

# A Cauldron of Unholy Loves

## *Ecclesiastical Ambiguity and the Development of Medieval Marriage Law and Theology*

By David Golding

Marriage definitions, laws, and religious doctrines changed drastically and somewhat consistently throughout the Middle Ages. Behind every change was some link to the church and its doctrine, liturgy, or ecclesiology, and scores of traditions heightened the church's influence on the development of the medieval marriage institution. The clergy naturally invested themselves in interpreting biblical references to marriage, and given that they were the few with any access to the scriptural canon, their role in the enforcement of religious policies had an impact on marriage practices on the ground level. Yet, as monasteries grew throughout the eleventh and twelfth centuries, more and more clergymen attempted to adapt their views to increasingly diverse local customs. In their correspondence (and frequently debates), theologians of the time conveyed an ambiguous ecclesiastical position regarding marriage, ranging from a view of marriage as the most lustful and depraved function of human relationships to a divinely sanctioned union between a man and a woman. Local ecclesiastical leaders interpreted this ambiguity in myriad ways which then trickled down into society in the form of varied cultural beliefs.

With such turbulent doctrinal ideals of marriage, nobles, kings, and popes wrestled with how to define marriage and how to deal with the troublesome realities which followed. Some have argued that the church had an interest in social power and enacted consanguinity laws, enforced divorce restrictions,

and denounced human sexuality in an effort to guarantee land and inheritance property for the church.<sup>1</sup> Actually, the church by the eleventh century had become fused with the state powers, its popes declaring absolute control over the secular and the spiritual authorities of the entire world.<sup>2</sup> As the church took on theological debates that had anything to do with social change, it could not avoid social and legal ramifications. In the least, laws of the time passed through some ecclesiastical channels in the church; concerns of the church, therefore, held sway in the lawmaking and the drafting of policy regarding marriage at the time.

A chief concern of the church was the conversion of pagan peoples and kings, and the total renunciation of heresy as a result of pagans coming into the church. Striking differences in culture, tradition, and religious belief, to say nothing of marriage, were introduced into local communities as a result of pagan conversions, and negotiating strict biblical doctrine with such social change proved more difficult than scrupulous bishops once believed. While the church was heavily connected with the local and global medieval polity, this volatile political climate regarding marriage was not so much a consequence of erring bishops, power-hungry popes, or concubinary kings, and potential legal manipulations of such, but rather, by the twelfth century proved to be the intense social changes brought about by church growth and the efforts to strike a balance between theological platitudes of marriage and the reality of marriage practice among typical medieval families.

### **Lust versus love and Biblical interpretation**

The nature of the Latin church's policy on marriage revolved around Biblical morality and Christian doctrines of lust and sex. God spoke to Moses the commandment to not commit adultery (Exodus 20:14) and Christ took that sin a step further: "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart" (Matthew 5:27–28). Not only were adultery and fornication sinful, but prevailing medieval doctrines held that they were the cause of the fall of man; sex was the literal act that produced the Fall but was hidden in the symbol of Adam and Eve partaking of the forbidden fruit. All sin, therefore, had been

introduced to mankind as a consequence of sex; lust was one of the most serious crimes a person could commit. Naturally, with strict views of human sexuality and the violation of chastity in merely looking on a “woman to lust after her,” early Christian theologians developed doctrines of celibacy and praised the altogether abstinence of sex. As a result, these same thinkers grappled with the marriage institution. They never really debated the marriage institution itself or other social aspects of marriage. For marriage partners to not have a sexual relationship was impossible; the word marriage religiously totally implied sexual as well as all other forms of union. From the earliest Christian thinkers through the Reformation, the question of marriage had everything to do with the sinful or sinless nature of sexuality or whether marriage somehow changed sex into a righteous practice.

As early as the first century, the very idea of marriage as a religious institution received treatment from Paul. The apostle not only expressed favor of marriage, but specifically praised the sexual union—the Christian faithful ought to leave father and mother and marry a spouse, and “become one flesh” (Ephesians 5:25–33). By the fourth century, however, monks would debate the essence of Paul’s instructions regarding marriage. Jovinian, a monk in about 390, wrote a tract in which he claimed that virginity was not superior to marriage.<sup>3</sup> St. Jerome, the revered translator of the Vulgate Bible, replied to this tract so harshly that his *Adversus Jovinianum* literally became what one scholar called, “the basic medieval textbook for antifeminism.”<sup>4</sup> “Marriage fills the earth,” wrote Jerome, “virginity heaven.”<sup>5</sup> In response to the question of what to do about the necessity of continuing the human species and his incompatible views on virginity, Jerome retorted by asking, If we all became philosophers, who would till the fields?<sup>6</sup> Not unlike capitalists who trust that incentives will motivate somebody to take on undesirable jobs in an economy, Jerome counted on sinners to procreate. Theologically, he preferred that humans simply die out and go to heaven than to continue in mortal lusts. Jerome went so far as to write that virginity could be lost “even by a thought,” so sinful was the inner desire of lust.<sup>7</sup> The superior place of virginity was self-evident in the Incarnation—“Death came through Eve, but life has come through Mary,” a virgin.<sup>8</sup>

None other than Augustine joined in on the debate, praising marriage as a “safeguard against adultery or fornication” and the “pardonable” outlet for

sexual intercourse. Augustine went so far as to insist that marriage deserved to include intercourse beyond mere procreation, writing that Paul himself “permits in married couples [intercourse], allowing them to indulge in sex beyond the purpose of procreation[.]”<sup>9</sup> Even with this less conservative view of sex within marriage, Augustine still manifested ambiguities toward his theology of lust in his *Confessions*. “To Carthage I came,” he wrote in the late fourth century, “where there sang all around me in my ears a cauldron of unholy loves.... I defiled, therefore, the spring of friendship with the filth of concupiscence, and I beclouded its brightness with the hell of lustfulness.”<sup>10</sup> His adolescence, he admitted, was filled with sexual experiments and numerous lustful temptations. From age sixteen on, Augustine wrestled not only with what he later termed the “original sin” as a personal temptation, but also as a theological question hitherto overlooked. In the *Confessions* and later works, his articulation of the theology of sin would last through the entire Middle Ages and into the Reformation. In short, Augustine’s categorical rejection of lust was synonymous with other sins; lust was at the root of all forms of wickedness. At the same time, Augustine accepted of marital lust in ways that would confuse later celibate monks.

Inspired by Augustine’s *Confessions*, the twelfth century monk Guibert of Nogent described a common fear among celibates in his memoir. “I sin, it is true,” he wrote, “but when reason returns, I repent that I yielded to the lust of my heart and that my soul, with unwilling heaviness, bedded itself in baskets full of dung.”<sup>11</sup> He continues mourning for his propensity to sin and consistently mentions lust, even when speaking of other vices that generally appear disconnected from any kind of lustful nature. Sin to Guibert is more than an undesirable attribute of his daily life but a stench, a “stinking willfulness” and “extremely ugly.” “If I do not understand what is good, how shall I be able to know evil, much less to forswear it?” he asks. Torn in his quest to seek out the beautiful things of God and to yet avoid the temptation of lust (“beauty [is] but an empty show”), Guibert takes comfort in the goodness of his mother and in the fact that unreservedly seeking out the good empowers one to resist evil. Notwithstanding being constantly surrounded by a lustful world, “there remains to me the hope of that salvation which is open to all.”<sup>12</sup> While thanking God for his good mother and promising to never deviate from her favor, Guibert rejected her pleas to gain favor with nobility

and entered a monastery. This student of Augustine could not reconcile his mentor's doctrine of the appropriateness of marital sex with his own lustful temptations, and Guibert eventually embraced celibacy as the only escape from temptations of the flesh.<sup>13</sup>

The earliest Christian fathers diverged on the topic of lust. Augustine found a place for it within the bonds of marriage; Jerome never could allow it given the possibility to practice lifelong abstinence. Both classes of celibates and married persons found theological justification in the established teachings of the early church fathers.

### **Canon law and marital love**

Throughout the Middle Ages, this same debate of marriage as sinful and celibacy as holy continued to resurface among ecclesiastics. Candidates for bishoprics would, at one point, be required to despise marriage to obtain an appointment; a century later, Pope Gregory I declared the repudiation of marriage as heresy.<sup>14</sup> Yet, with these ecclesiastical ambiguities, the prevailing sense among marriage partners continued to place passion and lust, whether in or out of marriage, in the category of wickedness. C. S. Lewis explained,

...according to the medieval view passionate love itself was wicked, and did not cease to be wicked if the object of it were your wife. If a man had once yielded to this emotion he had no choice between "guilty" and "innocent" love before him: he had only the choice, either of repentance, or else of different forms of guilt.<sup>15</sup>

Medieval sermons focused on this potential for guilt within marriage, reiterating the component of marital love in human intimacy. Gérard de Mailly, for one, specifically spoke of "intimate" love between a husband and wife in his sermons and urged his married listeners to abandon feelings of guilt.<sup>16</sup>

The church by the late Middle Ages had come full circle in its general teaching of marital love. Gratian's influential work of 1140 *Concordia discordantium canonum* (later known as simply the *Decretum*) "set the stage for a rapid and decisive transition in the church's exercise of its jurisdiction."<sup>17</sup> The *Decretum* reconciled the practice of law based on the authority of the church and its councils and scripture. Throughout the thirteenth century,

Gratian's canons of marriage were revised and employed in hundreds of marriage cases, and ruling popes like Alexander III and Innocent III frequently published formal decretal letters based on this systematic legal view of marriage. With the publication of another work, *Liber extra* in 1234, marriage law was now complete and varied little until the Reformation. Aside from setting out that marriage partners legally could choose one another rather than lords or parents, the most significant contribution of the *Decretum* was the definition of the precise moment when marriage became legally binding. Before, some held that it was the moment of consent to marry, others argued the moment of arrangement between lords or parents. But the *Decretum* declared that the distinguishing feature of marriage was the very thing Jerome and Augustine bickered about: *commixtio sexuum*, or the consummation of marriage.<sup>18</sup> Marital love had gone from being a necessary evil for the propagation of the human race to the distinguishing feature of marriage.

Several features of marriage at this point in the Middle Ages made marriage practice more complex than prior centuries: marriage continued to be considered a sacrament in the church, not unlike the eucharist or communion; arranged marriages continued to be practiced among nobility; celibacy was still considered a sacred norm of monastic and clerical lifestyles; feudalism required that lower classes be governed by upper classes, including marriage arrangements; the church ruled in its canon law that consenting individuals (even without the presence of a priest) could contract a marriage on terms of *verba de futuro* or the promise to marry sometime in the future; and mankind was inherently lustful as a result of the Fall. Case after case of marriage disputes contained questions for the church regarding conflicts between these features of marriage laws and beliefs.<sup>19</sup> When is marriage legally binding? Can one repudiate a spouse when no actual consummation has occurred but the promise of marriage has been given? Should the church intervene in a feudal society where arranged marriages continue to occur for economic and political gain? Theologically, ambiguities resulted after centuries of refining canon law, and the final manifestation of the church's dealing with its ambiguous and complex marriage paradigm was in its enforcement of consanguinity laws.

## Consanguinity laws

The church outlined prohibitions on marriage within certain degrees (e.g., a person could not marry a sibling or cousin, etc.). Pope Alexander II in the eleventh century called marriage within the prohibited degrees a “detestable crime” and other popes and councils would exercise an even harsher stand against violations.<sup>20</sup> Until the Fourth Lateran Council in 1215 marriage within seven degrees of consanguinity was considered incestuous, and by then, still four degrees of separation between spouses’ kinship were required.<sup>21</sup> Here, the significant change in the church’s ability to make its position concrete is evident—before, conflicting positions on the appropriateness of sex and marriage led to diverging practices of contracting marriage and the church’s role in that process, and marriage customs consequently were informal and “up-in-the-air”; now, a physical document proving one’s literal bloodline was the social standard and the church could enforce its doctrines in society by means of investigative and empirical evidence.

The canon laws established by the *Decretum*, *Liber extra*, and the Fourth Lateran Council could only be enforced by the church, a fact that led some secular authorities to attempt to reject consanguinity laws. But through a series of papal decrees and the power gained by the church through the crusades of the eleventh and twelfth centuries, by the time of the Fourth Lateran Council the spiritual authority of the church was widely regarded as the ultimate authority. The divorce of King Louis II and Eleanor of Aquitaine in 1152 due to the church’s insistence that their kinship to each other was withing at least the fifth degree was the most prominent enforcement of consanguinity laws in medieval history. Despite incredible economic gains for the marriage and the political fallout from a possible divorce, the idea that Louis II and Eleanor would mutually decide on a divorce would have been unthinkable. That the most elite of the French nobility at this time would bend to the will of the church not only demonstrates the ultimate power of the church over secular rulers by the thirteenth century, but also shows how widely practiced and enforced among the nobility consanguinity laws had become.<sup>22</sup>

## Conclusion

Medieval theologians never did come to a general consensus on a theology of marriage. The debates between Augustine, Jerome, Jovinian and the staunch celibate lifestyle of powerful monks like Guibert made such a consensus improbable while the church's establishing of its authority in secular society remained a challenge. Crusades and the hunt for heretics certainly kept the church's highest councils occupied before they could resolve lesser theological ambiguities. For centuries, the precedent of prohibited degrees for marriage and the lingering guilt among many marriage partners for practicing marital love constituted the general attitudes toward marriage. But the pinnacle of power the church occupied by the early thirteenth century and the individual authority of Pope Innocent III allowed for a resolution to the earlier marriage laws' vagueness and the ability of the church to enforce reformulated canon law in secular society. Rather than lead marriages into confusion, the canon law supplied by the church could finally provide answers to social changes and disputes.<sup>23</sup>

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<sup>1</sup> Constance B. Bouchard, "Consanguinity and Noble Marriages of the Tenth and Eleventh Centuries," *Speculum* 56 no. 2 (1981).

<sup>2</sup> Pope Gregory VII, *Dictatus Papae*, ed. Ernest F. Henderson, *Select Historical Documents of the Middle Ages*, (George Bell and Sons, London: 1910), 366–67. Pope Gregory VII declared in the *Dictatus Papae* that the pope alone could wear the imperial insignia and that he had secular as well as spiritual authority over the whole earth

<sup>3</sup> Christopher N. L. Brooke, *The Medieval Idea of Marriage* (Oxford University Press, Oxford: 1989), 61.

<sup>4</sup> *Ibid.*, 62.

<sup>5</sup> Jerome, *Adversus Jovinianum*, I:13, 16; XXIII:232, 235.

<sup>6</sup> Brooke, 62.

<sup>7</sup> Jerome, *Letter to Eustochium*, XXII:5.

<sup>8</sup> *Ibid.*, XXII:21.

<sup>9</sup> Conor McCarthy, *Marriage in Medieval England: Law, Literature and Practice* (Boydell Press, Woodbridge: 2004), 109.

<sup>10</sup> Augustine, *Confessions*, 3:1.

<sup>11</sup> Patrick J. Geary, ed., *Readings in Medieval History*, 3rd ed., (Toronto: Broadview Press, 2003), 2:34.

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<sup>12</sup> Ibid., 2:34–37.

<sup>13</sup> Ibid., 38–44.

<sup>14</sup> Michael M. Sheehan, *Marriage, Family, and Law in Medieval Europe: Collected Studies* (University of Toronto Press: Toronto, 1996), 300.

<sup>15</sup> C. S. Lewis, *The Allegory of Love* (Oxford University Press, Oxford: 1936), 13–14.

<sup>16</sup> D. L. D'Avary, *Medieval Marriage Sermons: Mass Communication in a Culture without Print* (Oxford University Press, Oxford: 2001), 256–57.

<sup>17</sup> Frederik Pedersen, *Marriage Disputes in Medieval England* (Hambledon and London: London, 2000), 1.

<sup>18</sup> Ibid., 2–3.

<sup>19</sup> Ibid., 153–75.

<sup>20</sup> Pope Alexander II, letter of 1065, ed. S. Loewenfeld, *Epistolae pontificum Romanorum ineditae* (Liepzig, 1885), 52–53.

<sup>21</sup> Geary, 2:125–127.

<sup>22</sup> Bouchard, 268.

<sup>23</sup> Pedersen, 213.