

What Impact Did Christian Law Have on Women's Marriages and Sexuality in Medieval England?

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Abstract

This thesis explores Christian law/Canon Law ideals for marriage and sex which ruled over England and other Western European countries during the Middle Ages. Christian law was a set of principles delivered by the Pope (the head of the Roman Catholic Church); it was a set of many ideals (the ones focused on will be marriage and sex) for both men and women to follow by the encouragement of the Catholic Church. Christian law attempted to control men's and women's sexual behavior and marriages by having an idealistic guideline to marriage and sex – the purpose was to have Catholic followers behave like a proper Christian and to assert the power of the Catholic Church and Pope. The extent to which Christian law made a successful impact on controlling and guiding women's marriages and sexual behavior will be explored through women's church court cases and literature on women's sex lives, family life, and marriages.

Marriage under Canon Law was supposed to be: a binding agreement, a contract needing only the two parties involved consent, a process that could use future or present consent, permanent, and consummated (having sexual intercourse). The downfall of this system was it contained principles with many gaps (such as allowing clandestine [private] marriages), which led to loopholes and in turn many litigation cases in church courts. There were many weaknesses inside Canon law, it can be discovered by women's litigation cases, sex lives, and marriage choices. Women's church court cases reveal that they would use Christian law to their benefit for

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a marriage annulment (although Christian law made divorce illegal), and to create a marriage if the other party did not agree to one after sexual intercourse (also shows that people fornicated which was against Christian law). Furthermore, other women's church court cases reveal that some fell victim to Christian law - even if they followed it correctly. Women could fall victim to Christian law by their valid marriages being annulled in church court by their spouse if there weren't enough or any witnesses to their marriage, they could lose property in widowhood if there weren't witnesses to their former marriage, and they could be tricked into sexual intercourse on the promise of marriage (which creates a valid marriage) by a man only to be deceived and needing church court intervention to enforce their marriage. In addition, Christian law did not ensure that marriages were always consensual. It's indicated that family and friends typically played the biggest role in women's marriage partner choice through pressure or threat of litigation against her future marriage if they didn't approve of her partner choice. All of these weaknesses indicate that the impact Christian law had on women's marriages and sexuality was defective. Christian law failed to ensure that women: had permanent marriages, have indisputable/secure marriages, have sex only within marriage, and have a full choice of a marriage partner. Christian law attempted to control women's sexual decisions and marriage process, but it wasn't effective in having women abide by it. Women still ignored, went against Christian law, or even used it to their advantage. Moreover, even when women followed Christian law for having a marriage there was still the risk of it being disputed or annulled for lack of witnesses - because Christian law had gaps. Christian law wasn't an effective system in regulating women's sex lives and marriages, it also didn't ensure justice or stability for women.