was presumed to be marriage, regardless of whether or not they had publically celebrated it as such.

Early canonists retained some vestiges of class orientation, citing a popular canon of Leo I in which valid marriage is defined as “between equals.”³⁵² More often, however, they sought to square their idea of matrimony with the Pauline dictate that “slave and free” are one in Christ—and hence too in the human bond that symbolizes his union with all humanity. Hence the decretal of Pope Julius I (included by both Ivo and Burchard), declaring that “as there is one father for all of us in heaven, whether we be rich or poor, slave or free...there is for all of us one Law, regardless of our condition.”³⁵³ On a juridical level, however, such egalitarianism robbed the Christian notion of *maritalis affectio* of its one distinguishing characteristic within the Roman legal system: matching status of the partners.

Canonists thus found themselves in a tricky position with *maritalis affectio* as their *sine qua non*. On the one hand, it was obviously their preference that the couple’s consent be marked by some sort of public ceremony, and that the church be involved in

³⁵¹ CJ 5.4.3, 5.4.15, 5.4.28pr, 5.4.281, 5.4.28.3, 5.5.3; DJ 23.2.27, 23.2.28.

³⁵² Burchard *Decretum* 9.1; Ivo *Decretum* 8.139. Ivo includes some additional class restrictions in *Decretum* 8.57 and his letter 253, see PL 162, 250.

³⁵³ *Omnibus vobis unus est pater in coelis, et unusquisque dives et pauper, liber et servus, aequaliter pro se, et pro animabus eorum rationem daturi sunt. Quapropter omnibus cujuscunque conditionis sint, unam legem, quantum ad Deum, habere non dubitamus.* Burchard 9.18, PL 140, 818; Ivo *Decretum* 8.156, PL 161, 618.

this ceremony to the greatest extent possible. The ideal marriage, as described in an oft-cited letter of Nicholas I, is one in which the bride and groom are each presented by their parents, publically exchange vows, and are then blessed by the bishop before spending their wedding night in a state of pious chastity.³⁵⁴ On the other hand, one aspect of this symmetry between the Christian theological and Roman legal concept of marriage is that neither could logically impose such solemnities, as Ivo's colleagues in sacramental theology were just beginning to discover.

Ivo grudgingly concedes this point by citing the Roman maxim that a valid marriage may be effected “without instruments—that is to say, anything beyond the consent of the couple.”³⁵⁵ Much more often, however, he deigns to include canons condemning these sorts of unions, which here gain their enduring label of *matrimonia clandestina*. All in all, five of Ivo's canons declare that no Christian couple should “clandestinely” contract marriage, with several specifying that marriages should be celebrated publically and with all of the proper solemnities.³⁵⁶ The fact Burchard included none of these canons, despite the fact that they all would have likely been available to him, demonstrates the mounting anxiety about unsolemnized unions in Ivo's

³⁵⁴ *Qualis esse debeat uxor quae habenda est secundum legem: virgo casta et desponsata in virginitate, et dotata legitime, et a parentibus tradita, et a sponso et a paranympis accipienda, et ita secundum legem et Evangelium publicis nuptiis honeste in conjugium liquide sumenda: et omnibus diebus vitae nisi ex consensu et causa vacandi Deo nunquam propter hominem separanda, et si fornicata fuerit dimittenda; sed illa vivente altera non deducenda, quia adulteri regnum Dei non possidebunt, et poenitentia illius per scripturas recipienda.* Burchard, *Decretum* 9.2, PL 140 pg 875; see also Ivo *Decretum* 8. 4.

³⁵⁵ *Si quis sine dotalibus instrumentis, affectione maritali uxorem duxerit, non audeat sine causa legibus cognita repudium ei mittere.* Ivo, *Decretum* 8. 34, PL 161, pg.591. Corresponds roughly to CJ 5.4.22, 5.4.13.

³⁵⁶ Ivo *Decretum* 8. 141; *Panormia* 6. 6 , 6.31, 6.5, 6.6, 6.9.

era.³⁵⁷ None, of these canons, however, declares marriages contracted privately to be invalid, and Ivo simply allows them to stand alongside other canons that clearly state that marriage may be made by consent alone.

It is perhaps for this reason that early canonists had such a difficult time tackling the issue of concubinage.³⁵⁸ Indeed, it is here that they differed most from their Roman predecessors, for whom concubinage had been a morally neutral way of maintaining a relationship between partners of different classes.³⁵⁹ Canon law, however, immediately cast concubines in a much more disapproving light, owing largely to the opprobrium they had inherited from their patristic sources. Augustine, for example, furnished them with an outright prohibition on the taking of concubines, even if a man is simply biding his time (as Augustine himself did) until a suitable marriage partner is found.³⁶⁰ From Ambrose they gained the additional clarification that Old Testament concubinage should not be taken as a license for contemporary Christians, as the practice, under the dictates of the New Law, now took on the clear implications of “adultery.”³⁶¹ This prohibitive

³⁵⁷ The most strident of these prohibitions, Pope Hormistas’ decree that “no Christian should marry secretly,” (*Panormia* 6.5) was promulgated in the early 6th century. Indeed Burchard cites Hormisdas elsewhere, as in *Decretum* 8.23.

³⁵⁸ Jean Gaudemet, who has also noted this link between Roman “simple consentism” and reluctant toleration of concubines, calls Ivo’s theory of marriage “*une solution déplorable*.” *Église et cité*, 562.

³⁵⁹ The closest Roman law codes come to condemning concubines are statutes dictating inheritance, wherein concerns are raised about resources taken away from the man’s legitimate children. See Theodosian Code 4.6.7-8. *Code Théodosien I-XV, in Les lois religieuses des empereurs Romains de Constantin à Théodose II*, Tom 2, texte latin, T Mommsen, P. Meter, et P. Krueger, traduction française Jean Rouge et Roland Delmaire (Paris, Cerf, 2009). Otherwise, evidence from wills, funerary inscriptions, and other forms of surviving documentation show concubinage to be a perfectly well-respected form of partnership, provided it did not encroach upon a man’s legitimate family. See Treggiari, “Contubernales in CiL 6,” *The Phoenix* 35: 1 (1981), 42-69 and “Concubinae,” in *Papers of the British School at Rome* 49 (1981), 59-81.

³⁶⁰ Burchard 8.15, Ivo *Decretum* 8. 153, *Panormia* 6. 153.

³⁶¹ *Mulier igitur tua si talibus moribus praedita est ut mereatur consortium, mereatur et nomen uxoris. Praesta concubinae tuae libertatem, et nomen uxoris, ne tu adulter sis potius quam maritus.* Ivo *Decretum* 8. 30, PL 161, 590.

attitude had also begun to appear in consular decisions available to canonists, with the Council of Arles (314) banning it as an offense on par with bigamy.³⁶²

Yet with the class distinctions governing marriage erased, there remained little to legally differentiate marriage from concubinage, producing a grudging sense of tolerance. A plurality of concubines impeded ordination in exactly the same way as a plurality of wives (the larger implications of which will be addressed in the discussion on remarriage below).³⁶³ Even more telling is the creeping realization that a concubine could, in fact, fulfill all of the basic juridical functions of a wife, in particular the ability to maintain the one-to-one ratio that defined marital fidelity. Much of this can be traced back to Augustine's own famously ambivalent attitude towards concubines, in *De bono conjugali* in which he (as was discussed in chapter one) bestows quasi-matrimonial status upon the faithful, fecund concubine.³⁶⁴ By the eleventh century this elision between concubinage and marital "oneness" could also be gleaned from more contemporary sources. The Fourth Council of Toledo (633) decreed that a man who has limited himself to "one woman," should not be barred from receiving communion, regardless of whether this woman be his wife or concubine.³⁶⁵ Ivo also included a particularly evocative passage

³⁶² *Nulli liceat ullo tempore duas uxores habere, sed neque unquam concubinam.* Ivo, Decretum 8.155, PL 161, pg. 618; Burchard Decretum 9.17, PL 140 pg. 81.8.

³⁶³ Burchard 9. 29, Ivo Decretum 8.32.

³⁶⁴ Ivo Decretum 8.65, Panormia 6.27.

³⁶⁵ *Si quis habens uxorem fidelem, concubinam habeat, non communicet. Caeterum is qui non habet uxorem, et pro uxore concubinam habet, a communione non repellatur, tantum ut unius mulieris, aut uxoris, aut concubinae (ut ei placuerit) sit conjunctione contentus. Alias vero abjiciatur, donec desinat, et ad poenitentiam revertatur.* Ivo, Decretum 8. 64 (PL 161, pg. 598), Panormia 6.49 (ibid, pg. 1251)

from Isidore of Seville, asserting that a Christian may have either a wife or a concubine so as he restricts himself to “one of each.”³⁶⁶

One way in which canonists remedied this contradiction was to urge those who had concubines to marry them post-haste, an option that had also existed in Roman law (albeit for pecuniary, as opposed to moral, reasons).³⁶⁷ Much more frequently, however, they attempt a sort of linguistic sleight-of-hand, addressing issues pertaining to concubines by referring to them with the now-outdated designation of *ancilla*. Indeed, concubines remain *ancillae* to a startling degree throughout the annals of early canon law, despite legal and social realities to the contrary. By the tenth century female slaves had legally entered the marriage market, and, as Susan Mosher Stuard points out, they likely comprised a rather low percentage of concubines even by the late antiquity.³⁶⁸ Indeed, it is now common historical opinion that it was the *dos* that made for the primary distinction between a wife and a concubine, with the fixed social caste system of Roman law no longer relevant or applicable.

Several instances of the word *ancilla* emanate from Old Testament sources, in which concubinage and slavery were indeed quite closely aligned and (in contrast to

³⁶⁶ *Christiano dico non plurimas, sed nec duas simul habere licitum est, nisi unam tantum aut uxorem, aut certo loco uxoris, si conjux deest, concubinam.* Ivo, *Decretum* 8.66, PL 161, 598; *Panormia* 6.50, *ibid.*, 1251.

³⁶⁷ This notion that a concubine and her children might be legitimated through marriage emerges with the Christian rule of Constantine, but, as Evans-Grubbs has convincingly argued, Constantine’s legislation had much more to do with inheritance lineage than it did with the sanctity of marriage. See Codex Justinianus 5.27.5 and Evans-Grubbs, *Law and Family in Late Antiquity*. For Christian interpolation of this law, see Ivo, *Decretum* 8.30, 8.32, 8.34, and 8.36, as well as his *Epistola* 16, PL 162, 37.

³⁶⁸ For marriagability of *ancillae*, see Burchard, *Decretum* 9. 18 & 9.27, Ivo *Decretum* 8.52, 8.53, and 8. 156, *Panormia* 6.111 & 6.37. See also Susan Mosher Stuard, “Qui natus est de ancilla mea” in *Medieval Church Law: Proceedings of the tenth international congress of medieval canon law*, ed. Kenneth Pennington (Città del Vaticano: Biblioteca Apostolica Vaticana, 2001), 653-673.

Roman concubinage) generally constituted some sort of extra-marital relationship.³⁶⁹ Far more baffling, however, is the casual interpolation of the Roman concept of concubinage—without, as Ruth Karras notes, much accounting for the differences between Roman and Christian concubines.³⁷⁰ Ivo incorporates Justinian’s dictum that “a relationship with a freewoman is presumed to be marriage,” an assumption which relied, of course, on the unmarriagability of Roman slaves.³⁷¹ *Concubinae* and *ancillae* are also offhandedly linked in a variety of Christian sources, the most suggestive of which is an oft-quoted letter of Pope Leo I (Ivo, in fact, includes it in his *Decretum* twice). As Leo puts it, “Not every woman joined to a man is a wife, for not every son is an heir of his father. The bonds of marriage between freepersons were instituted by God before the beginnings of Roman law. And so a wife is different from a concubine, just as a freewoman (*libera*) is different from a slave girl (*ancilla*).³⁷² This forthright identification, alongside canons that merely assumed servile status, served to further obscure the concubine’s exact role, placing her in some hazy space between slavery and wifehood.³⁷³

³⁶⁹ Early Christian thinkers were particularly fixated on the story of Abraham and Hagar, which is used in several canons to address the relationship between concubines, their children, and inheritance. See Burchard, *Decretum* 9.1; Ivo *Decretum* 8.30, 8.139, *Panormia* 6.35.

³⁷⁰ Karras further notes that some such canons emanated from areas in which slavery no longer existed, adding to the confusion surrounding the canonical use of *ancilla*. See Karras, “Marriage, Concubinage, and the Law,” in *Law and the Illicit in Medieval Europe*, edited by Ruth Mazo Karras, Joel Kaye, and E. Ann Matter (Philadelphia: University of Pennsylvania Press, 2010), 117-129.

³⁷¹ Ivo, *Decretum*, 8. 62, *Panormia* 6.48.

³⁷² *Non omnis mulier viro juncta uxor est viri, quia nec omnis filius haeres est patris. Nuptiarum autem foedera inter ingenuos sunt legitima, et inter aequales, et multo prius hoc ipsum Domino constituyente, quam initium Romani juris existeret. Itaque aliud est uxor, aliud concubina; sicut est aliud ancilla, aliud libera*. Burchard *Decretum* 9.1 (PL 140, pg. 815), Ivo *Decretum* 8.139 (PL 161, pg. 615), *Panormia* 6.35 (ibid, pg. 1250). Other selections from the letter found in *Decretum* 8. 74.

³⁷³ From Ambrose: *Dicat aliquis: Uxorem non habeo, ideo mihi ancillam sociavi... Si igitur ancillae filius haeres non est, ergo nec filius est. Cur autem quaeritur tale conjugium de quo susceptus filius nec successionis possit haeres esse, nec sanguinis?... Mulier igitur tua si talibus moribus praedita est ut*

Such inconsistencies could, of course, be the result of genuine confusion on Ivo's part, and the overall rocky transition from Germano-Roman tradition to Christian law. They could also be included out of the assumption that, as various historians have speculated, marriage in this period was more of a social understanding than a legal status, and that most distinctions between wives and concubines would be made on an informal, case-by-case basis.³⁷⁴ In their immediate context, however, these elisions of *concubina* and *ancilla* read as an attempt to shield the increasingly sacrosanct institution of marriage, obscuring the extent to which marriage now shared ground with this unsavory domestic union. Thus, Roman legal norms functioned to protect the budding theological idea of marriage, which, in it required neither social stratification nor obligatory public ceremony.

Widows too found themselves pinched by this collision of Christian and secular ideology.³⁷⁵ As in sacramental theology, early canon law focused exclusively on the constraints and responsibilities that were to be placed upon bereaved women, gradually adopting a more gender-neutral tone as the problem of remarriage came to be more theoretically framed. In the collections of Ivo and Burchard, the issue was addressed as a social one, absorbing all of the suspicion and implied misogyny of the current legal and social climate. Roman and Germanic traditions, to be sure, had not made things

mereatur consortium, mereatur et nomen uxoris. Praesta concubinae tuae libertatem, et nomen uxoris, ne tu adulter sis potius quam maritus. Ivo, *Decretum* 8. 30, PL 161, 590. See also 8.31 and 8.71, which proceed from the assumption that a concubine would be servile.

³⁷⁴ It should also be noted that, whatever the legal situation, social tolerance of concubines seems to have remained fairly high in this period, extra-marital concubines included. See Olsen, "Barbarian Kingdom," 164; Le Jan, *Famille et Pouvoir*, 202; Brundage, *Law, Sex, and Christian Society*, 145.

³⁷⁵ Suzanne Wemple notes that, as a result of this legal climate, widows had a particularly rough time under both Merovingian and Carolingian rule, as they were reliant upon appointed "defenders" to manage their estate and family after their husband's death. See Wemple, 97-106.

particularly easy for the second-time bride, though their restrictions seemed to emanate from a place of relative moral neutrality. Roman law forbade a woman from marrying within one year of the death of her husband, and spelled out elaborate stipulations on how she might use her first husband's estate.³⁷⁶ Germanic law seemed to discourage remarriage by making it more expensive, requiring the prospective groom to pay a fine and ask permission from the deceased husband's family.³⁷⁷ Many of these provisions found their way into early canon law, where they were amplified by the Patristic distrust of widows and remarriage. Both Burchard and Ivo, for example, cite Jerome on the notion that "where there is more than one husband, the idea of a single husband is destroyed."³⁷⁸ Thus, a widow still suffered mightily (as she had under Roman law) for remarrying within her mandated "mourning period," and risked the loss of her title, money, and even her children for remarrying at all.³⁷⁹ Yet now she also found herself legally grouped in with whores and adulteresses, as well as subject to a remarkable

³⁷⁶ See CJ 5.9.1, 5.9.2, 5.9.3-6. These prohibitions, it should be noted, were also balanced by certain protective measures upon a widow's right to remarry, specifically against relatives who should wish to impede such marriages so as to increase their own inheritance. See C Th 3.7.1, CJ 5.4.18.2. Franz Pellaton, however, finds late Antique law to be especially discouraging of remarriage, particularly when compared with earlier statutes. See Pellaton, "La veuve et ses droits: de la base antiquité au haut moyen age," dans *Veuves et veuvage dans le haut moyen age*, ed. M. Parisse (Paris: Picard, 1993), 51-98. Socially speaking, as Michel Humbert has noted, remarried widows had the advantage of not being divorcées, which afforded them a bit of social clout. They did, however, suffer in comparison with the social ideal of the *univira*. See Michel Humbert, *Le remariage à Rome* (Milan: A. Giuffrè, 1972), pgs. 57-75.

³⁷⁷ See *Pactis Legis Salicae* 44.1-12, 100. 1-2, *Lex Visigothorum* 3.2.1.

³⁷⁸ *Ubi fuerit numerus maritorum, ibi vir proprius unus esse desistit*. Burchard, *Decretum* 9.25, PL 140 pg 819; Ivo *Decretum* 8.163, PL 161, pg. 619.

³⁷⁹ Ivo's prohibitive statutes on remarriage include "infamy" for remarrying within a one-year mourning period (*Decretum* 8.272), potential loss of power over children (*Decretum* 8. 274) and a mandatory fasting period for all remarried couples (*Decretum* 8.162).

amount of suspicion that any vow of chastity she may make would be broken due to lack of self-control.³⁸⁰

To be sure, the Pauline authorization of remarriage was still in full effect. Also present, however, was Augustine's famous ambivalence about multiple marriages, now joined by several more contemporary canons reminding us that remarriage was only allowed as a "concession to lust."³⁸¹ In their immediate context these caveats were not grounded in any explicit theological reasoning—or at least, none that tied the problematic nature of remarriage back to the conjugal sacrament. Yet traces of this ideology can be gleaned in canons regulating clerical marriage, where a twice-married bride impeded a cleric's ability to ascend into higher orders. Like their colleagues in theology, canonists based their prohibitions on that Pauline notion that "a bishop should be a man of one wife," and that an additional husband on the woman's part disrupted this perfect ratio. Their primary concern, however, seemed to have much more to do with "oneness" than it did with "wifeness," as concubines too constituted such an impediment. The logic behind this, as explained by Ambrose, was that a bishop's personal history needed to lend itself to a tendency towards undivided fidelity, as was to be preserved between him and the "one unified Catholic church."³⁸² As we shall see, such arguments only became more

³⁸⁰ Ivo cites Jerome's categorization of the "*vidua, meretrix, ejecta*," wherein the 3 types of women are distinct but still part of the same grouping. *Decretum* 8: 297 As Katherine Clark points out, pervasive anxiety about "holy widows" breaking their vows is likely related to the breakdown of antique *ordo viduarum*, meaning that any vows of chastity would be up to the widow herself to keep, without the church's supervision. See Katherine Clark, "Purgatory, Punishment, and the Discourse of Holy Widowhood in the High and Later Middle Ages," *Journal of the History of Sexuality* 16 (2007), 169-203.

³⁸¹ For example, Burchard, *Decretum* 9.21, which specifies that second marriages are only allowed because of human weakness.

³⁸² *Si ad superficiem tantum litterae respiciamus, prohibet bigamum episcopum ordinari. Si vero ad altiore sensum conscendimus, inhihet episcopum duas usurpare Ecclesias. Et si adhuc introrsus profundiora perscruteris, monet ne per catholicum dogma sensum inveniatur episcopus habere haereticum, sed Christianam tantum catholicam et orthodoxam sibi associet fidem, et unius uxoris tantummodo et*

theologically complex as canon law developed, employing borrowed reasoning from the discussion on secular remarriage within sacramental theology.

Gratian and His Commentators

By the time Gratian compiled his *Decretum* in the early 1140's, the Roman law revival was supposedly in full swing. It is surprising, therefore, that Roman legal discourse is no more present in Gratian's marital corpus than it was in Ivo's—nor does it make a particularly triumphant reappearance in the work of Gratian's commentators. This may be due to the possibility (raised most recently by Anders Winroth) that Gratian simply did not know Roman law as well as had been previously assumed, drawing his citations of the *Corpus Iuris Civilis* exclusively from Ivo's *Panormia*.³⁸³ What is indisputable is that Gratian and his Decretists drew far more deeply from contemporary developments in sacramental theology than they did from any legal source, with the sacramental substance becoming their main criteria for marital validity.

Gratian, like his predecessors, derived the bulk of his material on conjugal sacramentality from Augustine, though he did independently use the term in his expositions to several canons. The *sacramentum*, he argues, is one of the elements that renders Mary and Joseph's marriage "complete," compensating for the lack of the

catholicae Ecclesiae vir episcopis vocetur. Ivo Deretum 8. 292, PL161, pg. 617. There was also Jerome's contention that a man whose union violated the one-to-one ratio of conjugal life approached his ordination with a "divided" soul. Ivo, *Decretum* 6.832

³⁸³ Winroth argues that scholars have overestimated the extent to which Roman law had circulated in Bologna at the time that Gratian composed his *Decretum*. See Anders Winroth, *The Making of Gratian's Decretum* (Cambridge University Press, 2000), 146-170. Winroth elsewhere notes that the majority of "Gratian's" Roman law citations are not found in the first recension, and that many of the references found in the first recension are misattributed. Anders Winroth, "Roman Law in Gratian and the Panormia," in *Bishops, Texts, and the Use of Canon Law around 1100: Essays in Honor of Martin Brett*, ed by Bruce Brasington and Kathleen G. Cushing (Burlington, VT: Ashgate, 2008), 183-90.

“substance” of consummation (a distinction to be discussed at greater length below).³⁸⁴

Elsewhere the marital *sacramentum* is somewhat ambiguously linked to sexual exclusivity (particularly on the woman’s part), which, when absent, renders marriage indistinguishable from adultery. Thus, for Gratian the sacramental nature of marriage seems to be the singular component that sets it apart from all other unions, in addition to conferring the sense of indissolubility already put in place by Augustine.

Gratian’s commentators, by contrast, were far more elaborate in their engagement with the conjugal *sacramentum*, the likely result of Peter Lombard’s clarification of sacramental theory circa 1150. The earliest Decretist, Paucapalea, prefaces his commentary on Gratian’s marital canons with a lengthy explication of what marriage means in a sacramental context, namely “the sharing of all aspects of life, in accordance with divine and human law . . . so that they may have one church, one sanctuary, one home.”³⁸⁵ Later authors (benefitting perhaps from a wider diffusion of Lombard’s *Sentences*) display an even more sophisticated engagement with sacramental principles. Both Rolandus and Stephen of Tournai base their definitions of marriage upon the idea that it symbolizes the union between Christ and the Church, with Stephen lifting several phrases directly from Lombard’s *Sententiae*.³⁸⁶ Twelfth-century commentator Rufinus

³⁸⁴ *Sed perfectum intelligitur non ex officio, sed ex his que comitantur coniugium, ex fide uidelicet, prole et sacramento.* Gratian, *Decretum*, C27 Q2 c39, *Decretum Magistri Gratiani*, edited by Emil Friedberg, *Corpus Iuris Canonici*, vol. 1 (Leipzig: Bernhard Tauchnitz, 1879. Reprint Graz: Akademische Druck- u. Verlagsanstalt, 1959), 1074. For the problematic relationship between chaste marriage and consent theory, see Penny S. Gold, “The Marriage of Mary and Joseph in the Medieval Ideology of Marriage,” in Vern L. Bullough and James Brundage eds, *Sexual Practices and the Medieval Church* (Buffalo, NY: Prometheus Books, 1982), 102-117.

³⁸⁵ *Matrimonium est consortium omnis vitae, divini and humani uiris communicatio . . . ut sit una ecclesia, unus chorus, una domus, et similia.* *Summa Paucapalaea*, C 27, *Die Summa des Paucapalea über das Decretum Gratiani*, ed. Johann Friedrich von Schulte (Giessen: Emil Roth, 1890), 110.

³⁸⁶ Rolandus, *Summa*, C27 Q2, Stephen of Tournai *Summa* C27. As Seamus Heaney notes, much of Stephen’s language here is in fact borrowed directly from Peter Lombard; Heaney points in particular to the

even tackles the increasingly tricky question of whether or not the marital sacrament confers grace, concluding that “the sign of the union of Christ and the church is not brought about by marriage, but merely represented, just as the sacrifices of the Old Testament prefigured the justification of the wicked, without bringing it about.”³⁸⁷

This became the principle lens through which Gratian and his Decretists evaluated the two main contenders for marriage formation left before them: consummation and consent. While betrothal certainly remained part of this conversation, it was now only considered to the extent that it manifested consent between the parties, with all of the previously emphasized solemnities (dowry agreement, parental participation, etc), now considered extraneous “to the substance of the sacrament.” Thus, whether or not these thinkers supported consummationism (following Gratian) or consentism (following Peter Lombard) depended directly upon how they best thought the Christ-Church union was reflected in the human marriage, which in turn decided the legal issue of a union’s dissolvability.

Gratian, who included canons supporting both sides, famously comes down on the side of consummation, arguing that, while betrothal “initiates” marriage, it is through consummation that it becomes “ratified” and hence indissoluble.³⁸⁸ One of the principle

phrase “*sic ecclesia Christo copulantur voluntate et naturae conformitate, quia et idem vult cum eo ipse formam assumpsit de natura hominis Huius utriusque copulae figura est in coniugio.*” Heaney, 36. As Jean Gaudemet has noticed, Steven ad Rufinus also incorporate Hugh of St. Victor’s notion of marriage as a double sacrament, demonstrating how confused and fragile the sacramental doctrine was during this period. See Gaudemet, “L’*évolution de la notion de ‘sacramentum’ en matière de mariage,*” *Revue de droit canonique* 41 (1991,) 78.

³⁸⁷ *Signum est coniunctem Christi et ecclesiae non effectum, sed dumtaxet representativum, sicut sacrificia pro peccata in veteri testamento iustificationem impii figurabant, quam tamen nequaquam efficiebant. Summa Rufini* C32, q2, *Summa Decretorum*, ed. Heinrich Singer (Paderborn: Ferdinand Schoningh, 1902. Reprint Aalen: Scientia, 1963), 482.

³⁸⁸ Gratian, *Decretum*, C 27 Q 2 c 34.

texts on which he rests this argument, moreover, is the famous dictum of Leo I, now paraphrased to read “without sexual intercourse, marriage does not contain the sacrament of Christ and the Church.”³⁸⁹ Such sacramental reasoning was enthusiastically taken up by Gratian’s successors. Paucapalea squarely identifies the marital sacrament with the couple’s “carnal union,” a physical parallel to the joining of “the bridegroom (Christ) and his bride the Church” borne out through the clerical hierarchy.³⁹⁰ Rolandus’s consummationism is even firmer and more theologically grounded, as “marriage perfected by carnal joining contains in it the sacrament of Christ and the Church. And it is the signification of this union that decides whether a human bond contains in it the sacrament of Christ and Church, for which reason betrothals are not known as matrimony.”³⁹¹

Consentists employed a similar strategy in developing their ideas of marital formation, echoing many of the points espoused by Peter Lombard. Stephen of Tournai, who equates the efficient cause of marriage with “consent expressed in the present tense,”³⁹² locates the conjugal sacrament in the couple’s “joining of wills” which mirrors

³⁸⁹ *Cum societas nuptiarum ita a principio sit instituta, ut preter conmixtionem sexuum non habeant in se nuptiae Christi et ecclesiae sacramentum, non dubium est, illam mulierem non pertinere ad matrimonium, in qua docetur non fuisse nuptiale misterium.* Gratian, *Decretum* C27 Q2 c17. Gratian again references this passage in his exposition to C27 Q2 c40, clarifying that it should be understood to mean that there is no valid marriage without sexual intercourse.

³⁹⁰ *In prima decretorum parte de spirituali coniugo, videlicet inter sponsum et sponsam ecclesiam, i.e. inter clericos et ecclesiam...sunc de corporali matrimonio, ut est carnalis coniunctio, tractatamus.* Paucapalea, *Summa*, C27, 111

³⁹¹ *Matrimonium enim carnali coniunctione perfectionem Christi et ecclesiae sacramentum continere dicitur. Utriusque siquidem copula coniunctionem Christi et ecclesiae significat, unde sponsa dicitur non pertinere ad matrimonium, quod contineat in se Christi et ecclesiae sacramentum.* Rolandus, *Summa* C 27 Q2, *Summa Magistri Rolandi. Mit Anhang Incerti auctoris quaestiones*, ed. Friedrich Thaner (Innsbruck: Wagner, 1872), 140.

³⁹² *Efficiens causa matrimonii est maritalis consensus de praesenti per verba expressus.* Stephen of Tournai, *Summa* C27., *Die summa über das Decretum Gratiani*, ed. Johann Friedrich von Schulte (Giesen, 1891. Reprint Aalen: Scientia, 1965), 235.

“the spiritual joining of Christ and the Church in charity”.³⁹³ Rufinus (harkening back to the “double sacrament” theory of Hugh of Saint Victor) used sacramental imagery to strike a middle ground between these two rival camps: consent represented the individual soul’s coming to God, whereas consummation symbolized “the union Christ and the Church, joined in one flesh in the womb of the virgin.”³⁹⁴ In each of these cases, the main issue at hand was whether or not such a union would be counted as indissoluble, and whether or not such indissolubility would be considered enforceable by an ecclesiastical court.

This sacramental logic, however, left Gratian and the Decretists in an extremely tricky position when it came to clandestine marriages, just as it had for the theologians whose ideas they were borrowing. In taking on sacramental symbolism, twelfth-century canonists had also inherited the increasingly anxious need to make the signifier match the signified, ruling out any elements that destroyed this perfect parallelism. Thus, while Gratian includes canons strongly suggesting different types of public ceremony, he also limits his criteria for marital validity to those he had posited for its sacramental nature—namely, sexual union preceded by an exchange (public or private) of consent.³⁹⁵

³⁹³ *Consensus enim coniungum copulam spirituaalem Christi et ecclesiae, quae fit per eiusdem ecclesiae caritatem, significat. Ibid.*

³⁹⁴ *Sicut enim in coniugio duo sunt, desponsatio scilicet. Et carnis commixtio, ita et ibi duo sacramenta consurgunt: unum in desponsatione, alterum in carnis commixtione. In desponsatione representatur sacramentum anime ad Deum, ut, sicut tunc sponso sponsa adiungitur per consensum... In Carnis vero commixtione latet sacramentum Christi et ecclesiae, ut quemadmodum vit cum uxore una caro efficitur, ita Christus cum ecclesia una caro et una persona factus esse credatur in utero virginali. Rufinus, Summa C 27 q2.*

³⁹⁵ C 30 q 5 c1 contains the same letter from Pope Evaristus that Ivo and Burchard had included to spell out perfect bridal conditions: dowry, parental consent, public ceremony. Gratian also includes Pope Nicholas’ letter (C30 q5 c3) spelling out the ideal steps through which betrothal and marriage out to be carried out, which describes a similar process. C 30 q5 c4-5 are in a similar vein. C 30 q 5 c11 explicitly ties the prohibition upon clandestine marriages to the difficulty of providing proof, as “when one party denies conjugal affection towards the other, this cannot be disproved.” All this is to be contrasted, however,

This ambivalence grew more pronounced among Gratian’s commentators, who relied even more greatly upon sacramental principles. Rolandus, who had identified the *causa* of marriage as consummation, argues that all public solemnities are “more important for the decorum, rather than the power, of the sacrament,” an opinion that is followed verbatim by his consentist colleague Stephen of Tournai.³⁹⁶ Stephen also tackles the problem from the always contentious angle of parental consent, admitting that parents (while ideally on hand) have no official role in deciding a union’s validity. Rather, their involvement in the marriage ceremony “does not make the substance of the sacrament, but only consent of the married parties in the present tense, according to the laws of the church, [which now supersede the laws of the courts].”³⁹⁷ While each canonist spent time discouraging these sorts of unions (and encouraging public instruments such as marriage contracts and church ceremonies) they also invariably held to the same party line—that such unions, once contracted, should not be dissolved.³⁹⁸

This being the case, it is no surprise that Gratian and his commentators continued to struggle with the question of concubinage, which now appeared even more legally

with the end of C 30 q5 c3, in which informally contracted marriages are affirmed to be valid, and C 28 q 2 c17, in which Gratian declares them to be “ratified,” the same term he applies to unions that (through consummation) had fulfilled the criteria for sacramental validity.

³⁹⁶ *Haec enim in matrimonium magis fiunt ad decorem sacramenti quam ad auctoritatem.* Rolandus, *Summa* C30 q 5, 151. Rolandus later confirms that such solemnities are not necessary for marital validity: *demonstratur quae sint observanda in matrimonio contrahendo, quae licet omnia non interveniant, non minus tamen inter eos erit matrimonium, ibid.* .Stephen cosigns all of this by simply glossing C30 q 5 with *Rolandus sequitur.*

³⁹⁷ *Solus dicit ad remotionem consensus patris, sine quo seeundum leges, si filius est in potestate, non erit ratum matrimonium eius; vel excludit solemnitates, quae requiruntur in coniugio, et non pactionem coniugalem. Nam substantiam quidem sacramenti non solennitates faciunt, sed consensus de praesenti expressus seeundum leges eeclesiasticas; nam matrimonia reguntur hodie iure poli, non iure fori.* Stephen of Tournai, *Summa*, C 27 q 2, 237.

³⁹⁸ Some variation of the standard language of “*Clandestina ergo coniugia contrahi non debent, si vero contracta fuerint, non seperabuntur*” may be found in the *Summae* to C30 q5 of Rufinus, Rolandus (hence Stephen of Tournai), and the *Summa Parisiensis* C 30 q5.

indistinguishable from marriage. Gratian, like Burchard and Ivo before him, found no shortage of authoritative canons condemning the practice, to which he added his own prohibitions.³⁹⁹ His Decretists, however, took a somewhat more forgiving stance, due largely to the fact that they had difficulty distinguishing concubinage from marriage. Paucapalea, while denouncing concubinage per se, also admits that this could make for a fairly confusing situation, given that a woman taken by a man without nuptial ceremonies could also (by law) be a wife held in full marital affection.⁴⁰⁰ Marital affection also proves the sticking point for Rufinus and the author of the *Summa Parisiensis*, who both concede that any stable, permanent union sustained in this fashion must be viewed by the church as marriage.⁴⁰¹ Thus, multiple concubines continued to impede ordination in the same fashion as multiple marriages, with the added post-reform caveat that no partner should be currently sharing the prospective cleric's bed.⁴⁰²

What is perhaps more surprising is the extent to which canonists continued to associate concubines with *ancillae*, despite the fact that marriage between social classes had become even more legally unfettered. It was by this point standard doctrine that slave status could only impede a marriage if the free party had entered into the marriage

³⁹⁹ See Gratian D 33 c6 (Augustine's *Audite, carissime* sermon, quoted by both Ivo and Burchard), C32 q2 c5, C 36, q1 c2.

⁴⁰⁰ *Sed concubina, pro cuius commixtione quis ordinari non prohiberi, illa intelligitur, quae legalibus cessantibus instrumentis unica est et coniugali affectu adsciscitur. Affectus hanc coniugem facit, lex concubinam vocat.* Paucapalea, *Summa*, D 26, pg. 24.

⁴⁰¹ *Si vero unam concubinam maritali affectu habeat cum legitima, sive ante sive post [baptismum], bigamus iudicatur, quia idem est illa quod uxor, licet leges nomine concubinae appellent.* *Summa Parisiensis* D33, *The Summa Parisiensis on the Decretum Gratiani*, edited by Terence P McLaughlin (Toronto: Pontifical Institute of Medieval Studies, 1952), pg. 32.

Rufinus explicitly links such unions with clandestine marriage: *Sed quomodo clandestina coniugia contrahi non debent, cum Christiano peritatur habere concubinam, quam tamen maritali affectu cognoscat.* Rufinus, *Summa*, C30 q5, pg 468.

⁴⁰² Gratian D 33-34, Paucapalea, *Summa* D 33-34, Rolandus, *Summa* D33-34, *Summa Parisiensis* D 33-34, Rufinus D 33-34.

unawares—and even then, the marriage automatically became legitimate if sexual intercourse followed this dénouement.⁴⁰³ And yet, *ancilla* continued to be used as substitute terminology for *concupina*, particularly when discussing the niceties of extra-marital cohabitation and procreation. Thus, an *ancilla* could be a woman was taken up either before, after or in place of a wife, a woman from whom one might seek children in case of infertility, or a woman whose child would lie outside the legitimate line of succession.⁴⁰⁴ In almost every case, the canonists’ treatment of these women is curt and prohibitive, displaying none of the grudging tolerance reserved for *concupinae*. Once a concubine is identified as an *ancilla*, for example, Rolandus is able to make the judgment that concubinage is “against divine institutions,” whereas his previous usages of the term (in D 33 & 34) had merely elided concubinage with wifedom in ordination cases.⁴⁰⁵

As in earlier canon law, this lexical slippage seems partially attributable to the canonist’s Roman or biblical sources, wherein *ancillae* and *concupinae* would have been functionally indistinguishable. It cannot, however, be completely explained in this vein, as canonists displayed an increasingly acute awareness of the differences between their system and that of their source material, particularly regarding class distinctions.⁴⁰⁶

⁴⁰³ Gratian C 29 q2 c 2-3; Paucapalea *Summa* C29 q 2 Rolandus, *Summa* C29 q2; Rufinus, *Summa* C 29 q2; Stephen of Tournai, *Summa* D34.

⁴⁰⁴ Gratian D 34, c8, C 32 q 4 c9, C 32 q 2 c 11-12; Rolandus, in commenting upon C 32 q 4, utilizes the terms *concupina* and *ancilla* interchangeably, whereas Gratian had limited himself to *ancilla* only, with the same tactic on display in *Summa Parisiensis* C32 q2.

⁴⁰⁵ Compare C 32 q4 (*Legibus humanis concubarius coitus videtur fore permissus, verum divinis institutionibus constat fore prohibitus*, pg. 176) wherein a concubine was identified with an ancilla, with D 33 (*Secundas nuptias post baptismum stipulatus vel concubina habens ad sacrum ordinem non accedat*, pg. 7).

⁴⁰⁶ Gratian, as argued above, most likely took the bulk of his Roman law citations from Ivo’s *Panormia*, which does not directly address the connection between class and validity. He does, however, include a stray citation from Isidore of Seville clearly marking the difference between free-born and servile concubines, making it clear that he understood the Christian redefinition of concubinage even as he lapsed into the Roman one (Gratian C 32 q 4 c15). His commentators seemingly had more direct access to Roman

There may be some truth to Brundage's claim that canonists were operating from "the doubtless realistic assumption...that servant girls routinely became involved in sexual relationships with their masters,"⁴⁰⁷ but this assumption does not appear in any of the contemporary cases cited by Gratian or the decretists. They do not, for example, cite any of the copious Roman legal dicta spelling out how the laws of marriage and inheritance could apply to the relationship between a freeman and his slave. Rather, the twelfth-century canonists' usage of *ancilla* seems to emanate from an amplified version of the concerns that drove their predecessors: the need to find a way of dividing concubinage from marriage, especially as the two institutions became less and less legally divisible.

Widows, by contrast, saw their legal situation improve drastically with the advent of Gratian's *Decretum*, a development that would initially seem at odds with the increasingly suspicious attitude of theologians. Gratian and the decretists took concrete steps to place themselves more directly in line with Pauline doctrine on remarriage, and . Gone are the stiff penalties for remarrying (within any period after the husband's death), as well as the comparisons of widows to prostitutes and adulteresses. While Gratian maintains the position that multiple marriages are permitted only as an indulgence of human incontinence, his focus remains on the fact that they are, indeed, permitted, and

legal texts (the *Corpus iuris civilis* in particular) and hence are more specific about points of Christian divergence (as well as cases in which the information contained in a canon was based on a Roman secular custom). See Rolandus, *Summa* C30 q5; Stephen of Tournai, *Summa* C29 q 2; Rufinus, *Summa* C29 q2, C 32 q4. Interestingly the sole decretists not to fit this paradigm is Paucapalea, who simultaneously endorses the Roman notion of "marriage between equals" and upholds the Christian position that servitude does not exclude one from marriagability. See Paucapalea, *Summa* C27 q2 c50(*Dicitur autem connubium, cum aequales in nuptias coeunt, ut puta cives romani pari utique dignitate*, pg. 116) and C 29 q2 (*Quod autem servilis conditio non repellat istuma matrimonio, sic potest probari. Valde maius atque dignius est coniugium Christi et ecclesiae, quam viri et mulieris matrimonium. A tali vero coniugio neminem repellit servilis conditio. In Christo enim Iesu nec iudaeus nec graecus nec servus nec liber*, pg. 119). He also, strangely, does not interchange the terms *ancilla* and *concubina*.

⁴⁰⁷ Brundage, *Law, Sex, and Christian Society*, pg. 298.

should not be interfered with by any member of the community.⁴⁰⁸ The major exceptions concerned widows being supported by the church and young widows who had taken vows of chastity, who were subject to the persistent suspicion that libidinous urges would overcome their pledge of continence.⁴⁰⁹ While later canonists would focus on remarriage proper, reflecting the shift towards gender-neutral language observed in theology, Gratian's focus remains on widows themselves, in keeping with the social restrictions that still affect all varieties of unmarried women.

This is not to say, however, that contemporary sacramental concerns were absent from canonists' treatment of widows and remarriage. Rather, they were imbedded in a slightly less expected place: the regulations on ordination and marital history. Here, at a safe distance from the practical implications of the secular "marriage treatise" of *causae* 27-36, canonists gave free reign to the theological challenges imposed by multiple marriages, employing logic that (like their colleagues in theology) could apply to laypeople and clerics alike. While their starting point remained the Pauline dictum that "a bishop should be a man of one wife," their focus quickly shifted to the sacramental makeup of marriage itself, and the sense in which a remarried widow violated this numerical balance. For even if the cleric in question remained a one-woman man, the multiple marriages of his new bride tipped the symbolic balance dangerously off-kilter. Hence the familiar logic (included explicitly by Rufinus) that "the bigamist is not

⁴⁰⁸ C 27 q 1 c 38, C 31 q 1 c-11-12.

⁴⁰⁹ On church support see Gratian C31 q 1 c10; On viel anxiety see 26 q. 1. c. 1, C 26. q. 1 c 7-8, C 26 q 1 c 16-17, C 27 q1 c. 24; C27 q 1 c 34. Gratian also includes an early version of the idea that second nuptials should not be "publically" blessed, to become more prevelant of canon law of the following century. See C 31 q 1 c 9.

prohibited from ordination because of sin, but because of the standards of the sacrament...since he is not able to generate the sacrament of Christ and the Church.”⁴¹⁰

By placing all of this at arm’s length from their secular marriage regulations, canonists managed to safeguard their permissive (and properly Pauline) outlook on second marriages, and avoided destabilizing these unions by painting them as non-sacramental. For those who read their work *in toto*, however, this portrait of remarriage as a sacramental menace would be deeply registered, and would have a palpable effect on the portrayal of widows within various literary contexts.

Alexander III and the Consentist Solution

By the early thirteenth century, Christian marital law had reached a new degree of clarity, owing largely to the pivotal (and highly influential) decrees of Pope Alexander III. The Alexandrian marriage model, categorically accepted by canonists up until the Council of Trent, lay to rest the debates of the previous century, predicating marriage formation upon one uncontested formula: mutual consent, verbally expressed in the present tense, with or without witnesses or subsequent consummation.⁴¹¹ Once a couple had exchanged consent of this nature, their union became both legitimate and indissoluble, impervious to any successive vows. In this vein, betrothals came to be defined as “consent in the future tense,” and could be unconditionally dissolved so long as the parties’ vows remained couched in future terms. Such a union could become permanent, however, if sexual intercourse followed this future-tense promise, at which

⁴¹⁰ *Bigamus ordinari prohibetur non propter culpam sed normam sacramenti...quia Christi et ecclesiae sacramentum gerere amodo non poterit.* Rufinus, *Summa*, D 34, pg. 79. See also *Summa Parisiensis*, D 34.

point the couple became automatically enveloped in a full nuptial bond. Once established, this model determined conjugal law at every stage of its implementation, from papal decrees down to local ecclesiastical courts—the latter of whom, as several recent studies have shown, consistently followed canonical principles in adjudicating marriage cases.

If thirteenth-century canonists benefited from a greater degree of certainty in their marital mores, it is because they also benefited from a greater degree of consistency in their theological foundations. By the time Gregory IX was compiling his *Decretals* (c. 1234), marriage had been firmly established among the seven sacraments, thanks largely to the increasing dissemination of Lombard's *Sentences* throughout the preceding seventy years. As such, canonists could now firmly ground their marital theories in the notion that marriage reflected both the spiritual and physical union of Christ and the Church, affording them a means of settling the issue of consummationism versus consentism⁴¹². Drawing on the theological formulae perfected throughout the latter half of the twelfth century, post-Alexandrian canonists reached a sort of bipartite compromise: consent represented the union of Christ and the soul, while consummation plus consent represented the incarnation. Both, then, were legitimate and indissoluble. Or, as Raymond of Penyafort put it, "For just as there is a union of souls and bodies between

⁴¹² For expressions of this idea see Hostiensis, *Summa Aurea* 4.21: *Nam per coniunctioionem animorum significatur coniuncto fidelis anime ad Deum; per coniunctionem vero corporum, coniunctio Christi et ecclesiam.* (Venice, 1574), pg. 1245.

spouses, so the church is joined to Christ in will and nature because it wills the same as he, and he assumed human nature.”⁴¹³

In assimilating the theological achievements of the twelfth and thirteenth centuries, post-Alexandrian canonists also inherited the questions and uncertainties that underlay these constructions. One particularly thorny point was the still-unstable relationship between conjugal sign and signifier, and the struggle to find one concrete, identifiable *signum* within the numinous domain of the couple’s consent. For theologians, this problem had manifested itself as a debate about whether the requisite consent existed within the words spoken or the actual inner intent of the each party, and whether one sort of consent could remain effective in the absence of the other.⁴¹⁴ Though Peter Lombard’s blank assertion that “the efficient cause of matrimony is consent expressed in words”⁴¹⁵ seemed clear enough, there soon arose the disturbing possibility that such words might not necessarily articulate one’s true feelings or intentions, a cause for great anxiety over marriage’s sacramental stability. For Peter of Poitiers, such inner discord (while a mortal sin) has no effect on either the words spoken or the dignity of the sacrament, just as one who approaches baptism with false intent does not diminish the rites administered.⁴¹⁶ Later opinions proved more sensitive to the potential nuances at

⁴¹³ Raymond of Penyafort, *Summa on Marriage* 2.15, translated by Pierre J. Payer (Toronto: Pontifical Institute for Medieval Studies, 2005), pg. 27.

⁴¹⁴ To glean the major effect of these 12th century theological developments on canon law, we can also turn our attention backwards to the consent theory displayed by Gratian, wherein the the emphasis remained on external markers of consent such as vows and betrothal. See Raymond G. Decker, “Institutional Authority versus Personal Responsibility in the Marriage Sections of Gratian’s *A Concordance of Discordance Canons*,” *The Jurist* 32 (1972), 51-65.

⁴¹⁵ *Efficiens autem causa matrimonii est consensus, non quilibet, sed per verba expressus, nec de futuro, sed de presenti.... Item si consentiat mente, et non exprimat verbis vel aliis certis signis; nec talis consensus efficit matrimonium. Sentences* 4.27.3

⁴¹⁶ *Quaritur etiam an consensus verborum sine consensu animorum faciat matrimonium. Et dicunt quod conjugium est inter sic consentientes, sed peccant mortaliter qui sic copulantur...Non ideo tamen deperit*

play, such as coercion or fraud on the part of at least one spouse.⁴¹⁷ The final answer, furnished by Aquinas, was that consent must be expressed in words, but that words without true inner consent did not effect a valid marriage, as “intention is necessary in all the sacraments.”⁴¹⁸

For post-Alexandrian canonists (who found themselves writing amidst the throes of this debate) the potential inefficacy of verbal consent had some troubling practical implications. As nearly everyone from Gregory IX to Hostiensis pointed out, words of consent were absolutely necessary so that marital validity could be evaluated by the court, in case of inheritance or some other dispute.⁴¹⁹ And yet, all hewed closely to the theological insistence upon inner intent as a validating agent for these words, even in situations wherein heart and mouth proved to be at odds.⁴²⁰ In cases of coercion, for example, Alexander III ordained that verbal consent could be invalidated if it had been spoken “through such a fear that it would cause a steady man to fall,” a decree included

ipsa dignitas sacramenti. Sicut verum baptismum suscipit qui fictus accedit...” Peter of Poitiers, *Sentarium* 5.16. PL 211, pg. 260.

⁴¹⁷ For example, Guy of Orchelles, *Si autem ibi sit coactio, ut si pater puellae vel princeps minetur ei mortem nisi consentiat, talis consensus non facit matrimonioimSi autem ibi sit dous...non est ibi matrimonium. Tractatus de Sacramentiis* 221, ed. PP Damiani and Odulphi van den Eynde O.F.M., (St. Bonaventure, NY: The Franciscan Institue, 1953), 198.

⁴¹⁸ Interestingly, Aquinas’ decision draws a similar paralell between marriage and baptism to the one invoked by Peter of Poitiers, but posits an exact reversal of intent’s role in the causality of each. According to Aquinas, “Wherefore just as were a person to receive the outward cleansing, with the intention, not of receiving the sacrament, but of acting in jest or deceit, he would not be baptized; so, too, expression of words without inward consent makes no marriage.” *Summa* Q 45 A4, R

⁴¹⁹ Gregory IX’s comment *sed verba requiruntur quoad probationem* became somewhat standard. If the parties could not speak, some other visible sign of consent was required. *Decretals* 4.1.25. See also Bernard of Pavia, *Summa de Matrimonio* 1, Johannes Teutonicus, *Apparatus Glossarum in Compilationem Tertiam* 4.3, , ed. Kenneth J Pennington, Work in progress hosted and updated by Kenneth Pennington, Catholic University of America (<http://faculty.cua.edu/pennington/edit401.htm>), Hostiensis, *Summa Aurea* 4.3. 1

⁴²⁰ Goffredus of Trano, in fact, nearly repeats Guy of Orchelles’ musings on this subject verbatim, arriving at the selfsame conclusion: *Contrahitur matrimonium corde et ore dum aliqui core et ore consentiunt in matrimonium et mutuo se concedunt unum alii et mutuo se suspiciuntverba interveniunt apta ad matrimonium contrahendus anumus tamen non consentiat. Non contrahitur matrimonium... Summa super titulis Decretalium* 1.14, (Lyon, 1519. Reprint Aalen: Scientia, 1968), 173.

by Gregory IX and upheld by his successors. Adjudicating such criteria, however, proved a somewhat heavy burden, exposing the many uncertainties surrounding the legal standing of feelings. As Hostiensis noted, judging based on intentions placed jurists in the unwitnessed realm of their claimants' souls, wherein the truth was just as often deliberately hidden as it was revealed.⁴²¹ Such considerations, however, seemed utterly vital from a theological perspective—for, as Innocent III had noted, “there are those who doubt that something spiritual can be contracted by words alone.”⁴²²

Much of this confusion crystallized around Alexander's letter *Tua nos duxit*, in which he attempted to adjudicate a case wherein a man contracted—and later consummated—a marriage for fraudulent purposes.⁴²³ In Alexander's summation, this rather enterprising suitor managed to break down his “bride's” resistance by exchanging present-tense consent under a false name, “not believing a marriage to have taken place as he did not intend to contract it, but only to have carnal intercourse.”⁴²⁴ To the question of whether or not a marriage exists under such circumstances, Alexander responds with an uncharacteristic degree of ambivalence. On the one hand, the combination of present-tense vows plus consummation should mean that a legitimate marriage has been contracted. On the other, the man did not genuinely “intend or consent to take her as a

⁴²¹ *Ex hoc arguo, quod in iudicio amina, loquitur in quo nec testes requiruntur, sed de omnibus quantumcumque occultis consententi fides habetur ...nec est verisimile, quod ibi falsitas suggeratur, vel veritas occultitur. Hostiensis, Decretalium librum commentaria 4. 26. (Venice, 1581).*

⁴²² *Quum ab aliquibus dubitetur spirituale contrahi solis verbis. Gregory IX, Decretals 4.1.25, Liber extravagantium decretalium, ed. Emil Friedberg, Corpus Iuris Canonici, vol. 2 (Leipzig: Bernhard Tauchnitz, 1881. Reprint Graz: Akademische Druck- u. Verlagsanstalt, 1959), 670.*

⁴²³ Included by Gregory as Decretal 4.1.26

⁴²⁴ *Non credens esse coniugium eo, quod ipse non vocaretur hoc nomine, nec haberet propositum contrahendi, sed copulam tantum exsequendi carnalem... ibid.*

wife”—though, Alexander adds a bit wryly, “we do not see how this could be clear to you.”⁴²⁵

In the end, Alexander privileges internal consent over his own external criteria, as “on one side there was only fraud, absent of all true consent, without which the conjugal bond cannot be effected.”⁴²⁶ His successors largely followed him on this point, in particular the notion that “the substance of the conjugal contract” cannot exist without mutual consent of souls.⁴²⁷ They were not, however, entirely without reservations. Innocent IV, seizing upon Alexander’s aside about the unknowability of the groom’s true intentions, argues that “the judgment of souls” is something better accomplished in the confessional as opposed to the courtroom.⁴²⁸ Hostiensis’s doubts are even more pronounced, pointing to the dangerous precedent set in place by such a policy. If absence of inner consent is upheld as legitimate grounds for annulment, then any regretful husband or wife could simply claim “I wasn’t serious” therefore “making a mockery out of matrimony.”⁴²⁹ Though both Hostiensis and Innocent faithfully upheld Alexander’s ruling, their misgivings are telling, particularly as regards the extent to which sacramental confusion impacted and undermined legal decision-making.

⁴²⁵ *Quum praefatus vir praedictam desponsaverit mulierem in propria persona et sub nomine alieno, quo tunc vocari se finxit, et inter eos sit carnalis copula subsecuta, videtur forte pro coniugio praesumendum, nisi tu nobis expresse scripsisses, quod ille nec proposuit, nec consentit illam ducere in uxorem, quod qualiter tibi constiterit non videmus. Ibid.*

⁴²⁶ *Nec forma contrahendi coniugium valeat inveniri, quoniam ex altera parte dolus sollummodo adfuit, et defuit omnino consensus, sine quo cetera nequeunt foedus perficere coniugale. Ibid.*

⁴²⁷ See Raymond of Pennyafort, *Summa* 2.4, Innocent Hostiensis, *Commentaria* 4.1.26, Innocent *Apparatus in Quique Libros Decretalium* 4.1.26, Goffredus de Trano, *Summa* 4.1.11.

⁴²⁸ *Alii contrarium dicunt, scilicet, quod protestatio sufficit, ut non probetur matrimonium, sed ideo dicit papa, quod not videtur quandocunque, sibi hoc constet, quia cum nullus interfuerit sponsalibus de protestatione sibi contestare non potuit, ut in foro ecclesiae iudicare posset non fore matrimonium, sed in foro animae iudicare potest, ubi iudicatur secundum confessionem, sed in foro ecclesiae secus est. Innocent IV Apparatus in quinque libros Decretalium 4.1.26 (Frankfurt, 1570), 446.*

⁴²⁹ *Aluiquin quilibet posset illudere matrimonio iam contracto et dicere, ludens feci. Hostiensis, Summa Aurea 4.10.*

In a larger context, the sum of these uncertainties can be traced back to a deeper problem within marriage's sacramental identity: theologians' anxiety over the inability to locate a source of efficient grace. Canonists' awareness of this dilemma can already be gleaned in the work of Rufinus, who (as noted above) simply declares, à la Peter Abelard, that matrimony contains no sanctifying power. By the time of Gregory IX, however, the debate over marital grace had reached something of a fever pitch, as efficient grace had now become a fixed component of the sacramental formula. As such, thirteenth century canonists inherited theologians more compensatory bent; specifically, the tendency to stress the perfect alignment between conjugal sign and signifier to the exclusion of any other necessary elements. In a canonistic framework, this symbolic emphasis collided with canon law's own longstanding debate about the efficacy of consent and consummation in and of themselves, particularly in relation to formal factors such as dowry, parental consent, and the heavily-endorsed nuptial blessing. In short, these sacramental concerns made it all the more difficult for canonists to deal with the problem of clandestine marriages, even as the troubles caused by such unions became even more clearly documented.

On an official level, clandestine marriages should have been stamped out by the second quarter of the thirteenth century, as they had been explicitly forbidden by the Fourth Lateran Council of 1215. In a strongly-worded canon, the council specified that all nuptials were to be "publically announced in church by the priest, at an appropriate interval so that anyone with the will or the ability may oppose the union due to a

legitimate impediment.”⁴³⁰ While the council’s main concern seemed to be preventing consanguineous unions, canonists came up with plenty of reasons of their own why secret nuptials were a bad idea, many of which seem drawn from direct practical observation. The legitimacy of children was one common source of unease, as absence of proof could easily call their status into question.⁴³¹ There was also the sense that people who contracted marriage secretly generally did so because they had something to hide, a situation which, in Raymond of Penyafort’s words, “exposed the church to scandal.”⁴³² Hostiensis, with his characteristic frankness, also voiced concerns about the “wandering” nature of the human soul, which, with no public marriage impediments on record, could easily find its way to another partner in *maritalis affectio*.⁴³³

All of these objections, however, were grounded in the broader awareness that a marriage without witnesses simply could not be confidently judged as legitimate matrimony—or more specifically, it could not be differentiated from simple, profligate *contubernium*. Most canonists decreed that, in the absence of proof, *contubernium* should be presumed in such cases rather than marriage; some, such as Goffredus de Trano, even went so far as to suggest that those so joined should be separated. There was also the idea that such couples could rectify the situation by publically marrying post-

⁴³⁰ *Quare specialem quorundam locorum consuetudinem ad alia generaliter prorogando, statuimus ut cum matrimonia fuerint contrahenda, in electis per presbyteros publice proponantur, competenti termino praefinito, ut infra illum qui voluerit et valuerit legitimum impedimentum opponat. Concilium Lateranense IV: 51. In Les Conciles Ecuméniques: Les Décrets, T II-I, Nicée I à Latran V, édité par A Duval, B. Lauret, H Legrand, J. Moingt, et B. Sesboüé (Paris: Cerf, 1994), 550.*

⁴³¹ See Bernard of Pavia, *Summa* 4.3, Innocent IV *Apparatus* 4.3.2, Hostiensis *Summa Aurea* 3. 4

⁴³² *Alias autem clam facere ut qui celavit adversario neque ei denunciavit si mos timuit eius controversiam, aut debuit timere.* Goffredus de Trano, *Summa* 4.3.1; see also Raymond of Pennyafort, *Summa* 2.14

⁴³³ Hostiensis, *Summa Aurea* 4.3.3: [*Clandestina matrimonia*] *prohibentur etiam propter periculum animarum, quia mutata voluntate alterius sponsorum non potest fieri fides iudici.*, 1288.

haste, thus erasing any doubts about legitimacy of children, inheritance, etc.⁴³⁴ That clandestine marriage caused significant confusion can be attested by the elaborate proscriptions spelled out for bringing a marriage suit against a purported spouse, found in collections from Tancred of Bologna (c. 1240) onward. It can be further (and perhaps more powerfully) attested by various European court records, wherein, according to Richard Helmholz, enforcement of a clandestine marriage contract remained the most commonly brought suit throughout the fourteenth and fifteenth centuries.⁴³⁵

It is incredibly revealing, therefore, that not a single canonist actually went so far as to declare clandestine marriages null and void—and that all, on the contrary, took pains to assert the legitimacy of such unions. Part of this stance can be traced back to the Fourth Lateran Council, which not only declined to fully outlaw clandestine marriage, but also confused the issue by confounding unwitnessed nuptials with unions contracted against the interdiction of the church.⁴³⁶ Following the council’s lead, canonists thus directed the full force of their invective against those sorts of “clandestine” unions that were consanguineous or otherwise illicit, leaving merely unwitnessed marriages in a

⁴³⁴ Hostiensis, *Summa Aurea* 4.4.8

⁴³⁵ Richard Helmholz, , *Marriage Litigation in Medieval England* (Holmes Beach, FL: Wm. W. Gaunt & Sons, Inc. 1986), pg. 25. For treatment of clandestine marriages by European courts, see also Mia Korpiola, *Between Betrothal and Bedding: Marriage Formation in Sweden 1200-1600* (Boston: Brill, 2009) pgs.127-134, Karras, *Unmarriages*, 178, Charles Donahue, “The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages,” *Journal of Family History* 8 (1983), 144-158. Sarah McDougal has also recently called attention to the “crisis of bigamy” brought about by the continued proliferation of clandestine marriage, wherein marriages were frequently challenged by the sudden appearance of a secretly-married former spouse. See Sara McDougal, *Bigamy and Christian Identity in Late Medieval Champagne* (Philadelphia: University of Pennsylvania Press, 2012).

⁴³⁶ This is evident from the fact that the council discusses the punishment of priests who had officiated “matrimonia clandestina,” making it quite clear that they are not simply talking about nuptials that lack solemnities. *Unde Praedessorum nostrorum inhaerendo vestigiis, clandestina coniugia penitus in inhibemus, prohibentes etiam ne quis sacerdos talibus interesse praesumat. Concilium Lateranense IV*, 51.

strange sort of opprobrious limbo.⁴³⁷ In so doing, they displayed an ambivalence that was unmistakably similar to that exhibited their colleagues in theology, couched in remarkably similar terms. Thus, official elements such as dowry, parental consent, and public ceremony were reluctantly cast as mere “solemnities,” essential for a marriage’s “honesty” but not its validity. In their final word on clandestine unions, canonists remained strikingly faithful to the sacramental formula of *substantia matrimonia consensus est*, despite the aforementioned practical calamities of which they were quite fully aware.⁴³⁸

It is no great surprise, therefore, that thirteenth-century canonists also took their cue from theologians in handling the problem of concubinage—that is, they basically stopped utilizing the term altogether. Usages of *concupina* in this period apply primarily to the consorts of clerics, whose marital illegitimacy had long since been established.⁴³⁹ Gone are the discussions about whether concubines impede ordination in the same way as wives, as well as the possibilities of assimilating them into wifeness via *maritalis affectio*. Gone too is the tendency to subtly confuse the concubine with the

⁴³⁷ After 1215 treatments of clandestine marriage often include a sort of taxonomy listing all possible ways in which a union could be judged “clandestine.” The ever-thorough Hostiensis, for example, identifies seven types, ranging from those celebrated without witnesses or dowry to those contracted despite a serious impediment. Hostiensis, *Commentaria*, 4.3.1. See also Goffredus de Trano, *Summa* 4.3.1, Innocent IV, *Apparatus* 4.3.3.

⁴³⁸ See Johannes Teutonicus *Apparatus* 4.3 *Idest sine aliis solemnitatibus. Verba tamen sunt necessaria quo ad ecclesiam in hiis qui loqui possunt, ut infra eodem, uel solus, idest sine consensu parentum. Honestum tamen est quod assit consensus parentum;* Tancred, *Summa de Matrimonio* T 14, ed. Agathon Wunderlich, (Gottingae, 1841), pg. 15.: *Solus consensus...sufficiat;* Raymond of Penyafort, *Summa* 2.14: “You should not understand that there cannot be true marriage without such solemnities...In this sacrament, as in others, there are things pertaining to the substance such as consent...which alone suffices,” pg 26; Hostiensis, *Commentaria* 4.3.1: *Ex lege divina firmatur et ideo ei non preiudicat consuetudo ut sup...quia nulla lex nulla consuetude legi divini postes praeiudicare ...solemnitates non sunt de substantia de matrimonia...sed solus consensus facit matrimonia,* pg. 14.

⁴³⁹ See 1 Comp 3.3.11, 1 Comp 3. 2. 9; 1 Comp 3.2.2, *Quinque Compilationes Antiquae, Necnon Collectio Canonum Lipsiensis*, edited by Emil Friedberg (Liepsig: Bernhardi Tauchnitz, 1882).

unmarriageable *ancilla*, potentially because the marriageability of slaves was an issue so settled by the thirteenth century so as to appear in most collections by rote.⁴⁴⁰ The concubine's disappearance from thirteenth century canon law is so complete that canonists deigned to exclude even the classic condemnations of concubinage, as if to give the impression that the institution had never so much as existed.

Rather, as in theological discourse, the concubine's role seems to have been taken over by the clandestinely-married wife, who now assimilated many of the warnings, proscriptions, and special allowances that had previously been discussed in terms of concubinage. Instead of encouraging men to marry their concubines, twelfth-century canonists encouraged secretly married men to "remarry" their wives publically, thus gaining all of the benefits (full legitimacy of children, freedom from suspicion of fornication) that had been previously dangled before those living in *concupinatus*.⁴⁴¹

Clandestine marriage also allowed for a certain sense of fluidity between marriage and non-marriage, as had existed between marriage and concubinage via *maritalis affectio*. Realizing (seemingly) that marriage laws could be tremendously confusing for laypeople to navigate, certain canonists allowed for a status known as *matrimonium praesumptum*, wherein at least one party genuinely believed that a marriage had been contracted (albeit a clandestine one). While canonists remained mum on whether or not this presumption actually created a valid bond, they did specify that it legitimated any children produced from such a union—just as *maritalis affectio* had legitimated the

⁴⁴⁰ By the time of Gregory IX, it had become commonly accepted that, first, slaves could legally marry (a reversal of the Roman principle that held all slave unions to be simple contubernium), and that anyone who married a slave, so long as they were aware of their spouse's condition at the time of the marriage, could not legally divorce them because of their servile status. See *Decretals* 4.9.2, 4.9.4.

⁴⁴¹ Gregory IX, *Decretals* 4.17.9.

children of concubines. They did all of this, however, without ever mentioning links between concubinage and secret marriages, nor how functionally indistinguishable the two institutions had now become.

Indeed, the one post-Alexandrian canonist to even sparingly use the word *concupina* is Hostiensis, though his usages of the term are illuminating. One instance centers around a particularly confusing case presented by Alexander III in which a man, having promised to marry his longtime domestic partner, ends up exchanging present-tense consent with a young neighbor after being discovered *in flagrante delicto* by her father.⁴⁴² Who, then, was the man's lawful wife? To Alexander's original reply, that the man should remain with the first woman only if intercourse had followed their exchange of future-tense vows, Hostiensis adds an interesting commentary: "And so, unless he was overtaken by a fear that would cause a steady man to fall, he gave his consent to this second woman, and would take back the other one as a concubine." In addition to simply acknowledging the existence of concubinage, Hostiensis concedes that the legal difference between wives and concubines was extremely thin, often no more substantial than a verbal tense marker.

Hostiensis is also fairly frank about using the term when discussing inheritance issues, where his predecessors had favored foggier language such as "outside of wedlock" or "naturally conceived." Thus, in commenting upon Gregory's 4.17.1, in which Alexander III decides upon the legitimacy of a girl born "before her mother was betrothed,"⁴⁴³ Hostiensis adds the following remark: "The girl's paternal uncle attempted

⁴⁴² *ibid*, 4.1.15.

⁴⁴³ *Ante desponsationem matris suae nata fueri*...Gregory IX, *Decretals*, 4.17.1, 718.

to disinherit her, saying that his brother conceived her with a concubine, with whom he later contracted matrimony.” Their decisions, of course, are identical, following the Constantinian principal that children born out of wedlock are legitimated by the subsequent marriage of their parents. Yet the combination of Alexander’s silence (echoed by the majority of commentators) with Hostiensis’s candor once again points to an interesting sort of unease in the canonical perspective on concubinage. While Alexander clearly wished to distance himself from the practice (and in particular from any Roman tolerance thereof) Hostiensis is more willing to pull back the rhetorical curtain, revealing the enduring presence of concubinage as an institution within the Christian matrimonial fold.

There is one more subtle reminder in Hostiensis’ work of the thin line between marriage and concubinage, yet in many ways it is also the most telling. It occurs in his discussion of the “instruments” through which marriage should be contracted, a point that among other canonists had provided one of the strongest indictments of unofficiated , unwitnessed matrimony (see above). While Hostiensis holds the party line, that without such formalities “fornication [*stuprum*] rather than marriage is presumed,”⁴⁴⁴ he also adds a subversive little flourish: two citations of Justinian’s *Digest* that discuss regulations of concubinage. Of particular interest is his reference to *Dig.* 23.2.24, Modestinus’s famous decision that “Cohabitation with a freewoman is seen as marriage, not concubinage.” Positioned alongside his rueful (but tolerant) treatment of clandestine unions, this allusion becomes particularly evocative. Concubinage, Hostiensis suggests, has become the dirty

⁴⁴⁴ *Alia autem non matrimonium sed stuprum praesumitur, nisi voluntas propria suffragaverit & alia vota succurrerint.* Hostiensis, *Summa Aurea* 4.2.13, 1256.

little secret of Church marital regulations, despite the centuries of Christian invective hurled at its Roman vestiges. Without a clear theological line between clandestine and official marriage, canonists had, in the end, remained unable to fundamentally eradicate the Roman way of doing things, a fact of which they remained regretfully aware.

Yet nowhere are the theological conundrums of the thirteenth century apparent than in canonists' treatment of remarriage, more schizophrenic in this period than ever before. On the one hand, widows continued their upward climb to the realms of marital and financial freedom, receiving almost no canonical restrictions upon their ability to remarry. This is partially because it was at this moment that canonists began to take on the gender-neutral language of theologians, viewing second marriages as a general, conceptual issue. From the *Liber Extra* onward, regulations of second marriages became both terse and permissive, tacked onto the end of the larger marital guidelines as almost an afterthought. Widows were assured the right to marry whomever they pleased whenever they pleased, officially freed from any penalty (financial or otherwise) for marrying within the traditional "mourning period" imposed by Roman law.⁴⁴⁵ This was because, as Goffredus de Trano put it, spiritual concerns now trumped any secular (and, in particular, Roman) guidelines when it came to regulating remarriage, meaning that the main operative principle remained Paul's dictum that it is better to marry than to burn.⁴⁴⁶ Such allowances undoubtedly helped widows navigate the various social and fiscal

⁴⁴⁵ See Johannes Teutonicus, *Apparatus* 4.16, Gregory IX *Liber Extra* 4.21 3-4, Goffredus de Trano, *Summa* 4.21.1-2, Innocent III, *Apparatus* 4.21.2-3, Hostiensis, *Commentary* 4.21.2-3.

⁴⁴⁶ *Matrimonium enim reguntur iure poli, non iuri fori....Propterea dici potest quod omnes prohibitiones quod fiunt ex aliqua causa spirituali prerer causas canonicas de matrimonio non contrahendo infra tempus luctus propter sanguinis turbationem.* Goffredus de Trano, *Summa* 4.21.2, *Summa super titulis Decretalium* (Lyon, 1519. Reprint Aalen: Scientia, 1968),195.

difficulties that often prompted speedy remarriage, and even permitted some to reach an unprecedented degree of comfort and autonomy.

This tolerance, however, only extended so far. Other canonical developments of the thirteenth century made it more pragmatically difficult for widowed women to remarry, particularly those who had no hard evidence that their spouse was dead. While death of one's previous spouse had of course always been the basic requirement for widowhood, post-Alexandrian canonists greatly raised the standards of proof for achieving this status, making things drastically more difficult for women whose husbands had long been missing and presumed dead. According to the standard set by Clement III: "No matter how many years this condition persists, they cannot pass canonically to another marriage ... Nor may you permit them by the Church's authority to contract until they are certain that their husbands are dead."⁴⁴⁷ Such certainty, according to subsequent canonists, could only be furnished by testimony of someone who had personally witnessed the husband's death, which could be difficult to obtain for various reasons.⁴⁴⁸ That this policy led to all sorts of questionable unions is, again, evidenced by Hostiensis, who addresses the question of women who marry clandestinely without proof of widowhood. Hostiensis advises against separating these couples, particularly if there is sufficient *fama* attesting to the original husband's demise. He also, however, writes that such marriages should absolutely not be solemnized via public ceremony, for fear of the "scandal" to which they might expose the church.⁴⁴⁹

⁴⁴⁷ Gregory IX, *Decretals* 4.1.19.

⁴⁴⁸ Innocent III, *Apparatus* 4.1.19, Hostiensis, *Commentary* 4.1.19.

⁴⁴⁹ *Sed nunquid in hoc casu publicatur matrimonium secundo contractum in ecclesia non puto: quia scandalum inducere posset.* Hostiensis, *Commentary* 4.1.19, pg. 6.

Perhaps the biggest shift in the canonists' attitude towards remarriage, however, was their newfound anxiety about the blessing of second marriages, a concern that directly emanated from contemporary theological discourse. Recall that it was during this period (between Lombard's *Sentences* and the *Summa Theologica*) that theologians found themselves in the weeds regarding the repeatability of certain sacraments, as it was unclear whether each imparted an indelible "stamp" as did baptism or ordination. Adding to this confusion was the fact that this blessing was still being considered as a possible vessel for sacramental efficacy, making its repetition all the more problematic.

The evolution of this debate can be directly traced in canonical discussions of remarriage throughout the thirteenth century. Thus, for Goffredus of Trano (writing c. 1243) the interdiction of the nuptial blessing exists simply "lest the sacrament be repeated,"⁴⁵⁰ with the clear indication that the blessing and the sacrament were one and the same. Twenty years later, Hostiensis (writing in roughly the same period as Aquinas) includes a strikingly more sophisticated take on the blessing's unrepeatability. Identifying the marriage blessing as a "quasi-sacramental," Hostiensis goes on to argue that it is technically repeatable; nevertheless, he upholds its omission from second marriages on the weight of tradition.⁴⁵¹ Whatever their sacramental logic, thirteenth century canonists universally contend that the blessing is omitted in order to "encourage continence," thus demonstrating the hesitations of Tertullian and Augustine remain alive and well.⁴⁵²

⁴⁵⁰ *Quod ideo prohibitum est ne sacramentum iteretur*. Goffredus of Trano, *Summa* 4.21.1, pg. 196.

⁴⁵¹ Hostiensis, *Commentaria* 4.21.1, 4.21.3; *Summa Aurea* 4.33.

⁴⁵² In Hostiensis' words, *Magistri tamen dicunt utrumque dictum ad exhortationem castitas, alias non vident quare haec benedictio iteranda non sit, quia benedictio quae super homines fit non prohibetur iterari*. *Commentaria* 4.21.1, pg. 48. See also Goffredus de Trano, *Summa* 4.21.1.

With canonists' help, these hesitations also found their way into the more popular discourse on widows and remarriage, in addition to the larger conversation about marriage as a whole. However complex and obtuse these sacramental principles might be, they had practical effects that trickled down into public life, such as the questionability of secret nuptials, or the consequences of marrying a widow upon a cleric's career. Thus, these theoretical issues indirectly influenced very concrete aspects of how people might experience or talk about marriage in real life, influencing, in turn, the way they wrote about it in other modes of medieval discourse.

CHAPTER 4

Sacramental Ambiguities in the Literature of Love and War

It has become cliché to assert that twelfth century authors “invented” the notion of romantic love, and that they simultaneously invented the question of how love should relate to the institution of marriage. There is no doubt that the compatibility of love and marriage is a topic of increasing literary preoccupation from the late twelfth century onward, most famously represented in Andreas Capellanus’s dismissive claim that marriage signals the death knell of love.⁴⁵³ This picture is complicated, however, by the fact that these authors were also attempting to renegotiate the boundaries of marriage itself, specifically with reference to the increased emphasis on sacramental oneness promulgated by theologians and, by extension, ecclesiastical courts. The resulting uncertainty doubtless also had a great impact on Andreas, who repeatedly emphasizes exclusivity and limited dissolubility (including a two-year mourning period for “widowed” lovers) in his rules for non-marital love.⁴⁵⁴

This chapter explores three ways in which this evolving concept of marriage was represented in literature, as well as the ancillary generic concerns that contributed to each portrayal. In particular, it explores how marriage, and the relations between men and women more generally, is portrayed when it is set against the competing interests of

⁴⁵³ *Sed et superveniens foederatio nuptiarum violenter fugat amorem, ut quorundam amatorum manifesta doctrina docetur.* Andreas Capellanus, *On Love*, ed. and trans. P.G. Walsh (London: Duckworth, 1982), 2.4.

⁴⁵⁴ See, for example, 2.6, wherein Andreas bans simultaneous relationships, and 2.8, wherein he imposes a two-year mourning period in the event of a lover’s death.

military and political life, which imposed their own constraints on how matrimony was contracted. Drawing on *chansons de geste*, French romance, and the Trojan romances of Boccaccio and Chaucer, I will argue that the problems of sacramental theology were entirely present in literary depictions of matrimony, creating a matrix of contradictory principles which authors chose to either hide or expose depending on their larger generic interests.

Good Women and Better Theology: Marriage in the *Chansons de Geste*

It is a long-held critical assumption that women, and the social and domestic sphere which they inhabit, are of little importance to the *chansons de geste*, relegated to the sidelines of the male-dominated military and political scenarios that comprise much of these tales.⁴⁵⁵ As Sarah Kay has noted, however, this idea is grounded in a longstanding over-reliance on the Oxford version of the *Chanson de Roland*, and a tendency to see this text as representative of a genre in which it is, in many ways, a narrative anomaly.⁴⁵⁶ From a more global perspective, women play an integral role in the family and dynastic struggles that drive many *chansons de geste*, particularly in their capacity as potential brides, wives, and widows.⁴⁵⁷ This portrayal of marriage and

⁴⁵⁵ See, for example, W.W. Comfort, 'The Character Types in the Old French Chanson de geste', *PMLA* 21 (1906), 279-434; Edmond Faral, *La Chanson de Roland: Etude et analyse* (Paris: Mellottee, 1934); Ann Tukey Harrison, "Aude and Bramimunde: their importance in the *Chanson de Roland*," *The French Review* 54 (1981), 672-679; Don A. Monson, "The Warrior's Return in the *Chansons de Toile*," *Romance Quarterly* 49 (2002), 242-9;

⁴⁵⁶ Sarah Kay, *The Chansons de Geste in the Age of Romance: Political Fictions* (Oxford: Clarendon Press, 1995).

⁴⁵⁷ The importance of women and marriage in the *chansons de geste* has been increasingly acknowledged in the past thirty years, both independently and on the basis of Kay's seminal work. See especially Finn E. Sinclair, "The Chanson de Geste," *The Cambridge History of French Literature*, ed. William Burgwinkle, Nicholas Hammond, Emma Wilson (Cambridge: Cambridge University Press, 2011), 28-37 and "Loss, refiguration and death in *Raoul de Cambrai*," *French Studies* 57 (2003), 297-310; William Burgwinkle, "Ethical acts and annihilation: feminine heroics in *Girart de Roussillon*," *Women and Medieval Epic: Gender, Genre, and the Limits of Epic Masculinity*. Ed. Sara S. Poor and Jana K. Schulman (New York:

conjugal life, moreover, bears the distinctive markers of the evolving marital theology of their day, thus forming an essential component of the concern for Christian social and political dominance that pervades the *chansons de geste* as a whole.

In the analysis below, I have attempted to avoid any Roland-based confirmation bias by analyzing it alongside other prominent portrayals of marriage and family within the *chansons de geste*. In this process, four specific texts have presented themselves as especially relevant. Of obvious importance is Bertrand de Bar-sur-Aube's *Girart de Vienne* (c. 1180), which recounts Charlemagne's siege of the city of Vienne, brought on by some extreme misbehavior on the part of a remarried widow (who also happens to be Charlemagne's newly-crowned empress). It also functions as a prequel of sorts to the *Chanson de Roland*, giving us a peek at the wartime meet-cute between Roland and Aude, as well as the negotiations surrounding their betrothal. The *Chanson de Guillaume* (c.1140) details both the heroic military exploits of its hero, William of Orange, and his especially felicitous domestic life, presided over by steadfast wife Guiborec. In *Raoul de Cambrai* (composed in three stages over the course of the twelfth and early thirteenth centuries) we confront the potentially dire consequences of inheritance disputes, as the unfairly-disinherited hero sets off on a self-destructive rampage in order to reclaim what he believes to be his. What's more, this situation is precipitated by the precarious position of Raoul's widowed mother, who faces the choice of either remarrying or losing her son's lands. *Huon de Bordeaux* (mid-thirteenth century) finally, presents us with both a *chanson de geste* love-match and a pre-marital conversion, as the titular hero's

Palgrave Macmillan, 2007), 159-182; Jacques De Caluwé, "L'amour et le mariage, moteurs seconds, dans la littérature épique française et occitane du XIIe siècle," *Love and Marriage in the Twelfth Century*, ed. Willy Van Hoecke and Andries Welkenhuysen, Leuven: Leuven University Press, 1981), 171-182.

quest to redeem himself at Charlemagne's court culminates in his returning home with a Saracen bride.

These texts are also typical in their emphasis on Christian dogma. The heavily religious nature of *chansons de geste* has been a major topic of conversation since the work of Joseph Bédier, and spawning a myriad theories about the potential religiosity of their purpose and origins.⁴⁵⁸ At the surface level, it is clear that these narratives display a conspicuous concern with theological correctness, accompanied by an often surprising degree of complexity in the way that theological tropes are incorporated.⁴⁵⁹ There are, of course, the famous exhortations to martyrdom of *Roland's* Turpin, as well as the heavenly conflagration that arrives to escort Roland himself to heaven. But this religious orientation often goes so far as to include extensive theological treatises, generally placed in the mouth of the story's most admirable hero or heroine. The *Chanson de Guillaume* affords several elaborate "confessions of faith" to its doomed hero Vivien, covering everything from Trinitarian theology to original sin.⁴⁶⁰ In the roughly-contemporaneous

⁴⁵⁸ I am referring to Bédier's now heavily-contested theory that *chansons de geste* originated as narrative accompaniments to pilgrimage routes. Joseph Bédier, *Les Légendes épiques. Recherches sur la formation des chansons de geste*, 4 vol. (Paris: Champion, 1908-1913). Questioned by scholars such as Ferdinand Lot as early as the 1920's, this view has given way to a variety of theories about interconnected traditions of oral composition, such as Joseph Duggan's application of Milman Parry's thesis regarding ad-hoc, piecemeal recitation-composition in Ancient Greek epic poetry. For a summary of this critical evolution, see Michel Zink, *Introduction à la littérature française du Moyen Âge* (Paris: Librairie Générale Française, 1993), 39-43.

⁴⁵⁹ In this vein, Jean Subrenat has recently demonstrated that, as opposed to being a mere appendage to the military strength of Christian armies in *chanson de geste*, Christian faith and theology is the main quality that distinguishes Christian warriors from their Sarrasin rivals, driving the sense of Christian superiority that prompts the genres many tales of conversion. Jean Subrenat, "L'esprit de conversion dans les chansons de geste françaises," *Ce nous dist li escriis ... Che est la verite. Etudes de littérature médiévale offertes à André Mosan*, ed. Miren Lacassgne, Aix-en-Provence: CUERMA, 2000), 263-276.

⁴⁶⁰ For example: "Deus, rei de glorie, qui me fesis né/E de la sainte virgne, sire, fustes né/ En treis persones fud tun cors comandé/ E en sainte croiz pur peccheurs pené, Cele e terre fesis e tere e mer, Soleil e lune, tut ço as comandé/E Eva e Adam pur le secle restorer./ Si verreiment, sire, cum tu es veirs Deus/ Tu me defent, sire, par ta sainte bunté/ Que al quor ne me puisse unques entrer/Que plein pé fuie pur la teste colper/Tresqu'a la mort me lais ma fei garder/ Deus, que ne la mente, pur tes saintes buntez." *La chanson*

Raoul de Cambrai, it is Raoul's mother Alais who gets to show off her theological acumen, prefacing what should be a simple prayer for forgiveness with a meditation on universal atonement.⁴⁶¹ These texts express not just Christian supremacy but real theological know-how, which in turn becomes assimilated into the goodness and uprightness attributed to their heroes.

This theological refinement is brought to bear on the way the *chansons de geste* imagine marriage, betraying a clear preoccupation with key sacramental principles. In the *chansons de geste*, a "good" marriage is one that follows current sacramental thinking to a fault, in particular the all-important ingredients of mutual consent and lifelong exclusivity.⁴⁶² Marriage in the *chansons de geste* has often been seen as a strictly secular and dynastic affair, and to a certain extent such a claim can be supported.⁴⁶³ Aude, for example, is regularly treated as a bargaining chip in the alliance between Roland and her brother Olivier, both in the *Chanson de Roland* (wherein she is briefly used as a threat in the dispute between the two comrades) and its quasi-prequel *Girart de Vienne* wherein her engagement to Roland is used to secure peace between her family and Charlemagne

de Guillaume, texte établi, traduit et annoté par François Suard (Paris: Lettres gothiques, 2008), 800-812. See also 2034-2047, Vivien's deathbed confession, in which he also includes a meditation on salvation.

⁴⁶¹ "Glorieus Diex qi en crois fustes mis/ Si com c'est voirs q'al jor del venredi/Fustes penez qant Longis vos feri/Por pecheors vostre sanc expandi." *Raoul de Cambrai*, ed. and trans. Sarah Kay (Oxford: Clarendon Press, 1992), 141-144.

⁴⁶² As Dorothea Kullman has observed, this general concordance with Church policy also holds true for the more practical dictates of canon law, such as consanguinity prohibitions. Dorothea Kullman, "Le rôle de l'Eglise dans les mariages épiques," *Charlemagne in the North: Proceedings of the Twelfth International Conference of the Société Rencesvals, Edinburgh, 4th to 11th August 1991*, ed. Philip E. Bennett, Anne Elizabeth Cobby and Graham A. Runnalls (Edinburgh: Société Rencesvals, 1993), 177-187.

⁴⁶³ Though it should be noted that certain authors, such as Linda Patterson, do concede that *chansons de geste* do engage with, and often conform to, emerging ecclesiastical marriage regulations. Linda Patterson, "L'épouse et la formation du lien conjugal selon la littérature occitane du XIe au XIIIe s.: mutations d'une institution et condition féminine," *Culture and Society in Medieval Occitania*. (Farnham: Ashgate, 2011), 425-442.

and thereby end the siege of Vienne).⁴⁶⁴ A similar arrangement seems to have precipitated the nuptials of Aude's mother, who is "given" to her father as part of a land deal with Charlemagne.⁴⁶⁵

Yet such feudal negotiations seem only to be acceptable to the extent that they do not conflict with ecclesiastical marriage principles, and unions made exclusively on secular grounds are often ill-founded or suspect. The indiscriminate wife-swapping of *Girart de Roussillon* (exchanging two royal brides who were already being used to solidify ties between France and Constantinople) leads to disastrous infighting between Charles Martel and his vassals, as do *Girart de Vienne*'s hastily arranged nuptials between Charlemagne and the fickle Duchess of Burgundy. When Huon de Bordeaux's brother marries a local lord's daughter so as to increase his territorial holdings he conveniently overlooks his new father-in-law's treacherous politics, precipitating a brutal conflict between the two siblings upon Huon's return from his adventures.⁴⁶⁶ Rather than shoring up political and dynastic bonds, such secularized unions lead directly to violence and disunity, implying that true social cohesion cannot be accomplished without a spiritual component.⁴⁶⁷

⁴⁶⁴ In the Oxford *Roland*, Aude's "bargaining power" is most strongly conveyed through the famous dispute between Roland and Olivier, in which Olivier threatens that "ma gente sorur Alde/Ne jerreiez ja mais entre sa brace." *La Chanson de Roland*, présentation et traduction par Jean Dufournet (Paris: Flammarion, 1993), 1720-1. In *Girart de Vienne* this idea is much more prevalent, as Olivier repeatedly offers Aude's hand in return for peace. See, for example, *Bertrand de Bar-Sur-Aube, Girart de Vienne*, publié par Wolfgang van Emden, (Paris, Picard, 1977), 5120-5.

⁴⁶⁵ *Girart de Vienne*, 30-33.

⁴⁶⁶ *Huon de Bordeaux*, 2509-2511.

⁴⁶⁷ As Dorothea Kullman points out, the same could also be said of Bernier and Biautris's marriage in Raoul de Cambrai, which both solidifies peace between two previously warring families and springs from the fully-consenting mutual desire of both parties. Kullman, "Le rôle de l'Eglise dans les mariages épiques," 177-179.

In order for a marriage to be socially beneficial, a particular kind of relationship must exist between the spouses, conforming to the conjugal standards gradually emerging within the schools of theology. The most lauded *chanson de geste* marriage, that between the *Chanson de Guillaume*'s William and Guiborec, emphatically meets all of these criteria, in particular via the couple's mutual, enduring, and spiritually-motivated consent. We are told that Guiborec is to be admired since "there is no wife in Christendom who so served and honored her Lord, or believed so deeply in Christ's word..."⁴⁶⁸ This symbiosis between Guiborec's Christianity and her "good wife" status is further emphasized by William himself, who extols, "Great was the day when I took you for a wife, and great was the day when you were baptized."⁴⁶⁹ Such focus on Guiborec's spirituality could be due to the fact that she is a convert, with pagan relatives out fighting alongside William and Vivien in the field. Yet, in context, such assurances of Guiborec's faith seem explicitly tied to her ability to hold up her half of a Christian sacramental bond, possible only if both spouses form part of the body of Christ. This same trope can be observed in the union of Huon de Bordeaux and his Saracen bride Esclarmonde, whose love for Huon (and desire to marry him) is accompanied by a spontaneous yet seemingly sincere conversion.⁴⁷⁰

A socially favorable marriage is also only possible when both parties are desirous of the union, implying the all-important presence of mutual consent. Such is obviously the case in the deeply committed bond between William and Guiborec. While we are not

⁴⁶⁸ "Il n'i out tele femme en la crestienté/ Pur sun seignur servir e honorer/Ne pur eshalcer sainte crestienté/Ne pur lei maintenir e garder," 1486-1490.

⁴⁶⁹ "Bone fud l'ore que jo te pris a per, E icele miendre que eustes crestienté," 945-7.

⁴⁷⁰ "Pour voustre amour croirait en Damedei." 6089.

privity to Guiborec's state of mind at the moment when she married William, by the time the action of the story starts she is clearly a consenting party, with the author constantly telling us that during William's battlefield absences she "does not forget her husband."⁴⁷¹ Guiborec's conjugal fidelity ends up having highly beneficial political repercussions, as it is she who holds down the fort while William is off at war and rallies his vassals to join the fight.⁴⁷² Consent is also an important factor in the relationship between Roland and Aude, facilitating and ratifying the important social ramifications of their betrothal. While Aude's consent is strongly implied by her reaction to Roland's death in the Roland cycle in *Girart de Vienne* it is made a major plot point, as Aude falls in love with Roland at the same time as she is being dangled before him as a peace offering. In fact, Aude spends much of the last quarter of the text fretting over the possibility that she may never get to marry Roland, making their betrothal pact (which effectively ends Charlemagne's siege of Vienne) a perfect "marriage" of political and spiritual interests.⁴⁷³

In this vein, *chansons de geste* are also strikingly intolerant of marital irregularity, and take pains to show that all of their "good" marriages were properly officiated. In *Raoul of Cambrai*, the narrator introduces Raoul's father by describing his much-celebrated wedding to Raoul's mother Alais, despite the fact that Alais finds herself widowed thirty lines into the tale.⁴⁷⁴ The betrothal of Aude and Roland, as recounted in

⁴⁷¹ "Dame Guiburc nel mist mie en oblier/ Ele sout en l'Archamp Willame al curb niés," 1229-30

⁴⁷² Indeed, Guiborec even recruits troops for William's army by promising them good and noble wives, solidifying her role as provider of social cohesion through marriage. See *Chanson de Guillaume*, 1384-97.

⁴⁷³ For example, when Aude thinks that Roland has killed her brother, and hence also their chances at marriage: "Ja de Rollant n'iere mes espousée/ la meilleur home qui ainz ceinsist espee/ encois serai, lasse, nonnein velee." 5431-5433.

⁴⁷⁴ "De Canbrisin an droit fié le vesti/ Et mollier belle, ains plus belle ne vis/Tuit l'ostrierent et parent et ami/Noces en firent tex con poés oïr/Dedens la cort au fort roi Loeys/Puis vesqui tant qu'il ot le poil flori/Et quant Dieu plot del ciecle departi." 23-29.

Girart de Vienne, is dually-officiated by both the archbishop and Roland's uncle Charlemagne, portraying the perfect balance of family and ecclesiastical influence recommended in Gratian-era canon law.⁴⁷⁵ And when Huon of Bordeaux finally marries his Saracen princess Esclarmonde, both their wedding and her baptism are officiated by none other than the Pope himself, leaving no doubt as to the sacramental integrity of their bond.⁴⁷⁶

Conversely, dubious or improper unions meet with swift disapproval, as Huon and Esclarmonde learn the hard way before making things official. Upon departing for France with Esclarmonde as his bride-to-be, Huon receives a stern exhortation to chastity from his magical comrade Oberon, warning that Huon is absolutely not to consummate his relationship with Esclarmonde before they are properly wed.⁴⁷⁷ When the lusty young Huon immediately chooses to disregard this advice, the results are instantaneously disastrous: the lovers are shipwrecked, captured, and spend the next several thousand lines trying to win each other back. Through this narrative sequence, the author both acknowledges and rejects the possibility of Esclarmonde as a simple war concubine, laying any doubts to rest through the ecclesiastical perfection of their subsequent marriage.

Marital irregularity receives further censorious treatment in *Raoul of Cambrai*, through the sad back-story of Mersent, the mother of Raoul's comrade Bernier. Legally married to another, Mersent is taken by force by Bernier's father, refusing to be married

⁴⁷⁵ *Girart de Vienne*, 6818-6824.

⁴⁷⁶ *Huon de Bordeaux*, 9058-9084.

⁴⁷⁷ *Jou te desfant, sor les membres coper/Et si tres chier com tu as m'amisteit/ Que tu ne gisse ne n'aiez habieit/ Jusqu'a celle heure que l'avras espozér/Tout droit à Romme, la mirable citeit.* Ibid, 7001-6.

off to yet a third man after Bernard's father tires of her company.⁴⁷⁸ Raoul's attacks on her character (he harshly refers to her as a "*putain chanberiere*") seem refuted only by the fact that Mersent has chosen to remove herself from this chain of conjugal misbehavior by living out the rest of her days in a convent, claiming that Bertrand's father was the only man she truly loved.⁴⁷⁹

The strongest rejection of marital irregularity in the *chansons de geste*, however, is conveyed via their portrayal of widowhood, which seems universally designed to suppress the very irregularity contained in conjugal theology itself. When a *chanson de geste* woman finds herself widowed, there is not even the slightest chance of her remarrying, and therefore also no chance of her upsetting the perfect sacramental design that *chanson de geste* marriage so carefully preserves. No character represents this structure so powerfully as the Oxford *Roland's* Aude, who, upon hearing about her fiancé's death, perfunctorily and conveniently drops dead.⁴⁸⁰ In fact, Aude stays alive just long enough to reject Charlemagne's offer of an alternative (and socially superior) marriage partner, thus emphatically squashing any notion of a third-party addition to her union.⁴⁸¹ In so doing, she also provides a narratively miniturized parallel to Roland's

⁴⁷⁸ Recounted by her son Bernier in *Raoul de Cambrai*, 1670-81.

⁴⁷⁹ *Ibid.*, 1328-1342.

⁴⁸⁰ For our purposes it is interesting to note that, in the past fifteen years, Aude's death, as well as the brief monologue that precedes it, has been increasingly seen as a profound statement of female alterity within the male-dominated feudal system, and as a protest against the use of women as objects of exchange within this social realm. See Anne Paupert, "'Dame, ne parlez tant!' Les mots des femmes dans la *Chanson de Roland*," *Tra Italia e Francia. Entre France et Italie. In honorem Elina Suomela-Härmä*, ed. Enrico Garavelli, Mervi Helkkula, Olli Välikangas et Marja Ursin (Helsinki: Société néophilologique: 2006), 357-368, and Joseph Long, "'C'est mot mei est estrange...' La belle Aude and the irreducible difference of words," *Nottingham French Studies*, 38 (1999), 114-119.

⁴⁸¹ "Alde respunt : 'C'est mot mei est estrange/Ne place Deu ne ses seinz ne ses angles/Après Rollant que jo vive remaigne!'/Pert la culor, chet as piez Carlemagne/Sempres est morte. Deus ait mercit de l'anme!/Franceis barons en plurent e si la pleignent." 3717-3722 It is striking that in the Paris *Roland*, where Aude is afforded a thousand-odd more lines of dialogue, her place in the narrative remains exactly

great self-sacrifice, further linking them together on a representational plane. The fact that Aude is Roland's fiancée, not his wife, reflects an additional bit of theological caution, given that many early theologians and canonists (in particular Ivo of Chartres) remained ambivalent as to the indissolubility of betrothals.⁴⁸² This fiancé-as-widow motif also comes into play after the death of *Raoul of Cambrai*'s titular character, whose betrothed vows to live out the rest of her days in a convent rather than marry another.⁴⁸³

“Good” widows of the *chansons de geste* can follow a variety of paths, so long as they do not so much as entertain the possibility of remarrying. Bramimonde, who spends most of the *Chanson de Roland* on the wrong religious and political side, manages to attain “good widow” status by not only rejecting her late husband's religion, but also but rejecting the possibility of a subsequent marriage through her entrance into a convent. A “good widow” may also remain in the secular world, so long as she leaves no doubts as to her good marital intentions. Such is the case of Alais, Raoul of Cambrai's quasi-saintly mother, who responds to the news that Louis intends to marry her off to another by fainting, crying, and unequivocally refusing.⁴⁸⁴ Her unswerving devotion to her son

the same: she laments Roland's death, pledges her fidelity, and dies. See *La Chanson de Roland: The French Corpus*, ed. Joseph J. Duggan (Turhout, Brepols, 2005), 5776-6017. See also Duggan, “L'épisode d'Aude dans la tradition en rime de *la Chanson de Roland*,” *Charlemagne in the North: 273-279*.

⁴⁸² See pages 132-3 of this text. Further, as Marianne Cramer Vos points out, the bond between Roland and Aude, as it is portrayed in the text “has nothing to do with the interests, the needs, or even any sort of arrangement between two feudal families,” placing all of the emotional force of their union on something more numinous. Marianne Cramer Vos, “La mort soudaine d'Aude, icône féminine, dans le *Roland d'Oxford*,” *Charlemagne in the North: Proceedings of the Twelfth International Conference of the Société Rencesvals, Edinburgh, 4th to 11th August 1991*, ed. Philip E. Bennett, Anne Elizabeth Cobby and Graham A. Runnalls (Edinburgh: Société Rencesvals, 1993), 375-385.

⁴⁸³“ Por seul itant qe je fui vostre amie/ N'avrai signor en trestoute ma vie. ’

Lors chiet pasmée, tant par est esbahie/ Tos la redrese la riche baronie.” 3679-81.

⁴⁸⁴ *Dame A. vers terre s'enbroncha/Plore des iex, j. grant soupir jeta/Ses conseillers a itant demanda: 'Hé Diex !' dist ele, 'mal mandemant ci a !' ”* *Raoul de Cambrai*, 174-7.

throughout the tale (despite his various instances of bad behavior) helps solidify her perfect fidelity to her original marriage, and the lifelong singularity of her marital vows.

“Bad widowhood,” on the other hand, is rarely represented in the *chansons de geste*, but when it is the repercussions are globally, almost outlandishly dire. In *Girart de Vienne*, the recently-widowed Duchess of Burgundy immediately announces herself to be “bad news” by arriving at Charlemagne’s court in explicit search of a new husband, claiming that since “sorrow restores nothing” she needs “a living man to rule my great lands as is required.”⁴⁸⁵ Throughout the tale the Duchess’s mindset betrays a striking mix of shrewd practicality and fickleness. Initially promised to the handsome young Girart, she begs social inferiority when Charlemagne attempts to claim her for himself, asking that she be given a husband more befitting her lower station.⁴⁸⁶ Her choice, however, turns out to be motivated at least as much by lust as by propriety, and when Girart rebuffs her many advances she is more than happy to wed Charlemagne, claiming “I would prefer to be crowned Queen of France, so lauded, than to remain a Duchess for the next fourteen years.”⁴⁸⁷ Still smarting from Girart’s rejection, she engages in a series of petty and spiteful actions that result in armed conflict between Charlemagne and Girart, culminating in the deadly siege of Vienne. Lascivious, capricious, quick to forget her late husband: the Duchess-turned-Queen reads as a laundry-list of ecclesiastical “bad widow” stereotypes, tearing apart Charlemagne’s Christian empire just as her second marriage destroys the sacramental integrity of her first union. What is interesting is the

⁴⁸⁵ “*En duel fere n’a nul recovrement/ ...Après le mort m’en covient .i. vivant/ car mes174-7tier a ma terre d’aide grant.*” 1257-1262.

⁴⁸⁶ “*Vos porroiz hautement marier/ en fille a roi ou a duc ou a per/ et endroit moi me restuet a garder.*” 1311-1313.

⁴⁸⁷ “*Muez veu ge estre roine coronnee/ seul .xv. jorz, de France la loee/ que .xiiii anz duchoisse estre clamee.*” 1406-1408.

degree to which these theological concerns are privileged over the Duchess's perfectly legitimate feudal concerns, namely her need for a male protector and political figurehead. After all, the Duchess's plea for a new husband is explicitly grounded in both tradition and political necessity, specifying that without a speedy remarriage (a practice that has been licit "since the time of Moses") she will "lose too much of the lands that are [hers]." The fact that she so quickly comes to embody ecclesiastical anxieties about remarried women, and that these qualities cause her character to become so entirely destructive and reprehensible, goes to emphasize the incompatibility between these two different discourses on widowhood.

The *chanson de geste*, on the whole, betray an extremely particular relationship to Christian marital theology, in particular its various slippages and anxieties. Absent are the concubines and clandestine unions that so haunted the theology of this period, and when the possibility of such relationships is entertained, it is radically (and often violently) subverted. Rather, marriage in the *chanson de geste* appears as a perfect, internally coherent ideological system, which can usually—but not always—be harmonized with the political and dynastic needs of feudal kingdoms. While it might be tempting to see such theological dominance as an early victory for Duby's "ecclesiastical model," the narrative reality does not allow for such neat distinctions, as the aristocratic dominance portrayed in these tales often outweighs any abstract clerical privilege.⁴⁸⁸ A more convincing perspective might be to orient this depiction of marriage within Sharon Kinoshita's theory of a "crisis of non-differentiation" between pagan and Christians in the *chansons de geste*, wherein a variety of narrative devices are deployed "[to conceal]

⁴⁸⁸ Again, see Duby, *Medieval Marriage: Two Models from Twelfth Century France*.

the instability unsettling each side of the confessional divide.”⁴⁸⁹ This is because confessional differences, while compelling sources of conflict, are also an inherently unstable binary system, as they can be erased (as they occasionally are in *chansons de geste*) by conversion. One way of concealing such instability, of course, would be to portray Christian social life in perfect keeping with the Church’s theological dictates, and to suppress any internal inconsistencies that might trouble the waters.

Romance Marriage and the Sacramental Alternative

In treating the role of marriage in medieval romance I do not mean to provide an account of “courtly” love or marriage, partially out of recognition that the idea of “courtliness” may well have much more to do with nineteenth-century critical concerns than those of the twelfth and thirteenth centuries.⁴⁹⁰ Rather, my aim is to discover how the portrayal of matrimony changes when the action shifts from the battlefield to, yes, the “court,” and the relationships between men and women that are depicted therein. Thus, I have narrowed my focus to, first, narrative texts, and, second, works that make romantic relationships a primary focus, set against the backdrop of feudal life and military conflict. While it is obvious that these depictions of male-female relations owe much of their particularity to contemporary trends in poetry and other non-narrative forms, it is also true that they bear clear resemblance to the emerging notion of one-on-one sacramental union, whereby the two lovers are united in an eternal, unbreakable bond that supersedes

⁴⁸⁹ Sharon Kinoshita, “Pagans are wrong and Christians are right”: alterity, gender, and nation in the *Chanson de Roland*,” *Journal of Medieval and Early Modern Studies* 31 (2001), 79.

⁴⁹⁰ For two sides of the long and tortuous arguments for and against the existence of medieval “courtliness,” see Moshé Lazar, *Amour courtois et 'fin'amors dans la littérature du XIIe siècle* (Paris: Librairie C. Klincksieck, 1964) and David Hult, “Gaston Paris and the Invention of Courtly Love.” *Medievalism and the Modernist Temper*, ed. R. Howard Bloch and Stephen G. Nichols (Baltimore: Johns Hopkins University Press, 1996), 192-224.

other forms of social commitment.⁴⁹¹ Unlike in *chansons de geste*, this intangible union is only partially integrated into the institution of marriage as a whole, and is often placed at odds with matrimony's social and political aspects. This incongruity, moreover, seems to result directly from the major inconsistencies within the conjugal sacrament itself, in particular those resulting from representational anxieties vis-à-vis the Christ-church paradigm.

A brief identification of sources is in order here, as the narrative context of the ensuing tales is somewhat complicated, especially as some exist in several interrelated versions. Obviously, much attention is paid to the well-known Arthurian romances of Chrétien de Troyes (c. 1130-1190), in particular *Erec et Enide*, *Cligés*, *Lancelot*, and *Yvain*. The glorification of marriage and romantic love in these texts finds an interesting counterpart in the roughly contemporaneous *Roman d'Eneas* (c.1160), an anonymous retelling of Virgil's *Aeneid* by way of Ovid's *Metamorphoses*.⁴⁹² This text is especially noteworthy for its greatly expanded portrayal of Eneas's bride Lavinia, who (in contrast to her role as a wordless marital pawn in the Latin original) transforms the bloody second act of Virgil's text into a sighing, starry-eyed love story. A slightly different perspective is offered by Marie de France (c. 1160-1210), whose *lais* forthrightly consider the romantic possibilities of extra-marital love. In particular, *lais* have been selected that

⁴⁹¹ The rise of "mutual love" as an ideal in the theology and literature of this period has been noticed by June Hall McCash. However, it has not yet been explored in relation to the sacramental theology of marriage. See June Hall McCash, "Mutual Love as a Medieval Ideal," in *Courtly Literature: Culture and Context*, ed. Keith Busby and Eric Kooper (Philadelphia: John Benjamins Publishing Company, 1990), 429-438.

⁴⁹² For clarity, I will be distinguishing between these two texts by preserving the original spelling of their title characters: Aeneas for Virgil's latin *Aeneid* and Eneas for the French *Roman d'Eneas*. The Ovidian subtext of the *Roman d'Eneas* can be traced to *Metamorphoses* 13.623-14.608 (often referred to as "Ovid's *Aeneid*"), wherein Ovid retells Aeneas's wanderings and his affair with Dido.

place adulterous relationships in direct opposition to marriage, creating what I refer to here as an “alternate” marital sacrament. This kind of alternative, or even superior bond is very much apparent in the final narrative cluster under examination: the complex, winding story of Tristan and Isolde. This theme is traced through the major versions of this story from Thomas of Britain (c. 1170), Bérout (c. 1175), Gottfried von Strassburg (1210), and the *Prose Tristan* (c.1235), wherein it emerges as one of the main characteristics of Tristan and Isolde’s story.

As in *chanson de geste*, marriages are often introduced as ways of gaining lands, titles, or power, and it is not unusual for these motivations to result in a happy match. Before Erec and Enide become mutually-besotted spouses, their marriage is rather dryly negotiated between Erec and his future father-in-law, whose sole concerns are for Enide’s social status and material comfort.⁴⁹³ The same can of course be said for the hard-won betrothal of Lavinia to Eneas, whose political motives for seeking Lavinia’s hand are just as important as in Vergil’s original text. Even when a politically-arranged marriage acts as an obstacle to the lover’s true happiness, as in the case of Fénice and Cligés, practical considerations are still seen as more a part of the solution than the problem. One of Fénice’s spoken objections to her arranged marriage with Cligés’s uncle, Aliis, is that it threatens Cligés’s own claims to the throne, and among her many pledges of fidelity and love is the promise that “my love for Cligés is such that I would rather be dead and buried

⁴⁹³ *Erec et Enide*, 504-690, in Chrétien de Troyes, *Œuvres complètes*, éd. Daniel Poirion, Anne Berthelot, Peter F. Dembowski, Sylvie Lefèvre *et al.* (Paris, Gallimard, 1994).

than see him lose a penny of what is rightfully his. May no child of mine ever cause him to be disinherited.”⁴⁹⁴

One of the obvious innovations of this genre—indeed, one of its defining features—is the extent to which lovers profess and perform their amorous sentiments, behavior traditionally associated with the notion of “courtly love.” While it has long been recognized that such pronouncements contain a certain spiritual component, there is also a clear sacramental influence at play, particularly in their narrative association with marriage. Romance spouses do not simply declare their passionate love and devotion, they dissect and codify these feelings, with the sacramental principles of indissolubility and numerical perfection acting as an underlying rubric. When Lavinia reflects upon how much easier it would be if she could simply split her affection between Aeneas and Turnus, awarding its sum total on the victor, she quickly realizes that love does not work this way. Love, rather, “issues exclusively from one single person to another; once you try to incorporate a third party, love wishes to have no part in it.”⁴⁹⁵ The bond created by this exchange of sentiments, moreover, is much more than just symbolic. As Chrétien takes pains to explain in the case of Fénice and Cligés, true love effects an actual, unbreakable exchange of “hearts,” whereby, though a perfect union of desire, lovers’ hearts join “as many voices singing come together as one.”⁴⁹⁶ Cligés and Fénice later

⁴⁹⁴ “*Mes je n'ai pas Cligés si vil/ que mialz ne vuelle estre anteree/ que ja par moi perdre danree/ de l'enor qui soe doit estre.*” Cligés, 3170- 73. In Chrétien de Troyes, *Œuvres complètes*.

⁴⁹⁵ “*Buene amors vait tant seulement d'un seul a altre senglement/puis qu'on i vuelte le tierz atraire/ puis n'i a giens amors que faire.*” 8285-8287.

⁴⁹⁶ “*Bien puet estre li voloirs uns/ Et s'a adés son cuer chascuns/ Aussi con maint home divers/ Pueent ou chancenete ou vers/ Chanter a une concordance.*” 2841-2846.

provide experiential proof of this principle, each claiming that their heart had followed the other during Cligés's adventures at Arthur's court.⁴⁹⁷

It would be a tidy picture if these claims to exclusivity and unity were entirely folded into the institutional aspect of marriage, and would confirm the frequent claims that romance (particularly that of Chrétien) sought to "Christianize" the adulterous passion of the troubadours.⁴⁹⁸ It is true that several aspects of Chrétien's work support this idea: the high-ranking church officers who appear to officiate the unions of his lovers, his apparent difficulty in completing the adulterous tale of Lancelot and Guinevere. There is also evidence, moreover, that Chrétien fully understood the difference between a legitimate and a more dubious sort of marital union, and took pains to place his lovers in the former category. The clandestine elopement of Enide's cousin, for example, provides a negative counter-example to the lawful bond of the two main protagonists, which, as Enide is quick to point out, was carried out openly with the enthusiastic consent of her parents.⁴⁹⁹ By contrast, her cousin's liaison is the result of

⁴⁹⁷ Cligés claims, "*fu mes cors sans cuer an Bretaigne/ puis je parti d'alemaigne/ ne soi que mes cuers se devint/ mes que ça après vos s'an vint/ ça fu mes cuers et la mes cors*" (5165-5169), to which Fénice responds, "*n'onques en bretaigne ne fui/ et si a mes cuers sanz moi fet/ an bretaigne ouan maint bon plet*." (5190-5192)

⁴⁹⁸ It has long been argued that Chrétien was a trailblazer in the narrative linkage of love and marriage, which was likely (but not necessarily) influenced by contemporary theological discourse. This broad-strokes theory has of course seen its share of detractors, who argue that love in Chrétien's texts often destabilises marriage (or vice versa). See Karl-Heinz Bender, "Beauté et mariage selon Chrétien de Troyes. Un défi lancé à la tradition," *Mittelalterstudien: Erich Köhler zum Gedenken*, ed. Henning Krauss and Dietmar Rieger (Heidelberg: Carl Winter Universitätsverlag, 1984), 31-43; Barbara Nelson Sargent-Baur, "Erec's Enide: sa fame ou s'amie'?" *Romance Philology* 33 (1980), 373-387; Dorothea Kullman, "Hommes amoureux et femmes raisonnables. *Erec et Enide* et la doctrine ecclésiastique du mariage," in *Arthurian Romance and Gender*, ed. Friedrich Wolfzettel (Amsterdam: Ropopi, 1995), 119-129; Peter S. Noble, *Love and Marriage in Chrétien de Troyes* (Cardif: University of Wales Press, 1982). All of this may be added to Moishe Lazar's blanket description of love in Chrétien as "amour courtois conjugal." Lazar, 100.

⁴⁹⁹ When Enide's cousin mistakenly refers to Erec as her "*ami*," Enide curtly responds, "*Bele cosine, il m'espousa/si que mes peres bien le sot/ et ma mere qui joie en ot*." 6242-6245.

clandestine vows made solely between the couple themselves—vows which so unstable that the young lady is forced to basically imprison her lover so as to keep him by her side.

Yet for the most part this distinction is not so clearly drawn, even in the “marriage positive” works of Chrétien. In *Cligés*, marital lines are blurred even in the ultra-orthodox partnership of Alexander and Soredamours, whose mutual profession of love serves as a sort of “alternative wedding” to their real, church officiated nuptials. In a scene that bears all of the indicators of a fully sacramental joining, Alexander pledges to his beloved that he is “wholly hers,” while Guinevere (their informal “officiant”), intones “I give you your beloved’s body, since you already possess her heart. Whether people are unhappy about it or not, I give you to each other.”⁵⁰⁰ This makes their actual wedding several lines later rather confusing and redundant, given that, according to both the laws of theology and the technical dictates of canon law, they are already fully married.

All of this prefigures the dizzying complications negotiated by Cligés and Fénice, whose union embodies the full range of ambiguities embedded in contemporary marital theory.⁵⁰¹ Already the result of a broken engagement (the implications of which are explored above), Fénice’s “marriage” to Cligés’s uncle Aliis is rendered potentially null by its lack of consummation, which, according to Fénice, means that she is “wrongly called by the name of wife.” For Fénice, consummation appears to be the effective agent

⁵⁰⁰ Alexander: “*Mes puet cel estre an nul androit/ cele pucele ne voldroit/ que je suens fusse n’ele moie/ s’ele de li rien ne m’otroie/ totevoies m’otroi a li.*” (2309-2313) To which Guinevere replies: “*Je t’abandon/ Alixandre, le cors t’amie/ bien sai qu’au cuer ne fauz tu mie/ Qui qu’an face chiere ne groing/ l’un de vos deus a l’autre doing/ tien tu le tuen et tu la toe.*” (2326-2331) In Chrétien de Troyes, *Œuvres complètes*.

⁵⁰¹ It is the opinion of David Shirt that “the matrimonial imbroglio in which Chrétien places his three main protagonists in the second part of *Cligés*... highlights the very same sort of thorny legal problems which his ecclesiastical contemporaries” were solving. David J. Shirt, “Cligés: A Twelfth-Century Matrimonial Case-Book?” *Forum for Modern Language Studies* 18 (1982), 79.

in a binding (and sacramental) marital bond, a point she drives home through several unfavorable remarks about her romance counterpart Isolde. The fault of Isolde, according to Fénice, is that “one man had her heart but her body was divided between two,” a fate that she (Fénice) swears will never be hers as “my heart and my body will never be separated.”⁵⁰² Theologically speaking, Fénice is of course walking a fine line, as it was unclear in this period whether consent or consummation effected full sacramental indissolubility.⁵⁰³ This is perhaps why, despite her assurances that she is no one’s “wife,” Fénice is reluctant to run off with Cligés, and why Chrétien is extremely coy about whether or not the lovers consummate their union during their clandestine sojourn.

This ambiguity is also perhaps why Chrétien takes discernible steps to set up a sort of parallel marriage between Fénice and Cligés, containing all of the quasi-sacramental bond that is notable absent from the politically-motivated union of Fénice and Aliis. After the “heart exchange” noted above, Fénice pledges herself to Cligés as only a free single woman could do, using language that is deeply reminiscent of the “pre-nuptials” of Alexander and Soredamours: “Yours is my heart and yours is my body, and no one can ever accuse me of villainy. When my heart chose you, it gave my body to

⁵⁰² “*Que ses cuers fu a un entiers et ses cors fu a dues rentiers/ ensi tote sa vie usa/ n’ onques les deus ne refusa/ ceste amors ne fu pas resnable/ mes la moie iert toz jorz estable/ car de mon cors et de mon cuer n’ iert ja fet partie a nul fuer.*” (2135-3143) Fénice’s frequent comparisons of herself to Isolde have of course not escaped the notice of contemporary scholars, particularly those who argue (as Peter S. Noble has) for Chrétien’s “horror of adultery” as a driving force in his portrayal of marriage. See Noble, 31. It has also been suggested that Chrétien’s engagement with the Tristan narrative results from an attempt to problematize the absolute distinction between love marriage and contract marriage, which he attempts to harmonize in the union between Fénice and Cligés. See Alexandre Micha “*Tristan et Cligès*,” in *De la chanson de geste au roman* (Genève: Droz, 1976 (63-72). And then there is of course the simple question of “anxiety of influence,” due to the possibility that Chrétien himself possibly wrote a version of Tristan and Isolde (now lost) and therefore did everything possible to distinguish Cligés and Fénice from the Tristan-Isolde paradigm.

⁵⁰³ See pages 104-5 of this text.

you as well, and promised that it would never be shared with anyone else.”⁵⁰⁴ After this, Fénice and Cligés continue to exhibit all of the behavior of a faithful married couple, with Cligés even going into a widowesque sort of mourning during Fénice’s brush with death. And while Chrétien does not tell us whether the lovers were sexually intimate while in hiding together, he does tell us that “all their desire was in common, as if they were one and the same,” thus assuring that the “consent” part of the equation was firmly in place.⁵⁰⁵

This creation of a parallel marriage is a strategy employed again and again throughout romance literature, often used to attenuate or obscure an adulterous situation. This is certainly true of the marriage-positive Chrétien, whose Lancelot and Guinevere share all of the sacramental fidelity that Guinevere and Arthur lack.⁵⁰⁶ While the royal spouses share only one scene in the entirety of the narrative (the major action of which being Arthur sending his wife away as a hostage), Lancelot and Guinevere are in a constant transcendent state of togetherness, characterized between the same sort of heart-body union that exists between Chrétien’s married (or eventually married) paramours. The famous “adulterous” tryst between Lancelot and Guinevere is punctuated by a

⁵⁰⁴ “*Vostre est mes cuers vostre est mes cors/ ne ja nus par mon essanplaire/ n’aprendra vilenie a faire/ car quant mes cuers an vos se mist/ le cors vos dona et promist/ si qu’autres ja part n’I avra.*” 5234-5239.

⁵⁰⁵ *Einsi est lor voloirs comuns/ con s’il dui ne fussent que uns.*” 6327-6328.

⁵⁰⁶ While it is the overwhelming scholarly consensus that Chrétien was uncomfortable with his adulterous subject matter, scholars have long puzzled over how this discomfort manifests itself in a text ostensibly dedicated to celebrating their love. Simon Gaunt, for example, sees an apologetic strategy at work, whereby Lancelot and Guinevere’s love sows “social and political benefits by ensuring that Lancelot’s great deeds of chivalry continue.” Gaunt, *Love and Death in Medieval French and Occitan Courtly Literature: Martyrs to Love*, (Oxford: Oxford University Press, 2006), 104-128. Likewise, Sandra Pierson Prior’s observations of Chrétien’s desperate attempts to safeguard the honor of Lancelot and Guinevere by displacing the shame of their adultery onto others. See “The Love that Dares Not Speak Its Name: Displacing and Silencing The Shame of Adultery in *Le Chevalier de la Charrete*,” *Romantic Review* 97 (2006). Others have argued that Chrétien’s disapproval redounded negatively on his portrayal of Lancelot in particular, rendering him by turns treacherous, ridiculous, or generally questionable. See Noble, 65-77.

familiar-sounding exchange of hearts, with Lancelot leaving both his body and heart behind the next morning.⁵⁰⁷ Guinevere's non-existent relationship with Arthur, moreover, is matched by Lancelot's unswerving fidelity, through which he proves that, whatever naked and willing *demoiselle* may crawl into his bed, his "one and only heart was no longer his own for he had given it away to one woman and could not share it with another."⁵⁰⁸

This "parallel marriage" strategy is also employed by authors who are more discernibly comfortable with extra-marital relationships, leading to genuine confusion about the rules and boundaries of legal matrimony. In the *Lais* of Marie de France, legitimate spouses are easily displaced by adulterous lovers, with the adulterous union clearly portrayed as truer and more indissoluble match.⁵⁰⁹ This is especially true when the marriage in question is undertaken for exclusively dynastic reasons. The *malmariée* of *Yonec*, for example, is selected exclusively so that her husband might produce heirs and pass along his heritage—an aim in which he fails, in fact, as the marriage remains

⁵⁰⁷ "Ses cuers adés cele part tire/ ou la reïne se remaint/ n'a pooir que il l'an remaint/ que la reïne tant li plest/ qu'il n'a talant que il la lest/ li cors s'an vet, li cuers sejourne/ droit vers la fenestre s'an torne/ mes de son cors tant I remaint/ que li drap sont tachié et taint/ del sanc qui cheï de ses doiz." *Le Chevalier de la Charette*, 4700-4709 in Chrétien de Troyes, *Œuvres complètes*.

⁵⁰⁸ "Li chavaliers n'a cuer qu'un/ et cil n'est mie ancor a lui/ einz est comandé a autrui/ si qu'il nel puet aillors prester." (1234-1237)

⁵⁰⁹ The exact nature of Marie's stance towards love and marriage is famously hard to pin down. Moïse Lazar considered her to be a key figure in the "moral" transformation of courtly themes as they moved from north to south, suggesting that she took a positive view of marriage and a dim view of adultery. Lazar, 174. Jean Flori has argued, Marie takes a pervasively neutral stance towards the relationship between marriage and love, wherein the two are neither mutually exclusive nor inevitably linked together. Jean Flori, "Amour et société aristocratique au XII^e siècle: l'exemple des *Lais* de Marie de France," *Le Moyen Âge* 89 (1992) 17-34. Then there is the question of whether Marie intended her portrayal of women and marriage as a sort of proto-feminist subversion tactic, expressing "the reaction of the misused and oppressed woman" within a patriarchal marriage market that trades women for purely feudal purposes. See Dafydd Evans, "Marie de France, Chrétien de Troyes, and the *malmariée*," *Chrétien de Troyes and the Troubadours: Essays in Memory of the Late Leslie Topsfield*, (Cambridge, St Catharine's College, 1984), 159-171.

childless.⁵¹⁰ A child is produced, however, by the lady and her shape shifting lover Muldumarec; their union is so perfectly fusional that he manages to assume her shape in order to receive the Eucharist in her place. Thus no one objects when this child, Yonec, avenges his father's death by killing his mother's legal spouse, whom his mother, with her dying breath, refers to simply as "this old man."⁵¹¹ In *Milun*, a similar act of vengeance is avoided by a stroke of narrative convenience, through which an extraneous spouse meets an extremely timely demise. Like Yonec's parents, Milun and his beloved begin a non-marital affair that results in the birth of a child, who is sent away to be raised in secret when the lady is married off to another. When the child, now reunited with his father, learns of the circumstances of his birth, his solution is simple: "I will kill the lord to whom my mother is married, and I will see to it that you marry her."⁵¹² Arriving to find the lord already dead, the son is so assured of the justice of this outcome that he unites his parents in marriage himself, as if merely confirming the "true" marital union that had existed all along.⁵¹³

Even more firmly displaced is the legitimate marriage of *Guigemar's* adulterous lady, which vanishes without a trace as her extra-marital relationship takes on increasingly marital characteristics. Sensing their impending separation, the lovers form a "covenant" in order to assure their mutual fidelity, through which they literally bind each other with articles of clothing that only the other might undo. The fact that the lady

⁵¹⁰ *Pur ceo k'il ot bon heritag,/femme prist pur enfanz aveir/Quë après lui fuissent si heir* (18-21). *Lais de Marie de France*, trad. Laurence Harf-Lancer, ed. Karl Warnke (Paris: Librairie Générale Française, 1990).

⁵¹¹ *C'est vostre pere que ici gist/Que cist villarz a tort ocist.* 535-6.

⁵¹² *"Sun seignur qu'ele a ocirai/E espuser la vus ferai."* 499-500.

⁵¹³ *"Senz conseil de tute altre gent/Lur fiz amdous les asemla,/La mere a sun pere dona."* 526-8.

is already “bound” to another is not mentioned here, nor is it mentioned when the lovers are happily reunited, without apparent obstacle, at the end of the tale.⁵¹⁴

All this obfuscation is particularly interesting in that it exists alongside other *lais* in which marital boundaries are quite clearly defined, as are the consequences for transgressing them. In *Equitan*, the Lord of Nantes enters an adulterous liaison knowing full well that he is headed down a dangerous path—one which leads to his death in a bath of scalding water while trying to escape from the understandably enraged cuckold. In *Le Fresne*, the romantic entanglements are more complicated but still clear in their relationship to marriage. Cut off from her aristocratic roots at birth, the story’s female heroine gamely enters into a domestic arrangement with her princely lover, with the understanding that her lower social status will prevent them from formally marrying. When her true identity is discovered, her beloved’s existing marriage is properly annulled by the archbishop, a solution that is only possible because (in accordance with the hazy decrees of canon law) it has not been consummated. And then, of course, there is the near-bigamy of *Eliduc*, wherein the eponymous hero juggles a faithful wife and a long-distance lover until the two are brought face to face, bringing the numerical instability of his situation to the forefront. While it is unclear (in both theological and canonical terms) how Eliduc’s wife is able to simply “release” her husband from his marital bond in order to marry his mistress, it is clear that multiplicity of partners is a major taboo, and that neither relationship may continue while the other exists.⁵¹⁵

⁵¹⁴ Marie simply tells us, “*A grant joie s'amie en meine/Ore ad trespasse sa peine,*” strongly implying that Guigemar and his lady plan to live together happily ever after. 881-2.

⁵¹⁵ Such triangular relationships have been taken as further proof of Marie’s proto-feminist stance on marriage. It has been suggested by Nora Cotille-Foley Marie seeks to subvert the ecclesiastical stereotype

The notion of an alternative marriage also forms one of the main components of medieval romance's most famous adulterous couple—Tristan and Isolde—and is stable enough to exist across the many of the fragmentary versions of their story.⁵¹⁶ Just as the narrative famously plays with the technical nature of truth (Isolde's trial by fire, her theoretically true pronouncements of fidelity while Mark watches from the shadows) it also plays with the technical boundaries of marriage, displacing the sacramental aspects of matrimony onto Tristan and Isolde's adulterous union.⁵¹⁷ Part of the reason that this is so successful is that Isolde's marriage to Mark is so exclusively defined in political terms; in Gottfried von Strassburg's version, their wedding is literally described as the joining of two kingdoms, with Isolde "receiv[ing] what was due to her, namely...Cornwall and England."⁵¹⁸ Tristan and Isolde, by contrast, are joined by a less formal but seemingly

of adultery in which "love triangles mostly involved a woman, her husband, and her lover." Nora Cottille-Foley, "The structuring of feminine empowerment: gender and triangular relationships in Marie de France," *Gender Transgressions: Crossing the Normative Barrier in Old French Literature*, éd. Karen J. Taylor (New York: Garland, 1998), 155.

⁵¹⁶ For a nuanced analysis of the divergences between these major versions, see Joan M. Ferrante, *The Conflict of Love and Honor: The Medieval Tristan Legend in France, Germany, and Italy* (The Hague: Mouton, 1973).

⁵¹⁷ The marital resonances of Tristan and Isolde's relationship have recently been noticed by Tracy Adams, who argues that, by constantly speaking in technical truths about her relationship to Tristan, Isolde is "accusing Christian feudal society of failing to provide appropriate emotional models for lovers to the detriment of the individual and society." Tracy Adams, "Love and Charisma in the *Tristan et Iseult* of Bérout," *Philological Quarterly* 82 (2003), 5. Brian Blakey has likewise explored how, by adhering to the historically literalist approach to oath-swearing, Bérout's lovers remain "honorable beyond reproach." Brian Blakey, "Truth and Falsehood in the *Tristan of the Bérout*," *History and Structure of French: Essays in Honour of Professor T.B.W. Reid*, ed. F.J. Barnett, A.D. Crow, C.A. Robson, W. Rothwell, S. Ullman (Oxford: Basil Blackwell, 1972), 19-30.

⁵¹⁸ Gottfried von Strassburg, *Tristan, with the "Tristan of Thomas"*, ed. and trans A.T. Hatto (New York: Penguin Classics, 1960), 3453.

. The story of Tristan and Isolde is thus alternately seen as a critique of feudal marriage schemes, or, in Douglas Kelley's more neutral words, "the tragedy of the way in which a feudal marriage, a common source of harmony among peoples, produces strife within a family. Douglas Kelly, *Medieval French Romance* (New York, Twayne, 1993), 14. Likewise, Peggy McCracken has noted ways in which Isolde plays into understandings of queenly adultery more broadly, in which Isolde's betrayal "exposes the anxious tension provoked by a system that locates political order in the sexual purity of women." Peggy McCracken, *The Romance of Adultery: Queenship and Sexual Transgression in Old French Literature* (Philadelphia: University of Pennsylvania Press, 1998), 117.

more binding agent: the love potion which, in an striking substitution, was intended to solidify the marital bond of Isolde and Mark. In every major version of the tale, this potion is credited with effecting a mystical, indissoluble oneness, instantly rendering the lovers (in Gottfried's text), "one heart... with a single will between them."⁵¹⁹ Even in Beroul's version, where the potion has a two-year efficacy period, Tristan describes its effects as utterly consuming, making it impossible for him and Isolde to be separated from each other whether they wish it or not.⁵²⁰ And while the weakening of the potion's effects might mean that Tristan and Isolde no longer feel overpowering physical desire for each other, it is by no means the end of their bond. Before their impending separation they even engage in a quasi-marital exchange of gifts and vows, thus extending the indissolubility of their union beyond the potion's effects.⁵²¹

This symbolic gift-exchange is another detail that (in various forms) is preserved across different versions of the narrative, and is one of the many ways in which Tristan and Isolde participate in conjugal rituals and regulations.⁵²² There is, of course, the couple's "wedding night" after consuming the potion, which is preserved in all its symbolic value by the substitution of Isolde's virginal handmaid Branigan on Isolde's

⁵¹⁹ Gottfried, *Tristan*, Hatto, 3330. Likewise, in the Prose Tristan, Tristan and Isolde are said to be of "totally united in feeling" *Le roman de Tristan en prose*, ed. Renée Curtis, v2 (Cambridge: Brewer, 1985), 446.5-6.

⁵²⁰ *Q'el m'aime c'est par la poison/ Ge me ne pua de lié partir/ N'ele de moi.*" 1384-6. *The Romance of Tristan by Beroul*, ed. Stewart Gregory (Amsterdam: Rodopi, 1992).

⁵²¹ In explaining the exact effects of the potion's absence, Isolde says that while the sexual relationship between them might be over, she still loves Tristan and does not regret their past (Beroul, 2323-2330). When parting from each other, Tristan exchanges his dog Huisdant for Isolde's ring, after pledging their enduring love (2681-2732).

⁵²² In the surviving parts of Thomas's version, we see Isolde bequeathing Tristan her ring so that "our love may never die (51)," and then Tristan rediscovering this ring, and the deep promise that came with it, after his regrettable marriage to Isolde of the white Hands (440-452). The first part of this sequence is paralleled in Gottfried's version (18286-18358).

official wedding night with Mark.⁵²³ This scenario is echoed by Tristan's sexless wedding night with Isolde of the White Hands, a marriage that seemingly cannot be consummated because of Tristan's existing connection with *la belle Isolde*. Tristan's failed marriage, in many ways, only serves to reinforce the idea of a "marital" connection between him and Isolde, given that the woman he has chosen is almost, but not quite, similar enough to his beloved to erase the problem of sacramental multiplicity⁵²⁴. Finally, as if to place the strength of their symbolic bond beyond question, there is the fact that Tristan and Isolde are said to die at the same moment, a fact which Marie de France directly attributes to the fact that their love was "so true and so pure."⁵²⁵

Of course, not all romance lovers meet such a perfectly entwined fate, which begs the familiar question: what to do with the surviving party once one half of their sacramental equation has passed on. The answer in this case is particularly evocative, as it seems to reconfirm the displacement of marriage's sacramental functions onto a couple's amorous sentiments. In brief, the more a couple is perceived to be "in love," the greater the taboo on a subsequent marriage for the surviving party—most usually, the widow. As in the case of Aude, the easiest way for a widow to display such good

⁵²³ Branigan's bedroom switch is found in Gottfried's version (12576-12650); in the *Prose Tristan* one given reason for the switch is that (beyond Isolde's fears that her lack of virginity will be discovered) Isolde could not forget Tristan, whom she loved with all her heart. *Roman de Tristan*, 485.20.

⁵²⁴ Tristan's consideration of Isolde of the White Hands as a possible "substitute Isolde" is preserved at length in the Oxford fragment of Thomas's *Tristan*, wherein Tristan explicitly frames his marriage as a way to "free [himself] of the bond" (214) he shares with Isolde, given that Isolde is currently sharing the bed of her "wedded husband." (221) His choice of spouse is explicitly motivated by the fact that she share's Isolde's name, a way of thinking he later deigns to be spurious when he "remembered the pact he made with [Isolde], (460-1)" which means that, whatever he does now, he will be betraying one of the Isoldes. Thus, despite the fact that he "married her in due and proper form at the church porch, (478-9)" he cannot rightfully consummate the union. See *Tristan*, ed. Gregory, pg. 9-29.

⁵²⁵ *Je l'ai aussi trouvée dans un livre/ l'histoire de leur amour si parfait/ qui leur valut tant de souffrances/ puis les fit mourir le même jour. Chèvrefeuille*, 7-10. See also Thomas's *Tristan*, Oxford fragment 1, 3037-3086 (Gregory edition, pg. 155-9).

monogamous intentions is to swiftly follow her husband to the grave. When the seamlessly fusional union of Soredamours and Alexander is terminated by Alexander's death, Soredamours dies almost immediately thereafter, too consumed by grief to go on.⁵²⁶ The same is true (in yet another case of parallelism between *Tristan* and *Cligés*) for Gottfried von Strassburg's Blanchefor, who hangs on just long enough to give birth to Tristan before succumbing to heartache.⁵²⁷ When death is not an option, protestations of perpetual fidelity will do in its place. One of the ways in which Enide proves herself to Erec is by refusing the Count of Limours' advances after Erec's "death," displaying all of the proper grief and steadfastness of a good Christian widow.⁵²⁸

In keeping with this revised notion of romantic indissolubility, a couple need not be married to activate such expectations. By dying at the same moment, Tristan and Isolde manage to conclusively bury any doubts as to the identity of Isolde's true partner,⁵²⁹ avoiding the awkward possibility that Isolde might continue her dubious bond with Mark. Lancelot and Guinevere each threaten suicide when the other is presumed dead, obviating any similar misgivings about Guinevere's already non-existent relationship with Arthur. And Yonec's mother manages to speak volumes through her silent death, falling into a swoon on her dead lover's grave after ordering the demise of her actual, legal husband.⁵³⁰

⁵²⁶ "Soredemors tel duel en ot que après lui vivre ne pot/ de duel fu morte avoeques lui." (2605-2607)

⁵²⁷ Gottfried, *Tristan*, 1711-1750.

⁵²⁸ *Erec et Enide*, 5497-4907. The status of this moment as a sort of temporary widowhood has been noticed by Virginie Greene, "Le deuil, mode d'emploi, dans deux romans de Chrétien de Troyes," *French Studies* 52 (1998), 257-278.

⁵²⁹ Puns continue to be intended.

⁵³⁰ "Sur la tumber cheï pasmee/ En la paumeisun devia/Unc puis a humme ne parla." 544-7.

These expectations become more complicated when the lady's relationship to her former partner is lukewarm or uncertain, at which point the other major concerns of widowhood—those involving political dynasty or protection—often enter the narrative fray. Such is the case for *Yvain's* Laudine, who has already been made a widow when she is first presented to the reader.⁵³¹ To be sure, Laudine initially exhibits all of the proper monogamous intentions, commending her husband's soul to God and claiming that she will never meet his equal.⁵³² And while she is initially adverse to the possibility of remarriage (claiming that, like many of her romance sisters, she would rather join her husband in the grave), the line of reasoning that convinces her is remarkably practical: "How will you defend your land, when King Arthur arrives here?"⁵³³ This concern is repeated by Laudine's seneschal when he proposes her marriage to Yvain to the local nobility: "A woman cannot hold a shield, nor can she fight with a lance."⁵³⁴

It is only after Laudine's remarriage has been presented as a political necessity (and roundly approved by the members of her court) that Chrétien confirms Laudine's love for Yvain, simultaneously assuring us that their marriage was made "honorable"

⁵³¹ As Rebecca Hayward points out, romance widows in general walk a particularly fine line, given that their identity is defined by the mutually exclusive poles of eternal fidelity and falling freshly in love by the tale's end. Chrétien walks this line with particular caution, portraying Laudine as the perfect widow who only gives in to new love after heavy persuasion. Rebecca Hayward, "Between the Living and the Dead: Widows as Heroines of Medieval Romances," in *Constructions of widowhood and virginity in the Middle Ages*, ed. Cindy L. Carlson and Angela Jane Weisl (New York: St. Martin's press, 1999), 221-243.

⁵³² "Biau sire, de vostre ame/ ait Dex merci, si voiremant/ com onques au mien esciant/ chevaliers sor cheval ne sist/ qui de rien nule vos vausist." (1286-1290)

⁵³³ When Laudine proclaims, "Mon vuel/ seroie je morte d'enui" (1604-5), Lunete responds, "Vostre terre, qui desfandra/ quant li rois artus I vendra?" (1617-18)

⁵³⁴ "Fame ne set porter escu/ ne ne set de lance ferir." (2089-9) The strikingly pragmatic sense of Laudine's decision has also been noted by Noble, who argues that Laudine's expressed need for a male protector is included so as to make her subsequent marriage more palatable. Noble, 51-2.

through the license of Laudine's lords.⁵³⁵ In the resulting domestic and political arrangement, Yvain is presented as having utterly supplanted Laudine's former husband—in Laudine's bed as well as in the hearts of the people—all despite the fact that he is the man's killer.⁵³⁶ And yet, Yvain and Laudine are never said to share the kind of heart-and-body union enjoyed by Chrétien's other couples, and Laudine's "love" for Yvain is never deeply explored.⁵³⁷ While clearly peeved by her husband's extended absence, her anxieties, once again, revolve much more around her kingdom's security. Laudine's remarriage, therefore, is a carefully-wrought, ambiguous affair, emphasizing the political imperatives for a second marriage while avoiding any inconvenient details that might hint at a true "double joining."

Without a doubt, the most complex portrayal of widowhood is that of *Eneas's* Dido, partially because she inherits many of the tortuous complexities of Vergil's original text.⁵³⁸ Commonly seen as a cautionary foil for the reciprocal, socially-constructive love between Eneas and Lavinia, Dido also embodies all of the ambivalent expectations imposed upon widowhood, which makes it difficult to classify her as a clear "positive" or "negative" example.⁵³⁹ On the one hand, the *Eneas* author does clearly portray the Dido

⁵³⁵ "Ce qu'ele feïst tote voie/ qu'amors a feir li comande/ ce don los et consoil demande/ mes a plus grant encor le prant/ mes a plus grant enor le prant/ qant congié en a de sa gent." (2140-2144)

⁵³⁶ "Mes or est messire Yvain sire/ et li morz est toz obliez/ cil qui l'ocist est mariez/ sa fame a, et ensamble gisent/ et les genz ainment plus et present/ le vif c'onques le mort ne firent." (2166-2171) Chrétien de Troyes, *Yvain*, in *Œuvres complètes*.

⁵³⁷ We are told that Yvain "left his heart behind" when he departed from Laudine to seek adventure—though, given the length of his absence, we might easily assume that he can do without it. See 2641-3. Additionally, Tony Hunt has argued that Chrétien "made yvain's love for Laudine just about as ambiguous as could be" Tony Hunt, *Chrétien de Troyes: Yvain* (London: Grant and Cutler, 1986), 53.

⁵³⁸ Again, I will be distinguishing between these two texts by referring to Virgil's hero as Aeneas and that of the French tradition as Eneas.

⁵³⁹ For example, Marilyn Desmond has argued that "Dido's story...requires a narrative correction in the story of Lavinie." Marilyn Desmond, *Reading Dido: Gender, Textuality, and the Medieval "Aeneid"* (Minneapolis, University of Minnesota Press, 1994), 115. Nicole Chareyron has likewise claimed that Dido

episode so as to pave the way for Eneas's subsequent marriage to Lavinia, leaving him as free as possible to form a wholly fusional bond with his new bride. Unlike Vergil, the *Eneas* author does not depict Dido and Eneas's moment of sexual consummation as a potential marriage—a possibility that, though a combination of present consent plus consummation, might have been both canonically and theologically valid. This detail is matched by the striking absence of Creusa from Eneas's account of his flight from Troy, in particular the attempted triple-embrace of her ghost. Eneas's marital history is thus narratively erased, mitigating any sacramental encumbrances that might damage his union with Lavinia.

Dido's marital history, on the other hand, is conspicuously present, in a greater and more deliberate sense than in the Virgilian original. While in both the Roman d'Eneas and Virgil's *Aeneid*, Dido has made a vow of perpetual fidelity to her late husband, the medieval Dido spends much more time telling us about it: thirty-five lines to Vergil's fifteen.⁵⁴⁰ Moreover, while the Virgilian Dido's vow is limited to the possibility of remarriage, the medieval Dido's promise is much broader, promising “never to give to another the love I have pledged to my lord.”⁵⁴¹ Such an alteration both makes it possible for Dido to break her vow without Eneas consenting to formally marry her, and reaffirms the *Eneas* author's admonition (strikingly absent from Vergil) against placing faith in

and Eneas are meant to show *desequilibre de faux couple*.” Nicole Chareyron “Amour, couple et mariage dans l'*Eneas*,” *Perspectives médiévales* 14 (1988), 7-11.

⁵⁴⁰ *Aeneid* 4.22-27, 4.33-40; *Roman d'Eneas* 1290-1325.

⁵⁴¹ “*Anceis parte terre soz mei/et tote vive me transglote/feus del ciel m'arde trestote,/que ge altrui doigne m'amor,/que ge promis a mon seignor;/ge li donai, si l'ot et ait,/ne l'en sera par mei tort fait;/ge n'ai mais soing d'altrui amer, /que qu'il m'en estuiee endurer.*” *Le roman d'Eneas*. Édition critique d'après le manuscrit B.N. fr. 60, ed and trad. Aimé Petit (Paris, Librairie générale française, 1997), 1312-1320.

women's fidelity, as they "quickly forget the dead."⁵⁴² The *Eneas* author is generally more apt to place blame upon Dido than Vergil, who merely hints at a possible "fault" on Dido's part when casting doubt upon the reality of her marriage to Aeneas. In the medieval version, by contrast, we are frequently reminded that Dido has acquitted herself poorly through her entanglement with Eneas, an opinion that she herself eventually comes to share.⁵⁴³ When Dido turns away from Eneas during their confrontation in the underworld, the *Eneas* author tells us that she does so specifically due to the shame she feels at breaking faith with her first husband, "for she lied to him when she promised him her love."⁵⁴⁴

At the same time, the *Eneas* author also takes pains to emphasize the political and military challenges Dido is facing at the moment of Eneas's arrival, which makes her decision to unite herself with Eneas both pragmatic and understandable.⁵⁴⁵ Military protection is in fact the chief advantage cited by Anna in recommending Eneas as a romantic partner, yet another departure from the Virgilian text. While Vergil's Anna does remind her sister about the disgruntled leaders (and spurned suitors) that surround

⁵⁴² "Fols est ki en femme se fie,/molt a le mort tost oblie;/ja ne l'avra si bien amé, puis foit del vif tôt son dépo/en nonehaleir a mis le mort." (1600-4)

⁵⁴³ As David Shirt points out, part of the sense of Dido's culpability comes from the comparative lack of divine intervention in the medieval tale, which place the full blame for Dido's behavior in Dido herself. David J. Shirt, "The Dido episode in *Eneas*: the reshaping of tragedy and its stylistic consequences," *Medium Ævum*, 51 (1982), 3-17.

⁵⁴⁴ "Por ce qu'el li aveit mentie/ la fei que li aveit plevie." (2657-8)

⁵⁴⁵ The linkage between Dido's romantic identity and political identity has also been seen as Megan Moore as a way of redeeming her character, as "while Dido's critics condemn her for succumbing to her love for Eneas, she is universally praised for her sense in seeing that as a powerful widow she must remarry." Megan Moore, "Chrétien's Romances of Grief: Widows and Their Erotic Bodies in *Yvain*," in *Masculinities and Femininities in the Middle Ages and Renaissance*, ed. Frederick Kiefer (Turnhout: Brepols, 2009), 101-116.

Dido on all sides, her medieval counterpart goes one step further, assuring her sister that her enemies “will destroy her sooner or later.”⁵⁴⁶

It is reasonable, moreover, that such an argument would be persuasive to Dido, given the lengths to which the *Eneas* poet goes to paint her as a devoted and competent leader—particularly given the perceived limitations of her gender. The poet places Dido’s leadership qualities front and center, introducing her by declaring, “The lady Dido maintained better than a count or marquis would have done. No country or kingdom was ever better ruled by a woman.”⁵⁴⁷ The perils of this sort of gendered leadership might be gleaned from the lines immediately following, which recount Dido’s flight from her native Tyre at the threat of her murderous brother.

For all her impregnable walls and clever diplomacy, Dido, as a widowed woman, is clearly not in a strong leadership position, a situation that Eneas could rectify if she were to marry him. Unlike Laudine, however, she foregoes legitimate marriage in favor of a poorly-hidden extramarital liaison, simultaneously putting her people in jeopardy and conforming to the ecclesiastical stereotype of the libidinous, socially irresponsible widow. It is unclear, of course, whether Dido would have done better to seek legitimate marriage with Eneas, given the vows of fidelity to her late husband that bind her on the other side. In this way Dido’s situation perfectly embodies the feudal rock and theological hard place between which medieval widows often found themselves: encouraged to remarry in order to ensure heritage and protection, discouraged from doing so in order to ensure the sacramental integrity of their original marriage bond.

⁵⁴⁶ “*Por ce vos ont coillie en he/ acoillen t vos de mainte part/ confondront vos o tost o tard.*” 1362-4

⁵⁴⁷ *Dame Dido tint la pais/ miez nel traitast cuens ni mareliis/ onc ne fu mais par une femme/ miez maintenue enprs ne regne. Roman d’Eneas* 378-81.

The Curious Case of Troilus and Criseyde

Finally, a brief but intensive analysis must be made of medieval romance's most tangled tale of non-marital relationship, the Trojan romances recounted by Boccaccio and Chaucer. Widowhood, concubinage, possible clandestine marriage: the story of Troilus and Criseyde reads as a guided tour of the margins of medieval Christian matrimony, wherein the marital sacrament is made present through its conspicuous absence.⁵⁴⁸ While it has been argued that Boccaccio's Criseida is markedly less scrupulous than Chaucer's Criseyde, both characters engage palpably with the labyrinthine social and ideological imperatives that govern their romantic possibilities, all of which are placed in subtle relation to Christian marital thought.⁵⁴⁹

Most obviously, there is the invention of Criseida's widowhood, a trait introduced by Boccaccio and amplified by Chaucer that guides Criseida/Criseyde's choices from the instant she is introduced into the narrative.⁵⁵⁰ In Boccaccio's text, Criseida's widowhood is one of the first concrete pieces of information we are given about her, placed in conjunction with the weak, undefended position in which she finds herself after her father's treachery. In Chaucer's retelling, both of these factors are palpably augmented. His Criseyde makes her appearance as an exaggerated sort of super widow, falling before

⁵⁴⁸ As with the dueling Aeneas/ Eneas narratives treated above, I will be referring to each set of characters through their original spelling: Troilus and Criseyde for Chaucer's lovers, and Troilo and Criseida for Boccaccio's.

⁵⁴⁹ It has generally been argued that Chaucer sees the story of Troilus and Criseyde through more of a moral framework than Boccaccio, who offers, in David Wallace's words, "an amoral fantasy of love." David Wallace, *Chaucer and the Early Writings of Boccaccio* (Woodbridge, Suffolk: D.S. Brewer, 1985), 74. See also Barbara Nolan's assessment of the *Filostrato* as "morally open": *Chaucer and the Tradition of the "Roman Antique"* (Cambridge: Cambridge University Press, 1992), 119-154.

⁵⁵⁰ For a fuller treatment of the relationship between the *Filostrato* and Troilus and Criseyde, as well as Boccaccio's relationship to his earlier sources, see David Wallace, *Chaucer and the Early Writings of Boccaccio* (Woodbridge, Suffolk: D.S. Brewer, 1985), 73-105.

Hector “in widewes habit large of samit broun” to beg his protection, “for bothe a widowe was she, and allone.”⁵⁵¹ In both versions Criseida/ Criseyde is said to live very appropriately for her station, though it is clear that, in Chaucer’s tale, widowhood makes up a much more significant portion of Criseyde’s identity. When first glimpsed by Troilus, she is said to be clad “in widewes habite blak,” a detail repeated by Chaucer when he recounts the “shames drede” Criseyde experiences when she feels the eyes of the temple crowd upon her.⁵⁵² Most interestingly, Chaucer also demurs on the question of whether or not Criseyde and her late husband produced any children, a door left pointedly closed in Boccaccio’s tale.⁵⁵³ In so doing, Chaucer deliberately leaves Criseyde ambiguously connected to her previous marriage, accentuating the sacramental baggage with which she would enter any subsequent relationship.

Criseida/Criseyde’s widowhood is also one of the deciding factors in her incipient relationship with Troilus, rendering her an available but complicated potential romantic partner. In Boccaccio’s telling, her status as a widow provides Criseida’s chief initial opposition to beginning an affair with Troilo’s, as she claims (in perfect widowly fashion) that “I have still a sorrowful heart for [my husband’s] grievous death and shall have while I live, calling to memory his departure.”⁵⁵⁴ Just several stanzas later, however, Criseida begins to see widowhood as an argument in favor of abandoning

⁵⁵¹ Geoffrey Chaucer, *Troilus and Criseyde* 96-8, in *The Riverside Chaucer*, ed. Larry Benson (Boston: Houghton Mifflin, 1986).

⁵⁵² *Troilus and Criseyde*, 171; 178-181.

⁵⁵³ Chaucer tells us that “*But whether that she children hadde or noon/I rede it naught; therefore I late it goon*” (2.132-3) Boccaccio, on the other hand, plainly asserts that Criseida was not able to have children. Giovanni Boccaccio, *Il Filostrato*, ed. Vincenzo Pernicone, trans Robert O. apRoberts and Anna Bruni Seldis (New York: Garland Publishing, 1986), 1.15.

⁵⁵⁴ “*Ma poi che ‘l mio sposo/ tolto mi fu, sempre la voglia mia/ da amor fu lontana, ed ho doglioso/ il core ancor della sua morte ria/ ed avro mentre che sparo in vita/ tornandomi a memoria sua partita.*” 2.49

herself to Troilo's affections, reflecting "I am young, beautiful, lovely and gay, a widow, rich, noble, and beloved, without children... Why should I not be in love?"⁵⁵⁵ Criseida, it is important to note, does not see Troilo as a potential second husband, claiming that (for reasons Boccaccio chooses to leave ambiguous) remarrying at this time would be in some way inappropriate. Yet Criseida rejects idea of losing the "liberty" and excitement of single life, for "the joy of love which is hidden surpasses greatly that of a husband always held in one's arms."⁵⁵⁶

Yet adventure is not Criseida's only reason for wishing to keep her liaison with Troilo hush-hush, despite the fact that, in Criseida's words, "I do not so even know another woman without a lover... to do as others is not a sin, and no one can be blamed."⁵⁵⁷ Throughout the affair, Criseida, Troilo, and Pandarus are all exceptionally concerned for Criseida's reputation, in ways that seem specifically linked to her status as a widow. It is directly after ruminating on the freedom permitted her by widowhood that Criseida wonders whether it is "propriety" that would keep her from realizing her feelings for Troilo, leaving us to question whether propriety was also her primary impetus in declaring her undying fidelity to her late husband.⁵⁵⁸ Pandarus, in attempting to convince Criseida of Troilo's sincerity, imagines Troilo asking the God of Love whether he "hesitate[s] to kindle [his] flames under her widow's weeds," suggesting that it would be less improper to "kindle" such flames in the heart of a non-widowed woman. All of this is despite (or perhaps because) of Pandarus's assurances that Criseida's widowhood

⁵⁵⁵ "Io son giovane, bella, vaga e lieta/ vedova, ricca, nobile, ed amata/ senza figliuoli ed in vita queta/ perché esser non deggio innamorata?" 2.69

⁵⁵⁶ "Così d'amor la gioia che sia nascosa/ trapassa assai del sempre mai tenuto/ marito in braccio." 2.73.

⁵⁵⁷ "Io non conosco in questa terra ancora/ niuna senza amante... E come gli altri far non è peccato/ né ne può esser alcun biasimato." 2.70

⁵⁵⁸ "Se forse l'onesta questo mi vieta/ io sarò saggia." 2.69

is precisely what makes her so ripe for the picking, as “my cousin is a widow and has desires, and if she should deny it, I would not believe her.”⁵⁵⁹ Running beneath Boccaccio’s text, therefore, is the familiar notion of a widow as a sexually awakened woman, as well as all of the potentially dangerous avenues for her activated sexuality. Also at play, however, is the lack of options socially available to widows, as both remarriage and unmarried sex both visible threaten Criseida’s cherished sense of honor.

Chaucer, once again, chooses to accentuate these difficulties, particularly as they relate to the social constraints created by Criseyde’s widowhood. From the beginning, Troilus senses that the object of his desires is somehow off-limits, though both he and Pandarus are coy as to exactly how and why. Troilus is in fact so concerned that he is reticent to tell Pandarus that it is Criseyde he fancies, fearing that “harmes mighte folwen”⁵⁶⁰ if his feelings become known. When Pandarus cautions discretion, promising that his only worry should be for Criseyde’s “name,” Troilus continues to fret about the possibility of some unnamed harm he might cause his beloved, swearing that he would rather die than cause Criseyde anything that toucheth harm or any vilenye.”⁵⁶¹

While it has been suggested that such anxieties reflect the precarious position of “courtly” women more generally, there are plenty of clues that Criseyde’s situation is

⁵⁵⁹“*La mia cugina é vedova e disia/ e se ‘l negasse non gliel crederia.*” 2.27.

⁵⁶⁰“*So hyd it wel, I telle it never to mo/For harmes mighte folwen, mo than two/If it were wist; but be thou in gladnesse/And lat me sterve, unknowe, of my distresse.*” 1.612-617

⁵⁶¹“*But herke, Pandare, o word, for I nolde/That thou in me wendest so greet folye, That to my lady I desiren sholde/That toucheth harm or any vilenye;/For dredelees, me were lever dye/Than she of me ought elles understode/But that, that mighte sounen in-to gode.*” 1.1031-7.

more specific, especially when Criseyde herself begins expressing her reservations.⁵⁶² In Chaucer's telling, Criseyde is intensely aware of the behavior required of her as a widow, and deeply hesitant about doing anything to counter these expectations. This is undoubtedly why Pandarus immediately zeroes in on Criseyde's widow's veil when attempting to soften her up for Troilus's advances, encouraging her to "cast your widwes habit to mischaunce" and join him in a dance.⁵⁶³ Criseyde, however, is not so easily convinced, objecting that it is not "a widwes lyf" to dance and make merry, but rather "to budde, and rede on holy seyntes lyves."⁵⁶⁴ If Criseyde sees an advantage to her situation, it is the liberty it affords her to handle her own affairs—though, in contrast to her Italian counterpart, this freedom has nothing to do with the potential for sexual adventures. Rather, Chaucer's Criseyde wishes to avoid the ennui that inevitably comes with marital relations, vowing that "shal noon housbonde seyn to me 'Chekmat!' For either they ben ful of Yalousye, or maisterful, or loven novelrye."⁵⁶⁵ Criseyde's situation is desirable, therefore, so long as she remains within the narrow constraints of "honorable" widowhood, and does nothing to jeopardize her precarious, unprotected position within Trojan society.

It is unclear to what extent Criseyde's reluctance to remarry affects her prospects with Troilus, since Troilus and Pandarus's intentions towards her are famously unclear.⁵⁶⁶

⁵⁶² See Cathy Hume, *Chaucer and the Cultures of Love and Marriage* (Cambridge: D.S. Brewer, 2012), pg. 244-65.

⁵⁶³ "*Quod Pandarus, 'Now is it tyme I wende;/But yet, I seye, aryseth, lat us daunce,/ And cast your widwes habit to mischaunce:/What list yow thus your-self to disfigure,/Sith yow is tid thus fair an aventure?' 2.220-4*

⁵⁶⁴ *Troilus and Criseyde*, 2.117-8

⁵⁶⁵ *Troilus and Criseyde*, 2.755-6.

⁵⁶⁶ As R.W. Hanning notes, Troilus's desires are remarkably hazy compared with Boccaccio's version, where they are clearly enunciated by both Troilo and Pandarus. R.W. Hanning, "Come in Out of the Code:

While it is obvious that Boccaccio's Pandarus is proposing a sexual relationship between Criseida and Troilo, Chaucer leaves things purposefully vague, never precisely naming what Troilus and Pandarus are looking for. As Pandarus puts it, Criseyde is too young and beautiful to focus her love in an exclusively "celestial" direction, and so "it sete hir wel right nouthe, a worthy knight to loven and cheryce."⁵⁶⁷ Criseyde echoes this sentiment in her own reflections, considering that nothing is stopping her from "myn herte sette at reste upon this knight," since she is "nought religious."⁵⁶⁸ Since Criseyde has not followed the idealized widow's path of sworn lifelong continence, she is thus available to Troilus for some sort of liaison, though everyone pointedly avoids spelling out the exact terms. Pandarus assures her that, in rescuing Troilus from his lovelorn angst, she needn't go further than showing Troilus "bette chere," and that he wishes neither to "binde yow to him thourgh no beheste," nor to be Troilus's "baude."⁵⁶⁹ Yet none of this seems to warrant everyone's outsized concern for Criseyde's reputation, the threat to which is also never clearly indicated. Thus, while Boccaccio surrounds his Criseida with equally dangerous alternatives, Chaucer creates an atmosphere of indeterminate danger, suggesting that Criseyde's position is tenuous no matter how she chooses to proceed.

Whatever their intentions going into their liaison, it is clear that they quickly create something of importance and permanence, which throws both Criseida and Criseyde's anti-marital vows into question. Scholars have long entertained the possibility

Interpreting the Discourse of Desire in Boccaccio's "Filostrato" and Chaucer's "Troilus and Criseyde," *Chaucer's Troilus and Criseyde: "Subgit to alle Poesie": Essays in Criticism*, ed. R. A. Shoaf (Binghamton, N.Y.: Medieval & Renaissance Texts & Studies, 1992), pp. 120-37.

⁵⁶⁷ 1.983-6.

⁵⁶⁸ *Troilus and Criseyde*, 2.759-61.

⁵⁶⁹ *Troilus and Criseyde*, 2. 354; 2.359.

of a clandestine marriage between Chaucer's lovers, and W.T. Rossiter has recently made a convincing case for marital undertones in Boccaccio's text as well. To be sure, there is plenty of evidence to support the claim that both versions depict elements of a clandestine marriage ceremony, in particular (as John Maguire has noted) Chaucer's frequent use of church-door liturgical language such as "plight" and "trouthe." On the other hand one needn't go so far as to prove a legally binding marriage between the lovers, given the abundant use, by both Boccaccio and Chaucer, of sacramental imagery and other pseudo-conjugal tropes. In Chaucer's text we find the familiar "exchange of hearts" employed by Chrétien and others, wherein Criseyde dreams that Troilus's heart is literally, surgically implanted in place of her own. Later, Criseyde confirms the effects of this "open heart surgery" to Troilus, swearing, "Ye he so depe in-with myn herte grave, that, though I wolde it turne out of my thought, as wisly verray god my soule save, to dyen in the peyne, I coude nought!"⁵⁷⁰ The perfect union of Troilus and Criseyde is further affirmed by the narrator, who plainly asserts that after their night together the pair "were oon."⁵⁷¹ Boccaccio is equally concerned with creating a numinous, heart-to-heart relationship between his Troilo and Criseida, though he dispenses with the details somewhat more economically. Their parting scene is also punctuated by a mutual remission of heart and soul, with Criseida referring to Troilo and "heart of my body" and Troilo declaring that he has "left his soul" in Criseida's bedroom.⁵⁷² This "soul swap" is revealed to be mutual when Criseida is contemplating her imminent departure, at which

⁵⁷⁰ *Troilus and Criseyde*, 3.1499-1502.

⁵⁷¹ *Troilus and Criseyde*, 3.1405

⁵⁷² "cuor de mio corpo," 3.50; "e teco lascio lo spirito mio." 3.51.

moment “her body was there and the soul elsewhere, seeking Troilo without knowing where.”⁵⁷³

However complete the mystical bond between the two lovers, the practical effects of this union are unclear, most obviously in Criseida/ Criseyde’s eventual betrayal. If canon law is any indicator, clandestine marriages were made to be broken, and so Criseyde/Criseida would simply be enacting a common and contemporary conjugal anxiety. But it is not entirely evident that this is what is happening. On the one hand, both clearly consider their relationship to be of some permanence, a fact vehemently voiced by both Troilo and Troilus when Pandarus attempts to convince him that there are other fish in the sea. The majority of the couple’s responses, however, are far more problematic, and call attention to the extremely ambiguous nature of their union as well as sacramental unity more generally. Of especial importance is the pair’s reluctance, in both versions, to simply run away together, a proposition that should cause minimal strife for fully, legitimately married spouses. Yet their reticence does make certain sense, as Karl P. Wentersdorf points out, if they consider themselves to be clandestinely married, as such unions did not leave one immune to social shaming and punishment.⁵⁷⁴ There is also the fact that both Troilus and Troilo describe the action of carrying off Criseida as “ravishment,” a strikingly technical term that implies an entirely different sort of marital irregularity. Thus, while it is obvious that both parties consider themselves to be in an exclusive and indissoluble partnership, neither seems to know what sort of rights or boundaries this implies in terms of their actual life together.

⁵⁷³ “*Il corpo era quivi e l’anima era altrove/ cercando troiol sanza saper dove*” 4.82.

⁵⁷⁴ Karl P. Wentersdorf, ‘Some Observations on the Concept of Clandestine Marriage in *Troilus and Criseyde*’, *ChaucerReview*, 15 (1980), 101-26.

Yet nothing compares to the complete marital ambivalence of Criseyde/Criseida's assertion, repeated prominently in both versions, that in being forced to leave Troilus she truly becomes a widow. Most obviously, this statement once again begs the question of the exact nature of her relationship to Troilus, tipping the scales back towards full, legitimate marriage. But on a wider plane, Criseyde/Criseida's lament calls attention to the deeper ambiguities inscribed in widowhood and its challenge to the sacramental nature of marriage, especially when we recall the various sacramental nuances to her bond with Troilus. This is doubly true since the details of her first marriage have been kept deliberately off-stage, leaving us to question whether such all-consuming unity existed between her and her late husband. What is striking about this situation is that, in theological terms, Criseyde/ Criseida's statement is defensible, especially in light of Aquinas's admission that a second marriage is only sacramentally imperfect when considered in relation to the sacramental signification of the first. Without information on the nature of the bond between Criseyde/ Criseida and her first husband, the reader is left with the impression that the loss of Troilus would indeed render her, for the first time, a widow. All of this is only possible, of course, because of the extreme ambiguity within conjugal theology itself, whose fault lines only become more exposed when Criseyde/ Criseida destroys this sacramental bond through her betrayal with Diomedes.

It bears noting that this story obviously does not take place within the legal and social confines of Christian Europe, and so technically exists outside the bounds of ecclesiastical marriage regulations. Yet this historical distance seems to work for Boccaccio and Chaucer's purposes, allowing each to play with the doubts and lacunae within the conjugal theory of their time from a standpoint of true liminality. Marriage in

the Troilus and Creseida story is “Christian” in the same way that Troilus and Creseida both are and are not “married,” with the indeterminate meaning of both of these terms left deliberately exposed. By positioning the relationship of their lovers on the boundaries of marital validity, both Chaucer and Boccaccio ask the question of where these boundaries actually exist—or, as Chaucer’s Troilus puts it, “how coude ye with-ouren bond me binde?”⁵⁷⁵

How, when and to what extent one person is bound to another: these were the central practical questions at the heart of the theological debate about the sacrament of marriage, all of which grew increasingly urgent as this theology made its way into the expanding ecclesiastical court system. If Chaucer and Boccaccio show limited interest in concealing the tortuous nature of marriage and marrying, then it is perhaps because they it was becoming more and more impossible to conceal, amply displayed every time a clandestine bride appeared to assert her rights in the courtroom. Such uncertainty, as displayed above, provides plentiful fodder for deconstructing the already ambiguous bonds created by love and sexuality, and for laying bare their tragic potential.

⁵⁷⁵ 3.1358

CHAPTER 5

Theology and “Experience” in the Literature of Laughter

“Marriage is really tough because you have to deal with feelings...and lawyers.”

—Richard Pryor

It’s no surprise that marriage has been making people laugh for centuries, given its confounding mix of legality, social consequence, and chaotic human emotion. These comic possibilities are only expanded, it seems, when sacred signification is added to the mix, particularly via the tortuous avenues of the Christian marital theology. This chapter explores three specific ways in which medieval authors capitalized on marriage’s humorous potential—those displayed in *fabliaux*, French anti-marital polemics (or misogynous literature), and later Medieval comic texts. As a whole, these genres create humor by juxtaposing marriage’s lofty sacramentality with the full spectrum of its messy experience, while simultaneously apposing the various internal inconsistencies within the marital sacrament itself.

Fabliaux

Exploring the role of marital theology in the *fabliaux* means tackling, however briefly, the complicated question of *fabliau* anticlericalism. Priests, in the famous estimation of Per Nykrog, constitute “les bêtes noires” of the *fabliaux*, contributing to the

general attitude that “*plus il est purement ecclésiastique et moins on l’aime.*”⁵⁷⁶ It’s perhaps no accident, moreover, that priestly misbehavior frequently involves some sort of incursion into lay marriages, with twenty-nine total *fabliaux* featuring a clerical *amant* or seducer.⁵⁷⁷ Such statistics make priests far and away the most effective producers of *fabliaux* cuckolds, which, according to Gautier le Leu, constitutes the worst of their many and various failings.⁵⁷⁸ What’s more, a priest’s illicit dalliances are often subject to a very specific sort of comic treatment, providing a humorous foil to his supposedly sacrosanct status. Such is the case in both *Du prestre crucifié* and *Le prestre taint*, each of which portray a priest attempting to escape an angry husband by “hanging himself” on an unfinished crucifix.⁵⁷⁹ As Jean R. Scheidegger points out, both tales also make a point of accentuating the presence of the naked priests’ genitalia, thus parodically complicating the relationship between these lustful clergy members and the divine being they are supposed to literally and figuratively represent.⁵⁸⁰

⁵⁷⁶ Per Nykrog, *Les Fabliaux* (Copenhagen: Munksgaard, 1957), 132. Likewise, D.D.R. Owen theorizes that the characterization of clerics in the *fabliaux* was the jongleurs’ “retaliation for some of the hard knocks which they class had received from the Church.” See D.D.R. Owen, “The Element of Parody in Saint Pierre et le Jongleur,” *French Studies* 9 (1955) 60-63. Philippe Ménard sees a note of “schadenfreude” in the *fabliau* attacks on those in ecclesiastical office, as il semble donc que les *fabliaux* les plus virulents soient à attribuer à des conteurs qui ne sont pas des possédants, bien installés, dans la société.” See Philippe Ménard, *Les Fabliaux: contes à rire du moyen âge* (Paris: Presses Universitaires de la France, 1983), 128. Marie-Thérèse Lorcin has attributed an even more subversive note to the *fabliau* characterization of clerical figures, arguing that the jongleurs’ desire to roast clerics is so strong that they often end up ridiculing the rites and beliefs they represent in the process. Marie-Thérèse Lorcin, “Un prêtre, pour quoi faire? Les rites religieux dans le *fabliaux*: des bribes significatives,” in *Si a parlé par moult ruiste vertu: mélanges de littérature médiévale offerts à Jean Subrenat*, ed. Jean Dufournet, CCMA (Paris: Champion, 2001), 355-65.

⁵⁷⁷ Figure provided by Nykrog, out of sixty-nine “love triangle” *fabliaux* total. Nykrog, 110.

⁵⁷⁸ In particular, this priest is a frequent source of “hone et enui” because “maint prodome avoir fait cous.” Gautier le Leu, *Connebert*, NRCF t. 7 (1993), 215-238 (see especially lines 1-8).

⁵⁷⁹ *Du prestre crucefié*, NRCF t. 4 (1988), 91-106; Gautier le Leu, *Le Prestre Taint, Fabliaux Érotiques*, 266-295.

⁵⁸⁰ Jean R. Scheidegger, “Le sexe du crucifix: littérature, art, et théologie dans Le Prêtre teint et Le Prêtre crucifié,” *Reinardus* 7 (1994), 143-59. It is no surprise that Scheidegger also characterizes these two tales as deeply anticlerical.

The *fabliau* priest, however, does not limit his sexual appetites to married laywomen. All told, seven *fabliaux* also present priests with concubines of their own, a situation that is painted in varying shades of normalcy. In several tales the concubine is portrayed as an ordinary feature of domestic life, occasionally referred to as a wife (*fame*).⁵⁸¹ More often, clerical concubinage is presented in the same way as clerical adultery: as an satirical desecration of the priest's ecclesiastical stature. In *Du bouchier d'Abeville*, a priest responds to his concubine's infidelity by swearing to "never again share [her] bed," an ironic repetition of the vows he supposedly swore when becoming a celibate cleric.⁵⁸² In *De l'evesque qui beneï lo con*, a priest is ordered by his bishop to cast off his concubine (also referred to by the narrator as his "wife"), an order he manages to defy by catching the bishop in the compromising position of "blessing" his own lover's genitalia—in full ecclesiastical Latin, no less.⁵⁸³

To interpret all of this as anti-clerical, however, would be to miss an essential register in the complex modalities of *fabliau* humor: that *fabliaux* likely emerged directly out of the clerical milieu they are supposedly skewering. Scholars have long recognized the possibility that many *fabliaux* were composed by ecclesiastically-trained scholars; four tales even go so far as to identify their authors as clerks.⁵⁸⁴ In this vein, *fabliaux* that portray priests in compromising sexual situations were also participating in one of the

⁵⁸¹ For example, *Do preste qui manga mores: et la fame au preste se pasme*," 62. Most often, however, the priest's concubine is referred to as his "sweetheart" (*meschine*) or simply *amie*.

⁵⁸² "James en ton lit ne girrai," 500.

⁵⁸³ *Li evesque lo con seigna/ et puis a dit: 'per omnia' / Qan qu'il fait la beneïçon/ dit: 'secul seclorum.'* lines 200-1. *De l'evesque qui beneï lo con*, t. 6 (1991), 193-205.

⁵⁸⁴ Charles Muscatine, *The Old French Fabliaux* (New Haven: Yale University Press, 1986), 10; Edmond Faral, *Les Jongleurs en France au moyen age* (Paris: Champion, 1910), 32-43. Also, As Peter Dronke has convincingly demonstrated, *fabliaux* most probably began as a vernacular outgrowth of the 12th century tradition of Latin comedy, a genre produced by and for the clergy. Peter Dronke, *The Medieval Poet and his World* (Rome: Edizioni di Storia e Letteratura, 1984), 145-65.

most prevalent ecclesiastical conversations of their day: the debate over clerical concubinage, as well as the more general concerns about priests' sexuality. Hence, a certain "in joke" quality to *fabliau* ecclesiastical humor, accentuating (in Raymond Eichmann's estimation), the likely distance between idealized canonical laws and humanized social realities.⁵⁸⁵

All of this is corroborated by the fairly regular appearance of orthodox theology in the *fabliaux*—or at least, theological ideas that uphold the basic building blocks of the Christian worldview. By Brian J. Levy's count, the devil makes forty appearances within the total *fabliau* corpus, and, as Philippe Ménard has noted, the sign of the cross will always make him disappear. Several *fabliaux* are also devoted to exclusively theological themes, such as the subversively witty *Saint Pierre et le jongleur*.⁵⁸⁶ Here, Saint Peter sneaks down to the underworld to enjoy a friendly game of dice with a recently-deceased *jongleur*. The *jongleur* convinces Peter to allow him to wager damned souls, and then proceeds to lose spectacularly until every soul has been freed to paradise. In addition to its obvious parodic retelling of the harrowing of hell, the story also turns on an ironic "reversal of holiness," as it is the damned *jongleur*, not Saint Peter, who affects this mass salvation. And yet, the humor here rests entirely on the truth of Christian theology, and a willingness to engage with it on its own terms. The basic plot of the story, that souls are

⁵⁸⁵ Raymond Eichmann, "The 'Prêtres concubinaires' of the *Fabliaux*," *Australian Journal of French Studies* 27 (1990), 207. Some scholars, such as Anne Cobby, take this notion even further, seeing priestly misbehavior in the *fabliaux* as a way of defending Christian principles by mocking those who violate them. While I do not envision the *jongleurs*' intentions to be so pointed, I do take the general point that *fabliau* laughter was intended to be with, as opposed to against, the church. See Anne Cobby, "L'anticléricisme des *fabliaux*," *Reinardus* 7 (1994), 17-29. See also Muscatine, *The Old French Fabliaux*, 93.

⁵⁸⁶ Keith Busby points out that these tales' are paired in several important *fabliau* manuscripts, implying that their common theological motifs would have been easily recognized. Keith Busby, "Fabliaux and the New Codicology," in *The World and its Rival: Essays on Literary Imagination in Honor of Per Nykrog*, ed. By Kathryn Karczewska and Tom Conley (Amsterdam: Rodopi, 1999), 153.

accidentally saved by a dice-playing Saint Peter, could be seen as a comical defense of the notion of *ex opere operato*: that it is grace of the sacrament, not the merits of the one performing it, that effects salvation.⁵⁸⁷

All of this theological orientation is brought to bear on the *fabliau* treatment of marriage, which, in many ways, appears perfectly in keeping with Christian conjugal doctrine. Absent are the troubling realities of clandestine marriage and lay concubinage, so heavily discussed in the canon law of this period.⁵⁸⁸ Rather, *fabliau* couples sedulously follow the Church's recommendation for a dowered and publically-celebrated marriage, with parental approval to boot. In total, six tales portray dowry negotiations as an essential element of the nuptial process. In *Du Valet qui d'aise a malaise se met* we are treated to a lengthy description of the couple's *fiancailles*, culminating with their priest reading the banns.⁵⁸⁹ Other *fabliaux* portray more informal nuptial rites. The *jeunes mariés* in *Joulet* participate in a very public "bedding" ritual, wherein the assembled wedding guests prepare them to consummate their marriage.⁵⁹⁰ Moreover, *fabliau* parents are universally depicted as being involved in—and approving of—their children's conjugal decisions. *Joulet's* marriage is entirely negotiated by the groom's well-intentioned mother, who hopes that the chosen bride's good sense will balance out

⁵⁸⁷ Another excellent example is *Du vilain qui conquist paradis par plait*, wherein a peasant manages to talk his way into heaven by besting both Saints Peter and Thomas in a theological *disputatio*. Here, the joke seems to be that heaven is portrayed as being reserved for the ecclesiastical elite, who may not be deserving of their spot. To each of Peter and Thomas's objections that a *vilain* does not belong in paradise, the peasant is able to provide a corollary reason why they themselves may have been excluded: Thomas's doubting, Peter's denials of Christ. He is also able to provide all of the doctrinally-appropriate reasons why he should be saved: that he has performed good works, remained in good standing with the Church, and received Last Rites. NRCF t.5 (1990), 1-38.

⁵⁸⁸ See pages 147-52 of this text.

⁵⁸⁹ "Le prestre fait ses bans haster/et le don pramet a donner," 277-8. *Du vallet qui d'aise à malaise se met*," NRCF t. 8 (1994), 319-338.

⁵⁹⁰ "Au vespre furent li lit prest;/ la bru se se couche premiers." 114-5, NRCF t.8, 207.

her son's simplicity.⁵⁹¹ In *La houce partie*, the groom's father is so enthusiastic about arranging his son's marriage that he cedes his fortune in order to secure it.⁵⁹²

In following these decrees, however, *fabliau* spouses are also pointedly ignoring other aspects of the marrying process; specifically, anything that reflects matrimony's sacred status. Of the six *fabliaux* that discuss marriage preparations, only three mention a church ceremony, and none do so in any detail.⁵⁹³ The nuptial blessing, which was increasingly considered the *sine qua non* of public nuptials in both theology and canon law, is wholly absent from the *fabliau* marriage, and along with it any reference to marriage as a sacramental entity. And, while *fabliau* parents unquestionably consent to their children's unions, the marrying parties themselves are never consulted, in direct violation of the church's central principle of marriage as a union of free consent.⁵⁹⁴ This omission is not to be overlooked, as it was during this period that consent was emerging as the effective sign of the marital sacrament

These lopsided preoccupations could be (as Marie-Thérèse Lorcin argues) just one manifestation of a marital ideology that makes marriage “*une affaire d'argent avant*

⁵⁹¹See *Jouquet* 1-47.

⁵⁹² see *La houce partie*, 115-192.

⁵⁹³ In *La dame escolliée*, twenty lines of dowry negotiations are followed by two lines describing three couple's church wedding, mentioning simply that they go to church to be wed and exchange nuptial gifts (lines 208-10, NRCF 8, pg. 115). Similarly, the church wedding in *Jouquet* is overshadowed by betrothal negotiations (twenty lines, 26-45), the wedding feast (100-114), and the couple's disastrous attempt at consummation (which lasts from line 154 through the rest of the poem). Of the church ceremony, by contrast, we are told simply “*Epousa la, espousé fu!*” (line 99). Finally, in *Du Valet qui d'aise a malaise se met* the first 170 lines are devoted to the groom's financial preparations and negotiations with his bride's family, whereas the church wedding is once again glossed over with a quick one-line mention: *Ceroit fait k'il l'a espousee*, 296, NRCF 8, 336.

⁵⁹⁴ In several cases (such as *Auberee* and *Le vilain mire*) marriages are conducted against the children's expressed wishes.

tout.”⁵⁹⁵ They could also be part of the more general fixation on “materialism” so often invoked in *fabliau* scholarship.⁵⁹⁶ As Roy J. Percy has demonstrated, however, material concerns in no way exclude the possibility of theological reflection, as the *fabliaux* prove slyly capable of simultaneously operating on both registers.⁵⁹⁷ With regard to marriage, it is unmistakable that the *fabliaux* de-emphasize some aspects of Christian marriage-making while emphasizing others; specifically, anything involving money or social standing. Thus, the Church can have public dowry agreements so long as they give up on marriage’s sacramental components, forcing the question of which is truly important.

This theological parody is also borne out in depictions of actual *fabliau* marriages, which continue to privilege the financial at the comic expense of the spiritual. While it would be going too far to take Nykgrog’s point that *fabliau* marriage is little more than a backdrop for various “*misères conjugales*,” it is certainly true that domestic life has little to do with emotional fulfillment, and even less to do with the Church’s marital goods.⁵⁹⁸ *Fabliau* couples are mostly childless, and when children do appear they are primarily characterized as a financial burden. In *La houce partie*, any joy the couple might feel in the birth of their son is undercut by the husband’s ugly behavior towards his own aging father, which is then reaffirmed by the story’s moral: “a father should never give so much

⁵⁹⁵ Marie-Thérèse Lorcin, “Le mariage dans les fabliaux français,” *Epopée animale, Fable, Fabliaux, Cahiers d’Etudes Médiévales* 83 (1984), 337.

⁵⁹⁶ See Muscatine, *The Old French Fabliaux*, 160-5.

⁵⁹⁷ Roy J. Percy, “Realism and Religious Parody in the Fabliaux: Watriquet de Couvin’s *Les Trois dames de Paris*,” *Review Belge de Philosophie et Histoire* 50 (1972).

⁵⁹⁸ Nykgrog, *Fabliaux*, 187. This point is contested by Ingrid Strasser, who points out that, while *fabliau* couple rarely appear emotionally bonded, there are some examples of domestic harmony—usually when they are working together to best an unwanted extramarital suitor. Ingrid Strasser, “Mariage, amour, et adultère dans les fabliaux,” in *Amour, mariage et transgressions au moyen âge: actes du colloque des 24, 25, 26, et 27 Mars 1983*, ed. Danielle Buschinger and André Crépin (Göppingen: Kümmerle, 1984), 425-33.

to his child that he cannot get it back.”⁵⁹⁹ In *Du valet qui d’aise a malaise se met*, children render marriage such a financial hell that the protagonist closes the tale by swearing that “if he were to get out of this peril, never again would he struggle, by God and the Holy cross—but it is too late, he has tied the knot too tight.”⁶⁰⁰ It should not be overlooked that financial woes cause the spouses to regret marriage’s very indissolubility—the primary effect of the marital sacrament.

Yet far and away, the main locus of conjugal parody in the *fabliaux* is a marital reality notably absent from the lofty realms of sacramental theology: the sexual desires and behaviors of women. The overly sexed nature of *fabliau* women, combined with their often dishonest means of satisfying these desires, has led to a longstanding scholarly dispute over whether *fabliaux* are essentially antifeminist, or whether their rowdy, devious ladies are meant as a celebration of feminine wiles.⁶⁰¹ More recently, this debate has been shelved in favor of a more nuanced line of inquiry: the extent to which these tales reflect and caricature gender constructs more generally. In Simon Gaunt’s opinion, gender in the *fabliaux* functions as a “hierarchical structure,” and, as such, is “artificial and susceptible to manipulation.” It follows, then, that much of the *fabliaux*’s humor springs from an anxiety about the “artificial” nature of male dominance, particularly with regard to sex. As E. Jane Burns has demonstrated, *fabliau* men are often shockingly

⁵⁹⁹ *Ne donez tant a vostre enfant/ que vous n’I puissiez recouvrer,*” line 402-3.

⁶⁰⁰ “*Or dist il, se dieus li aït/ qu s’il isoit de cest peril que ja mais ne s’il rembatroit/ se dieus l’aït et sainte Crois/ mais ne li vaut que c’est trop tart/ il s’est trop fort lachiés el lach.*” Lines 382-6.

⁶⁰¹ For a brief tour of “antifeminism” in the *fabliaux*, see Nykrog, 193-207, Joseph Bedier. *Les Fabliaux*. (Paris, H. Champion, 1895), 324; Brian J. Levy (who argues that female sexuality in the *fabliaux* literally comes from the devil), *The Comic Text*, 170. For the opposite view, see Lesley Johnson, “Women on Top: Antifeminism in the *Fabliaux*?” *Modern Language Review* 78 (1983), 298-307; Raymond Eichmann, *Cuckolds, Clerics, and Countrymen: Medieval French Fabliaux* (University of Arkansas Press, 1982), 8-10; Norris J. Lacy, “*Fabliau* Women,” *Romance Notes* 25 (1985), 318-27.

ignorant about the ins and outs of the female body,⁶⁰² a fact often exposed when women utilize their most dangerous orifice: their mouths.⁶⁰³ Other scholars have noted the frequency with which men are made the dupes in sexual scenarios, bested by the woman's wit (*engin*) or superior sexual prowess.⁶⁰⁴ Whether *fabliau* women are "good" or "bad," therefore, they are most certainly uncontrollable, particularly within the dubious confines of marriage.

What's more, *fabliau* women generally misbehave in a way that directly parodies marriage's sacred or sacramental narrative. Perhaps the most obvious example is the parodic "immaculate conception" of *L'enfant qui fus remis au soleil*, wherein the wife's "sexless" pregnancy is a simple ruse to conceal a tryst in her husband's absence. The ironic nature of this faux-miracle, reaffirmed by the husband's sarcastic remark that the child is "an assurance of God's love," serves to bring the chaste perfection of Mary and Joseph's marriage humorously down to earth, wherein conjugal life involves both sex and the possibility of adultery.⁶⁰⁵ It also hints at anxieties within theological discourse, which struggled to find a place for Mary and Joseph within a sacrament that was partially signified by sexual consummation.

⁶⁰² Again, all puns intended

⁶⁰³ As Burns puts it, "Women's words can expose the fraud of male knowledge...in many key instances *fabliau* women's speech reveals the extent to which male protagonists' claims to absolute knowledge are based on an anxiety about sexual difference." E. Jane Burns, *Bodytalk: When Women Speak in Old French Literature* (Philadelphia, University of Pennsylvania Press, 1993), 39.

⁶⁰⁴ See Elizabeth W. Poe, "The Old and the Feckless: *Fabliau* Husbands," in *The Medieval Marriage Scene: Prudence, Passion, and Policy*, ed. Sherry Roush and Cristelle L. Banks (Tempe: Arizona Center for Medieval and Renaissance Studies, 2005), 115-34; Natalie Muñoz, *Disabusing Women in the Old French Fabliaux* (New York: Peter Lang, 2014), 30-2; Holly A. Crocker, "Disfiguring Gender: Masculine Desire in the Old French *Fabliaux*," *Exempria* 23 (2011), 342-67.

⁶⁰⁵ "Dame, ce soit a bon eür!// Des or sui je bien aseür/ que Dieus m'ainme, soie merci/Quant ce bel oir qye je voi ci/ nous consent einsic a avoir/pour ce que nous n'avions nul hoir." "*L'enfant qui fus remis au soleil*," *NRCF* t. 5 (1990), 209-221, lines (39-45)

Yet the most common female challenge to marital sacramentality comes in the form of women's famously rampant promiscuity, which directly undercuts the one-to-one ratio of the marital sacrament. By Nykrog's count, almost half of all fabliaux involve some kind of cheating on the wife's part, and, as Lesley Johnson points out, the woman almost always emerges as the "winner" in these scenarios.⁶⁰⁶ Moreover, *fabliau* infidelity seems to draw deliberate attention to the numerical imbalance at play. The cheating wife of *Les tresses*, for example, engages in a dalliance with her lover while her husband sleeps in the same bed beside them, a fact the author highlights by reiterating that "they all three of them slept in one line."⁶⁰⁷ Some *fabliaux* produce this effect by placing marital theology directly in a wanton woman's mouth. When Jouglet's bride intones on their wedding night, "are we not one, we two?" this perfect equation is immediately destabilized by the revelation that *la jeune mariée* has already "become one" with a previous lover.⁶⁰⁸ Yet none of this approaches the ironic perfection of *Connenbert's* parody of the "marriage debt," wherein a cheating wife assures her lover that "yours is my heart, and yours is my body, both inside and out—but my ass belongs to my husband."⁶⁰⁹

⁶⁰⁶ Nykrog estimates is 66 out of 160 fabliaux involve unfaithful wives. Nykrog, 60. See also Johnson, "Women on Top," 299.

⁶⁰⁷ "Tuit troi dorment en une tire." *Les tresses, Fabliaux Erotiques* pg. 168, line 33.

⁶⁰⁸ "N'esmes nos tout un entre nos?" *Jouglet*, NRCF t.2 (1984), line 154.

⁶⁰⁹ "Amie doce/ Don estes vos trestote voie?"/*Ele respont: "Se Deus me voie:/ Vostre est mes cuers, vostre est mes cors/ et par dedanz et par defors,/ mes li cus si est mon mari/Cui j'ai fait mainte."* Lines 175-179. Gautier le Leu, *Connebert*, NRCF t. 7 (1993), 215-238. Compare with Paul's famous assertion that, "The wife does not have authority over her own body but yields it to her husband. In the same way, the husband does not have authority over his own body but yields it to his wife." 1 Cor. 7: 4. This of-cited passage has been otherwise been interpreted by Anne Cobby as an inversion of the courtly tone that precedes it (Cobby, *Ambivalent Connections*, 36). Per Nykrog rightly points out that the wife's assertion that "yours is my heart and yours is my body" is a clear reference to *Cligés*, of which the descent (both literal and figurative) in tone several lines later becomes a direct parody. Nykrog, 80.

All of this comes to a head in the *fabliau* portrayal of widows. Here, fears about sacramentality and remarriage are forced into contact with the sexual proclivities of “real” women, confirming theologians’ most outlandish fears.⁶¹⁰ A foretaste of the so-called “lusty” or “faithless” widow motif can be gleaned in *Le vilain de Bailleul*, wherein a wife tricks her husband into believing he is dead so as to enjoy a dalliance with her priestly lover.⁶¹¹ That this is intended as a parody of actual widowhood is signaled by the references to funerary and mourning rites scattered throughout the text: the priest’s giving of “Last Rites,” the wife’s operatic grieving, and most especially her Church-sanctioned lament that nothing is left for her but “to kill herself from grief.”⁶¹² All of this becomes deeply ironic as the “widow” and her lover begin to copulate in full view of the “deceased” husband, providing a literalized embodiment of widowhood’s numerical (and hence sacramental) challenges.

Even more literal is the imagery offered by *De celle qui se fist foutre sur la fosse de son mari*, which depicts a widow engaging in the title’s, shall we say, rather explicit

⁶¹⁰ The extent to which this figure parodies ecclesiastical expectations of widowhood has been noted by both Bernhard Jussen and Catherine Ann Clark, who argue (in Jussen’s words) that *fabliau* widows “explore the dimensions of the tensions between remembrance of the dead and remarriage.” (255) Yet both limit their observations to social expectations placed upon widows, ignoring both the theological framework behind these expectations and the degree to which it is reflected in the *fabliaux*. See Bernhard Jussen, “Challenging the Culture of Memoria: Dead Men, Oblivion, and the “Faithless Widow” in the Middle Ages,” in *Medieval Concepts of the Past: Ritual, Memory, and Historiography*, ed. Gerd Althoff, Johannes Fried, and Patrick J. Geary (Cambridge University Press, 2002), 215-31; Katherine Clark, *Pious Widowhood in the Middle Ages*. PhD Diss. Indiana University, 2002, see especially 293-355.

⁶¹¹ For Muñoz, this tale serves as a prime example of female *engin*, and how it can be used to undercut male control in marriage. Muñoz, 72.

⁶¹² *Que fera ta lasse de mae, qui por toi s’ocirra de duel?*” *Fabliaux Erotiques*, 114, lines 62-3. It’s also worth noting, with Keith Busby, that MS Berlin Staatsbibliothek Hamilton (haus 1) 257 includes *Le vilain de Bailleul* directly alongside the tale of literal “bad widowhood,” *Celle qui se fist foutre sur la fosse de son mari*, reaffirming the notion that this text is meant to reflect upon the behavior of “real” widows. Busby, *New Codicology*, 150-1.

activity.⁶¹³ Based loosely on Petronius' "Matron of Ephesus," the tale introduces its protagonist at her husband's graveside, pledging that she "will not leave the tomb again, dead or alive."⁶¹⁴ This sentiment is punctuated through her repeated wish to die and remain eternally with her spouse, thus perpetually preserving her marriage's perfect sacramental ratio. Help ostensibly arrives in the form of a passing squire, who claims to possess the ability to send a woman to her fate "by screwing." The effect, of course, is quite the opposite, and the widow loses any desire for either death or her husband. Thus, the sacramental structure of marriage proves no match for the widow's irrepressible sexuality, a truth rendered more troubling by the husband's physical presence below.

Yet no one personifies these anxieties better than the titular character of Gautier le Leu's *La veuve*, who conforms to the pattern of "bad widowhood" as if cribbing from Tertullian's *De Monogamia*. To be sure, the opening pages find her engaging in all of the behaviors proper to a bereaved Christian matron: attempting to throw herself in the grave after her husband, wailing, "how heavy it weighs upon me to remain alive!"⁶¹⁵ This performance is gradually subverted, however, by other aspects of her grieving process, which Gautier slyly describes as her "vocation" (*mestier*).⁶¹⁶ Like any good Christian widow, she recounts a series of dream-visions involving her deceased spouse, though

⁶¹³ Uncensored version: *The Woman Who Got Screwed on Her Husband's Grave*. In Norris Lacy's opinion, the widow of this tale is reduced to a "stock" character due to her obvious likeness to Petronius' Widow of Ephesus, a story that found its way into the Old French corpus via *Le roman des sept sages de Rome* and the *Lais of Marie de France*. Lacy, *Reading Fabliaux*, 3. See also Petronius, *Satyricon*, trans. Sarah Ruden (Indianapolis: Hackett, 2000); Marie de France, *Fables*, ed. and trans. Harriet Spiegel (University of Toronto Press, 1987); *Le Roman de Sept Sages de Rome: A Critical Edition of the Two Verse Redactions of a Twelfth-Century Romance* (Lexington, 1989).

⁶¹⁴ "Mais ele dit ja n'I iroit/ ne a ne s'en departiroit/ de la fosse, morte ne vive." NRCF t. 8, lines 33-35, pg. 401.

⁶¹⁵ "Ce poise moi que je tant dure." *Fabliaux Erotiques*, pg. 300, line 11.

⁶¹⁶ *Fabliaux Erotiques*, pg. 26, line 302.

hers take on a decidedly prurient tenor. Witnessing her husband's attempt to smash his way out of a walled enclosure, she remarks that he has left her with "a hole no man can ever fill," a detail that becomes even more ironically suggestive when a pigeon immediately comes along and fills it.⁶¹⁷

All of this is witnessed by the woman's dead husband, whose perspective Gautier includes throughout the first third of the narrative. Gautier opens by imagining the weeping and wailing he might witness as he makes his way to his own funeral, a situation that has drastically changed by the time he finds himself in Purgatory. Here, "calling out, with sadness for his wife whom he loved so much," the dead man finds that she is now "in a different kind of mood."⁶¹⁸ Specifically, the widow is in a mood to remarry, a desire she prefigures by attending every wedding in the neighborhood.⁶¹⁹ Her children, an awkward remainder from her previous marriage, are "chased away," for "because of them, no one will take me."⁶²⁰ In a passage that seems almost directly aimed at anxious theologians, she laughs off the suggestion of becoming a nun to one of her "gossips," preferring instead to discuss her romantic possibilities.⁶²¹ As in *De celle qui se fist foutre...*, the husband's implied presence emphasizes the sacramental structure of the widow's original marriage, and the extent to which it is endangered through her amorous intentions.

⁶¹⁷ "Sire, quel treu m'avés laissié! Ja mais n'ert par nul home plains." *Fabliaux Erotiques* 306, line 96-7.

⁶¹⁸ "Puis apele, a dolante criere,/ sa mollier, qu'il avoit mout ciere/ mais li dame est en altre point." *Fabliaux Erotiques*, 310, lines 143-145.

⁶¹⁹ *Fabliaux érotiques*, 314, lines 216-221.

⁶²⁰ "Je ne truis qui por aus me prenge." *Fabliaux érotiques*, 316, 230.

⁶²¹ "So vos dirai d'un mien parent/ qui ne maint mie ci par ent/ qui me voloit fait converse." *Fabliaux érotiques*, 326, lines 391-3.

Finally, the widow remarries, a decision that ends up both confirming and vindicating theologians' worst fears. Like her most famed literary counterpart, this widow chooses a mate who is both younger and poorer than herself, who lacks the stamina to keep up with her sexual demands.⁶²² As a result, she finds herself broke, physically abused—and with a newfound appreciation for her original mate. In a poignant lament, she bemoans the fact that she has “mistreated” her first husband by remarrying after his death, repeating her original wish to die and be forever by his side. Having enacted the Church's worst-case scenario regarding widowhood, Gautier's *veuve* now gives voice to its greatest hopes for inviolable marital sacramentality, which she has rendered impossible due to her womanly desires.⁶²³

If Gautier's tale seems especially theologically charged, it is no doubt partially because Gautier is widely acknowledged to be the *fabliau* author most concerned with clerical matters.⁶²⁴ But the world he portrays is also fully in keeping with the *fabliau* depiction of marriage in general, wherein theological structures become an ironic foil to the realities of marital experience. As such, the marital sacrament becomes a sort of

⁶²² For an in-depth look at the correlations between Gautier's *Veuve* and Chaucer's *Wife of Bath*, see Charles Muscatine, *The Wife of Bath and Gautier's La Veuve*, in *Romance Studies in Memory of Edward Billings Ham*, ed. Urban T Holmes (Hayward: California State University Press, 1967), 109-14.

⁶²³ A variation on this theory is posited by François Berriot, who argues that *La Veuve's* theological subtexts serves to “discredit” the Church, since “*elle est, comme eux, hypocrite, immorale, et conduite par le mal des rains.*” François Berriot, “Les *fabliaux* de Gautier le Leu,” in id. *Spiritualités, hétérodoxies et imaginaires: études sur le moyen âge et la Renaissance* (Université de Saint-Étienne, 1994), 53.

⁶²⁴ Ménard even goes so far as to speculate the Gautier was himself a “*clerc errant et déclassé,*” which would explain his clerical and ecclesiastical preoccupations. Charles Livingston has also recognized references to various thirteenth century religious conflicts in Gautier's work. Ménard, *Les Fabliaux* 85 and Charles Livingston, *Le Jongleur Gautier le Leu: Étude sur les fabliaux* (Cambridge: Harvard University Press, 1951), see especially 95-8.

ideological equivalent to the *fabliau* linguistic tendencies so famously explored by Howard Bloch—unable to properly “cover” the protean truth of human experience.⁶²⁵

French Misogamous Literature

Of the bumper crop of misogynous literature produced between the thirteenth and fifteenth centuries, three works stand out as especially relevant to our purposes. The first, the *Lamentations* of Matheolus, exists in two versions: the original Latin text of Matheolus himself (c.1295) along with its Old French translation by Jehan le Fèvre (1371). Presented as the autobiographical rantings of an Italian cleric (the otherwise unknown Matheolus) on his ill-conceived marriage, the text was likely best known via le Fèvre’s largely faithful translation, from which I will primarily be quoting here. This work is evaluated alongside two non-autobiographical treatments of women and domestic life: the anonymous *Quinze joies de mariage* (c. 1382), and Eustache Deschamps’ *Miroir du mariage* (c.1390).⁶²⁶ While different in form and focus, these texts share three essential features that place them squarely in our wheelhouse: each is structured around a theological framing device, voices obsessive disappointment with the marital behavior of women, and identifies widowhood as a prime locus of marital “woman trouble.”

From the outset, each text introduces an ecclesiastical topos that places it firmly within the realm of theological parody. In *Les Quinze Joies*, this paradigm is inscribed into the very structure of the work itself, which echoes the contemporary devotional

⁶²⁵ R. Howard Bloch, *The Scandal of the Fabliaux* (University of Chicago Press, 1996).

⁶²⁶ The subgenre of misogynous literature, especially as distinct from misogynous literature, has been nicely elaborated by Katharina M. Wilson and Elizabeth M. Makowski—in particular the reasons for the genre’s striking reemergence in the mid-twelfth century. Katrina M. Wilson and Elizabeth M. Makowski, *Wykked Wyves and the Woes of Marriage* (Albany: SUNY Press, 1990).

tradition “Les quinze joies de la vierge.”⁶²⁷ The same might be said of Deschamps's *Miroir*, which calls to mind the popular genre of speculum literature and its frequently spiritual preoccupations.⁶²⁸ Finally, ecclesiastical thought has a striking place in the *Lamentations*, whose narrator immediately proclaims himself to be a clerk barred from the church's ranks for having married a widow. This marginal position on Church dogma is accentuated throughout Matheolus's lengthy complaint, which opens by quoting Jesus's words in Gesthemane and builds towards a brazen dialogue with the messiah himself.⁶²⁹

Like the *fabliaux*, these works concentrate much of their parodic energy on marriage's “goods,” including the dubious good of procreation. *Les Quinze Joies* even accomplishes this in true *fabliau* fashion, cataloguing the financial woes of enlarging one's family, and calling into question whether a man's child is even his own.⁶³⁰ Both Deschamps and Matheolus provide a more pointed response. In the *Miroir*, the doctrinal position on *proles* is first laid out in the marriage-positive discourse of Folie, who declares that marriage exists “for recreating one's own image through procreation...and

⁶²⁷ Pierre Rézeau, *Les prières aux saints en français à la fin du Moyen Age. Tome 1: Les prières aux plusieurs saints* (Geneva: Droz, 1982), 14-15. Such would be the most obvious refutation of the common assertion that the religious dimension of marriage is “passed over in silence” in the *Quinze Joies*. See James Dauphine, “Le jeu de la transgression dans Les XV joies de mariage,” *Amour, mariage et transgressions au moyen âge: actes du colloque des 24, 25, 26, et 27 Mars 1983*, ed. Danielle Buschinger and André Crépin (Göppingen: Kümerle, 1984), 471-480.

⁶²⁸ As Jeannine Quillet points out, Deschamps himself was a trained cleric, and a corresponding “doctrinal dimension” can be detected even throughout the least orthodox passages of the *Miroir*. See Jeannine Quillet, “Le Miroir de Mariage d' Eustache Deschamps,” in *Amour, mariage et transgressions au moyen âge: actes du colloque des 24, 25, 26, et 27 Mars 1983*, ed. Danielle Buschinger and André Crépin (Göppingen: Kümerle, 1984), 457-465. Jeannine Quillet, “Sagesse et folie dans le Miroir de mariage d' Eustache Deschamps,” in *La Folie et le Corps*, ed. Jean Céard, (Paris: Presses de l'École Normale Supérieure, 1985), 13-31.

⁶²⁹ Specifically, the *Lamentations* opens with Mark 14:34: *Tristis est anima mea. Lamentations* 1.1.

⁶³⁰ In the second Joy, a lengthy description of a young wife's gallivanting culminates in her suspicious pregnancy; the tenth Joy is largely taken up by the many annoyances of domestic life with children, in particular the financial. See *Les XV joies de mariage*, ed. Jean Rychner, *Textes littéraires français* 100 (Genève, Droz, 1963).

for doing so in a lawful manner.”⁶³¹ This assessment is soon undercut, however, by the more critical stance of Repertoire des Sciences, who characterizes the God-given wish for children as “nothing more than a burden and an expense, risking death and wrecking one’s body.”⁶³² Matheolus, who frames his thoughts as an attack on the “marriage goods” proper, lobs an even more brazen barb: “Anyone who has come into marriage to have children and a lineage, I do not doubt he does his line more harm than good, for one can multiply much more bountifully without being tied down by the bond of marriage.”⁶³³

In all three works, there is also a sustained critique of the idea of marital indissolubility—linked, to varying degrees, to its roots in the conjugal sacrament.⁶³⁴ *Les Quinze Joies* opens by decrying the “inescapable prison” that is marriage, and then goes on to imagine a couple who attempts to escape this bondage by obtaining a court-sanctioned divorce. Sly parody can be detected in the author’s description of the various canonical loopholes often exploited by divorcing couples, as well as the fact that the couple in question is forced to remain technically “married” despite the wife’s

⁶³¹ “*Que tu deusses prandre et henter/ pour ta forme representer/ toy et ton nom apres la mort/ selon la loy.*” Eustache Deschamps, *Le Miroir de Mariage*, in *Oeuvres complètes de Eustache Deschamps*, ed. Gaston Raynaud, 11 Vols (Paris: Firmin Didot, 1878-1903), vol 9, 1894, pg. 10, lines. 195-8.

⁶³² “*Il peut tous seulz parler a Dieu/ que nos vault se pour hoirs avoir/ prenons femme, pour concevoir/ grande multidue d’enfans?/ Ce sont que charge et despens/ peril de mort, de corps essil.*” *Miroir de Mariage*, pg. 68-9, lines 2014-2019.

⁶³³ “*Quiconques a fait mariage/ pour avoir enfans et lineage/ certes, il fist, j’en doubt mie/ grant prejudice a sa lignie/ car plus püest multiplier/ sans lyen que par le lier.*” Jehan de Fèvre, *Les lamentations de Matheolus et Le livre de Leesce*, ed. A.-G. Van Hamel, 2 vols (Paris: Bouillon, 1892-1905), pg. 188, lines 3.1053-6. Unless otherwise noted, I will be citing le Fèvre’s Old French, citing divergences from the Latin where they arise.

⁶³⁴ As Wilson and Makowski point out, this concern with indissolubility is also a feature of medieval misogamous literature in general, and entirely absent from its classical counterpart (wherein Christian marital theology did not apply). See Wilson and Makowski, 8.

incessant bed-hopping.⁶³⁵ This prison analogy is also employed by Deschamps, whose Franc Vouloir laments that marriage “cannot be undone by any mortal judge, for what God has wished to join together men cannot break apart.”⁶³⁶

As always, Matheolus takes this a step further, questioning the very logical basis on which the law of indissolubility is grounded. To be sure, he also engages in his share of grousing, proposing that wives, like cattle, should be subject to a six-month trial period in case of illness or undisclosed deformities.⁶³⁷ Yet his kvetching takes on a subversive tone due to the fact that his imagined interlocutor is Jesus himself—who, as Matheolus’ audaciously points out, might not have been so strict about marital permanence had he been married himself.⁶³⁸ This remark is made all the more brazen by the fact that, theologically speaking, Jesus in fact is “married,” and it is this marriage between him and his Church that forms the basis for the human marital sacrament.

Having thus disavowed the marital *res sacramentum*, Matheolus goes on to take aim at its signifier: the bodily union of the human married couple. Puzzling over how male and female flesh might be so perfectly unified as the sacrament requires, he calls it a

⁶³⁵ “Ung homme n’as pas bon sens, qui est en joies et delices du monde come en jeunesse garnie de franche vouneté, et son propre mouvement, sans nécessité, trouve l’entrée d’une estrouicte chartre douloureuse et plaine de plours et se boute dedans”. See *Les XV Joyes*, pg. 1. See also Joy X, pgs. 78-81.

⁶³⁶ “Et plus prins et de grief servaige/ par le lein de mariage/ non desnouable et plus estraint/ qui toute franchise restraint/ et si n;en peut nulz desnouer/ car li fait si fort nouer/ et nouaint par tel veu veue/ qu’il ne peut desnouer le neu/ jusqu’a tant la mort le desnoue.” *Miroir de mariage*, 40-1, 1151-1159. His words are later echoed by Repertoire des Sciences, who argues that marries is “the worst bond of servitude” because, by divine order, “it cannot be untied until death unties it.” “...ne tel gaigne peut deffaire/ juges mortelz que Dieu conjoindre a voulu: homs ne peut desjoindre.” *Miroir de mariage*, 22, 587-9.

⁶³⁷ “Aussi, selon la loy humaine/ qui achate vacht mal saine/...six mois a d’espace de rendre/ et le vendeur la doit reprendre/ Donques doit bien six mois avoir/ cils qui prent femme, pour scavoir/ s’il la veult laisser ou tenir.” *Lamentations*, 169, 3.355-363. This passage is also referenced by Deschamps (in lines 1539-45 of the *Miroir de mariage*), and, as will be discussed below, by the Wife of Bath.

⁶³⁸ “Certres, se mariés feüsses/ tel chose estable n’eüsses/ mais tu eüsses ordené/ que tout homme de mere né/ peüst laisser son mariage.” *Lamentations*, pg. 165, lines 3. 185-189.

“lie” that two such disparate and variable entities could ever really become “one.”⁶³⁹

Even the Church regards a wife’s flesh as distinct from her husband’s, as evidenced by its harsher treatment of female adultery. Why is it, he wonders, that an adulterous female body “pollutes” the sacrament of marriage, whereas a male transgressor’s flesh is all but pardoned?⁶⁴⁰ In the perfect carnal union of the marital sacrament, shouldn’t both halves be treated equally?

Indeed, it is the presence of female flesh that supplies the main locus of comic derision in all three texts, providing (as in the *fabliaux*) a corporeal foil for marriage’s allegedly ethereal status. These authors, however, are most preoccupied by woman’s excessive sexual needs, which make a mockery of the “marriage debt” that was created to accommodate them. In *Les Quinze Joies*, a wife generally does this by seeking satisfaction outside the marriage bed, leaving the debt she owes her husband in perpetual arrears.⁶⁴¹ In the *Lamentations*, the wife’s inordinate desires are source of constant exhaustion and humiliation for her husband, who finds himself unable to pay her what she is “owed.”⁶⁴² The interlocutors of the *Miroir* seem troubled by the very existence of sexuality in marriage, and the unseemly cravings it awakens in a man. While the pro-marriage Folie muses about what a “sweet thing” it is to “join two bodies in one flesh,”

⁶³⁹ “Se tu dis, par raison commune/ que la chair d’eulx deux soit tout une/ par lien de dilection/ si comme nous dit la sanction/ tu nous decois apertement/ et qui ce te dit, il te ment/ car deux choses qui tant varient/ ensemble tant ne s’apparient.” *Lamentations*, pg. 173, lines 485-492.

⁶⁴⁰ “Il y a trop de meprison/ en femme qui fait avoutire/...Avoutire est capital crime/ comme la loi le nous exprime/ et si comme je l’ay entendu/ le transigier est defendu/ sur tel crime et tel pechié/ dont corps de femme est entechié/ qui saint mariage pollue.” *Lamentations* pg 171-2, lines 3.437-445.

⁶⁴¹ See especially Joy 2, *Les XV Joies*, 13-17.

⁶⁴² See *Lamentations* 40-1, 1. 1321-1358.

Repertoire des Sciences brings these expectations down to earth where a woman and her incessant demands “nourishes lust” and prohibits worthier spiritual pursuits.⁶⁴³

Of course, there is the possibility that all of this amounts to a simple exercise in misogyny especially given the lengthy catalogue of women’s faults that comprises much of these works. But, as scholars have increasingly noted, there seem to be too many other factors at play for such a reductive explanation. As evidenced above, Deschamps seems more concerned with issues of carnality and worldly temptations than he does with women *per se*, objecting primarily to the challenges they pose to male self control.⁶⁴⁴ In le Fèvre’s case, it is frequently remarked that his translation of the *Lamentations* was quickly followed by the woman-positive *Livre de Leesce*, rendering the latter a potential “apology” for the former.⁶⁴⁵ Such would suggest that le Fèvre saw something more than simple misogyny in Matheolus’ ravings; specifically, a chance to brashly critique the Church’s policies on bigamy and clerical advancement.⁶⁴⁶ All of this is in line with the

⁶⁴³“C’est tresoulce conjuccion/ ce sont deux corps en union/ en une char par la loy joins.” *Miroir* 10, 818-21. Compare with: “Habiter avec creature/ feminine nourrist luxure/ et certes qui n’oste pas la paille/ qui l’embrasement du feu baille/ et l’esteuile, ne cessera/ ce feu, ançois alumera/ tant comme les deliz charnelz/ seront en a char encharnez.” 199, 6093-6102.

⁶⁴⁴ Laura Kendrick, “Transgression, Contamination, and Woman in Eustache Deschamps’s *Miroir de mariage*,” *Stanford French Review* 14 (1990), 211-230. Added to this are Deborah M. Sinnreich-Levi’s observations that Deschamps actual female characters are often complex and sympathetic, as well as Michelle Stoneburner’s remarks on the various socio-political metaphors that drive and shape much of the *Miroir*’s conception of marriage. See Deborah M. Sinnreich-Levi, “The Feminist Voice of the Mysoginist Poet: Deschamps’s Poems in Women’s Voices,” in *Eustache Deschamps, French Courtier-Poet: His Work and His World*, ed. Deborah M. Sinnreich-Levi (New York: AMS Press, 1998), 123-130. and Michelle Stoneburner, “Le Miroir de mariage: Misunderstood Misogyny,” in *Eustache Deschamps, French Courtier-Poet: His Work and His World*, ed. Deborah M. Sinnreich-Levi (New York: AMS Press, 1998), 145- 162.

⁶⁴⁵ See for example, Renate Blumenfeld-Kosinski, “Jean de Fèvre’s *Livre de Leesce*: Praise or Blame of Women?” *Speculum* 69 (1994), 705-725. Tiziano Pacciorotti also demonstrates that the *Lamentations* and the *Leesce* are paired in four extant manuscripts; “Les manuscrits du *Matheolus* et leur réception,” in *Le Recueil au Moyen Age -- La fin du Moyen Age*. Ed. Tania van Hermerlyck and Stefania Marzano (Turnhout: Brepols, 2010), 253-261.

⁶⁴⁶ Such is that argument of Karen Pratt, who finds that the text “is exploiting the comic tradition of clerical misogyny in order to render more palatable the important political points Matthew makes about the Church’s recent rulings on clerical bigamy.” Karen Pratt, “Translating Misogamy: The Authority of the

more general observations on misogynous literature offered by Katrina M. Wilson and Elizabeth M. Makowski, who point out that texts from this era display a keen awareness of contemporary developments within marital canon law—suggesting a corollary interest in the conjugal theology on which they are based.⁶⁴⁷

This argument is further supported by the fact that all three works continue to be preoccupied with the remarriage of widows, the perpetual soft underbelly of the marital sacrament. In *Les Quinze Joies*, this is manifested via a dark comedy of errors wherein a woman, mistakenly thinking herself a widow when her husband is captured in war, accidentally makes herself a bigamist by hastily remarrying.⁶⁴⁸ Reflecting contemporary concerns within canon law about remarriage without proof of death, the story also incorporates several literary aspects of “bad widowhood”: the wife’s ease in forgetting her first husband, her neglect of her children once remarried.⁶⁴⁹ Deschamps takes a more classic approach to his own widow-shaming, imagining a free-wheeling young widow much in the style of Gautier’s *veuve*. “Crying and braying” upon her husband’s deathbed, the woman’s thoughts soon turn to other matters; namely, getting the greatest possible share of her late-spouse’s estate and remarrying, pronto.⁶⁵⁰

It is Matheolus, however, who presents himself as most uniquely qualified to speak on the subject of widows, given that he has abandoned his career prospects by marrying one. In some moments, he seems to simply continue the tradition of painting

Intertext in *Lamentations Matheoluli* and its Middle French Translation by Jean le Fèvre,” *Modern Language Studies* 35 (1999), 423. Such an interpretation would be supported by manuscript evidence, in which the *Lamentations* is referred to as “Matheolus contre les bigames.” See Pacciarotti, 254.

⁶⁴⁷ Wilson and Makowski, 130.

⁶⁴⁸ Joy XIII, *Les quinze joies*, 95-8.

⁶⁴⁹ For canon law regarding remarriage and proof of death, see page 168 of this text.

⁶⁵⁰ *Miroir de mariage*, pg 66-7, 1935- 1981.

widows as faithless seductresses, most pointedly through his own retelling of the “Widow of Ephesus.”⁶⁵¹ Much of his rancor, however is directed at the marital theology itself, and its contradictory grounds for preventing “bigamous” clerics from advancement. The Church’s given reason, he summarizes, is that “the bigamist’s flesh is divided, and hence he can no longer celebrate the sacrament, which is one single whole and suffers no disparity.”⁶⁵² And yet, he might have “divided his flesh” among hundreds of women without being excluded from the clerical ranks, had he not entered into a licit, honorable, Church-sanctioned marriage.⁶⁵³ In a shocking turn, Jesus seems to confirm this interpretation by revealing that bigamists are placed before celibate men in the heavenly hierarchy, their mistreatment in life having formed an earthly purgatory.⁶⁵⁴

Placed thus on the margins of both clerical and marital life, Matheolus has a unique vantage point on the margins of marital sacramentality, and the way these marginal truths threaten the sacramental structure as a whole. Likewise, both Deschamps and the anonymous *Quinze joies* author position themselves on these margins through their parodic appropriation of religious ideas and tropes, and use this perspective to adduce marriage’s less stable aspects. The result, as in the *fabliaux*, is a vision of marriage that remains keenly aware of the various holes in the sacramental fabric of

⁶⁵¹ Matheolus’ retelling of the tale conforms most closely to the “classic” form put forth by Petronius in his “Widow of Ephesus,” including the widow’s desecration of her husband’s body and excluding her sexual encounter with the soldier. See *Lamentations*, 60- 2, 2.451-578.

⁶⁵² “*La char en plusieurs divisée/ ne peut celebrer sacrament/ it est entier et proprement/ n’a cure de disparité.*” *Lamentations* 12, 1.382-5.

⁶⁵³ “*Car avec cent me puis deduire/ sans marier, ce ne peut nuire/ se je veuil venir au prestrage.*” *Lamentations*, 10, 1. 343-5.

⁶⁵⁴ The line, “*Leur ay fait plusieurs purgatories/...et entre lesquels est mariage*” is, again, famously echoed by the Wife of Bath. *Lamentations*, 206, 1688-90.

matrimony. The explicitly clerical perspective of these authors, however, allows them to go one step further, pulling at the loose strands in this fabric to see what will unravel.

Later Medieval Comic Literature

By the early fourteenth century marriage was firmly in the hands of the ecclesiastical courts, broadcasting what was by then a highly developed system of marital canon law. Such exposure, however, also shed light on the various loopholes and inconsistencies that had worked their way into Alexandrian marriage formation, and the unease about these issues displayed by Gregory IX and his commentators.⁶⁵⁵ It is this discomfort that drives the depiction of marriage in later medieval comic texts, where conjugal bonds appear laughably ill-founded and unstable. This unique hermeneutic will be explored via three well-known texts that engage with marital issues the most directly: Boccaccio's *Decameron*, *Les Cent Nouvelles Nouvelles*, and, of course, *The Canterbury Tales* via the successively-married Wife of Bath.

While not universally comic, Boccaccio's tales do display what Giuseppe Mazzotta has termed a certain amount of "play": a juxtaposition of "possibilities of imagination" with "necessary laws of the business of living."⁶⁵⁶ It is this "playful" attitude that shapes Boccaccio's assorted portrayals of marriage—as does his formal training in canon law. This is particularly apparent in the depiction of marriage formation in the *Decameron*, which shows how the sacramental paradigm can be

⁶⁵⁵ See pages 154-69 of this text.

⁶⁵⁶ Giuseppe Mazzotta, *The World at Play in Boccaccio's Decameron* (Princeton University Press, 1986), 10. Also helpful is Marga Cottino-Jones's examination of the work's "highly complex comic atmosphere" that exists independently from a "universal comic tone," tracking the progression from the sick and broken world of Boccaccio's prologue to the "healed" community formed by the storytellers.⁶⁵⁶ Marga Cottino-Jones, "Comic Modalities in the *Decameron*," *Genre* 9 (1976/7), 429-49.

stretched and exploited to fit the needs of human social life.⁶⁵⁷ In 2.10, we are provided with a marriage formed by both *raptus* and adultery, the couple elevating themselves out of sinful cohabitation only after the woman's first husband has died.⁶⁵⁸ The fact that the cuckold in this case is a judge only adds to the sense of judicial parody at play. On day five, Lauretta furnishes a tale that could be read as a direct spoof on the dubious status of parental consent, as the parents in question only consent to the union after having almost vengefully murdered both bride and groom—as well as the illegitimate child that sparked their rage.⁶⁵⁹

An even more direct canonical reference can be gleaned in Filostrato's tale from day five (5.4), which finds an almost direct parallel in Gregory IX's *Decretales* 4.17.9.⁶⁶⁰ In both cases, a man is forced to marry his young neighbor after the couple are discovered in bed together by her father. For Gregory and his colleagues, one of the main issues was that of potentially coerced consent, and whether the girl's father would have instilled the standard impediment of "fear that would cause a steady man to fall." In Boccaccio's version, this concern is echoed by the fact that the father does indeed present his "proposal" under pain of death, but then parodied by the relief expressed by the young

⁶⁵⁷ By taking this tack I am, obviously, rejecting Mazzotta's narrower thesis about the status of marriage in the *Decameron*; namely, that it serves as the central metaphor for wholeness towards which the text gradually progresses. See Mazzotta, 55-6.

⁶⁵⁸ Briefly, the pirate Paganino da Monaco carries off Bartolomea, the wife of Ricciardo di Chinzica. Briefly distressed about her situation, Bartolomea soon acclimates to her new domestic life when it turns out that Paganino is able to satisfy her in ways that the elderly Ricciardo could not. She thus refuses to return when Ricardo comes to collect her, declaring that "whereas at Pisa 'twas as if I were your harlot...here with Paganino I deem myself wife, for he holds me in his arms all night long. Boccaccio, *Decameron*, ed. Amedeo Quondam, Maurizio Fiorilla, and Giancarlo Alfano (Milan: Rizzoli, 2013), 478-90.

⁶⁵⁹ *Decameron* 5.7, 899-909.

⁶⁶⁰ For a fuller discussion of *Liber Extra* 4.17.9, see page 168 of this text.

bridegroom upon learning that death is not his only option.⁶⁶¹ Each of these marriages, of course, are rendered acceptable only because of the extremely loose requirements imposed by Alexandrian marriage formation, which are in turn designed to accommodate the thorny conditions of sacramental signification.

Once formed, a marriage does not become more normative or more stable. For the storyteller Neifile's hapless Gillette of Narbonne (3.9), marriage is no guarantee that her much-desired Bertrand will remain by her side, maintaining the "undivided way of life" proscribed by canon law. While there is no question that the two will remain technically (and indissolubly) married, Gillette is forced to engage in an elaborate subterfuge to gain a basic acknowledgement of their partnership, probing the actual social significance of "indissoluble" marriage bonds.⁶⁶² This concept is also called into question by the wife-swapping couples of Tale 8.8, as is the numerical limit of marital sacramentality. A plot that begins with adultery followed by "revenge adultery" unexpectedly veers into a happy, if unconventional, domestic arrangement, wherein "each of the ladies had two husbands, and each of the husbands had two wives, and they lived altogether as one, without any strife or argument."⁶⁶³

Boccaccio's most sportive take on marital theology is voiced by Filostro in 6.7, through the story of an adultery trial gone amusingly awry. Here, a dexterous wife manages to beat the charges against her by challenging the definition of "adultery" itself,

⁶⁶¹ The young man in question, Ricciardo, in fact opens the exchange by assuming that his death is imminent, proclaiming "Io conosco, sì come disleale e malvagio uomo, aver meritata morte." It is thus an enormous relief to hear the girl's father reply that he can reclaim his life by making "sposa per tua legittima moglie la Caterina." *Decameron* 5.4, 879.

⁶⁶² *Decameron* 3.9, 628-641.

⁶⁶³ *E da indi innanzi ciascuna di quelle donne ebbe due mariti e ciascun di loro ebbe due mogli, senza cuna quistione o zuffa mai per quello insieme averne. Decameron* 8.8, 1304.

as well as the Church's right to adjudicate such matters. While she does not deny her husband's accusations, she does deny ever violating the core clause of their own marital contract: the "marriage debt," which she always paid immediately and in full. She wonders, "if he always had from me all that was required for his solace and satisfaction, what was I to do with what was leftover...?"⁶⁶⁴ The very existence of this adultery statute, she goes on to argue, is invalid and unjust, since "laws ought to be common and enacted with the common consent of all that they affect; which conditions are wanting to this law, inasmuch as it binds only us poor women...and the consent of no woman was...so much as asked before it was made." As Kenneth Pennington points out, Madonna Filippa's logic is a close paraphrase of the medieval legal maxim *Quod omnes tangit ab omnibus approbari debet*, adding ironic weight to her general dismissal of the ability of canon law to justly govern the marital behavior of women.⁶⁶⁵ It also adds weight to her distinctly practical interpretation of the marriage debt—a concept whose rules were also written without a woman's consent.

All of this would seem to be subverted by day ten's final tale of Griselda, whose "happy ending," in Mazzotta's opinion, constitutes the curative "wholeness" towards which Boccaccio's larger narrative is directed.⁶⁶⁶ Yet in theological terms Griselda's story is decidedly odd, in that she is made to successively give up her marriage's "goods" in order to ensure the union's survival. Having pledged that her desires would always be

⁶⁶⁴ *Se egli ha sempre di me preso quello che gli è bisognato e piaciuto, io che doveva fare o debbo di quel che gli avanva?* 6.7, 1013.

⁶⁶⁵ Kenneth Pennington, "A Note to Decameron 6.7: The Wit of Madonna Filippa," *Speculum* 52 (1977), 902-5. John Finlayson has also noted several parallels between this story and the Wife of Bath's defense of female sexuality. "The Wife of Bath's 'Prologue,' LL. 328-336 and Boccaccio's *Decameron*," *Neophilologus* 83 (1999), 313-16.

⁶⁶⁶ In particular, "in the story of Griselda, marriage itself is the metaphor for the reinstatement of the opposites to a prelapsarian and sacramental unity." Mazzotta, 55.

one and the same with her husband's, Griselda is forced to accede to a series of "desires" that are increasingly destructive to her marriage's sacramental constitution, giving up first her children, then her claims to fidelity, and finally the indissoluble nature of her marriage itself, when her husband asks her to agree to a divorce so that he can "marry" again. Far from being a perfect whole, marriage in Griselda's story appears as something that is radically incomplete, a sort of empty vessel that cannot simultaneously exist in theory and reality.

Boccaccio solidifies this impression through his portrayal of widows, comprising a collection of literary stereotypes offered up for parody and play. Widows can be "good," as Emilia's tenaciously continent widow on day eight. They can also be "bad," such as Pampinea's promiscuous and mean-spirited widow, who receives her humiliating comeuppance just several stories later. The fact that each woman's potential seducer is a member of the clergy suggests a light jest at the Church's famously ambivalent attitude towards widows, who, in these stories as in real life, end up dishing out to their clerical interlocutors as much trouble as they are served.⁶⁶⁷

Of course, widows primarily cause trouble through their potential to remarry, a possibility borne out in *Decameron* 10.1. Here, a presumed-dead husband rushes back from captivity to prevent his wife's remarriage, a close analogue of *Les quinze joies de mariage*'s tenth Joy. The situation is rendered even more legally dangerous by the fact that the wife is remarrying at her husband's request, having been told to consider him

⁶⁶⁷ Added to this is Millicent Marcus's point that the vengeful cleric in Pampinea's story serves as a stand-in for scholars' "simplistic and literal-minded" interpreter of scripture and law, particularly as it pertains to women. See "Misogyny as Misreading: A Gloss on *Decameron* 8.7," *Stanford Italian Review* 4 (1984), 23-40.

dead after one year of absence. A more humorous perspective is provided in tale 3.8 by Lauretta, who offers up her own rendition of Jean Bodel's *Le vilain de Baileul*. This version is retooled so as to accentuate the woman's standing as a faux-widow, adding a lengthy sequence in which the husband is drugged, buried, and tricked into believing he is in purgatory. When the lady asks her confessor (who authors this plot for his own purposes) if she is "to remain a widow," he responds that she will enjoy a temporary widowhood during which she "must be careful not to let yourself be married to another, because it would offend God."⁶⁶⁸ The combined effect is to take the responsibility for "bad widowhood" off of widows and place it more squarely on the shoulders of the clergy, who created the labyrinthine theological situation in which widows find themselves.

There is nothing in medieval literature, however, to rival the reflection on widowhood and remarriage provided by Chaucer, who surpasses his colleagues by ceding the stage to an actual widow. His *Wife of Bath*, famous for her opinions on marriage, misogyny, and female agency, also proves to be one of fiction's great sacramental theologians, pinpointing the various logical lacunae in the theology of remarriage. It is Alisoun who provides the most direct and in-depth reflections of all the characters in Chaucer's "marriage group," a troupe that includes, via the *Clerk's Tale*, the long-suffering Griselda.⁶⁶⁹ While none of these conjugal situations could be considered

⁶⁶⁸ *Decameron* 3.8, 614-627.

⁶⁶⁹ As Kathryn L. McKinley points out, the deficiencies in Griselda's marriage are even more pointed when placed in the Clerk's mouth, especially given that the Clerk himself repeatedly criticizes Walter for his "tests." As a result, the "monster" of this tale becomes "the medieval theology of perfection and virtue available only to a spiritual elite endowed with an extra dispensation of grace, namely saints and other holy persons. See "The Clerk's Tale: Hagiography and the Problem of Lay Sanctity," *The Chaucer Review* 33 (1998), 91.

normative (even “good wife” Dorigen almost ends up an unwilling adulteress), it is significant that Chaucer selected the most marginal of these figures to deliver his great oration on marriage and theology, betraying a subversive bent toward marriage as a whole.

It is this marginal perspective that most profoundly shapes Alisoun’s speech, providing a sort of inverted response to Matheolus’s *Lamentations*. Instead of presenting us with anti-marital rantings of a male narrator, Chaucer flips the lens to give us the wife’s point of view, echoing and answering several of Matheolus’s specific gripes about widows. Alisoun lets on that she is fully aware of her peripheral status, most subtly and succinctly through her oft-quoted pronouncement, “housboundes at chirche dore I have had fyve.”⁶⁷⁰ Her marital history, therefore, has proceeded both inside and outside the lines of perfect conjugal orthodoxy, allowing the Church to publically officiate the exact the sort of successive unions they had hoped to avoid. That Alisoun is aware of the doctrinal reasons for the Church’s discomfort is also beyond question, given that she goes on to quote several of them in her ensuing discourse. Her apparent contempt for such logic might be attributed to the decidedly marginal viewpoint she espouses in the first line of her prologue: “Experience, though noon auctoritee/ were in this world, is right ynough for me/ to speke of wo that is mariage.”⁶⁷¹

The extent to which the Wife of Bath understands the “auctoritee” she claims to eschew is, of course, a hotly debated topic, as is the degree to which Chaucer intended

⁶⁷⁰ “The Wife of Bath’s Prologue,” 6. *The Riverside Chaucer, Third Edition*, ed. Larry D. Benson (Oxford University Press, 1988), 105.

⁶⁷¹ *Ibid.*, 1-2.

her to be taken seriously as an exegete or theologian.⁶⁷² With regard to the Church's theology of second marriages, however, it is clear that she has at least done her homework, given that her most frequently quoted source is the remarriage-obsessed Jerome. Yet, as both Robert Longworth and Warren S. Smith point out, her citations of Jerome are decidedly off-kilter, selecting only his most bizarre or dogmatically suspect points about successive marriages.⁶⁷³ In one striking example, she invokes Jerome's odd notion that since Christ himself only attended one wedding, Christians should limit themselves to one only spouse, a point she soon counters (as Jerome himself is grudgingly forced to) with the Pauline decree that she is "free to wedde... where it liketh me."

Mostly, Alisoun seems to amuse herself with the conjugal numbers game, gleefully repeating her total number of husbands.⁶⁷⁴ However much Church authorities may disapprove of her actions, they are theologically unable to prevent them, a fact that has not escaped Alisoun's shrewd notice. "Men may devyne and glosen up and doun," she remarks, but none has managed to arrive at a "diffinicioun" of the allowable number of spouses—not even Jesus in his rebuke to the Samaritan woman. Rather, "no nombre mencion made he of bigamy, or of octogamy: Why should men thanne speke of it

⁶⁷² Traditionally, scholars have taken a dark view of the Wife's exegetical powers. Derek Pearsall calls her reasoning "joyfully illogical," and both Douglas Wurtele and R. W. Hanning argue that Chaucer deliberately undercuts her by inscribing flaws into her exegetical technique. See Derek Pearsall, *The Canterbury Tales* (London: George Allen & Unwin, 1985), 74, Douglas Wurtele, "Chaucer's Canterbury Tales and Nicholas of Lyre's *Postillae literalis et moralis super totam Bibliam*," in *Chaucer and Scriptural Tradition*, ed. David Lyle Jeffrey (Ottawa: University of Ottawa Press, 1984), 89-107, and R. W. Hanning, "Roasting a Friar, Mis-taking a Wife, and Other Acts of Textual Harassment in Chaucer's Canterbury Tales," *Studies in the Age of Chaucer* 7 (1985), 3-21.

⁶⁷³ See Robert Longworth, "The Wife of Bath and the Samaritan Woman," *Chaucer Review* 34 (2000), 372-387 and Warren S. Smith, "The Wife of Bath Debates Jerome," *The Chaucer Review* 32 (1997), 129-45.

⁶⁷⁴ See lines 6, 17, 44, 44f.

vileyne?” This last passage is doubly significant in that it is, once again, an indirect citation of Jerome; namely, Jerome’s reluctant admission that, “I do not condemn second, third, nor, pardon the expression, eighth marriages.”⁶⁷⁵ Jerome only makes such allowances, however, because once the threshold of a second marriage has been breached “there is no longer a question of a single marriage,” and hence perfect sacramental monogamy.⁶⁷⁶ In Alisoun’s redaction, the theology of remarriage thus becomes a pastiche of disdain and ambivalence, lacking in resolution and internal coherence.

To accentuate this point, Alisoun paints the tale of her own successive marriages with a familiar set of strokes, echoing the nightmarish vision of widows invoked by earlier authors. Like Gautier’s *Veuve*, she undergoes an extraordinarily short mourning process, seeking out each successive husband once the last is scarcely buried. All of this is recast, however, by the fact that the Wife is telling her own story, imparting a note of knowing mimicry to her tale. While it is Gautier who undercuts his protagonist’s graveside histrionics, Alisoun accomplishes this herself, boasting that she “made sory cheere, as wyves mooten,” when in point of fact she “wepte but smal.”⁶⁷⁷ Even more impertinent are Alison’s given reasons for her meager grief: the “faire legges” of her future husband, Jankyn, whom she begins pursuing (in shades of *Celle qui se fist foutre...*) literally over her late husband’s grave.⁶⁷⁸

Such tendencies are even more noticeable in the Wife’s engagement with Matheolus, whose barbs become examples of the mean-spirited “preching” she is made to

⁶⁷⁵ *Adversus Jovinianum* 1:15

⁶⁷⁶ *ibid*

⁶⁷⁷ 588-592; *ibid*

⁶⁷⁸ And Jankyn, oure clerk, ws oon of tho/ As help me God, whan that I saugh hym go/ After the beere, me thoughte he hadde a paire of legges and of feet so clene faire/ that al myn herte I yaf unto his hoold.” 595-599; *ibid*.

endure on the part of her husbands.⁶⁷⁹ Such is her manner of incorporating Matheolus' famous suggestion that women, like livestock, should be returnable in case of defect, which she refers to as "that proverb of a shrewe."⁶⁸⁰ Matheolus also provides the familiar words through which she celebrates how effectively she tortured her lecherous fourth husband: "By God, in earthe I was his purgatorie, for which I hope his soule be in glorie."⁶⁸¹

All of this culminates in Alisoun's famous showdown over her fifth husband's so-called "Book of Wykked Wyves," a text that includes not only Matheolus and Jerome, but also Tertullian—the author of monogamist extremism himself.⁶⁸² It is here that Chaucer permits the wife her most pointed jab at the theology of remarriage: "For trusteth wel, it is impossible that any clerk wol speke good of wyves."⁶⁸³ It is also here that Chaucer affords the wife her most decisive victory, a battle drawn on the familiar *fabliau* lines of female wit verses male physical strength. While destroying Jankyn's book might earn the Wife a blow to the head, her handling of the situation also allows her to regain control of her household and her marriage, Jankyn willingly tossing his book in the fire.

⁶⁷⁹ The *Lamentations* are also a partial basis for the exaggerated funeral flirtations described above, particularly the notion that "as soon as her husband is in his grave, a wife thinks only, day and night, of catching another husband." (*Lamentations* 2.847) For further correspondences see Ralph Hanna and Traugott Lawler, "The Wife of Bath's Prologue," in *Sources and Analogues of the Canterbury Tales*, ed. Robert Corrales with Mary Hamel, 2 Vols (Cambridge: D.S. Brewer, 2005), 351-403.

⁶⁸⁰ Thou seist that oxen, asses, hors, and houndes/ they been assayed at diverse stoundes/ bacyns/ lavours/ er that men hem bye/ spoones and stooles, and al swich housbondrye/ and so been pottes, clothes, and array/ but folk of wyves maken noon assay/ til they be wedded—old dotard shrew!--/ and thanne, seistow, we wol our vices shewe."285-292, pg. 109. Also of note are 235-240, in which Alisoun parrots Matheolus' description of how a wife beguiles her husband into buying her new clothes, and 269-238, in which Alisoun recounts Matheolus' reasons why it is as bad to marry a pretty wife as an ugly one. For a full list of correspondences, see Hanna & Lawler, "The Wife of Bath's Prologue," pg. 386-393.

⁶⁸¹ 489-90; pg. 111.

⁶⁸² A partial reconstruction of Jankyn's codex (along with a probable transmission history) can be found in Ralph Hanna III and Traugott Lawler's *Jankyn's Book of Wikked Wyves*, 2 vols (University of Georgia Press, 1997).

⁶⁸³ 688-9, pg. 114.

It also grants her, at long last, a happy and balanced domestic life, as she tells us “after that day we hadden never debat.”⁶⁸⁴

With these misogynous voices thus consigned to the flames, the Wife seems free to stop acting out their expectations, becoming “as kynde as any wyf from Denmark unto Ynde.” In this process, she has also freed herself from them in a more extra-textual sense, by divulging the theological inadequacies upon which they themselves are knowingly founded. In Chaucer’s hands, the parodic stance of Gautier and Matheolus is thus turned inside out, exposing the raw seams of sacramental discourse embedded in their suggestive humor. The result is a sort of double parody, in which these literary stereotypes are reflected, distorted, and finally, burned. Hence one sense in which, as Carolyn Dinshaw argues, the Wife “articulates, makes visible, exactly what patriarchal hermeneutic necessarily excludes, necessarily keeps invisible.” Or hence, to give the tale a more contemporary spin, the Wife’s own particular brand of “appropriation.”⁶⁸⁵

These parodic tendencies reach their logical conclusion in the *Cent Nouvelles Nouvelles*, wherein marital theology finds itself completely overrun by the messy dictates of human nature. In terms of direct theological parody the *Nouvelles* employ a relatively light touch, though several tales bear distinct markings of ecclesiastically directed humor. Tale Nineteen contains a retelling of the *fabliau* *L’enfant qui fus remis au soleil*, reimagined to accentuate the incompatibility between the tale’s “miracle” and the science of human reproduction. Here, the wife explicitly brands her conception a miraculous

⁶⁸⁴ 822, pg. 116.

⁶⁸⁵ As follows from Judith Butler’s famous remark, “This is not an appropriation of dominant culture in order to remain subordinated by its terms but an appropriation that seeks to make over the terms of domination.” “Gender is Burning: Questions of Appropriation and Subversion,” *Bodies that Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993), 392.

event, exclaiming, “Praised be God, who sent [this child] to us!”⁶⁸⁶ Likewise, the husband’s initial disbelief is played up along biological lines: “How can this child be mine? Did you carry him for much longer than the others?”⁶⁸⁷ Added to this is the “faux annunciation” of Tale Fourteen, in which a young maiden is informed an “angel of God,” that that she (with some help from a local hermit) will give birth to the next Pope. Of course, this “angel” turns out to be none other than the hermit himself, whose ruse is uncovered when the child they produce turns out to be a girl.⁶⁸⁸

For the most part, however, the *Nouvelles* deals with marriage and sexuality in more material terms. In Tale Eight we are presented with a scenario anxiously anticipated as early as Hugh of Saint Victor: that a public wedding, properly contracted and ecclesiastically officiated, will be interrupted by the arrival of a former clandestine partner.⁶⁸⁹ While it does not seem that the groom and his ex-lover have exchanged vows, she is visibly pregnant, which proves enough of an impediment that he confesses the affair to his “official” bride before consummating their union. This confession, however, only prompts the bride to confess to her own pre-marital dalliances, which in turn induces the groom to leave her for his original mate.⁶⁹⁰ In a strictly legal sense the groom’s decision is on the up and up, as publically-exchanged vows can (and should) be broken in favor of a previous clandestine arrangement. Yet this zigzagging narrative also calls attention to the tenuous nature of such marriage bonds, and the messy situations they produce.

⁶⁸⁶“Loé soit Dieu de ce qu’il nous envoye!” *Les cent nouvelles nouvelles*, ed. Franklin P. Sweetser, *Textes littéraires français*, 127 (Genève et Paris: Droz, 1966), 128.

⁶⁸⁷ “Comment donques pourroit ill estre mien? L’ariez vous plus porté que ung aultre?” *ibid.*

⁶⁸⁸ *ibid.*, 97-104.

⁶⁸⁹ See chapter 2, pages 118-9.

⁶⁹⁰ *Les Cent Nouvelles Nouvelles*, 68-72.

Often the marriages of the *Nouvelles* appear even more indefinite than this, as it is unclear who is actually married to whom. Tale Twenty-Two begins with another extra-marital pregnancy, and the expectant father making careful provisions for his child's mother before he is called away to war. No mention is made of the couple exchanging vows, yet the young man is still shocked to find, upon his return, that the girl has installed herself in the home of a neighboring merchant.⁶⁹¹ In the ensuing confrontation, the young woman refers to this new paramour as her "husband," though, once again, the formality of this "marriage" is never clarified.⁶⁹² Though the protagonist seems more than happy to cede his claims to her hand, the legality of the situation is never so much as questioned, and the legitimacy of the child remains unresolved.

This ambiguity is taken to new comic heights in Tale Fifty-Three, in which two marriages are thrown into uncertainty through the blunder of a myopic priest. Two couples are assembled before Mass to be married, awaiting the moment when they will be jointly called forward to say their nuptial vows. This sort of group wedding (common practice according to the author) poses a unique challenge for this particular priest, who accidentally joins the wrong bride to the wrong groom.⁶⁹³ Undoing this simple mistake proves to be laughably difficult, even when one of the couples appeals to the bishop for relief.⁶⁹⁴ In real life, this situation could easily be remedied by the provisions of canon

⁶⁹¹ Ibid, 145-149.

⁶⁹² "*Helas! Dit la gouge, que droit mon homme? Je seroye deffaicte, car il cuide certainement qu'il soit sien.*" Ibid, 148. As all we are told is that the young woman, "*troussa ung soir...ses bagues et habillements, et avec elles a l'ostel du marchant se vint rendre,*" so the audience is given no way of verifying this claim. Ibid, 147.

⁶⁹³ The author tells us, "*Et en la fin, comm ul est de coustume, devant luy se misrent ceulx qui espouser devoient, don y avoit pluseurs.*" *Les Cent Nouvelles Nouvelles*, 338.

⁶⁹⁴ The older groom is, predictably, perfectly happy to remain with his unexpectedly nubile bride. See *ibid*, 341.

law, as each party's consent was clearly impeded by an "error of person." The humor of the tale, however, derives from the thorny net created by marital indissolubility plus increasingly convoluted canonical regulations, which the Church seems to be more or less "blindly" administering.

Yet marriages in the *Nouvelles* are not always indissoluble, as couples are also able to use ecclesiastical loopholes to their own advantage. Tale Sixty-Seven introduces one such artful pair, who begin an affair while the lady's husband is in the final throes of illness and old age. Having promised to marry his paramour upon her husband's death, the gentleman manages to weasel out of this vow on the grounds that he is technically a cleric, arranging an alternative marriage for her with a local barber. Of course, the lady is peeved to discover that her lover has instead gone on to contract a more advantageous union for himself, at which point she petitions the bishop for enforcement of the original vow. As this promise does, in fact, meet the full standards for canonical validity (technically qualifying as future consent followed by intercourse) the bishop annuls both subsequent marriages and orders the original couple to live as husband and wife. The author seems keen to highlight the legal niceties of the situation, using language that would clearly invoke the requirements for such proceedings laid out in canon law.⁶⁹⁵ Thus, the situation is thrown into disarray by its very legality, preserving the letter of the law at the cost of two jilted spouses. The fact that the female protagonist is a widow, of course, adds all of the perplexing connotations of remarriage to the mix.

⁶⁹⁵ Specifically, the author mentions the presence of witnesses and the fact that the couple continued to cohabitated following this promise: "*Et illec son procureur remonstra bien et gentement sa cause, disant comment le chaperon fourré avoit promis a la cordoanniere, en presense de pluseurs, que si son mary mourroit qu'il la prendroit a femme. Son mari mort, il l'a tousjours dentue jusques environ ung an qu'il l'a baillée a ung barbier.*" Ibid, 417. The case also bears a striking resemblance to Decretal 4.17.9 (also referenced by Boccaccio), in which the status of the couple's future consent remains a deciding factor.

Outside of this tale, the question of widows and remarriage is strangely absent from the *Nouvelles*, perhaps because marriage has already proven to be amusing enough when confined to the living. The one major exception is to be found in the presumed widowhood of Tale Sixty Nine, which brings all of the troubling theological implications of remarriage to literal, tangible life. Much like *Decameron* 10.1, the tale introduces a knight who is presumed dead when captured at war, leaving his virtuous young wife to fend off the pressure to remarry. Unlike Boccaccio's heroine, the woman gives in before her husband is able to return and stop her, dying of shame once she realizes her mistake.⁶⁹⁶ In a sense, the woman's death mirrors that of Roland's ever-faithful Aude, who takes herself out of the picture once her survival has become numerically inconvenient. But whereas Aude managed to head off even the slightest hint of bigamous impropriety, this woman has already made herself a bigamist, defiling the sacramental integrity of her union in the process.

This woman's fate, of course, is not particularly funny, but neither is the tragic irony that underlies much of marriage-oriented humor. Even Richard Pryor's lighthearted observation turns upon the possibility of painful and contentious divorce—the current monkey-wrench in our own modern notion of indissolubility. The many moving parts of marriage, and the conceptual and experiential planes on which they exist, create a dangerously unwieldy edifice, of which the Christian marital sacrament is a prime but by no means solitary example. The narrative possibilities created by this instability, however, are universally abundant, ripe for comedy, tragedy, and all the registers in between.

⁶⁹⁶ Ibid, pgs. 422-425.

CONCLUSION

Throughout the preceding chapters I have been careful not to make any hard claims about direct textual influence, unless such influence can be proven on the basis of explicit citation or exact quotation. For example, while it is quite clear that Chaucer read (and intended to reference) the *Lamentations* of Matheolus, there is no definite proof that Chrétien was cribbing from Hugh of St. Victor in creating the single-hearted union of Cligés and Fénice, or that Gautier le Leu dreamed up *La Veuve* with Tertullian open on his worktable. What I have attempted to prove, however, is that these depictions of marriage are joined by a vast, invisible web of interrelated discourse, driven by the various concerns and anxieties that surrounded marriage as a conceptual entity. I conclude, therefore, with a chronological overview of this conversation, highlighting the moments at which these different ideas of marriage came into discernable contact.

At the dawn of the twelfth century, the Christian idea of marriage was still largely grounded in the Augustinian formula, as well as the many gaps and questions that came along with it. It was Augustine who had provided the notion of marital sacramentality present in the incipient canon law collections of Burchard and Ivo, helping them to take the first steps in distinguishing Christian matrimony from the vast tangle of Roman and Germanic customs before them. By the mid-1140's Augustine's marital theory had been joined by those of Peter Abelard, Hugh of Saint Victor, and Master Simon, all of whom began to tackle unresolved issues surrounding marriage formation, sacramental signification, and, most importantly, whether both of these marital components were initiated by consummation or consent. The next two decades saw conflicting answers to

this question from two otherwise decisive sources in theology and canon law: Peter Lombard, who came down on the side of consent, and Gratian, who tentatively laid the groundwork for consummationist legal thought. What was clear by 1150 was that marriage was firmly established as a sacramental entity in both theology and law, and that this sacramentality was based on a strict symbolic interpretation of its ability to reflect Christ's union with the Church.

It was at this approximate moment that vernacular literature began to weight in on marriage as a Christian conception, and to consider how the more abstract elements of matrimony interacted with other forms of narrative representation. *The Chanson de Roland*, whose text was likely finalized by 1145, represents an early attempt to negotiate both the theological problems of marriage (notably those involving widowhood) and marriage's place within a feudal and military narrative atmosphere. The conventions displayed by this text would be emulated within *chanson de geste* for more than a century to come, even when the theological and legal discourse shifted and complexified. Even as theologians continued to discover fresh problems with the marital sacrament, *chansons de geste* continued to sublimate these problems, presenting a vision of marriage in which all forms of irregularity are rejected or irradiated.

At roughly the same time, a very different picture of love and marriage was being developed by French romance authors, who were more willing to entertain the conjugal theology's increasingly apparent difficulties. In particular, these *romans* were more open about the various inconsistencies between marital sacramentality and the demands of feudal society, in particular theology's unease between the often socially necessary remarriage of widows. Romance authors also went a step further by portraying what had

been, since the time of Augustine, one of conjugal theology's biggest problems: the potential for it to unintentionally glorify non-marital forms of unity and love.

The next hundred years saw both canon law and theology consumed by two separate but related questions: whether marriage was formed by consent or consummation, and whether the marital sacrament could, as Peter Lombard's formula required, confer the grace that it signified. By the late thirteenth century, these questions had been largely settled by the authoritative treatments of Pope Alexander III and Thomas Aquinas, dictating that marriage was formed by exchange of consent in the present tense, but sanctified by the remission of sexual sin after its consummation. The possible contradiction between these two solutions hints at the many loose threads left dangling within the overall sacramental construct, in particular the persistently questioned issue of its ability to confer non-remedial grace. The result was that enormous pressure was placed upon marriage's signifying power, which, due to the perpetual confusion about consent or consummation, was itself unstable.

All of this exposed uncertainty made for excellent comic fodder, as humorous treatments of marriage became increasingly prevalent after the turn of the thirteenth century. In the *fabliaux* we see a parodic take on these issues, whereas the comic tone of misogynous literature dug deeper into the marital sacrament's unstable foundation. Both of these genres were especially focused on the rift between marriage's spiritual claims and this-worldly realities, as well as the perpetual anxiety surrounding remarried widows. This latter topic was famously taken up by Chaucer's Wife of Bath, who overturned the misogynist strains of this discourse to uncover the real conceptual issues at stake.

This comic potential was only amplified when the loopholes in marriage's legal makeup began to hit the emerging ecclesiastical court system, particularly via the flood of brides attempting to enforce clandestinely-officiated nuptials. This public unraveling once again shifted the focus of fictional portrayals of matrimony, with both comic and non-comic texts becoming increasingly aware of marriage's blurry boundaries. Hence the fourteenth-century fascination with the quasi-marital saga of Troilus and Criseyde, as well as the increasing number of irregular nuptials wreaking havoc across the comedic literary landscape. The real-life implications of this problem were finally addressed at the Council of Trent, as were the theological dangers of effectively solving it. While clandestine marriage was officially outlawed via the monumental *tametsi* decree, the council, as Philip Reynolds has recently shown, "brought to light fundamental irreconcilable disagreements about reform, which in turn presupposed divergent conceptions of the sacramentality of marriage."⁶⁹⁷

These "divergent conceptions," in sum, formed the core of what counted as marriage throughout the middle ages, as theologians, canonists, and storytellers added their own overlapping ideas of what it meant to be married. In a sense that would seem uncannily familiar to contemporary Western judges and politicians, medieval thinkers found themselves in the uneasy position of having to redefine an institution that was at the cornerstone of their society, whose conceptual and practical elements often proved difficult to harmonize. Twenty-first century Americans, who find themselves in the throes of their own iteration of this process, often look desperately to the Christian past to find answers to the questions before them, assuming that they will find a stable, reified

⁶⁹⁷ Reynolds, *How Marriage Became One of the Sacraments*, 810.

notion of marriage that they may either emulate or reject. Such assumptions, however, dissolve under closer scrutiny. Much like today, marriage was something that medieval people struggled to define together, for better or for worse.

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