On the Confusion of Identity of Prostitutes in Medieval France

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Medieval sexuality cannot be viewed from a modern perspective. Medieval theologians and thinkers defined sexuality according to their interpretations of the Bible. Men and women played different roles in society. The social role of women in the middle ages was largely restricted by the relationship of the men whom they lived with. It was difficult for theologians and Church fathers to define those who did not fit into the "norms" or society. Strict Church control over the laity in all facets of life made it difficult for those who disobeyed and strayed from the rules of the Church over behavior and conduct. This essay argues how the lack of universal term for prostitute led to confusion between women's roles as mistresses, wives, daughters or prostitutes in medieval France. The first part of the essay addresses the social norms and how they affected prostitutes who lived outside these categories. The second part of the essay deals with the legal context surrounding prostitutions and the different strategies used to control such behaviour. The last part of this essay explores the identity of prostitutes and the vague terms used to refer to women in legal documents. By exploring the norms and the context of medieval French society, we can see how confounded the identity of medieval prostitutes was.

In medieval France, women held one of three distinct social positions: virgin, wife or widow. These normative roles for women in society were different for the upper and lower classes, since the upper class had a financial advantage, even among single women.

For instance, upper class courtship practices involved gift exchanges before marriage and upper class women who could not afford a dowry entered convents so they could remain a virgin forever.[1] These two methods were the normal stages for elite women to go through, lest they be labeled a whore, but the label of prostitute was very unlikely to be given to these upper-class women.[2] Contrary to the social norms of the elite class, the lower classes had more troubles because of their financial need.

Lower class women suffered greater difficulties avoiding the label of prostitute. For instance, men often sexually disrespected their lower class maids as part of their paid services.[3] The sexual demands of male employers were allowed because of the active-passive view of sex between men and women; men were considered active while women were considered passive. The demand for sexual performance from male employers thus blurred the distinction between lower class domestic servants and prostitutes, where both were paid for their services. Lower class women also willingly participated in prostitution in order to supplement their low incomes.[4] Despite not falling into the category of virgin, wife, or widow, they were widely accepted as a negative but necessary societal position. Prostitution was socially accepted as the only way to protect wives and daughters from rape and scandal.[5]

Similar to the social system, the legal system struggled to group the prostitutes and create laws to protect both their citizens and prostitutes. Medieval French society did not have laws controlling prostitution or protecting these women from rape until the late

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[1] Judith M. Bennet et al. ed, *Singlewomen in the European Past 1250-1800* (Philadelphia: University of Philadelphia Press: 1999), 85, 135.

[2] Ibid., 135.

[3] Jacques Rossiaud, *Urban Prostitution* (New york, Blackwell, 1988), 28.

[4] Sharon Farmer, "It is Not Good that [Wo]man Should Be Alone:" in *Single Women in the European Past* eds. Bennett and Froide, 84.

[5] Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* (Chicago: University of Chicago Press, 1985), 12.

12th century under Louis IX. These laws were based on the concern for people's souls and public morality during a time when Europe believed the end of the world was near. For instance, Deuteronomy 23:17-18 states that "None of the daughters of Israel shall belong to the cult of prostitutes … [which is] an abomination to the Lord your God."[6] The Church, however, allowed prostitution to be practiced in hopes of protecting the virtues of daughters and wives, contrary to the biblical commandment that "Thou shall not commit adultery." [7] Before Louis IX's prostitution laws, Roman law strictly prohibited prostitution. The Gauls also forced chastity onto women and prostitution was severely punished under the Capitularies of Charlemagne. [8] Over time, these social restrictions and contradicting Church court laws created legal problems for women.

The efforts of Louis IX in 1254 failed to eliminate prostitution, as the number of prostitutes continued to rise to meet the demand of men. Because medieval society was governed locally and provincially, state laws were not well enforced, if at all.[9] Most prostitutes were under the authority of a brothel keeper or procuress and swore oaths to municipal authorities. They paid for nightly protection and heating to remain in business.[10] Many towns legalized prostitution and controlled it within brothels by local authorities to ensure a visible division between the virtuous and the whores.

A perpetual problem lower class women faced was rape and scandal. According to Jacques Rossiaud, there was a series of youth rebellions between 1486 and 1536,

[6] *Holy Bible* (Oxford University Press, 1894).
[7] Thomas Chobham, "Girls and Young Women" in *Medieval Writings on Secular Women* trans. Dr. Keiko Nowacka (New York: Penguin Books, 2011), 98.
[8] William W. Sanger, *History of Prostitution: Its Extent, Causes and Effects Throughout the World* (New York: The Medical Publishing Co., 1898), 93-94.
[9] Ibid., 98.
[10] Rossiaud, *Urban Prostitution,* 34.

resulting in at least 125 cases of marriageable or widowed women being raped.[11] The concept of sex as active-passive proved to be a problem, since at this time the concept of "rape" did not exist. According to the two-seed model, where conception required females to orgasm, women could not be victims of rape. There were also issues brought to court of clandestine marriages, as there was no way to prove marriage unless both partners professed to it. This was a problem for lower class women who had children to support and needed financial support from their male partner. For example, in the case of Jeanne la Fayne and Pierre Mesnard, Jeanne wanted Pierre to make the marriage official, but he refused.[12] Women under these conditions were at a legal and social disadvantage. These problems led to legal compromises under Charles VI to protect daughters and wives from being identified as prostitutes through keeping the brothels open and in separate districts and by giving prostitutes royal protection from rape.[13] It gave whores the legal right to refuse men they did not want to do business with and gave them the right to go to court and win in cases of rape. Unfortunately, these measures only increased the problems and disapproval from the residents that these women faced.

The only escapes from prostitution for these women were clandestine marriages or retirement into either one of the charity institutions that supported retired prostitutes or a Beguine community. Prostitutes could not legally marry because the Church controlled marriage and prostitutes were not recognized within the Church community. As a result, clandestine marriage, an agreement between both partners that was recognized socially by the community, was the only form of marriage they could have. On the other hand,

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[11] Rossiaud, *Urban Prostitution*, 11-26.
[12] Ruth Mazo Karras, *Unmarriages: Men and Women and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania, 2012), 170.
[13] Sanger, *History of Prostitution*, 100.

charity institutions and Beguine communities allowed women to remain independent and look to one another for guidance.[14]

Being a single, independent woman in medieval France was unacceptable. It was abnormal according to the Bible, which states in Ephesians 5:3 that "sexual immorality and all impurity or covetousness must not even be named among you, as is proper among saints."[15] Lawmakers and theologians controlled the official view of prostitutes.[16] Legal records portrayed and labeled single women as prostitutes for lack of a better and more accurate term since there was no other category for a single woman who was not a virgin.[17] There were many terms used to describe these women found in written records, for example: "Meretrix," Latin for whore;[18] "valde simplex," meaning "very simple"; "filia" or "invencula," both meaning "girl;" "priest's whore;"[19] "pauvre fille,"[20] French for "poor girl;" and, in 1 Corinthians 6:15, "harlot." All of these terms were derogatory and meant to subordinate women to men as "lesser beings." Some were labeled adulterers, but the term was still used interchangeably with "whore." In the cities, whores were forced to wear a physical mark of their profession such as a cord belt, sleeves of a different fabric and colour, a mark on their left arm, a man's hat or a scarlet belt.[21] In n reality, a woman's identity was much more complex. Take for example the court case of Marianne la Pierresse against Simon de Grain.[22] Marianne was Simon's mistress for approximately 19 years and they had a daughter, whom Simon recognized. After Simon's

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[14] Farmer, "It is Not Good that [Wo]man Should Be Alone," 91-93.
[15] *Holy Bible*
[16] Ruth Mazo Karras, *Singlewomen in the European Past* (Pennsylvania: Pennsylvania Press, 1999), 129.
[17] Ibid.*,* 128-129.
[18] Ibid., 129.
[19] Karras, *Unmarriages,* 175.
[20] Otis, *Prostitution in Medieval Society*, 64.
[21] Ibid., 80.
[22] Ibid.*,* 172.

wife died, Marianne went to court hoping Simon would make their union official. They did not marry, which made her an adulterer and a prostitute despite her having had only one long-term partner.

Another example of the confusion between an adulterer and prostitute is Heloise d'Argenteuil and her relationship with Peter Abelard. In her first letter to Abelard, Heloise reveals her unrequited love for him and desire to have him write back to her soon.[23]

> And, though exceedingly guilty, I am, as thou knowest, exceeding innocent. For it is not the deed but the intention that makes the crime. It is not what is done but the spirit in which it is done that equity considers. And in what state of mind I have ever been towards thee, only thou, who hast knowledge of it, canst judge.[24]

This letter and others that followed are examples of Heloise's acknowledgement and love for Peter Abelard. How Peter Abelard and Heloise would describe their relationship was something that only they knew and there was no term for their unmarried relationship. Because Heloise was an upper-class woman, she would not have been seen as a prostitute, but rather as an adulterer. The term prostitute was reserved for lower class women. It was not possible for Heloise and Abelard to be together because Abelard was in a lower social class than Heloise. So did that make Heloise an adulterer, a prostitute, or both in the eyes of medieval society?

Despite the lack of a concrete definition, there were many descriptions for what was believed to define a prostitute. Thomas of Chobham, a secular clergyman in the early 13th century, referenced the Bible when he described prostitutes as "any woman who gives herself to lust within marriage," "…a woman who makes herself available to the lust of many men," a woman who is "wanton" by presenting a negative public display of

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[23] Heloise d'Argenteuil, *First Letter to Peter Abelard* trans. C.K. Scott Moncrieff (New York: 1925).
[24] Ibid.

sexual invitation, or someone who "perverts the faculty of reason in human nature."[25] Chobham equated the sin of prostitution with male fornication and therefore concluded that it could be forgiven by the Church, as in the case of Mary Magdalene, a former prostitute.[26] Unlike Thomas of Chobham, other medieval Church writers took on a less forgiving position against prostitutes. Robert of Coursson advised the Council of Paris in 1213 that prostitutes "should be set apart, as is the custom with lepers."[27] Using these descriptions, a prostitute by medieval standards could be defined as a lower class woman who gives her body to multiple men over a long period of time, whether for pure lust or for economic reasons. This would differentiate prostitution from adultery. An adulterer is anyone, whether upper or lower class, who participated in extra-marital sex, usually with one long-term partner. As such, a prostitute was an adulterer, but not every adulterer was a prostitute. From these two definitions, Jeanne la Fayne, Marianne le Pierresse, and Heloise d'Argenteuil could be considered adulterers.

In conclusion, the identity of medieval prostitutes was challenged and restricted by social norms, their legal rights which evolved over the late middle ages, and the labels that they were given by medieval writers and theologians of the Church. The medieval view of women forced them to be categorized as a virgin, wife or widow. Of course, marginal women like prostitutes existed in society as well. Often times, lower class women had no other choice but to enter into this profession. The legal system evolved slowly over the late Middle Ages; it was not until Charles VI that prostitutes received royal protection from abuse and rape. With these social and legal restrictions, prostitutes were not clearly defined or identified by medieval court records and theologians. Perhaps

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[25] Chobham, "Girls and Young Women," 96-97.
[26] Ibid., 101.
[27] Otis, *Prostitution in Medieval Society*, 23.

if medieval writers had agreed on a concrete definition of a prostitute, the confusion and scandals could have been avoided altogether.

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