

sensual pleasure, and that must be condemned. But if the infertility of the wife is determined only after the marriage has been contracted, then it is pardonable for the husband not to dismiss his wife. The last ramifications of this notion that marriage has to be a procreative fellowship were not removed from Canon Law until 1977: Now the husband need only be capable of having intercourse, not of having children, in order to contract a valid marriage.

Philo sharply criticizes contraception: "Those who during intercourse bring about the destruction of the seed are undoubtedly enemies of nature" (*On the Individual Laws* 3, 36). And because of the sterility of their sexual acts he also sharply condemns homosexuals: "Like a bad farmer, the homosexual lets the fertile land lie fallow and toils night and day with the sort of land from which no fruit at all can be expected." Philo, who thought like a Greek about many things, was altogether Jewish in his aversion to homosexuality: "One must proceed ruthlessly against these men, in accordance with the prescription of the Law, that the effeminate man, who falsifies the stamp of nature, should be killed without hesitation, and should not be allowed to live a day, indeed not for an hour, since he shames himself, his house, his fatherland, and the whole human race . . . because he pursues unnatural pleasure and for his part works toward the desolation and depopulation of the cities . . . when he destroys his seed" (*On the Individual Laws* 3, 37-42).

Source:
Ranke-Heinemann, Uta, Trans. by Peter
Heinegg / Eunuchs for the Kingdom of Heaven,
1990, pp. 21-26.

II

THE ANCIENT TABOO AGAINST MENSTRUAL BLOOD AND ITS CHRISTIAN CONSEQUENCES

One particular taboo of Antiquity that Christianity went along with prohibited intercourse with a menstruating woman. Philo, like the physician Soranus of Ephesus (second century A.D.), argues that conception cannot take place during menstruation, and so he forbids intercourse with menstruating women. Fresh menstrual blood, he says, keeps the womb moist, and "Moisture not only weakens the vitality of the seed, but totally cancels it" (*On the Individual Laws*, 3, 6, 32). This is Philo's justification for the ban in Leviticus 20:18: "If a man lies with a woman having her sickness, and uncovers her nakedness, he has made naked her fountain, and she has uncovered the fountain of her blood; both of them shall be cut off from among their people."

The Old Testament itself does not explain this atrocious penalty. We do learn, however, in Leviticus 15:19-24 that God defines a menstruating woman as unclean for seven days, and anyone who touches her or anything she has touched or anything touched by someone she has touched is also unclean. In Antiquity both Jews and pagans were convinced that menstrual blood was, in effect, poisonous. But whereas for Philo the menses damaged semen so that conception could not occur, the Roman naturalist Pliny the Elder (d. 79 A.D.) maintained that sex with a woman having her period was forbidden because children conceived during menstruation were sick, or had purulent blood serum, or were born dead (*Natural History* 7, 15, 87).

Around the year 200 the Church Fathers Clement of Alexandria (d. 215?) and Origen (d. 254) [echoed two centuries later by Jerome (d. 420)] claimed that children conceived during menstruation were born impaired. As Jerome wrote: "When a man has intercourse with his wife at this time, the children born from

this union are leprous and hydrocephalic; and the corrupted blood causes the plague-ridden bodies of both sexes to be either too small or too large" (*Commentary on Ezekiel* 18, 6).

"Whoever has relations with his wife during her period," warns Archbishop Caesarius of Arles (d. 542), "will have children that are either leprous or epileptic or possessed by the Devil" (Peter Browe, *Beiträge zur Sexualethik des Mittelalters*, p. 48). In his encyclopedic work *Etymologies*, which was widely read for hundreds of years, Isidore of Seville (d. 636) states that, "After touching [menstrual blood] fruits do not sprout, blossoms fade, grasses wither . . . iron rusts, brass turns black, dogs that taste it get rabies" (Browe, p. 2). Like Philo, Isidore thought that the damage done to semen during menstruation made conception impossible. According to Abbot Regino of Prüm in Eifel (d. 915) and Burchard of Worms (d. 1025), the priest in the confessional had to ask about intercourse during menstruation.

The major theologians of the thirteenth century, men such as Albert the Great, Thomas Aquinas, and Duns Scotus, forbid intercourse with a menstruating woman as a mortal sin on account of the harm to the children. Berthold of Regensburg (d. 1272), the most celebrated preacher in the same century, makes it clear to his listeners: "You will have no joy from any children conceived during the menses. For they will either be afflicted by the devil, or lepers, or epileptics, or humpbacked, or blind, or crook-legged, or dumb, or idiots, or they will have heads like a mallet . . . and should you have been away from your wife for four weeks, indeed, should you have been away for two years, you should take good care not to desire her . . . You are, after all, upright people, and you see that a stinking Jew avoids this time with great diligence" (F. Göbel, *Die Missionspredigten des Franziskaners Berthold von Regensburg*, 1857, pp. 354-55). Berthold mentions the Jews ("stinking" Jews, as Christian anti-Semitism would have it) because in the Middle Ages the fact that so few Jews contracted leprosy was often explained by their careful avoidance of intercourse with menstruating women. The peasants, on the other hand, were especially prone to leprosy; and Berthold attributes this to their having intercourse with their wives during menstruation (Browe, p. 4).

Even Jan Hus, who was burned at the stake at the Council of Constance in 1415—but not for his opinions on this point, which more or less all the Council Fathers shared—believed that hunchbacked, squinting, one-eyed, epileptic, lame, and diabolically possessed children were the consequence of sex with a menstruating woman (Browe, p. 5).

In the following centuries, thanks to medical progress, the notion that the handicapped were conceived during menstruation was slowly abandoned. By the sixteenth century Luther's adversary, Cardinal Cajetan (d. 1534), spoke of intercourse during menstruation as only a "venial sin" (*Summula Peccatorum* 1526, under the heading "matrimonium"). Thomas Sanchez (d. 1610), a moral theologian who set the standard on questions of marriage for his own century and the following centuries, writes that many theologians no longer view intercourse during menstruation as sinful, but that most consider it a venial sin, because there is something "improper" about it, and it shows a lack of self-control. He himself, Thomas Sanchez, agreed with the latter assessment. He no longer believed that the practice damaged the fetus, since this could very seldom be proved. Under certain circumstances intercourse with a menstruating woman could even be sinless, if there was a sufficient reason to justify it, such as the wish to overcome a strong carnal temptation or to ease marital strife (*The Holy Sacrament of Marriage* Book 9, Disp. 21, n. 7).

Some theologians committed to Jansenism (the revival of strict Augustinianism in the seventeenth century) saw the situation differently. The Belgian Laurentius Neesen (d. 1679), for example, considered intercourse with a menstruating woman a mortal sin for the partner who demanded it (Heinrich Klomps, *Ehemoral und Jansenismus*, p. 190). Most of the Jansenists, however, speak of venial sin in this case. Alphonsus Liguori (d. 1787), the most important moral theologian of the eighteenth century, and the one who set the tone for Catholics in the nineteenth and early twentieth centuries, follows Thomas Sanchez, so that up until the beginning of this century intercourse with a menstruating woman was generally looked upon as a venial sin (Dominikus Linder, *Der Usus matrimonii*, p. 218).

The idea of a menstruating woman's receiving Holy Communion was consistently frowned upon all the way into the Middle Ages, although more severely in the Eastern Church than in the West. Patriarch Dionysus of Alexandria (d. 264/65), a disciple of Origen, said it was pointless to ask whether a woman might thus take Communion, "because pious, devout women would never even think of touching the sacred table or the Body and Blood of the Lord" (*Ep. can.*², PG 10, 1281 A). The papal legate Cardinal Humbert, who in 1054 brought about the great Schism between the Eastern and Western Church that took place in Constantinople, criticized the Greek Church for this discriminatory practice. The famous twelfth-century canonist of the Orthodox Church, jurist Theodore of Balsamon (d. after 1195), patriarch of Antioch, defended the custom, as did the Coptic patriarch of Alexandria Cyril III (d. 1243). The Maronites did not abolish it until 1596 (cf. Browe, pp. 9 and 10).

The West took a more moderate position. Pope Gregory the Great (d. 604) did not forbid menstruating women from coming to church or receiving Communion, but he praised women who abstained from the Eucharist at this time. For Gregory menstruation is the result of sin: Women should not "be forbidden to go to church. Nor should they be forbidden to receive Communion in these days. But when a woman does not dare, because of her great reverence, to go there, she is to be praised. The menstrual period is no sin, it is a purely natural event. But the fact that nature is so perverse, that it appears stained even without man's will, that comes from a sin" (*Response to the English Bishop Augustine*, 10th Answer).

This imbalance led to conflicting legislation in the West. In some cases Communion was forbidden to women having their period, in others it was permitted. The Prague canon Matthias of Janow (d. 1394), for example, attacked priests who would not admit such women to the Eucharist. He argued that priests should not inquire about such matters in the confessional, "since that is neither necessary nor useful nor decent" (Browe, p. 14). But as late as 1684 in the Black Forest village of Deckenfronn menstruating women stood outside the church door "and actually

do not go in, they stand as if they were in the pillory," as the church record reports (cf. Browe, p. 14).

Menstruation proved to be especially fatal to women's chances for holding church offices. Theodore of Balsamon writes that, "At one time deaconesses used to be ordained in keeping with the laws of the Church. They were allowed to approach the altar, but because of their monthly impurity they were ousted from their place in the liturgy and from the holy altar. In the honorable church of Constantinople deaconesses are still selected, but they no longer have access to the altar" (*Responsa ad interrogationes Marci* [resp. 35]; cf. Ida Raming, *Der Ausschluss der Frau vom priesterlichen Amt*, 1973, p. 39).

Blood from childbirth (lochia) was considered still more harmful than menstrual blood, which prompted bans on intercourse similar to those that applied to menstruating women. Women who had just given birth caused additional problems for the antiseptical Christian Church, for example when they had to be buried. To begin with, according to the Synod of Trier, which was held in 1227, new mothers had to be "reconciled with the Church." Only then would they be allowed to go to church. This "churching" ceremony, as it is now called, was an amalgam of Jewish laws of ritual purity (even Mary was not allowed to re-enter the Temple until forty days had passed and a sacrifice of purification had been offered) with a characteristically Christian pillorying of sexual pleasure and defamation of women.

Women who died in childbirth before being "reconciled" with the Church were often denied burial in the cemetery. Several synods—Rouen in 1074 and Cologne in 1279—opposed this policy and argued for the same kind of burial that other Christians got (Browe, p. 20). Writing to Elector Johann of Saxony in 1530 on behalf of the Imperial Diet of Augsburg, Martin Luther notes that in the papal Church, "Women who die in childbirth are buried in a special ceremony." They were not laid out, as others would be, in the middle of the Church, but at the door (*Briefwechsel* 7, Calw/Stuttgart 1897, p. 258). In the diocese of Ghent, as a deanery conference of 1632 prescribed, women who died before they could be churched were buried in secret (Browe, p. 21).

Though they had a long struggle for the right to a normal burial, women who had just given birth had to struggle even longer for the right to return to church without undergoing a special purification. On January 13, 1199, Pope Innocent III imposed an interdict on France because the French King was living in an invalid marriage with his mistress Agnes of Meran. The interdict ordered all the churches in France to be closed, and to be opened only for infant baptisms. The Pope "strictly" forbade women to come to church for purification, and since they had not been "churched," they were also not permitted to take part in the baptism of their children. Only after the interdict was lifted could they be readmitted by the priest. The interdict lasted over a year, until the King dismissed Agnes of Meran.

This was in contradiction to what the same Pope, Innocent III, had written in 1198 to the Archbishop of Armagh, in reply to the question of whether the Mosaic law on women who had just given birth was still applicable in the Church. No, said Innocent, "but if women prefer to stay away from church for a while out of reverence, we believe we cannot reprimand them" (*Ep. I, 63*; cf. Browe, p. 26). When it comes to discriminating against women, the Both-And approach, on the one hand yes, on the other hand no, has always been useful.

The custom of purifying women after childbirth has lasted almost up to the present. The *Kirchenlexikon* of Wetzer/Welte (1886) describes "churching" in this way: "Like the catechumens and penitents, the woman who has just had a child must first stand, or kneel, outside the church door, and only when she has been solemnly purified by sprinkling with holy water and the prayer of the priest is she led into the church. This is similar to what still happens today with catechumens and to what used to happen before with public penitents on Holy Thursday" (Wetzer/Welte I, 1711). As late as the 1960s the practice of "churching" was still strictly adhered to. In 1987 a woman wrote me as follows: "I can recall how terribly ashamed my mother once was. In 1960 my younger sister was born. My mother was not allowed to be present at the baptism because she had not yet been 'churched.' Some time later in the afternoon she sneaked off all

by herself to church, where the pastor 'churched' her. Only then could she attend services again."

III

THE NEW TESTAMENT, AND HOW IT WAS MISUNDERSTOOD: THE VIRGIN BIRTH, CELIBACY, AND THE REMARRIAGE OF DIVORCED PERSONS

In the development of Christian sexual morality the immediate determining influences were Judaism and Gnosticism: Judaism as we found it in a contemporary of the first Christians, namely Philo of Alexandria (d. ca. 45-50 A.D.); and Gnosticism, insofar as it promoted the ideal of celibacy and subordinated marriage to the single life. It is true that Christians resisted the invasion of Gnostic pessimism, and that during the first Christian centuries the Gnostics were the peculiar opponents of the Christians. But the idealization of virginity as closer to God was adopted by the Christians from their opponents; and it even infiltrated the New Testament, although only to a small extent.

Thus in Revelation John speaks of the 144,000 who sing a new song before the throne of God: "It is these who have not defiled themselves with women, for they are virgins; it is these who follow the Lamb wherever he goes; these have been redeemed from mankind as first fruits for God and the Lamb" (Rev. 14:4). Here, right in the New Testament, Gnosticism has triumphed over the Jewish legacy of the Old Testament, which never talks like that. In the next verse Revelation does quote Isaiah 53:9, "And in their mouth no lie was found, for they are spotless," but Isaiah has nothing in that passage about the "virginally pure."