A COMPANION TO GENDER HISTORY

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Gender and Western Civilization

Let us begin with the story of Gilgamesh, King of Uruk in ancient Sumer, and hero of the oldest of epic stories. The central narrative concerns the intense friendship of Gilgamesh and Enkidu, a wild man who is tamed and brought into the human community after having weeklong sex with a harlot. We might read the story as a male account of the loss of freedom brought by settled society, or of the power of women's sexuality over men who are physically and socially stronger. But then we read Gilgamesh's mother's assessment of a dream he has had about his friendship:

> The mother of Gilgamesh, the wise, all-knowing, said to her son;
> Rimat-Ninsun, the wise, all-knowing, said to Gilgamesh:
> "The axe that you saw is a man.
> ". . . that you love him and embrace as a wife.
> (*Epic of Gilgamesh*, Tablet 1, trans. Maureen Gallery Kovac.
> Stanford: Stanford University Press)

Suddenly we realize that his mother sees Gilgamesh and Enkidu as more than friends, indeed as physical lovers, like a husband and wife. In a text that stands first in many history survey courses, we find that questions about sex, gender, and sexuality are not peripheral, but central to our understanding of the text and the culture that produced it. This chapter focuses on Europe and the Mediterranean from 4000 BCE to 1400 CE – an area and a period in which a series of quite distinct cultures, states, and societies came into and went out of existence. What unites these cultures is nothing intrinsic, but the part they play in our construct of "western civilization." For good or ill, the cultures of Europe and the Mediterranean basin are seen as precursors, and in some cases models, for modern Western culture. What an awareness of gender – the social significance given to sexual difference – brings to our understanding of these cultures is precisely what it brings to our reading of *Gilgamesh*, an almost epiphanic, or revelatory, new way of seeing the past. Just as we can no longer read *Gilgamesh* as simply a text on kingship, or as a precursor to the biblical story of

Noah, but must consider what it says about masculinity, femininity, and relations between the sexes, anyone who brings an analysis of gender into a consideration of early Western civilization cannot be content with traditional categories of analysis such as politics, elite thought, or economics. This is not because there is anything wrong with these categories, but because once we have brought gender into play we see that to ignore the ways in which gender operated in texts and society is to limit and distort what we can know about the past. What we seek in this chapter then, is nothing less than to see Western civilization under the sign of gender.

Early Civilizations: the Origin of Patriarchy

The oldest human cultures complex enough to be called "civilizations" emerged in ancient Iraq and Turkey and in Egypt at the start of our period. The basic historical distinction between the areas is that Egypt had a more or less continuous "national" history from the earliest pharaohs until the rise of Islam, while Iraq, Syria, and Anatolia, being much more geographically exposed, were homes to successive and not entirely continuous cultures – Sumer, Akkad, Hattutsas, Babylon, Assyria, Persia, Seleucia, to name only a few. Bringing gender into our account of these cultures allows us to understand better the nature of their economies, the origins of their legal systems, and the nature of social relations within them.

The extent and duration of these cultures, along with extremely patchy surviving evidence, means that we can only consider them at the most general level. Traditional accounts, in an effort to place these cultures in the tradition of "Western civilization," focus on the nature of kingship in Mesopotamia, pharaonic power in Egypt, the development of legal and religious traditions, or on technological contributions to later societies. Scholars with an interest in gender relations have instead focused upon the nature and operation of patriarchy in these cultures. Because of some basic similarities (agricultural economies in irrigated river valleys), the way the different cultures varied has allowed some discussion about the circumstances under which the universal oppression of women may have been alleviated, or the position of men most elevated. Although few scholars today would locate in these cultures a specific "origin of patriarchy," because they form the cultural background to the attitudes of biblical writers, the organization of gender relations did have some impact on later Western culture.

The agricultural revolution of the Neolithic period first occurred in the Near East some thousands of years before the earliest civilizations. Nevertheless, the demands and strictures of agriculture provided the material bases for the operation of gender throughout the period of the first civilizations, and one could argue until well into the modern period. Agriculture provided its earliest practitioners with immense rewards in terms of reliable food, but there were huge costs. Farming required enormous and almost continuous manual labor, and the process of working land brought forth the issues of ownership and property that have been crucial to all later cultures. As the basis of an economic system, agriculture changed human beings just as much as they in their turn transformed the wild precursors of domestic plants and animals.

Labor and property worked together to divide the lives of women from the lives of men as a result of the fundamental ability of women to bear children. Children could perform useful farm labor from a quite young age, and were perhaps less a

burden than they had been in pre-agricultural societies. The need for children as workers, combined with high rates of infant mortality, led women to spend far more time in pregnancy and in rearing children. Because certain types of farm labor (animal feeding, vegetable gardening, precise fabrication) are compatible with childcare, while others require greater upper body strength and continual application, the types of work performed by men and women diverged. Although it is clear that there was rarely an absolute division of labor between men and women, archeology and the texts produce by the earliest societies do reveal a real division between the agricultural activities performed by men, and those performed by women. The type of labor one performed varied by social class, and geographical location, as well as by gender.

Class also operated as a factor when we consider property. In a very real sense, agriculture created property. In any agricultural economy, the ownership and transference of real property are always central concerns. Landed property, however, in non-monetary cultures is worth far more than usual exchange methods can manage. It can be transferred by gift, but it was much more commonly passed on via inheritance or wedding gift (brideprice or dowry). Women then, as producers of heirs, and as the means of property transfer through marriage, came to function as economic objects in a way that men did not.

These basic observations reflect the most general impact of the agricultural revolution on early societies. When the earliest civilizations developed cities, urban populations usually kept a direct connection with the surrounding agricultural region and its mores. With few exceptions, everywhere in the ancient and medieval periods farmers constituted the vast majority of the population and the gender expectations of the countryside affected the patterns of behavior of the urban population.

Despite aspects common to the operation of gender of early cultures, our sources indicate that there were variations in the gender systems of different cultures, and over time within each culture. Scholars have been especially interested in documenting cases where women were able to exercise more agency, for instance through rights to dowries, property rights when widowed, and in making contracts. A major part of our evidence here comes from surviving law codes, which, while not always the best guides to social actuality, do give us some solid evidence.

Various scholars have sought the key to understanding societies that offer greater social status for women. In *The Goddesses and Gods of Old Europe*, Marija Gimbutas proposed that cultures with powerful female divinities (religions focused on a "Great Mother" for example) reflected societies in which women's status was high. While not implausible, closer examination of individual cultures, and cross-cultural comparisons, indicates that this line of argument does not work. The powerful Mesopotamian goddess Ishtar/Astarte reflects no elevated status for women, and if we take the later example of Athens as one of the most oppressive of all ancient cultures, we need only note that the city was presided over by a most powerful goddess.

A better case can be made that the prominence of violence and warfare correlates more closely with female social status. In a constantly warring culture, the status of men is often elevated as martial prowess becomes the basis for a self-aggrandizing conception of masculinity and consequent diminution of typically female activities. Because of its geographical isolation, propensity for centralized government, and natural barriers to invasion, Egypt was among the most peaceable regions of the ancient world. We find that for much of its history free women there seem to have

had the same legal rights as free men, with the ability to make contracts, divorce, and go to court. Mesopotamia, on the other hand, was far more subject to violence, invasion, and warfare than Egypt, although there were long periods of peace. Texts such as the Code of Hammurabi indicates that while free women had some rights, for example to initiate divorce in case of cruelty, women's status was lower than in Egypt, and was fundamentally tied to property rights held over them by fathers or husbands. In the case of Greece (examined in detail later) near-constant warfare resulted in an almost total legal disempowerment of women in some cities. Of special interest for later Western cultures was the situation of ancient Israel, where the geographical situation of Canaan/Palestine resulted in frequent warfare. The impact of this on the biblical stance with regard to the relations of men and women was to have long-term consequences because of the Bible's role as a normative document through the ages.

The People of Israel: Writing the Book

The people of Israel emerged clearly into the ancient Near Eastern world in the twelfth century BCE, and was always a minor player among the great political and economic powers. Israel's continuing cultural impact on later cultures, above all through the Hebrew Bible (known to Christians as the Old Testament), entirely justifies the intense interest in its history.

As its name implies, the Bible is a collection of books with many themes rather than a unified text. Scholars have shown that its composition took place over an extended period, and it cannot be said to reflect any one social situation. Given this, and given that external evidence for the history of early Israel is minimal, historians interested in gender are perhaps more interested in how the Bible has functioned as the creator of gender expectations rather than as evidence of the societies that produced it. Because of its status in Judaism and Christianity as "revelation," the Bible has functioned as the normative text, and is still invoked as a moral guide.

The people of Israel – their relationship with God and their survival – serves as a focus of each of the main genres of biblical literature – the law, the prophets, and the histories. It is hard for modern people to grasp just how uncertain the survival of an ancient people was, but the ideological importance of Israel's survival underlies the way the Bible both views and prescribes relations between men and women. Here lies the great insight offered by a gendered approach to the biblical texts. When we understand that behind the great themes of redemption and salvation lies the urgency of physical survival, we perceive that this survival ultimately depended on ordering relations between men and women.

For the compositors of the Hebrew Scriptures, the survival of the people depended on the reproduction of children, and the maintenance of as many family lineages as possible. The Bible never considers marriage and its regulation in terms of personal emotional relationships but as the exclusive institution through which Israel's posterity will be preserved. As in Mesopotamian law codes, rape and adultery function in this worldview less as sins than as infractions on the family structure. All Israelite men were expected to marry, and might marry as many times as was necessary to produce children. To preserve lineages, sexual activity outside regular marriage is explicitly commanded, for example when men are required to marry and impregnate

the wives of a dead brother in order to ensure progeny "that his name will not be blotted out from Israel" (Deut. 25:5–10). It is worth considering this institution, known as "levirate marriage," in a little more detail so that we grasp the central concern of biblical regulation with survival rather than with any abstract moral norms. The law shows no concern at all for the personal feelings of either brother, the widow, nor any other wives of the surviving brother. Along with other considerations, especially those of a religious purity code, the same concern to promote reproduction is apparent in the condemnation of homosexual activity between men (Lev. 18:22) and the ban on sex during menstruation (Lev. 18:19).

Just as foregrounding gender in analysis of biblical texts underscores reproduction as a core value, reproduction itself framed the only significant sexual minority – eunuchs, a distinct group in many ancient cultures. The Bible knows nothing of sexual orientation and assumes a universal family norm based on children. But its writers knew and worried about the significant minority of men who had been castrated, and wanted no Israelite man to lose the ability to reproduce. As a result castration, even of animals (Lev. 22:24), was forbidden in law, and eunuchs were excluded from the House of the Lord. These included foreigners, as well as Israelites who had been forcibly castrated (compare II Kings 20:18 with Dan. 1). Once again the concern was not abstract morality, but the survival of the people.

Even though efforts to enforce Biblical norms regarding reproduction had great impact on later societies, it would be unfair to reduce a gendered reading of the Bible to its regulation of reproduction. In books such as the *Song of Songs*, biblical literature is quite capable of celebrating human emotion and sexual attraction. The stories of Ruth and Naomi, and David and Jonathan feature well-developed characters for whom emotional attachment is a force driving events. And of all the literatures of the ancient Near East, the Bible highlights a series of powerful female leaders – prophets such as Miriam and Huldah, and more martial figures such as Deborah. Prophetic literature was even capable of transcending any concern for reproduction, as when Isaiah endorses the salvation of barren women and eunuchs (Is. 56). While this variety allows modern readers to find supportive readings in a text that retains its power, they do not displace the insight that national survival through reproduction is the basis of biblical attitudes to relations between men and women.

Greece: Democratic Masculinity and the Exclusion of Women

While Israel stands out as the ancient culture with most impact on the later religious imagination, classical Greece, especially Athens in the fifth and fourth century BCE, remains the most admired of all the secular cultures that contributed to Western civilization. The rapid and novel cultural developments in art, architecture, literature, historiography, philosophy, and political theory have been matched by no other culture in so short a period. The fact that Athens proclaimed itself a "democracy" and claimed to fight for liberty has only added to its allure. In no other society, then, is the transformative insight given by an analysis of gender relations so startling.

Greek democracy as exemplified in Athens and later in numerous other cities was indeed something new. Because of relatively small spreads in wealth distribution, and constant wars between the various Greek city-states (*polis*, pl. *poleis*), a substantial part of the male population of the *poleis* was both able to supply themselves with

weapons necessary for war, and to make demands that their voice, the voice of the people (the *demos*) be considered in government. Not only did the *poleis* eventually acquiesce to these demands, but a constant public discussion about political theory analyzed the process as it was happening. After 461 BCE, government in Athens functioned as a direct democracy in which all adult male citizens could participate in decisions of state.

In the famous "Funeral Oration" Thucydides puts in the mouth of the democratic leader Pericles (*Peloponnesian War* 2.34–46, trans R. Crawley), Athens' constitution is celebrated for creating a society in which free men can live together in peace, and reach mutually acceptable decisions through rational deliberation. The speech is still taught as perhaps the greatest oratorical monument to the moral value of democracy as a social system. On closer inspection, we find that the text is as much about gender as freedom. Pericles notes that other city-states, especially Sparta "by a painful discipline seek after manliness" but that Athens' system creates a better and braver manliness. And he is careful to argue that while Athens' intellectual life is flourishing, the *polis* "cultivate(s) refinement without extravagance and knowledge without effeminacy." In sum Pericles doubts "if the world can produce a man who, where he has only himself to depend upon, is equal to so many emergencies, and graced by so happy a versatility, as the Athenian." Only at the end does he turn to "female excellence," and all Pericles has to say is that "Great will be your glory in not falling short of your natural character; and greatest will be hers who is least talked of among the men, whether for good or for bad."

Pericles' speech reveals the truth: Athens, the ancient society in which citizen males were most free and most equal, marginalized women from all aspects of its public life, and seems to have actively sought the erasure of any social presence on the part of respectable women. Although rural women in the region surrounding Athens must have worked outside in the course of farming, and the streets of the city would have seen the presence of poor, slave, and foreign women, female citizens in Athens by convention and common practice were compelled to remain indoors, precluded from any public and economic role, and prevented from meeting any males other than relatives. In legal activity women always needed a male guardian, and as a result of isolation marriages were always arranged.

The same situation did not prevail throughout the Greek world. In Greek states with monarchies it was occasionally possible for a royal woman to exercise political power, and few other cities seem as oppressive as Athens. Most notably Sparta – Athens' great military rival – was famed for the relative social liberty its female citizens enjoyed. Spartan society as a whole was organized as a militaristic regime designed to allow the city to keep its hold on a vast number of Helot (enslaved) subjects. Within that regime, however, women citizens were allowed far more public activity and agency than in Athens or anywhere else in Greece. We thus face one of the great truths revealed by gender studies: social and political systems which seem admirable and desirable when looked at from a man's perspective can be oppressive and destructive for women. The contrast between women's social experience and men's political experience is seen again in Greek history in the period after Alexander the Great. Alexander's conquests marginalized the city-states as centers of political power, and after him most of the Greek-speaking world lived under monarchies. Subjects of monarchies would seem to be in a less desirable position that the citizens

of democracies; increasing papyrological evidence, especially from Hellenistic Egypt, has demonstrated, however, that within the monarchies a much larger number of women were able to manage their own affairs than in the old democracies. Among royal elites, the centrality of the ruling family in the various monarchies enabled some women to wield effective political power. In reducing all subjects to a subordinate position, and thereby deflating the elevation of masculinity in democracies, it does seem that monarchies created greater social possibilities for women to exercise agency. The power available to royal women, however, is not always a good indicator of the wider social status of women.

Relations between men and women are not the only aspect of Greek society that have come under the sign of gender. Plentiful literary and artistic evidence makes classical Athens the first ancient society where scholars have been able to analyze male homosexual behavior and speculate about underlying mentalities. (There is far less evidence about female homosexuality despite the fame of the early lyric poet Sappho.) As in every other society, the requirements and expectations of the underlying agricultural economy demanded that almost all people marry, and this expectation remained in urban environments such as Athens. The age of marriage, however, was dramatically different for males and females. Girls typically married in their early teens, as soon as they could produce children, while the men they married were usually aged around thirty, the age at which an Athenian male citizen could be expected to have political and economic independence. In combination with complete social separation of men and women, the result was the creation of a series of exclusively male public recreational spaces, prominent among them the gymnasia in which men trained their bodies for participation in warfare, and the institution of the drinking party (*symposia*). Men might marry at thirty, but overwhelming evidence demonstrates that until that time their sexual outlets were restricted to prostitutes, or if they desired an emotional relationship with a social equal, to sex with other men.

For modern Western gay people, the prominence and openness of homosexual activity in ancient Greek sources, and those sources' privileged status as the foundation of Western culture, resulted in its portrayal as a homosexual Arcadia. Early scholarship, working on a contagion model of homosexuality, tended to look for the "origin" of Greek homosexuality as if it were a new type of game, and to argue that, since Greek literature depicts homosexual *eros* ("erotic desire") among the fifth-century aristocracy, it functioned as sort of fashion among that group for a restricted period. Such approaches ignored non-literary evidence such as the extent and persistence of distinctly non-aristocratic male brothels until Christian emperors closed them.

Since the 1970s, however, a more sophisticated approach has come to dominate discussion of Greek homosexuality. Building on theories of sexuality suggested by the French social thinker Michel Foucault, and rejecting both the desire of gay people to find "gay" heroes in the past and contagion theories, scholars such as David Halperin have sought to demonstrate that Greek sexual behavior cannot be understood under the modern heading of "sexual orientation." They note that when we have evidence we can see that homosexual behaviors exist in most societies, but that in ancient and medieval societies until about 1700, contemporary sources never discuss homosexual behavior as a function of object choice (i.e. sexual orientation.) Rather, at least for men, we can see two main patterns. One pattern is based on

age-dissonant sexual dominance; an older man will take a conventionally "male" role in a sexual relationship with a younger male, but will not, in doing so, be regarded as any different from other men in general society. The second pattern is based on gender-dissonant sexual dominance, where some men are seen to function as "non-males" and a male-identified individual loses no status through engaging in sex with them. Although there were some efforts to argue that Greek (and indeed Roman) homosexual behavior occurred entirely in the age-dissonant model, it is now generally acknowledged that both patterns can be documented. With both these models, some scholars argue that term "homosexual" is inappropriate to discussions of Greek sexual worlds. Rather they stress the age dissonance in literary homoerotic ideals, the contempt directed at effeminate men, and the importance of "active" and "passive" roles. As a result, current orthodox opinion now understands the Greek (and equally the Roman) sexual protocol as a function of an ideology of masculinity that defined any man with high social status as an "impenetrable penetrator" rather than in relation to modern constructs of homosexuality.

This orthodoxy may have gone too far. Social historians such as Amy Richlin have argued that "modern concepts of homosexuality" cannot be reduced to "sexual orientation" and that there is considerable evidence that some ancient cities did contain sexually deviant subcultures that resemble modern experience. More impressively, the New Testament scholar, Bernadette Brooten, using Greek and Roman astrological texts, medical discussions, and Christian apocalyptic, has demonstrated that a concept of sexual identity – referring to a type of person, not to a set of practices – was available to ancient authors. While ferocious argument still wages around these theoretical debates, a consensus is emerging that at least some writers in ancient world did indeed have a concept comparable to our "homosexuality," but that the discourse of masculinity, and its distinction between the penetrator and the penetrated pattern, was of vital social significance in the elite texts which survive.

The considerable theoretical discussion of Greek homosexual behavior has led to recent and enlightening consideration of non-sexual human relationships under the sign of gender. We do not usually think of friendship as a gendered relationship, but modern readers of ancient and medieval discussions of friendship, as well as the extraordinarily emotional letters and poems men in the past wrote to each other, soon become aware that the words we translate as "friendship" were embedded in social expectations of relations between the sexes. For Greek and Roman writers on friendship the crucial point was that friendship was defined as "a relationship between equals." Since male Greek writers considered women inferior to men in both body and soul, friendship between males and females was not a possibility. Given that, in Athens at least, men and women from different families did not meet socially before marriage, and marriage custom led to adult men marrying teenage girls, it may indeed have been difficult for males and females ever to meet as intellectual equals. (The great exception was that some men did form long-standing relationships with adult courtesans, who, even as they lost social status, might acquire significant educations. Aspasia, Pericles' lover, is the most famous example.) The standard Greek description of friends, taken up by philosophers such as Aristotle, was that they had "one soul in two bodies," a description and sensibility that passed into Roman and medieval usage. Rather surprisingly then, we find that perhaps the oddest result of Greek understandings of gender lies not in patterns of age-dissonant marriage or acceptance

of homosexual activity, where in both cases we can find modern analogues, but, as David Konstan and Stephen Jaeger have suggested, that the Greek language of friendship is utterly foreign and would make more sense to us as an ideal for marriage.

Rome: Social Change and Legal Formulation

Rome's lengthy political history competes with Greece's cultural achievements and Israel's religious ideals in standard accounts of Western civilization. Indeed our use of Roman political vocabulary ("senate," "veto," "referendum," and so on), and the formative impact of Roman legal concepts ("corporate persons," "contracts," "inquests") in later juridical and economic structures more than justifies this interest. At first sight, the operation of gender in Rome seems a marginal concern: the social structures are so particular that we can easily see them as anthropologically "other" rather than having the direct historical impact of Roman government and legislation. But once again, a serious consideration of the history of gender is revelatory: Roman regulation of gender had a direct impact on those central political institutions, and especially in law a continuing relevance to current legal frameworks.

In some respects the early Roman Republic, after 509 BCE, resembled a Greek *polis*. It was a city with a comparatively narrow spread of wealth, where the less wealthy – the plebeians – were able to acquire political influence because of their importance to the State as soldiers. The Roman conception of the city varied from the Greek in one vital respect. For the Greeks, the citizens of a *polis* were, ideologically if not in reality, part of a single family or clan. This principle provided an important focus of unity, but limited the *polis*' constitutional development: it was difficult or impossible to admit newcomers into the citizen body, or to create higher-level political structures. The advent of Hellenistic monarchies proved to be the only way around this impasse. Romans, however, conceived of an absolute division between the State, called *res publica* (literally, "public matters" or "commonwealth"), and family life, which was seen as *res privitata* (literally "private matters" or things of no interest to the State). This fundamental difference in Greek and Roman conceptions of states, which was a function of distinct operations of gender/family systems, accounts for the very different political histories of the two cultures. Rome was able to incorporate larger and larger numbers of people, at first its allies in Italy, and eventually the entire population of the Mediterranean basin, within its concept of the State, while few Greek political formations could handle change and growth so well.

For early Rome, it is the principle of the *res privitata* and *familia* that looks so odd. Practice and law gave absolute power over the family to the *paterfamilias*, the father or head of the family. His public masculinity was defined by his ownership of property and roles as a soldier, and he alone was a full citizen. His private masculinity derived from his right to rule over his wife, children, and slaves (the so-called "power of the father" or *patria potestas*). Theoretically a father owned anything belonging to his household and even had the right to kill his children, wife, and slaves without any interference from the public sphere (in practice there are few documented examples). The power to act in either sphere was the very definition of being fully male. In practice the absolute power of the father was limited in a number of ways. All values, even ones that endorse private power, are socially derived, and it would be usual for a father to take notice of the opinions of neighbors; in practice

children and even some slaves were allowed to acquire property; and most importantly early average ages of death meant that few children would remain under a father's authority after the age of thirty. Moreover, the exalted ideology of the family stimulated a cult of the Roman matron, a woman who produced brave sons and inculcated Roman values in them: by conforming to such expectations individual women could acquire a certain unofficial public authority. Such authority was possible because, unlike Greek women, Roman women were not secluded, but participated in meals and public events.

A major transformation in the traditional family system took place as Rome acquired an empire, and as the Republic gave way to a monarchy. For citizen women in particular, new social roles became available and they acquired much greater public agency. Once again we face a case where an apparent decrease in the political freedom of males is matched by an enhancement in women's control of their own lives. Reasons for the change include the impact on Roman elites of the great wealth from the empire; the dissolution of old Roman social structures as the city itself became a vast multicultural metropolis; and erosion of the separation of private life as emperors issued laws aimed at moral regulation. The greatest change was in marriage practice. The details are quite complicated, but under the older Roman system marriage was essentially an agreement between two families where a woman left the household of her father and came under the control of her husband, who acquired *manus* (power of control) over her. By the last century of the Republic such marriages had been replaced by a system where a woman, although she became the man's wife, returned to live under her father's roof once a year, and thereby preserved her legal independence in matters of property. This change does not seem to have occurred out of any social desire to liberate women, but out of a concern by the male's family to limit the inheritance rights the traditional marriage *per manus* gave to a woman. Whatever the motive, the result was that women of the propertied classes in the imperial era were able to act with almost complete liberty in matters of marriage and property.

As the Roman jurists and legal scholars of the imperial period came to address marriage law, they had to consider both older Roman traditions and the social reality of their time. The result was two concepts which, when incorporated in the *Corpus Iuris Civilis* (the Body of Civil Law, a codification of Roman law by the Emperor Justinian that served as the source for all later iterations of Roman legal concepts) permanently reworked Western models of marriage. The first, articulated by the jurist Modestinus, was that marriage was defined as the "union of a man and a woman in communion of life, and in participation together in the divine and human law." The second, by the jurist Ulpian, was that "marriage is made by consent, not by intercourse." Together these principles, adopted without change into later Church law, set the parameters for later ideals of Western marriage.

The foregoing discussion comes with one major caveat: it is focused on the organization of gender in the legal and social worlds of propertied citizens in and near the city of Rome. (In a similar fashion, our discussion of Greece stressed the propertied classes of Athens and Sparta.) Since it is the literary and political output of the metropolitan elites that most impacted later culture, there is a certain justification in this focus. The study of gender, however, cannot be allowed to exclude awareness of geography and social class.

As Rome expanded its empire, it generally allowed conquered regions to retain local personal law. In some areas, notably Roman Egypt, where Hellenistic, native Egyptian, and Roman traditions subsisted together, we are able to study local variations in the operation of gender. Other regions have barely been touched.

With social class, the situation is more urgent. In Rome itself, the marriage customs and laws discussed above applied only to free Roman citizens. We know, however, that in the late Republic up to a third of the population were slaves, and that in the imperial period, the urban population included huge numbers of non-citizen immigrants as well as slaves. Few of these people could get married in Roman law, and the notion that poor and enslaved women had agency because they could manage property is irrelevant to women who had none. (Similar statements could be made about the poor, the immigrants, and the enslaved in Athens.) General principles of cultural formation would suggest that a set of cultural assumptions about gender could not have been created and maintained by the elite without reference to the mass of the population, and that this would especially be the case in the later Roman world where there was intense social mobility. Feminist scholars with a political awareness of social class have made efforts to discuss the opportunities for non-elites. It seems clear, for example, that casual prostitution was forced on many women in order to survive. But because non-elites left no texts to document their experience, and the law was uninterested in them, a great hole remains in our grasp of Roman actuality. In scholarship on Roman homosexual practices, the situation is, if anything, even worse. Without the same commitment as feminist scholars to consider non-elites, recent writers on Roman homosexuality such as Craig Williams have stressed only elite literature and normative legal relics. In all areas of gender studies in ancient cultures, integrating the experience of the majority of the population into our accounts of gender remains a job still to be done.

Christianity: The Gender of Holiness

The customary transition from "ancient" to "medieval" civilization reflects a series of quite dramatic political and cultural shifts. Between 395 and 640 the united civilization encompassed by the Roman Empire dissolved into three distinct world civilizations. In the Balkans and Anatolia late ancient civilization continued without interruption in that mélange of Greek culture, Roman government, and Christian faith we call the Byzantine Empire (although its citizens always called themselves "Romans"). In Syria, Egypt, and North Africa, Arab conquests led to the birth of the Islamic world. Finally in the northwestern remainder of the empire, by far the poorest part, remnants of Roman culture merged very gradually with the customs of largely Germanic elites to create "Latin Christendom" – the direct precursor of the modern West. In this division of the Roman world, language, invasion, and geography all played a role. But under the sign of gender, the greatest changes were brought about by the advent of two great religious traditions, Christianity and Islam.

Historians of Christianity often focus on the development of the Church as organization, or on the series of theological disputes that have preoccupied Christian elites. Over the past three decades there has been an intense examination of the relationship of Christianity to conceptions of gender and the social roles of men and women. Because, like Islam, Christianity is an integrative religion – one that

consciously tries to enfold all aspects of society – it is now clear that its impact on gender roles was both dramatic and contradictory.

Jesus, the founder of Christianity, by having female friends and denying the necessity of marriage (Matt. 19) directly challenged the prevailing gender expectations of his time. Paul, his most important successor in the formation of Christianity, celebrated his own emancipation from marriage and proclaimed a revolutionary equality of men and women. Both depended on the aid of women in their ministries. The Church they produced, however, while maintaining a memory of these teachings, also manifested a tradition of rhetorical misogyny, and at times came to equate holiness itself with masculinity.

It is helpful to begin with the basic Christian idea of God. There is now increasing exploration of gender as an important metaphor in Christian discourse, and gender turns out to be a crux in the Christian imagination. In most, if not all, societies, men wield public power and hence images of powerful divinity are frequently masculine. On the other hand, in personal and family life, mothers commonly wield actual power. The private power of females is mediated in personal contact and can be seen as loving and open to appeal, while rules and law sustain the public power of males. Christian teaching identified a single God who was all-powerful but also loving and forgiving. While the Jewish Scriptures presented God exclusively in male metaphors, the Christian view of Jesus as God was far more complex. Christ was a forgiving deity, who bled in order to nourish, and whose body was quite literally penetrated on the cross. Christian writers often ended up describing him in a variety of "queer" ways: as a mother hen, as a eunuch, as a lover. In early Christian art distinctly feminine representations of Christ can be found over a wide area from the fourth to sixth centuries. In some cases, Christ is represented with long hair, pronounced breasts, and a soft naked body even while other male figures are presented in conventional masculine terms. And it is now well known that in the later western Middle Ages Christ was often typified by female metaphors, addressed as "mother" and even pictured in feminine form. Later images of Christ in art emphasized more masculine aspects of Christ's complex role; for instance, his image as ruler of the universe (*Pantokrator*) usually presented him as unambiguously male. We cannot escape the fact that with the central cult figure of Christian worship, the Christian imagination played right at the edge of the culture's gender boundaries.

My own studies of Christian discourses about saints, the heroes of Christianity, show the centrality of gender. When Christian writers discuss female sanctity, they repeatedly end up by transgendering the woman in question: there is no higher praise for a female saint than that she has a "male soul in a female body," an image that has persisted since the earliest accounts of martyrdom to the present. And when Christian authors tried to make sense of males in love with a male God, they end up asserting that the male soul is feminine (as indeed it is grammatically in both Greek and Latin), and that it is penetrated by God to bring forth the "child of salvation." Perhaps the most dramatic aspect of Christianity's willingness to transcend, or at least play with, ancient dichotomies of gender is manifested in the ability of some Christian women to write and to have their writings preserved. In direct contrast to Greece, Rome, and Israel, where few women ever wrote and where only minute snippets of

female writing survive (by Sappho and Sulpicia), both Greek and (especially) Latin Christianity produced a series of women writers who both felt empowered to write and whose works were preserved.

If Christianity really contested older parameters of gender in a cultural sense, is it fair to ask why do we not see in its later history the emancipation of women in Christian societies? Perhaps the answer is that we can see such emancipation if we look closely. Despite a comparatively open beginning, the Church came to entrench certain patterns of male power, but it still maintained a standing challenge to all secular efforts to treat women as economic objects, it adopted and came to insist upon the necessity of consent in marriage, and by rejecting the compulsory nature of marriage, it permitted at least some women in Christian societies a life-choice available in few other pre-modern cultures. In short, while from a modern perspective Christian society did oppress women, women in Christian society probably had more opportunities than in any other society to take action in their lives (a basic definition of freedom). This was because Christian marriage was based on mutual consent (even if the reality was often different), and because religious life offered them an opportunity to live more or less without male interference. The real question is why the greater equality of the sexes in early Christianity did not continue?

There is little doubt that the aid offered by women powerfully contributed to the success of Christianity, and part of the attraction of Christianity for many women was the comparatively high social role it offered to them. Women had roles as deacons and prophets in the earliest local churches, and even when episcopal control became the norm, they could preside over local congregations as widows. What changed here, and left monasticism as the main location of female agency within Christianity, seems to have been the success of the Church and its move into the public sphere in the mid-third century. As long as early Christians constituted small groups meeting in private houses, the constraints of Jewish, Greek, and Roman cultures on the public exercise of power by women were irrelevant to Christians. By the mid-third century, however, congregations became large enough that churches came to be public buildings. (Contrary to common belief, Christianity was not under constant attack before the time of Emperor Constantine, and most Christians could worship in safety for most of the time.) It was this move into the public sphere that seems to have led to the diminution in the leadership role of women in the Church, and the eventual complete dominance by men. A secondary factor was the conversion of men well educated in Greek and Latin literature. Misogynistic diatribes had a long classical tradition, as well as biblical precedent, and this soon found its way into the writings of the Church Fathers.

While the impact of Christianity on the roles of men and women is complicated, there is no area of discussion more contentious than the relationship of Christianity and homosexuality. There is no doubt that Christian writers in every century have voiced criticism, sometimes virulent and obscene criticism, of homosexual activity, of "homosexuals," and of other gender-transgressive groups. As with women, the hostile voices are not the end of the story. A religion that played so oddly with the gender of God turns out to have offered a place for men and women who did not conform to the demands of secular society. We will look at this in the context of Byzantium, which, until at least 1200, remained the most powerful of all Christian societies.

Byzantium: Fictive Kinship and Human Relationships

Byzantium is the name given to both the state and the culture of the Eastern Roman Empire in the Middle Ages. Until the seventh century, it preserved the basic structures of Late Roman Mediterranean civic culture: a large multi-ethnic Christian state, based on a network of urban centers, and defended by a mobile specialized army. After the Arab/Muslim conquest of Egypt and Syria, the nature of the state and culture was transformed. Byzantium became much more a Greek state, most of the cities except Constantinople faded away to small, fortified centers, and the military organization of the empire came to be based on a series of local armies. Under the Macedonian dynasty (867–1056), Byzantium's political power reached its apogee as former territories were incorporated in the empire, and an element of multi-ethnicity was restored. This period is also significant as the time in which Byzantine culture was spread among the Slavs and other Balkan peoples. Following massive Turkish attacks in the late eleventh century, the empire was able to maintain a lesser but still significant political and military power under the Comnenian dynasty: the cost was a social transformation which exalted a powerful military aristocracy, and gradually enserfed the previously free peasantry. In 1204, internal Byzantine politics and the resurgent West effectively ended the imperial pretensions of the Byzantine state. The Fourth Crusade (1204) succeeded in conquering Constantinople and making it a Latin principality for half a century. The Greek political leadership, under the Palaeologan dynasty, regained Constantinople in 1261, but the "empire" was just one state among many in the area for the final 200 years of its existence. Byzantine studies, reflecting their classical heritage, are still much more dominated by philological and art-historical concerns than Western medieval history, and only very recently has the history of women or the study of concepts of masculinity come to the fore. As yet, analyses of gender have not transformed our understanding of Byzantine society in the way we have seen with earlier cultures.

In one crucial area of gender-related research, Byzantium has been the focus of recent scholarship that transforms our perception of both past and present – the existence and functioning of "fictive kinship." Modern Westerners tend to assume that human relationships fall into categories of "kin" (family) or "voluntary" (friendship). In 1994 the historian John Boswell ignited a firestorm by claiming the Byzantines had celebrated liturgical unions for members of the same sex. Boswell's claims derived from his rediscovery of a ceremony called *adelphopoiia* (literally "brother-making") and his interpretation that this functioned as a kind of homosexual marriage. Critics were quick to point out that Roman law, with its clear definition of marriage (as a "union of male and female"), prevailed in Byzantium. Moreover, from the time of Justinian, perhaps earlier, sodomy was illegal in Roman, and hence Byzantine, law. There could not have been, they concluded, any such "same-sex union" in a Roman and Christian state. Normative legislation is not, however, a good guide to social reality, and Christian invective was usually directed at pederasty rather than the equal relationships suggested by the *adelphopoiia* liturgies. Boswell's claims could not be sustained in full, but he had clearly brought to light something that did not fit into modern social categories.

There was without a doubt a ceremony called *adelphopoiia* in Greek, which was also known to have parallels in Slavic countries, and among Greek-speaking Catholics

in Italy, which celebrated the "uniting" of two men as brothers. This ceremony was usually conducted in church as a blessing. Most surviving texts seem to envision it as taking place between two men, although there are indications that it could occasionally involve two women, or more than two people. In Slavic countries it might also have been used between men and women. Many commentators, even those hostile to Boswell, acknowledge that the ceremony may have been used by homosexual couples but without any official Church sanction of sexual activity.

In a careful review of the subject, Claudia Rapp (1997) took a look at Boswell's claims and investigated other sources he had not considered in order to attempt a "history of *adelphopoiesis*" – an examination of how the ritual developed and changed over time. She was able to show that *adelphopoiesis* was first evident in saints' lives, was later used by the imperial family to create bonds with supporters, and eventually acquired a use in wider society where it was discussed as a rights-creating relationship by legal commentators. The rite created a lifelong bond, almost always between two people (usually two men), and the wider society considered this bond as a form of kinship. No evidence persists, however, that affirms the ceremony conferred status on a sexual relationship. Rather than a form of marriage, Rapp notes that there were other Byzantine rituals and roles which created other forms of fictive kinship, for instance the institution of co-godparenthood (*synteknia*). She thinks that *adelphopoiesis* functioned as a form of "fictive kinship" and that in the range of fictive kinships in Byzantium it functioned more like *synteknia* than marriage.

Rapp's view of *adelphpoiesis* is that it was an essentially cold, contractual, unemotional form of social bonding of much less weight than marriage. The problem here is that the number of liturgical manuscripts clearly suggests a much broader user of the ceremony, at least after the tenth century, than among the imperial and aristocratic elites she documents. If, for instance, we were to discuss marriage among these groups, we might come to the same conclusions. In a text overlooked by Boswell and Rapp, we do find a much warmer evaluation of the ceremony. Writing in his Life of St. Cyril of Philea (twelfth century) Nicholas Kataskepenus presents *adelphopoiesis* as the height of human connection:

> Cyril teaches: There are seven manners and seven kinds of prayers, as says the Abbot Anastasios. Three of them exist under the rule of fear and chastisement; the four others are used by those who are assured of their salvation and have a share in the kingdom of God. When a man is plunged into voluptuousness he holds to a prayer as a man condemned and without confidence, as a man touched by the pain of death; in the second manner, a man takes himself before God and speaks to him as a debtor; the third manner differs from the two preceding, for one presents oneself to the master as a slave, but a slave remains under the rule of fear and the fear of blows; in the fourth, the man carries himself in regard to God as a freed servant, freed from servitude and waiting to receive a recompense because of the mercy of God; in the fifth manner, better than the first four, one holds oneself before God and speaks to him as a friend; in the sixth manner, superior to that, the man speaks to God in all confidence as a son "for I have said that you are of the gods, you are of the son of the Most High", you all who want it; in the seventh manner, which marks a progress and which is the best of all, one prays among those who have undergone *adelphopoiia* with Christ. . . .
>
> (Nicholas Kataskepenos, *La Vie de Saint Cyriulle le Philéote, moine byzantin (+1110)*, ed. and trans. Etienne Sargologos, Brussells; *Société des Bollandistes*, 1964; this English version by Paul Halsall)

The concept of "fictive kinship" plays an important role in Rapp's analysis. This is an essentially anthropological term, although useful. Because of her close attention to the texts, Rapp avoids almost entirely any discussion of *adelphopoiesis* in terms of sexuality, though she notes that *adelphopoiesis* was associated with a relationship of equality between the participants. Now there is little question that "equality" was not a defining characteristic of the predominant classical discourse on same-sex sexual relationships. There the defining language was that of pederasty, an age-differentiated relationship between a penetrator and a penetrated – sometimes valorized, at other times condemned. And it was within such an understanding that condemnations of homosexual sex took place – especially with the Greek Christian notice of the "abuse of boys." But such a range of discourse clearly had no contact with what little we can grasp of the realities of *adelphopoiesis*. There is little doubt, I think, that at some stages in its history *adelphopoiesis* was used by men who were sexually active with one another.

With its varieties of "fictive kinship," Byzantine society, so often overlooked in the history of Western civilization, affords us an opportunity to probe gendered relationships distinct from marriage, sex, and genetics and yet also to gain insight into those associations. Byzantium is an example of a society where affective bonds between members of the same sex, treated as unregulated friendship in many other cultures, were brought within the kinship system. While it is a commonplace of standard anthropology that kinship boundaries vary from culture to culture, some degree of blood connection is usually at issue. Byzantium shows that this need not be the case, and indeed since the uproar surrounding Boswell's work, scholars such as Alan Bray (forthcoming) have begun to explore the ways other cultures incorporated same sex affectivity within socially-acknowledged kinship conventions.

The Medieval West

An ideology of marriage and love

As we have seen, throughout Western history marriage has been the dominant institution that structured the lives of men and women. Since in many cultures women had limited public roles, marriage determined the shape of their lives even more than that of males. The economic link between marriage and the agricultural economy meant that marriage had only a little to do with lust, very little to do with love, and everything to do with sex, children, and property. It was not usually expected that husbands and wives would be friends or companions, although there are many examples of emotionally significant marriages. At first Christianity accepted whatever forms of marriage existed in the societies in which it spread. Eventually marriage acquired a specifically Christian form, one that demoted the economic aspect and initiated the emotional definition so important in the modern world.

As in all agricultural societies, marriage was the norm for the vast majority of medieval people of all classes in all periods. From its beginnings, the Church had been concerned about marriage, but marriage was an institution of the secular world rather than a religious rite. The move to church control of marriage first took place in Byzantium. From the end of the tenth century, we see a concerted effort by the Church, building on the support of the emperors, to bring marriage under its legal

control. In Novel 89, Leo VI (886–912) required that all marriages of free people take place in a liturgical ceremony. Alexius I Comnenus (1081–1118) extended the requirement to marriages of slaves in his Novel 24 (1084). In the West, the process took place 150 years later, as the reformed papacy began to worry about the use of marriage and divorce by aristocratic elites and successfully sought to bring marriage cases into Church courts.

At the same time as marriage moved under the control of ecclesiastical courts, the liturgy of the marriage blessing also became more central. From the fourth century some sort of blessing in church, after the civil ceremony and during the Eucharist, had gradually became a norm, but there was no separate service, and it was not required. Once again, Byzantium led the way, and Leo VI was the first to impose the legal obligation of a church blessing. In the West, the process was slower, but church authorities came to realize that they could not regulate marriage without controlling its occurrence. The Fourth Lateran Council of 1215 required that henceforth all marriages take place "in the face of the Church." The central claim of the Church by the thirteenth century, after a certain amount of confusion, came to be that its liturgical blessing was required for the legality of any marriage. By any measure, this amounted to a dramatic change.

What were the results of these developments in law and liturgy on the Christian theology and ideology of marriage? Typically, the Church fathers had accepted marriage, but with severe reservations: marriage was a good, but only because it prevented fornication and permitted the procreation of children. While medieval churchmen at no time placed marriage on an equal footing with monastic life, there is some evidence that as marriage became central to its courts and required in its liturgy, there were a few efforts to present a loftier assessment. The problem was that churchmen continued to be disturbed by the bodily aspect of marriage, which they considered defiling. One solution was to argue that marriage was not intrinsically connected with sex, and on this point the sexless marriage of the Virgin Mary was always cited. Canon lawyers, who needed some way of dealing with marriage in the courts, were keen on a more practical argument that consummation was required. By the thirteenth century a compromise was reached: the Church taught that marriages were made by the consent of the couple, but a marriage was only indissoluble after consummation.

Just as the Church sorted out its theology of marriage, Love made an appearance. Now, I do not intend to suggest here that love was an invention of the Middle Ages, but in the literature of the mid-eleventh century the old Latin *amor* (erotic love) was made the center of a literary ideology of human desire. Initially this literature, drawing from themes in Ovid and possibly Iberian culture, took the form of letters and poems addressed by male clerics to each other. It soon became a theme of secular writers, and addressed the loves of men and women. There is still unresolved controversy as to whether the literature of "courtly love" represented any social practice, but there is little question that the literature itself was widely read. The problem for the Church was that this all-powerful literary "love" almost never applied to relations between husbands and wives. Marriage was a practical matter; love was something else. In response, especially in sermon literature, we find churchmen begin to connect love and marriage, to address affectivity between husbands and wives, and, in some cases at least, begin the move towards the ideology of companionate

marriage that is sometimes associated with the Protestant Reformation. Given that marriage practices varied by region and social class, it would be going too far to argue that medieval practice was anything like modern norms, but in the interaction of theology, canon law, and the secular literature of love, we can see the creation of a recognizably modern ideology of marriage.

Men and women in a dynamic economy

While the medieval ideology of marriage developed in continuity with early Christian marriage practices and classical literary tropes, the economy of the West in the Middle Ages represented a radically new departure. Ancient economies had a tendency to stagnate, but from around 1050 onwards, the economy of Western Europe began an expansion that, with the exception of a major dip before and after the Black Death, has continued ever since. From the eleventh to thirteenth century accelerating economic activity transformed how people lived. By around 1250, even though most people continued to live in the countryside, urban commerce had become the motor of Western economic life.

Since the mid-1970s scholars have devoted much energy to uncovering the interaction of a dynamic economy and the social roles of men and women. At all levels of society they have made significant discoveries. The roles of aristocratic women, for example, changed when a more monetized economy allowed the sale and acquisition of land through means other than marriage and inheritance. The family lives of peasants changed by region and by decade as landlords sought to enhance wealth by collecting rents rather than through labor (common in the twelfth century), or by engaging in cash crops (more common in the thirteenth). In towns, eventually, family dynamics quite distinct from those of agricultural life began to establish themselves. In some places women were able to function as independent, although usually low-status, tradespeople. In others, women were acknowledged in the running of a family workshop. Economic dynamism encouraged occupational specialists, and some occupations were dominated by women (notably brewing until men took it over). So much data is now available in these areas that even a summary is not feasible here.

We can, however, make some comparisons with earlier cultures. By the central Middle Ages, although subordinate to men, women were able to exercise public power in a way not seen in comparable world cultures. Their nominally equal status in marriage meant that, when husbands were absent or had died, they could act in law. In commerce, there were no requirements for women to be veiled or secluded. In religion, convents allow for the possibility of women to enter female self-governing worlds. And in literature, there were women writers, though the opportunities for women to gain an education or formalized training of all types were much less than those available to men.

Conclusion

Much work remains to be done, but one thing is clear about the operation of gender systems in premodern Europe and the Mediterranean: when considered under the sign of gender, all of the various cultures that contribute to later Western civilization had more or less rigid codes of sex and gender that constricted and directed agency

for individuals. There was a wide variation in particulars, but underlying the differences were some structural features that repeatedly come up in the analysis of any given culture. The impulse of narrative in our account of Western civilization leads us to contrast periods of relative tightness and looseness in gender codes (for instance, intense oppression of women under Athenian democracy and relatively more female agency in the Hellenistic period). There is some justification for this approach: the situation was not always the same. Nevertheless, as Judith Bennett has argued in "Confronting Continuity" (1997) for the most part these are minor variations in gender systems that always oppressed women, valorized masculinity, and made marriage the fulcrum of social and economic organization.

The most important factor was an agricultural economy that formed the basis of all societies from the origins of agriculture in the Neolithic period until the industrial revolution. The vast majority of human work and effort was connected to the raising of crops and animals. Gender systems evolved out of the demands of this economy. Next in importance was the constant need to defend settled societies from external attacks, and the privilege and prestige that warfare created for the mostly male warriors. Only when these fundamentals changed would gender systems begin to shift. But because we see the cultures discussed in this chapter as formative in our moral and cultural life, the precedents created over seven thousand years ago will continue to affect how we think and act for some time to come.

Gilgamesh, king of Uruk, with whom we began this chapter, sought the secret of immortality after the death of his friend Enkidu. He thought he had found it at one point, but it slipped out of his hand. Our search for the impact of a gendered approach to early Western civilization might seem similarly fruitless. After all our excursions, there is no one thing we can conclude. But just as Gilgamesh's search led him to see the world in which he lived in a new light, we too find that under the sign of gender what was once familiar about the past becomes strange, and what once we thought needed no explanation now calls for ever-deeper probing.

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