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## “No one who has been joined to a spouse will see the Kingdom of Heaven”: Marital Sex Avoidance and the Complications of Consent in the Early Middle Ages

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**ABSTRACT** This article explores the story of Berthegund, a Merovingian woman who tried to leave her husband to join a religious life. This story comes to us only from a hostile witness, and most scholars have echoed his dismissive perspective. However, it is possible to reconstruct Berthegund’s perspective by exploring what would have seemed possible for her. The article then sets her story into the context of several broader issues. The first is the idea of the marital debt and its relation to early medieval ideas about sexuality, as well as stories about marital sex avoidance. The article then takes a further step back to consider the implications of her story for understandings of female agency in the early Middle Ages and how this was shaped by ideas about sexual consent. Berthegund’s small story therefore reveals a rich set of worldviews and understandings. **KEYWORDS** early medieval, sexual consent, marital rape

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### INTRODUCTION

In sixth-century Gaul, a woman named Berthegund apparently left her husband to join a religious community against his will, claiming that “no one who has been joined to a spouse will see the Kingdom of Heaven.”<sup>1</sup> These words seem implausible, and it is very unlikely that Berthegund’s story played out as it is described by our hostile witness, Gregory of Tours. However, her words in this account, and more so her actions, point to a tension at the heart of Christian teachings about marriage and sex in the early Middle Ages. On the one hand, Christian teachings insisted that marriage entailed irrevocable consent and that spouses could only withdraw from sexual activity by mutual agreement. On the other hand, Christian ideas about sex and sin provided

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1. Gregory of Tours, *Libri historiarum decem* (hereafter *LHD*) 9.33.

multiple incentives to avoid marital sex, and Christian texts celebrated examples of at least some married men and women who did so. Berthegund's story provides an opportunity to explore what this tension might have felt like for early medieval women and how it might have shaped their sexual experiences and perspectives.

This article uses Berthegund as a "way in" to female sexual experiences in early medieval Gaul. The focus is on the period of Merovingian rule between about 500 CE and 700 CE. However, it draws on earlier inspirations for female choices and follows through to developments and parallels in later times and other places as well. Berthegund stepped into a long and complex tradition of Christian thinking about marital sexuality. This tradition remained complicated, as examples from the Middle Ages through to the modern era make clear. After examining what is known about Berthegund, the article sets her story in the context of several broader issues. The first is the idea of marital debt and its relation to early medieval ideas about sexuality, as well as stories about marital sex avoidance. The article then takes a step back to consider the implications of her story for understandings of female agency in the early Middle Ages and how this was shaped by ideas about sexual consent.

Very few scholars have explored female sexual experiences and perspectives in the early Middle Ages, for the compelling reason that these women do not often speak to us. They sit in the center of a pool of silence, and it is frightening for a historian even to dip in a toe. Our options are either to accept the silence (or rather, the silencing) or to take a leap of historical imagination, as far as possible, tethered by evidence.<sup>2</sup> This article takes the leap, using what we know about how women in early medieval Gaul could have viewed the world, to try to reconstruct what they might have experienced and thought about it. This analysis makes clear that the diverse nature of Christian ideas about marital sexuality created an opportunity for some women to justify avoiding sex with their husbands on religious grounds, and that we can plausibly reconstruct those justifications, in spite of the nature of our evidence. Berthegund does not speak directly to us, but we can imagine what she might have said.

2. Inspiration can be taken from the work of Natalie Zemon Davis in *The Return of Martin Guerre* (Cambridge, MA: Harvard University Press, 1983), where she very effectively builds up a portrait of emotional lives from scant and hostile sources.

## 1. BERTHEGUND

Berthegund lived in late sixth-century Gaul, a time when female religious communities were starting to attract more sustained attention from elite women but could still be quite informal in character.<sup>3</sup> Berthegund may have been a member of the extended royal family, and certainly she was a woman of wealth, status, and connections.<sup>4</sup> Her brother was the bishop of Bordeaux, and she was able to get a supportive audience with the Frankish king Child-ebert when she wished to assert her property rights. Berthegund's decision to live a religious life set her into a developing tradition of religious retreat by elite women in Merovingian Gaul, which encompassed such powerful figures as the Frankish queens Clotild and Radegund, but also her own mother Ingtrude. Like Radegund, but unlike Clotild or Ingtrude, Berthegund was still married when she made this decision, so her choice put her at the center of tensions within Christian teachings about marriage and sex.

Gregory of Tours is the only witness to the life and activities of Berthegund. He told her story in a couple of episodes toward the end of his epic *Ten Books of History* (*Libri historiarum decem*), as an example of foolishness and iniquity—a pretended or inauthentic piety that, he claimed in retrospect, he had spotted from the start and attempted to restrain. Gregory began his account by telling his readers about Berthegund's mother, Ingtrude, who had founded a religious community for women in the forecourt of St Martin's church in Tours. Gregory had mentioned Ingtrude positively in earlier sections of his *History*, but his tone became more critical after Ingtrude wrote to her married daughter Berthegund and invited her to leave her husband and children to become the abbess of this community.<sup>5</sup> Gregory termed this as a foolish piece of advice. Berthegund, however, clearly did not agree, because she immediately rejected her husband, saying to him, "Return from here and manage our estate and children, for I will not go back with you. No one who has been joined to a spouse will see the Kingdom of

3. Anne-Marie Helvétius, "L'organisation des monastères féminins à l'époque mérovingienne," in *Female vita religiosa between Late Antiquity and the High Middle Ages: Structures, Developments and Spatial Contexts*, ed. Gert Melville and Anne Müller (Berlin: LIT, 2011), 151–69.

4. Ewig raises the possibility that Ingtrude, Berthegund's mother, was another sister of Ingund and Arnegund, who both married the Frankish king Chlothar I, but Ewig acknowledges that this is far from definite. See Eugen Ewig, "Studien zur merowingischen Dynastie," *Frühmittelalterliche Studien* 8 (1974): 52–56; Ewig, "Die Namengebung bei den ältesten Frankenkönigen und im merowingischen Königshaus: mit genealogischen Tafeln und Notizen," *Francia* 18 (1991): 55.

5. For earlier mentions of Ingtrude, see Gregory of Tours, *LHD* 5.21, 736. For Ingtrude's invitation to Berthegund, see *LHD* 9.33.

Heaven.”<sup>6</sup> In other words, in Gregory’s telling, Berthegund appealed to religious principles in order to subvert male authority over her, resulting in what Gregory represented as an inversion of gender roles: she ordered her husband around and commanded him to look after the children.

In response, Berthegund’s husband, who goes unnamed in this account, appealed to Gregory for help. Against Berthegund’s religious claim, Gregory summoned the power of the male ecclesiastical tradition. He read to her from the canons of the Synod of Gangra, which he misidentified as part of the canons of the council of Nicaea: “If anyone should leave their husband and spurn the bridal bed which they have inhabited, saying that no one who has been joined to a spouse will have a part in the glory of the Kingdom of Heaven, let them be anathema.”<sup>7</sup> Berthegund, Gregory wrote was afraid of being excommunicated, so she returned to live with her husband.

However, the story does not end here. Several years later, Gregory wrote that Berthegund tried again to leave her husband and join her mother’s religious community. This time, when her husband tried to get her to return, Berthegund was protected by her brother Bertram, the bishop of Bordeaux. Her husband then appealed to the Frankish king Guntram, who pressured Bertram to return her. At this point, her brother told Berthegund to try to force the matter by replacing her secular clothes with religious ones, doing penance, and seeking sanctuary in St Martin’s church—in other words, by presenting herself as if already dedicated to a religious life. When her husband arrived with armed men to force her to leave the church, Berthegund “was in religious clothing, claiming that she had taken a vow of penitence.”<sup>8</sup>

After this, the husband appears to have abandoned his attempts to retrieve Berthegund. Berthegund’s brother Bertram died soon after, leaving her without an ally. Gregory claims that she regretted her decision to join the community and quarreled with her mother over the dispersal of family property. From this point on, Gregory tells the story as one of greed and discord, with both mother and daughter coming off very badly. Eventually, Berthegund

6. “Regredere hinc et gubernare res liberosque nostros, nam ego non revertar tecum. Non enim videbit regnum Dei coniugio copulatus.” *LHD* 9.33, in *Libri historiarum X*, ed. Bruno Krusch and Wilhelm Levison, *Monumenta Germaniae historica* (MGH), *Scriptores rerum Merovingicarum* (SRM) 1.1 (Hanover: Hahn, 1951), 452. Translations are my own unless otherwise specified.

7. “Si quis reliquerit virum et torum in quo bene vixit, spreverit, dicens, quia non sit ei portio in illa caelestis regni gloria, qui fuerit coniugio copulatus, anathema sit.” *LHD* 9.33 (Krusch, *Libri historiarum X*, MGH, SRM 1.1:452).

8. “Erat enim in veste relegiosa, adserens, se accepisse paenitentiam.” *LHD* 9.33, *Libri historiarum X*, 1.1:453).

went so far as to despoil her mother's religious community, "leaving nothing other than empty walls, gathering with her diverse criminals prepared for mischief, who carried off the produce given up by the various estates, which the devout had donated."<sup>9</sup> Gregory's disgust is clear, and Berthegund disappears from Gregory's *History* from this point, so it is possible she lived out the rest of her life in relative comfort and quietude.

Most scholars of Gregory, or of early medieval women, have shown little interest in this story. Berthegund was neither a saint nor a satisfying villain. She was fairly ordinary, even a little squalid and embarrassing.<sup>10</sup> When the story has come up, scholars frequently have echoed Gregory's moral judgments. Erin Dailey, for example, calls it an "ugly episode" and states that "Berthegund, of course, was not a woman of piety and devotion."<sup>11</sup> Natalia Bikeeva writes dismissively that, "Berthegund sought only to serve her own

9. "ut nihil infra praeter vacuos relinqueret parietes, colligens secum diversorum criminum reos, quos in seditionibus praeparatos, qui, si quid erat de villabus reliquis, quod devoti dederant, fructum auferrent. Tantaque ibi mala gessit, quae vix ex ordine poterunt narrari." *LHD* 10.12, *Libri historiarum X*, 1.1:495).

10. Berthegund receives only passing mention in standard histories of Merovingian women, such as Suzanne Fonay Wemple, *Women in Frankish Society: Marriage and the Cloister, 500 to 600* (Philadelphia: University of Pennsylvania Press, 1981), 62–63; Hanz-Werner Goetz, *Frauen im frühen Mittelalter: Frauenbild und Frauenleben im Frankenreich* (Weimar, Böhlau, 1995); Régine Le Jan, *Famille et pouvoir dans le monde franc (VIIe–Xe siècle): Essai d'anthropologie sociale* (Paris: Sorbonne, 1995). Berthegund is not mentioned at all in the survey by Werner Affeldt and Sabine Reiter of women in Gregory of Tours, "Die Historiae Gregors von Tours als Quelle für die Lebenssituation von Frauen im Frankenreich des sechsten Jahrhunderts," in *Interdisziplinäre Studien zur Geschichte der Frauen im Frühmittelalter: Methoden, Probleme, Ergebnisse*, ed. Werner Affeldt and Annette Kuhn (Düsseldorf: Schwann, 1986), 192–208, and only briefly in Jean Verdon, "Les femmes laïques en Gaule au temps de Mérovingiens: Les réalités de la vie quotidienne," in *Frauen in Spätantike und Frühmittelalter: Lebensbedingungen, Lebensnormen, Lebensformen*, ed. Werner Affeldt (Sigmaringen: Jan Thorbecke, 1990), 253.

11. Erin T. Dailey, *Queens, Consorts, Concubines: Gregory of Tours and Women of the Merovingian Elite* (Leiden: Brill, 2015), 60–61. In another article, however, Dailey does note that Gregory's depiction of Berthegund was likely shaped by hindsight: "Confinement and Exclusion in the Monasteries of Sixth-Century Gaul," *Early Medieval Europe* 22, no. 3 (2014): 329–393. For other examples of scholars who briefly touch on the episode but take Gregory's account at face value, see Katherine Clark Walter, *The Profession of Widowhood: Widows, Pastoral Care and Medieval Models of Holiness* (Washington, DC: Catholic University of America Press, 2018), 84; Susan Wood, *The Proprietary Church in the Medieval West* (Oxford: Oxford University Press, 2008), 137; Jennifer C. Edwards, *Superior Women: Medieval Female Authority in Poitiers' Abbey of Sainte-Croix* (Oxford: Oxford University Press, 2019), 80. Dick Harrison shows interest in trying to understand what both Ingtrude and Berthegund might have been trying to achieve, but he accepts Gregory's version of events and his moral judgments of both women, without quibble, *The Age of Abbesses and Queens: Gender and Political Culture in Early Medieval Europe* (Lund: Nordic Academic Press, 1998), 186–94.

interests and increase her wealth.”<sup>12</sup> Suzanne Fonay Wemple describes her as follows: “Selfish and materialistic, Berthegund sought only personal freedom and wealth.”<sup>13</sup> Scholars have focused on the second part of the story, when Berthegund’s behavior seems particularly appalling, and this has shaped interpretations of her motives and behavior throughout.<sup>14</sup> Allan Jones is unusual in noting that Gregory does not seem to give us the full picture of Berthegund’s reasons for leaving her husband.<sup>15</sup> Yet Gregory was, in Berthegund’s case, a clearly hostile witness. Berthegund had defied the authority of Gregory as bishop, of the male ecclesiastical tradition as represented by the Synod of Gangra, of her husband and the canon law that kept her bound to him, and of King Guntram. Gregory could not tell a story of her comeuppance since she appeared to have retired with her inheritance secured and with the support of King Childebert. In the absence of a useful morality tale, Gregory instead depicts her as foolish, greedy, small-minded, indecisive, and inauthentically religious. He tells her story, and there is no other version, so his version has won.

As Blossom Stefaniw has argued, however, “Feminist historiography means disengaging from [dominant] narratives and shifting one’s focus to developing counter-narratives . . . . The act of telling, archiving, collecting, and persistently repeating counter-stories must be the central act of feminist historiography.”<sup>16</sup> I want to ask, therefore, if we can imagine Berthegund’s version of this story. How might she have understood her situation? What would have been her frames of reference? Why might she have acted as she did, and what might she have thought it all to mean? Why did she think she had the power to withdraw her consent to marriage? What did she believe lay within her power to control? This is necessarily a thought experiment—of

12. Natalia Bikeeva, “*Serente Diabulo*: The Revolts of the Nuns at Poitiers and Tours in the Late Sixth Century,” in *Ecclesia et Violentia: Violence against the Church and Violence within the Church in the Middle Ages*, ed. Radosław Kotecki and Jarek Maciejewski (Newcastle: Cambridge Scholars, 2014), 84.

13. Wemple, *Women in Frankish Society*, 63.

14. For example in Nira Pancer, *Sans peur et sans vergogne: De l’honneur et des femmes aux premiers temps mérovingiens (VIe–VIIe siècles)* (Paris: Albin Michel, 2001), 234–35.

15. Allen E. Jones, *Social Mobility in Late Antique Gaul: Strategies and Opportunities for the Non-Elite* (Cambridge: Cambridge University Press, 2009), 155. Raymond Van Dam is neutral in his discussion of Berthegund and notes the contrast with Gregory’s depiction of Monegund, which I also discuss; see Van Dam, *Saints and Their Miracles in Late Antique Gaul* (Princeton: Princeton University Press, 1993), 101–2.

16. Blossom Stefaniw, “Feminist Historiography and Uses of the Past,” *Studies in Late Antiquity* 4, no. 3 (2020): 280–82.

course we cannot *know*. Perhaps Berthegund was exactly as small-minded and hypocritical as Gregory depicts her. However, she is still worth studying—we can still try to understand the motives and actions of the thoroughly unsympathetic people of the past. This article will not explore the question of whether or not Berthegund was being sincere in claiming a religious motivation for her actions (which is anyway undiscoverable). It instead focuses on the question of what scripts were available to her. What could she draw upon in her attempt to escape her marriage? Berthegund's story is a window into the religious experience and worldview of someone who was not a saint, or not remembered as such at least. Moreover, her story offers a way into thinking through a number of broader issues. It can help us to explore what religious messages Merovingian people absorbed and how they brought these into their lived experiences. Her story prompts us to think about the operation of constrained female agency in the early Middle Ages, and about contemporary understandings of sexual consent and coercion within marriage. These are challenging issues to discuss, and we have little evidence with which to explore them. Berthegund therefore represents an opportunity worth taking up.

## 2. THE MARITAL DEBT AND ITS COMPLICATIONS

Gregory does not tell his readers why Berthegund's husband wanted her back, but he had a range of possible motives. Her husband may have been embarrassed by her decision, he may have wished to maintain financial control of her property, or he may have faced pressure from others. Sometimes husbands wished to gain profit or prestige from their connection to a "holy woman," as seems to have been the case, for example, with Monegund, discussed ahead. From Gregory's perspective, however, Berthegund's attempts to leave her husband would have been canonically problematic because they constituted a unilateral withdrawal from marital sex. As far as canon law and theological tradition is concerned, the situation is clear: once married, each spouse owes to the other the marital debt. This is based on the injunction from 1 Corinthians 7:2–4: "Let the husband render unto the wife due benevolence; and likewise also the wife unto the husband. The wife hath not the power of her own body, but the husband, and likewise also the husband hath not power of his own body, but the wife."<sup>17</sup> Most Christian exegetes have interpreted this

17. Discussion in Angeliki E. Laiou, "Introduction," in *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, ed. Angeliki E. Laiou (Washington, DC: Dumbarton

to mean that each spouse must have sex with the other if this were asked of them. Augustine had argued that this obligation extended even to an unwilling spouse, in order to keep the other spouse from sin. “So, when a husband seeks from his marriage, or a wife from her husband, the means not of begetting children but of coping with weakness and lack of self-control, they should not in either case deny this to each other, for the danger is that at Satan’s prompting they may as a result stoop to depravities which bring damnation through a lack of control on the part of one or both of them.”<sup>18</sup> In Augustine’s view, although sex without desire for children was a sin, it was a worse sin to refuse sex with one’s spouse.

We know that Augustine put this principle into pastoral practice. In a letter to a woman named Ecdicia, Augustine blamed her for her husband’s adultery.<sup>19</sup> “For I omit that I knew that you had taken up continence although he was not yet willing, not following sound doctrine. For he should not have been cheated of the debt of your body before his desire had approached your desire for that good which surpasses the chastity of marriage.”<sup>20</sup> Ecdicia’s husband would have owed her the same, Augustine noted, so “it is so much more incumbent upon you, who should be more submissive, to comply with his desire in paying your debt in this way, lest he be dragged into the diabolical temptation of adultery.”<sup>21</sup> Augustine linked Ecdicia’s sex

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Oaks Research Library and Collection, 1993), viii. Note the interesting comparison with rabbinic directives concerning the marital debt, discussed in Mari Rethelyi, “Rabbinic Understandings of Marital Rape in the Talmud,” in *Rape Culture, Gender Violence, and Religion: Interdisciplinary Perspectives*, ed. Caroline Blyth and Emily Colgan (Cham: Palgrave Macmillan, 2018), 195–12.

18. “ut et quod non filiorum procreandorum, sed infirmitatis et incontinentiae causa expetit uel ille de matrimonio uel illa de marito, non sibi alterutrum negent, ne per hoc incidant in damnabiles corruptelas, temptante Satana, propter incontinentiam uel amorum uel suiusquam eorum.” Augustine of Hippo, *De bono coniugale*, in *De bono coniugale, De sancta uirginitate*, ed. and trans. P. G. Walsh (Oxford: Oxford University Press, 2001), 14–15.

19. On this letter, see Claudia Kock, “Augustine’s Letter to Ecdicia: A New Reading,” *Augustinian Studies* 31, no. 2 (2000): 173–80.

20. The passage as a whole reads, “omitto enim, quod ipsam continentiam illo nondum uolente non secundum sanam doctrinam te suscepisse cognoui. neque enim corporis tui debito fraudandus fuit, priusquam ad illud bonum, quod superat pudicitiam coniugalem, tuae uoluntati uoluntas quoque eius accederet.” Augustine of Hippo, *Epistula* 262.2, in *S. Aureli Augustini Hipponiensis Episcopi: Epistulae*, ed. Alois Goldbacher, Corpus Scriptorum Ecclesiasticorum Latinorum 57 (Vienna: Akademie der Wissenschaften in Wien, 1911), 621.

21. “quanto magis te, quam magis subiectam esse decuerat, ne ipse quoque in adulterium diabolica temptatione traheretur, in reddendo huius modi debito uoluntati eius obtemperare conuenerat,” Augustine of Hippo, *Epistula* 262.2 (Goldbacher, *Epistulae*, 621).



avoidance to her subversive independence—giving away large parts of their fortune and dressing as a widow against her husband’s wishes.<sup>22</sup>

We find a similar injunction in a late fifth- or early sixth-century treatise to Gregoria, in which the anonymous author advises the matron that on no account should she refuse to have sex with her husband. “You have been bought, matron, and purchased by the instruments of your dowry, bound by as many knots as you have limbs, nor have you entered into marriage for any other reason, other than that you have no power over your body.”<sup>23</sup> This stance was in accord with Augustine’s view that the violent coercion of a wife by her husband was just as appropriate and acceptable as the master’s violent reprovals to his slaves.<sup>24</sup> Indeed, he famously praised his mother Monnica for her submission to her husband and her advice to other women to submit in the same way to avoid physical reprimands.<sup>25</sup>

Kate Cooper has argued that Augustine’s idea of marriage as akin to slavery “was far from widely accepted.”<sup>26</sup> However, as she shows, its appearance in the treatise to Gregoria demonstrates that it had at least some influence, and she also notes an increasing emphasis on wifely obedience in fifth- and sixth-century Christian conduct literature.<sup>27</sup> The author of the fifth-century letter to Celanthia also condemned her for vowing continence without her husband’s agreement, on the grounds that this could lead him to adultery.<sup>28</sup> The consequence of this marital obligation was that, as James A. Brundage notes, “even such worthy and pious enterprises as entering the religious life or vowing continence might infringe the right of one spouse to collect the conjugal debt from the other.”<sup>29</sup> Consequently, up until the early thirteenth century, the canon law position was that “no married person

22. Augustine of Hippo, *Epistula* 262.5 and 262.10.

23. “Empta es, o matrona, et instrumentis dotalibus comparata, tot nodis ligata quot membris, nec ob aliud omnino ingressa es ad maritum, nisi ut ipsius quoque corporis tui potestatem habere non possis,” *Ad Gregoriam in palatio* 7, in *Opera minora*, ed. K. D. Daur, Corpus Christianorum Series Latina 25A (Turnholt: Brepols, 1992), 202; discussed in Leslie Dossey, “Wife Beating and Manliness in Late Antiquity,” *Past and Present* 199, no. 1 (2008): 17.

24. Dossey, “Wife Beating,” 10–12.

25. Dossey, 12–13, citing Augustine of Hippo, *Confessiones* 9.9.19.

26. Kate Cooper, *The Fall of the Roman Household* (Cambridge: Cambridge University Press, 2007), 147.

27. Cooper, *Fall of the Roman Household*, 147–52, 183. See also Dossey, “Wife Beating,” 23, on the importance of wifely obedience in the western patristic sources.

28. Cooper, *Fall of the Roman Household*, 179.

29. James A. Brundage, “Sexual Equality in Medieval Canon Law,” in *Medieval Women and the Sources of Medieval History*, ed. Joel T. Rosenthal (Athens: University of Georgia Press, 1990), 69.

could unilaterally make such commitments without the consent of the marital partner.”<sup>30</sup> The church in Gaul followed the same principle that religious vocation could not trump the marital debt—in 506, the Concilium Agathense (Council of Agde) had forbidden any married Christian from joining a religious community without the consent of their spouse, and this council’s rulings were later applied to the entire Frankish realm.<sup>31</sup> The Concilium Turonense (Council of Tours) in 567, meanwhile, decreed that a woman could not take holy vows as a means of escaping a marriage she did not want.<sup>32</sup>

In this context, Gregory’s reaction to Berthegund is understandable and in line with tradition. Nonetheless, Christianity’s message about marital sex was not consistent, and this gave spouses who wished to leave their marriage religious justifications on which they could draw—as Berthegund apparently did. Sermons and penitentials hedged marital sex with a number of limitations: if spouses had sex for the wrong reasons, on the wrong day, in the wrong way, or in the wrong place, it was a sin.<sup>33</sup> The specter of sin therefore continued to hang over the marital bed, and theologians worried, for example, about the moral responsibility of spouses who paid the marital debt on a prohibited day, seeking to differentiate the sin of the one demanding from the obedience of the one submitting.<sup>34</sup>

Moreover, the marital debt could be trumped by religious obligations in some situations. One of the most obvious was ordination. In theory a married man seeking ordination was supposed to get his wife’s agreement first, but this was not always followed in practice, nor were the wife’s views a priority for ecclesiastical legislators.<sup>35</sup> Gregory of Tours tells several stories of *episcopae* who tried to reclaim sexual access to their husbands, suggesting that such

30. Brundage, “Sexual Equality,” 69–70.

31. Council of Agde, a. 506 c. 16; Odette Pontal, *Histoire des conciles mérovingiens* (Paris: Éditions du Cerf, 1989), 109.

32. Council of Tours, a. 567 c.21; discussed and contextualized in Gregory I. Halfond, “Charibert I and the Episcopal Leadership of the Kingdom of Paris (561–567),” *Viator* 43 (2012): 26–27. This was connected to secular law’s increasing insistence that marriages were irrevocable, even in circumstances of cruelty or mistreatment; see Dossey, “Wife Beating,” 7.

33. James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 154–64; discussion of the Merovingian material in Verdon, “Les femmes laïques,” 249–50.

34. John W. Baldwin, “Consent and the Marital Debt: Twelve Discourses in Northern France around 1200,” in Laiou, *Consent*, 260; James A. Brundage, “Implied Consent to Intercourse,” in Laiou, *Consent*, 250.

35. Wemple, *Women in Frankish Society*, 132.

agreements could be constrained, one-sided, or subsequently regretted.<sup>36</sup> There are also a number of stories of wives who appear as obstacles to other male religious callings and are therefore put aside. Flodoard gave the example of the sixth-century abbot Theodoric who tried to convert his wife to chastity on their wedding night. When she refused, he left her, and this story was told as a celebration of his determination.<sup>37</sup> Cassian recounted the story of Abba Theonas, whose “stubborn” wife continued to insist on payment of the marital debt. She argued that “she could not abstain completely from marital comfort in the flower of her youth, and that if she became guilty of sin, having been deserted by him, he would be responsible, who had broken the marriage pact.” Theonas responded by leaving her.<sup>38</sup> Cassian recounts this story without any sense that Theonas was sinning in refusing the marital debt—quite the opposite. Such stories remind us that the marital debt was gendered, in spite of its nominal equality.<sup>39</sup> Men had more opportunity either to avoid sex or to leave a marriage when the wife would not consent to live in chastity. Marital sex was not presented to the Christian faithful as a universal good, nor as an inescapable obligation for all.

Moreover, this religious insistence on the marital debt took place in the context of a long-standing Christian celebration and valorization of chastity. This was true for both sexes, but it was especially marked for women. Scholars have focused on the power of the ideal of virginity, and there are plenty of examples of early medieval Gallic hagiographies that celebrate their heroine’s avoidance of marriage in the face of parental pressure.<sup>40</sup> Anstrude, her hagiographer tells us, refused to marry her wealthy suitor because she was already

36. LHD 1.4.4; Gregory of Tours, *Gloria confessorum* 77. See discussion in Roger Lantéri, *Les Mérovingiennes* (Mesnil-sur-l’Estrée: Perrin, 2000), 193–202.

37. Flodoard, *Historia Remensis Ecclesiae* 1.24, discussed in Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton: Princeton University Press, 1993), 90.

38. “diceret solacio maritali pro aetatis suae flore penitus abstinere non posse, ac proinde si quid deserta ab eo criminis admisisset, illi potius adscribendum qui coniugii foedera dirupisset.” John Cassian, *Collationes* 21.8–9, in Library of Latin Texts database, produced by Centre ‘Traditio Litterarum Occidentalium’ (Turnhout: Brepols, 2010), 580. Discussed in Aline Rousselle, *Porneia: On Desire and the Body in Antiquity*, trans. Felicia Pheasant (Cambridge, MA: Blackwell, 1988), 185.

39. Elliott makes this point, in *Spiritual*, 148n51, in answer to Brundage, “Sexual Equality,” who is surprisingly idealistic.

40. On the ideal of virginity as presented in Merovingian texts, see Jane Tibbetts Schulenberg, “The Heroics of Virginity: Brides of Christ and Sacrificial Mutilation,” in *Women in the Middle Ages and the Renaissance: Literary and Historical Perspectives* (Syracuse: Syracuse University Press, 1986), 29–72, and Julia M. H. Smith, “Radegundis peccatrix: Authorizations of Virginity in Late Antique Gaul,” in *Transformations of Late Antiquity: Essays for Peter Brown*, ed. Philip Rousseau and Manolis Papoutsakis (Surrey: Ashgate, 2009), 303–26.

wedded to God.<sup>41</sup> Austreberta's *Life (Vita Austrebertae)* describes how she fled her family home to avoid a marriage her parents were pushing on her.<sup>42</sup> Jonas's *Life of Columbanus (Vita Columbani)* includes an account of a woman named Burgundofara, whom the saint had consecrated to the Lord while still young.<sup>43</sup> When her father tried to give her into marriage against her will, she was stricken by a range of physical afflictions, which were attributed to the father's impiety. After Burgundofara recovered, the father tried again, and the saintly girl fled to seek sanctuary in a church until she could be formally joined to a religious community.

However, virginity was not the only possible path to heaven. The Merovingian church sanctified a number of women who had been married and sexually active.<sup>44</sup> What mattered was that these women all renounced sex in due course. Eustadiola married and bore a son but refused to wed again once she was widowed, and she founded a religious community, "freed from the rule of a husband," as her hagiographer wrote.<sup>45</sup> Clothild and Balthild both had a number of children with their royal husbands but embarked on abstinent religious lives after they were widowed.<sup>46</sup>

Married women would have heard this message. They would also have heard stories about chaste marriages in which couples were celebrated for mutually renouncing sex. Although a number of early medieval thinkers regarded consummation as necessary to making a marriage valid and indissoluble, the example of Mary and Joseph's supposedly sexless marriage provided a religious justification for abstinence.<sup>47</sup> Moreover, as Dyan Elliott notes, "in their elevation of virginity, the church fathers also, wittingly or unwittingly, opened the door to a spiritualized definition of marriage that

41. *Vita Anstrudis* 2.

42. *Vita Austrebertae* 2.

43. Jonas, *Vita Columbani* 2.7.

44. Contrast the statement of Schulenberg, "Heroics," 32. For discussion of married Merovingian saints see Isabelle Réal, *Vies de saints, vie de famille: Représentation et système de la parenté dans le Royaume mérovingien (481–751) d'après les sources hagiographiques* (Turnhout: Brepols, 2001), 169–211.

45. "soluta enim a lege viri," *Vita Eustadiolae* 3, in *Acta Sanctorum*, ed. Joanne Baptista Sollerio, Joanne Pinio, Guilielmo Cupero, and Petro Boschio, vol. 33 (Paris, 1868), 132.

46. *Vita Clothildis* 14; *Vita Balthildis* 9. In both cases the hagiographies elide the political complexities of the situations each woman faced, but my point is about the ideal as it was presented in textual materials.

47. Jo Ann McNamara, "Chaste Marriage and Clerical Celibacy," in *Sexual Practices and the Medieval Church*, ed. Vern L. Bullough and James A. Brundage (Amherst: Prometheus, 1994), 28; Elliott, *Spiritual Marriage*, 142–43.

allowed the institution to exist independent of sex.”<sup>48</sup> This is the case in a number of earlier Christian texts. For example, Jerome told the story of Malchus, who was enslaved and married against his will but persuaded his new bride on their wedding night to live with him in chastity.<sup>49</sup> In the story of the martyr Caecilia, told by perhaps Arnobius the Younger in the fifth century, Caecilia was married off against her will to a non-Christian. On their wedding night she tried to persuade her husband not to consummate the marriage, and he was threatened with divine punishment if he touched her. In due course he was converted, and they agreed to live together in mutual chastity.<sup>50</sup> There are also a number of such stories from Merovingian Gaul, one of which was told by Gregory of Tours. After a man named Iniuriosus was married, Gregory wrote, his wife wept and lamented that she would now be the spouse of a man rather than the spouse of Christ: “this wedding garb is a burden to me, not an honour.”<sup>51</sup> When she said that she would rather be dead than lose her virginity, Iniuriosus eventually agreed to live with her in chastity.<sup>52</sup>

Each of these examples involved chastity by mutual agreement of the spouses, even if they were initially reluctant and required persuasion. In the Merovingian hagiography of Glodesind, however, this does not happen as a result of mutual agreement but as a result of a divine miracle, against the wishes of one spouse. Glodesind, the anonymous author tells us, was married off by her parents in spite of her wish to live a religious life. “Receiving her, he [Glodesind’s new husband] led her back to his house: having conducted the aforementioned virgin and bride of our Lord Jesus Christ Glodesind into the interior of his home he wanted to have sex with her, but by an act of the Lord’s providence he did not know her. All his great efforts were useless.”<sup>53</sup>

48. Elliott, *Spiritual Marriage*, 4.

49. Jerome, *Vita Malchi* 6. This male example is unusual, perhaps explained by the fact that his enslavement places Malchus in a powerless position, comparable to a woman who is unable to avoid an unwanted marriage.

50. *Martyrdom of St Caecilia and Companions* 3–8, *Roman Martyrs: Introduction, Translations, and Commentary*, ed. and trans. Michael Lapidge (Oxford: Oxford University Press, 2018), 145–48.

51. “haec mihi vestis onus exhibuit, non honorem,” *LHD* 1.47 (Krusch, *Libri historiarum X*, MGH, SRM 1.1:30).

52. *LHD* 1.47. Gregory also tells the same story in *Gloria confessorum* 31. For discussion of another chaste Merovingian marriage, see Réal, *Vies*, 172–77.

53. “qui accipiens eam, duxit ad regendam domum suam: introductamque praedictam virginem ac sponsam Domini nostri Jesu Christi Glodesindam intra septa domus suae, volens copulari ei, attamen Domini providentia actu non cognovit eam. Sed haec omnia molimina incassum fiebant,” *Vita Glodesindis* 8, in *Acta Sanctorum*, July 25, 203.

Soon after this miraculous impotence, Glodesind's husband was arrested by the king on some undisclosed matter and executed, thereby ensuring he could not exact the marital debt. When her father wished to marry her off again, Glodesind sought sanctuary in the church of Metz, determined to die rather than wed again. As her hagiographer wrote, "Thus virgins should not think that true joy consists in the chains of filthy marriage."<sup>54</sup> Eventually an angel appeared, placed the veil on her, and her family gave up their efforts. Here, Glodesind's avoidance of the marital debt was endorsed by divine intervention.

Moreover, Glodesind was not the first or only saint celebrated for her avoidance of sex within marriage, against a spouse's wishes. The fifth-century *Life of Melania the Younger* (*Vita Melaniae Juniori*) famously recorded its heroine's initial failure to convince her husband to renounce sex, her persistence in ascetic activities through the marriage, and her eventual triumph in persuading her husband to give up sexual activity after the deaths of their children.<sup>55</sup> Melania was depicted throughout as walking a fine line. She did not unilaterally refuse sex with her husband and was counselled to patience by her advisors, but she effectively forced her husband's hand by refusing properly to care for herself during her pregnancy, endangering her own life and, by implication, leading to the death of one of her children.

The most famous example of marital sex avoidance in the Merovingian world would have been that of Radegund, wife of the Frankish king Clothar. Radegund had been a war captive and was married to the man who had defeated her father and would go on to kill her brother as well. Her hagiographer, Venantius Fortunatus, was Radegund's close friend and wrote his account of her life soon after her death in 587. Early in this text he briefly recounted Radegund's effort to escape the marriage before it took place, but no miracle intervened to save her.<sup>56</sup> Venantius insisted on Radegund's rejection of this role: "more a partner to Christ than companion to her spouse."<sup>57</sup> This extended to marital sex. "At night," Venantius wrote, "when she reclined with the prince, asking to rise for the sake of human necessity, and getting up,

54. "Ne vera gaudia putent virgines in maritalibus maculosis consistere vinculis," *Vita Glodesindis* 10, in *Acta Sanctorum*, July 25, 204.

55. *Vita Melaniae Juniori* 1–6, in *Melania the Younger: From Rome to Jerusalem*, by Elizabeth A. Clark, trans. Theodore C. Papaliozos (New York: Oxford University Press, 2021), 201–3.

56. Venantius, *Vita Radegundis* 1.2.

57. "plus participata Christo, quam sociata coniugio," Venantius, *Vita Radegundis* 1.3, in *Vita Sanctae Radegundis, Liber I*, ed. Bruno Krusch, MGH, SRM 2 (Hanover: Hahn, 1888), 366.

she left the bedroom. Then she exerted herself for such a long time in prayers in the privy, covered by a hair cloak, that only her spirit was warm. She would be pierced through with cold, her whole flesh prematurely dead, not caring about the torment of her body, her mind intent on paradise, reckoning lightly what she did not endure, lest she should be vile to Christ. Then re-entering the bedroom, she could scarcely get warm, either by the hearth or in the bed. Because of this it was said of the king that he had yoked himself to a monk rather than a queen.”<sup>58</sup>

Eventually, Radegund decided to separate herself physically from her husband and went to bishop Medard of Noyon, asking to be consecrated.<sup>59</sup> The bishop, however, hesitated, mindful both of the anger of the king, and the words of I Corinthians 7:22: “Art thou bound unto a wife? Seek not to be loosed.” Venantius depicted Radegund acting decisively and in striking parallel to Berthegund in the face of this challenge. She entered the sacristy, put on monastic garb and threatened the bishop with divine retribution if he did not consecrate her. Thunderstruck, as Venantius claims, Medard complied and consecrated her a deaconess, laying the foundation for her rejection of this marriage. A second version of the *Life of Radegund (Vita Radegundis)*, by Baudonivia, suggests that Clothar later tried again to reclaim his wife, but Radegund threatened to end her life rather than return to him, and he eventually acquiesced.<sup>60</sup> All of this was presented by the authors of these works as evidence of her sanctity, not as a problematic avoidance of her marital debt.

A further example comes again from the work of Gregory of Tours. In his *Life of the Fathers (Liber vitae patrum)*, Gregory included an account of a saintly woman named Monegund. Monegund was married and had two daughters, but after both of them died she secluded herself in a small room in her house. “There, in contempt of the domain of the world, scorning the company of her husband, she devoted herself to God alone,

58. “Item nocturno tempore cum reclinaret cum principe, rogans se pro humana necessitate consurgere, levans, egressa cubiculo, tam diu ante secretum orationi incumbibat, iactato clicio, ut solo calens spiritu, iaceret gelu penetrata, tota carne praemortua, non curans corporis tormenta mens intenta paradiso, leve reputans quod ferret, tantum ne Christo vilesceret. Inde regressa cubiculum, vix tepifieri poterat vel foco vel lectulo. De qua regi dicebatur, habere se potius iugalem monacham quam reginam.” Venantius, *Vita Radegundis* 1.5 (Krusch, *Vita Sanctae Radegundis*, 366–67).

59. Venantius, *Vita Radegundis* 1.12.

60. Baudonivia, *Vita Radegundis* 2.4, in *Vita Sanctae Radegundis, Liber II*, ed. Bruno Krusch, MGH, SRM 2 (Hanover: Hahn, 1888), 380–81.

in whom she confided.<sup>61</sup> Eventually, however, like Radegund, Monegund decided this was not enough. She left her husband and traveled to Tours, where she lived a life wholly dedicated to religion. Her husband, Gregory, wrote, “calling together his friends and neighbors, hastened after her and returned her to his home.”<sup>62</sup> However, Monegund once again escaped him and returned to Tours, at which point her husband gave up on trying to get her back.<sup>63</sup> There was no mention of Monegund’s marital obligations here, nor of any danger that she might force her husband into sin if she did not have sex with him. Gregory represented Monegund as unproblematically holy.<sup>64</sup>

These stories provided examples to Christian women of alternative ways they could live their lives or inhabit their marriages. Even though, as Elliott notes, they often deviated from socially sanctioned norms: “Saints also frequently provide valuable role models that pious individuals, consciously or unconsciously, pattern their own religious expression upon.”<sup>65</sup> In the fifteenth century, Margery Kempe, a woman seeking to persuade her husband to consent to a chaste marriage, read stories about married saints like Bridget of Sweden and Mary of Oignes who refused to render the marital debt, as well as stories about virginal saints who rejected sex altogether and “lived with reference to these authoritative models.”<sup>66</sup> She used them, moreover, precisely to reject and subvert the ideals of wifely obedience and feminine subjection. These stories, therefore, “enable Margery’s resistance to marital sex.”<sup>67</sup> Much less is known about the reading practices of early medieval women, but it is entirely plausible that Berthegund could have heard hagiographical stories

61. “ibique, contemptu mundi ambitu, spreto viri consortio, soli Deo, in quo erat confisa, vacabat.” Gregory of Tours, *Liber vitae patrum* 19.1, in *Liber vitae patrum*, ed. Bruno Krusch, MGH, SRM 1.2 (Hanover: Hahn, 1969), 286.

62. “convocans amicos vicinosque suos, pergit post eam et reducit ad propria,” Gregory of Tours, *Liber vitae patrum* 19.2 (Krusch, *Liber vitae patrum*, MGH, SRM 1.2:288).

63. Gregory of Tours, *Liber vitae patrum* 19.2, *Liber vitae patrum*, MGH 1.2.

64. Note that Gregory also praised Radegund, although he did not refer specifically to her defiance of her husband. As Elliott notes, these stories of one-sided sexual renunciation within marriage “delineate an explicit denial of Pauline and Augustinian theology,” Elliott, *Spiritual Marriage*, 77.

65. Elliott, *Spiritual Marriage*, 8.

66. Conor McCarthy, *Marriage in Medieval England: Law, Literature and Practice* (Woodbridge: Boydell, 2004), 123.

67. Sarah Salih, *Versions of Virginity in Late Medieval England* (Cambridge: D. S. Brewer, 2001), 199.



about sex avoidance, which would have been read aloud in liturgical or devotional contexts.<sup>68</sup>

In other words, early medieval women (and men) would have received mixed messages about marital sex because the church spoke in a multitude of voices.<sup>69</sup> On the one hand, Christian teachings supported marriage as an institution and insisted that the marital debt must be paid if either spouse requested sex. On the other hand, Christian texts also celebrated chastity or sex avoidance as one of the highest virtues, especially for women, and lauded as heroines at least some women who left their husbands against those men's wishes (as well as vice versa). This tension is in some respects also connected to genre. Church councils, secular law, and theological treatises all articulated a strict and idealized model. Hagiographies, however, told much more messy and complicated stories about people's lives. These too were idealized, and fabulized, but they engaged with pressures and challenges that women actually faced and did not take a simplistically moralistic approach to these.

This tension would also have a long future, as it parallels what Chelsea Skalak has noted about the treatment of marital rape in the high Middle Ages. She argues that "while marital consent was a closed discussion in the realm of medieval law, it remained open and alive in the literary imagination."<sup>70</sup> Skalak explores the multiple ways in which marital rape was represented in the *Canterbury Tales* and featured as something that Chaucer could grapple with for both humor and pathos.<sup>71</sup> Women might not have had the legal power to withhold consent after marriage, but Chaucer was perfectly capable of treating them as if they could and did.

### 3. BERTHEGUND AND FEMALE AGENCY

Returning to Berthegund with all of this in mind, I propose that we read her story in a very different way from how Gregory presents it. We can imagine, I think, that this was a woman who had heard about saints who escaped marriages and about wives who heroically defied their husbands. These stories

68. We have much more information about the education and reading practices of elite women in the fourth and fifth centuries. The *Life of Melania the Younger* 23, refers to *Melania* reading *Lives of the Fathers* among other devotional works.

69. This was a long-standing tension within Christianity; see Cooper, *Fall of the Roman Household*, 180.

70. Chelsea Skalak, "The Unwilling Wife: Marital Rape in the *Canterbury Tales*," *Chaucer Review* 55, no. 2 (2020): 120.

71. Skalak, "Unwilling Wife," 146.

were deeply embedded in her world. Perhaps she saw these as something she could use to escape her marriage. Perhaps the stories resonated with her. She may not have thought, as Gregory claims, that no one who is married will ever see the Kingdom of Heaven (a phrase that is suspiciously close to the wording of the Synod of Gangra). But it is not hard to imagine that she had absorbed the view that it was better, in Christian terms, not to be married, especially for a woman. That message would have been all around her, after all. In Berthegund's tale, the heroic trope hits up against reality, but her thought process is completely understandable in terms of the messages she could have absorbed.

Gregory does not give Berthegund any true religious motivations for her decision to leave her husband; he paints her as stupid, greedy, and undeserving. But this invective makes perfect sense. He had to justify how he treated her—forcing her repeatedly back to a husband she had repudiated, out of the religious life that she sought. If this was a hagiography of Berthegund, Gregory would be the villain. Because Gregory told the tale, he made very sure his readers understood that Berthegund was no saint. Moreover, it is important to note that Berthegund was not alone in her view that what she had done was justified. She was supported by both her mother and her brother, a prominent bishop. In the end, even a Frankish king conceded to some of her demands. Not everyone agreed with Gregory in dismissing Berthegund as ridiculous. Ultimately, the Gallic church tried to lock women into their marriages and, at the same time, provided them with scripts for possible resistance to or even escape from those marriages.

Berthegund's story thus provides a way to reconsider what female agency meant in the early medieval world. We cannot hope to understand her perspective and experience unless we can grapple with what would have seemed possible for her. As Talal Asad insists, we need to ask, "What story is the agent a part of?"<sup>72</sup> In responding to this, I am inspired by the work of Lynn Thomas and her analysis of skin lightening in South Africa.<sup>73</sup> Thomas refuses to see women who lighten their skin either as victims of false consciousness or as free and rational actors. Instead she argues that, "like all historical actors, those who have used and currently use skin lighteners are stirred to act by the entanglement of social and political structures with

72. Talal Asad, "Agency and Pain: An Exploration," *Culture and Religion* 1, no. 1 (2000): 40–51. On this see also the important work of Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).

73. Lynn M. Thomas, "Historicising Agency," *Gender and History* 28, no. 2 (2016): 324–25.

personal motivations and desires. Readily articulated intentions, frequently unspoken fantasies, and ordinary efforts at survival all animate their actions.”<sup>74</sup> Thomas draws on the work of Joan Scott, who urges historians to recognize the role of fantasy as a force in history. “People,” Scott argues, “aren’t mobilized according to purely objective interests, but rather according to interests created for them by collective fantasies. Such fantasies infused interest with desire and seem to provide an answer to the impossible question of identity, to the subjects’ quest for wholeness and coherence, by merging them into a group.”<sup>75</sup>

What does this mean for the interpretation of medieval women, and of Berthe Gund in particular? Historians have long been drawn to the history of strong, powerful, and defiant Merovingian women, both “heroic” and “villainous” ones.<sup>76</sup> Berthe Gund has not been an important part of this story for the reasons already laid out—Gregory’s contempt has shaped her irrevocably, and she has not been considered interesting or important enough to merit revision. She is instead presented as indecisive, greedy, and inauthentic rather than as a woman exercising her agency. It is possible, however, to read Berthe Gund’s story as one of a woman who believes that she needs to leave her husband in order to have a chance at salvation, who would have been exposed to many stories celebrating female chastity as the source of sanctity, who succumbs temporarily to pressure from powerful men around her, but who persists in her desire to escape her marriage and does eventually do so, drawing on support from her mother and brother. A religious life could have been the “fantasy” to which she was drawn, as Scott and Thomas have it. As Kate Wilkinson points out, when dealing with early medieval women we must “take seriously that they really did want to participate in the heavenly chorus of Christ’s brides.”<sup>77</sup> Although Berthe Gund’s story ends in unseemly litigation, conflict, and the despoiling of a nunnery, what she originally sought was a life dedicated to religion. As Wilkinson notes of women in this period, “their understanding of final good was not linked to a liberal sensibility about individual political and social freedoms. It entailed a cosmic

74. Thomas, “Historicising Agency,” 330.

75. Joan Wallach Scott, *The Fantasy of Feminist History* (Durham: Duke University Press, 2011), 19.

76. See, for example, Wemple, *Women in Frankish Society*; Dailey, *Queens, Consorts, Concubines*; Edith Ennen, *Frauen im Mittelalter* (Munich: C.H. Beck, 1985).

77. Kate Wilkinson, *Women and Modesty in Late Antiquity* (Cambridge: Cambridge University Press, 2015), 149.

temporal schema and a desire for incorporation into a transcendent community.<sup>78</sup> We cannot know whether any of that was the case for Berthe Gund. My point is that we *could* imagine Berthe Gund's story differently, and it is revealing that we have not.

#### 4. SEXUAL CONSENT

To understand what might have seemed possible to Berthe Gund, it is also essential to think through early medieval concepts of sexual consent and how these related to marriage. Berthe Gund appears to have felt that she had the power to withdraw consent to sex with her husband. This position is in stark contrast to the picture provided in legal and patristic sources, which present such a withdrawal as impossible. It also stands in sharp contrast to the picture in modern scholarship that has implied that consent was irrevocable after marriage in this period.<sup>79</sup> What, then, was the basis for Berthe Gund's withdrawal of consent, and how was it shaped by her circumstances and worldview?

Sexual consent is not a modern invention, but it is and always has been a culturally constructed category.<sup>80</sup> Historians who examine sexual consent in ancient societies have generally argued that modern understandings of it are unhelpful or inapplicable.<sup>81</sup> Modern legal systems often construe consent as central to the definition of rape and treat women as entities capable of freely

78. Wilkinson, *Women and Modesty*, 148.

79. There has been extensive scholarship on rape and consent in the early Middle Ages, but much of this has focused on the question of "abduction marriage" and how women's consent or nonconsent played into this. See for example Sylvie Joye, "Le rapt de Judith par Baudouin de Flandre (862): Un 'clinamen sociologique'?", in *Les elites au haut Moyen Âge: Crises et renouvellements*, ed. François Bougard et al. (Turnhout: Brepols, 2006), 361–80; James A. Brundage, "Rape and Seduction in the Medieval Canon Law," in Bullough and Brundage, *Sexual Practices*, 141–48; Rebecca V. Colman, "The Abduction of Women in Barbaric Law," *Florilegium* 5 (1983): 62–75; Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction and Adultery, 1100–1500* (Cambridge: Cambridge University Press, 2013), 14–25; Judith Evans-Grubbs, "Abduction Marriage in Antiquity: A Law of Constantine (CTH IX.24.1) and Its Social Context," *Journal of Roman Studies* 79 (1989): 59–83; Lantéri, *Les Mérovingiennes*, 100–104. One exception is Julia Coleman, "Rape in Anglo-Saxon England," in *Violence and Society in the Early Medieval West*, ed. Guy Halsall (Woodbridge: Boydell, 1998), 193–204, but she does not consider rape within marriage.

80. Laiou, "Introduction," vii.

81. See for example Dunn, *Stolen Women*, 97; Rosanna Omitowoju, *Rape and the Politics of Consent in Classical Athens* (Cambridge: Cambridge University Press, 2002), 4–10; Mary R. Lefkowitz, "Seduction and Rape in Greek Myth," in Laiou, *Consent*, 20; David Cohen, "Consent and Sexual Relations in Classical Athens," in Laiou, *Consent*, 5–6.

giving or withholding consent according to their own wishes.<sup>82</sup> In many ancient societies, however, women did not have legal autonomy, nor were they legal agents. As Rosanna Omitowaju argues, many women in fourth-century Athens could not consent because it was an irrelevant category.<sup>83</sup> Robert Kawashima has likewise argued that we should not use the term *rape* to describe forcible sexual acts in biblical Israel because women in that society were not agents who could give consent.<sup>84</sup> As Rhiannon Graybill notes, “the right to say ‘no’ has been historically denied to many categories of people.”<sup>85</sup> However, Graybill warns against one possible consequence of this historicization of consent—it can elide the messy and complex realities of sexual violence in the past, simply because they do not fit modern legal paradigms.<sup>86</sup> Instead she argues that scholars need to advance an intersectional analysis that accounts for differential experiences of people in the past, and also one that accounts for factors such as pressure and discomfort, which can be powerful forces in sexual interactions. To this I would add that scholars need to have as clear a sense as we can of what would have seemed possible for a woman in terms of her own consent. What were the options or possibilities that she was able to envisage?

Early medieval texts do refer to sexual consent. It is not a central focus of sources, either legal or theological, but it is referred to in passing, and we can infer understandings as well from what is said (or not said). Early medieval law codes recognized that consent had a role in determining the nature of a sexual interaction and what the consequences of that interaction should be for the parties involved. The Salian laws differentiate between sex with a freeborn girl *per uirtutem* (by force) and sex with a freeborn girl *spontenea uoluntate ambis* (with both willingly consenting).<sup>87</sup> Lombard laws and the

82. Mark Cowling and Paul Reynolds, “Introduction,” in *Making Sense of Sexual Consent*, ed. Mark Cowling and Paul Reynolds (Aldershot: Ashgate, 2004), 1–5; Peter Westen, *The Logic of Consent: The Diversity and Deceptiveness of Consent as a Defense to Criminal Conduct* (Aldershot: Ashgate, 2004), 2–7.

83. Omitowaju, *Rape*, 66–95, 121–22.

84. Robert S. Kawashima, “Could a Woman Say ‘No’ in Biblical Israel? On the Genealogy of Legal Status in Biblical Law and Literature,” *AJS Review* 35, no. 1 (2011): 1–22.

85. Rhiannon Graybill, “Fuzzy, Messy, Icky: The Edges of Consent in Hebrew Bible Rape Narratives and Rape Culture,” *Bible and Critical Theory* 15, no. 2 (2019): 3.

86. Graybill, “Fuzzy,” 7. There is a good example of the consequences of such cliding in Lefkowitz, “Seduction.”

87. *Pactus legis Salicae* 15.2, 15.3. Roman law had also differentiated between forceful and willing *stuprum* and between abductions that the woman consented to and those that she did not: Diana C. Moses “Livy’s Lucretia and the Validity of Coerced Consent in Roman Law,” in Laiou, *Consent*, 50;

laws of King Alfred likewise distinguish punishment for sexual interactions that took place with female consent from those that did not.<sup>88</sup> The *Penitential of Cummean* (*Paenitentiale Cummeani*) differentiates between the penance to be performed in a situation where a younger boy was “oppressed” (*oppressus*) by an older boy and a situation where the younger boy “consented” (*consenstit*).<sup>89</sup> It is therefore entirely plausible that Berthegund could have had a legal understanding of what sexual consent meant.

She also could plausibly have had a religious understanding of consent, given that this had been the subject of theological discussion for some time. Christian understandings of grace and human free will had long been enmeshed with thinking about sexuality. Kyle Harper has argued that the early church developed “a radical notion of individual freedom, centred around a libertarian paradigm of complete sexual agency.”<sup>90</sup> However, as Christianity gradually became integrated with society, “the discussion shifted, in revealing ways, to the actual psychology of volition and the material constraints on sexual action.”<sup>91</sup> Augustine’s understandings of free will and its relation to human flesh then took the conversation in a new direction. For Augustine, human sexuality represented the recalcitrance of will, the impossibility of ever mastering it, and our reliance instead on divine grace.<sup>92</sup> Augustine had used the idea of consent to differentiate between what happened to the body and what happened to the will when a woman was raped. He argued that a woman whose body was forced into sex but who offered no consent with her will kept her chastity intact.<sup>93</sup> Being Augustine, however, he had no

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Evans-Grubbs, “Abduction Marriage,” 63–65. On consent in Anglo-Saxon, Byzantine, and medieval law codes, see Dunn, *Stolen Women*, 14–25. On English common law, see Kim M. Phillips, “Written on the Body: Reading Rape from the Twelfth to Fifteenth Centuries,” in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge: Boydell, 2000), 128–37.

88. Discussion in Suzanne Fonay Wemple, “Consent and Dissent to Sexual Intercourse in Germanic Societies from the Fifth to the Tenth Century,” in Laiou, *Consent*, 237–40; Carole Hough, “Alfred’s *Domboc* and the Language of Rape: A Reconsideration of Alfred, Chapter II,” in *Essays in Anglo-Saxon Law* (Cambridge: Cambridge Scholars, 2014), 169–202.

89. *Paenitentiale Cummeani* 10.9, discussed in Erin V. Abraham, *Anticipating Sin in Medieval Society: Childhood, Sexuality, and Violence in the Early Penitentials* (Amsterdam: Amsterdam University Press, 2017), 77–78.

90. Kyle Harper, *From Shame to Sin: The Christian Transformations of Sexual Morality in Late Antiquity* (Cambridge, MA: Harvard University Press, 2016), 4.

91. Harper, *From Shame*, 4.

92. Harper, 173–74.

93. Mary Pellauer, “Augustine on Rape: One Chapter in the Theological Tradition,” in *Violence against Women and Children: A Christian Theological Sourcebook*, ed. Carol J. Adams and Marie M. Fortune (New York: Continuum, 1995), 218. See also similar arguments in the work of Basil of

great confidence in human will, especially where sex was concerned.<sup>94</sup> He argued that rape victims feel shame because they can be seduced into pleasure in the course of the rape and thereby secretly consent, and incur guilt.<sup>95</sup> For Augustine, therefore, sexual consent was wrapped up in and complicated by the incapacity of the will due to being vitiated by sin.<sup>96</sup>

Although Augustine's doctrines became orthodoxy in the West, they were also controversial, and alternative approaches persisted in Gaul.<sup>97</sup> Divine grace makes relatively little appearance in Gallic preaching, which urged the faithful to ongoing effort, or in Gallic hagiography, which praised saints for their virtues and heroic achievements.<sup>98</sup> Early medieval ideas of consent could therefore be complex and diverse, shaped by legal, social, and religious world views that constrained possibilities but did not direct them down a singular path. Berthegeund could have been exposed to a range of different perspectives and could have drawn her own conclusions from them.

Consent was also important to the early medieval understanding of legitimate marriage. Roman law required the consent of various parties for a marriage to be legal, usually including not only the spouses but also those in whose *potestas* they stood.<sup>99</sup> Consent was not as explicitly cited in early medieval marriage legislation, but it would gradually become central to the religious definition of legitimate marriage as enshrined in canon law by the high Middle Ages.<sup>100</sup>

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Ancyra, discussed in Rousselle, *Porneia*, 192, and in medieval texts, discussed in Ruth Mazzo Karras, *Sexuality in Medieval Europe: Doing unto Others* (London: Routledge, 2012), 61.

94. Harper, *From Shame*, 172–78.

95. John Bugbee, “Chaucer’s Lucretia and What Augustine Really Said about Rape: Two Reconsiderations,” *Traditio* 74 (2019): 352.

96. Pellauer, “Augustine on Rape,” 229.

97. Ralph W. Mathisen, “Caesarius of Arles: Prevenient Grace, and the Second Council of Orange,” in *Grace for Grace: The Debates after Augustine and Pelagius*, ed. Alexander Y. Hwang, Brian J. Matz, and Augustine Casiday (Washington, DC: Catholic University of America Press, 2014), 208–34.

98. Lisa Kaaren Bailey, “‘No Use Crying over Spilt Milk’: The Challenge of Preaching God’s Justice in Fifth- and Sixth-Century Gaul,” *Journal of the Australian Early Medieval Association* 4 (2008): 19–31.

99. Richard P. Saller, “The Social Dynamics of Consent to Marriage and Sexual Relations: The Evidence of Roman Comedy,” in Laiou, *Consent*, 83.

100. Jacqueline Murray, “Individualism and Consensual Marriage: Some Evidence from Medieval England,” in *Women, Marriage and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, C.S.B.*, ed. Constance M. Rousseau and Joel T. Rosenthal (Kalamazoo: Medieval Institute Publications, 1998), 124–27.

However, this legal framework did not mean that consent had to be “freely given,” as we would understand it. Roman law had a long-standing concept of coerced consent, which was still legally legitimate, and once a marriage had taken place, it was deemed to have been consensual and was valid, regardless of any subsequent claims were made by any party.<sup>101</sup> Moreover, as Elliott points out, although the church championed the freedom of consent, it also tolerated forced consummation, and once consummation had taken place, the marriage was usually irrevocable.<sup>102</sup>

Nevertheless, it is noteworthy that as Bertram was trying to support his sister in finding a way out of her marriage, one of the justifications he gave was of imperfect original consent. When Berthegund’s husband turned up in Bordeaux to reclaim her, “Bertram said to him: ‘You married her without the consent of her parents, therefore she will not be your wife.’”<sup>103</sup> Gregory is dismissive of this claim, citing instead the “fact” of the marriage: “There had been nearly thirty years since they had been joined together.”<sup>104</sup> Still, Gregory’s own account represents Bertram pursuing a legal strategy that emphasized failure of consent as a means to invalidate a marriage—not his sister’s consent in this case but the consent of her parents.<sup>105</sup> Their failure to provide consent in the past then provided a justification for his sister’s withdrawal of consent in the present. Berthegund might not be the “legal agent” here, but she and her brother were still operating within a worldview in which consent was important in determining the legitimacy of sexual relations, and in providing a basis for her sexual withdrawal. The example of Berthegund, as well as other examples of marital withdrawal cited above, demonstrates that the lived experience of marriage could be much more complicated than legal and theological texts allowed.

101. Moses, “Livy’s Lucretia,” 64; Evans-Grubbs, “Abduction Marriage,” 65.

102. Elliott, *Spiritual Marriage*, 148. As Elizabeth Clark points out, the church staked a great deal on this irrevocability from an early point, even forbidding divorce by mutual consent in contrast to Roman law: Clark, *Reading Renunciation: Asceticism and Scripture in Early Christianity* (Princeton: Princeton University Press, 1999), 236.

103. “Sine consilio parentum eam coniugio copolasti; non erit uxor tua.” *LHD* 9.33 (Krusch, *Libri historiarum X*, MGH, SRM 1.1:453).

104. “Erant enim iam fere XXX anni, ex quo coniuncti pariter fuerant.” *LHD* 9.33, *Libri historiarum X*, 1.1:453).

105. Wemple uses this episode as an opportunity to make the opposite argument, that “the approval of the bride’s parents was not an essential condition for the validity of marriage,” “Consent and Dissent,” 35. However, that Bertram thought it worthwhile to raise this makes clear that he thought otherwise, and Gregory’s comment is not about the strength of his objection but that it had been raised thirty years too late.



Despite this pattern of evidence in the literary sources, few scholars of the early medieval world have explored the issue of sexual consent within marriage. In her analysis of consent in the early medieval world, Wemple examines consent to marriage, and consent to adulterous sex by married women, but not consent to marital sex.<sup>106</sup> In his magisterial discussions of sex in the medieval world, Brundage provides detailed discussions of consent but dismisses the subject as irrelevant after marriage: “If the couple were legally married to each other, then consent to intercourse had already been given and a wife could not refuse to have relations with her husband (or the husband with the wife, for that matter).”<sup>107</sup> Caroline Dunn has concurred, “One legal category that did not exist, however, was marital rape. Women (and also men) were required to submit to their spouses, and discharge the conjugal debt.”<sup>108</sup> Both statements are perfectly true as far as the law is concerned, but neither reflects the fact that some women (and some men) clearly did attempt to withdraw this consent, and that sometimes it was celebrated as a sign of heroic sanctity.

It is clearly complicated to use the modern category of marital rape as a means to understand the sex avoidance of Berthegund or any other early medieval women. Marital rape is a crime only in some places even today, and it was criminalized relatively recently where it is.<sup>109</sup> Modern anthropologists have therefore questioned whether marital rape even exists as a category “when a culture has no term for it and no shared understanding of it.”<sup>110</sup> Raquel Kennedy Bergen would argue no: “For women to construct their experiences as wife rape, they must both have a language or a name for the experience and see this societal definition as applicable to their own experiences.”<sup>111</sup> M. Gabriela Torres, however, has argued that scholars can use the

106. Wemple, “Consent and Dissent,” 228, where she lists the situations she will cover.

107. Brundage, “Rape and Seduction,” 144.

108. Dunn, *Stolen Women*, 59n25. See also Angeliki E. Laiou, “Sex, Consent, and Coercion in Byzantium,” in Laiou, *Consent*, 184–85, on the Byzantine canonists: “the very concept of marital rape seems to be absent.”

109. Kersti Yllö, “Prologue: Understanding Marital Rape in Global Context,” in *Marital Rape: Consent, Marriage, and Social Change in Global Context*, ed. Kersti Yllö and M. Gabriela Torres (Oxford Scholarship Online, 2016), 2; M. Gabriela Torres, “Reconciling Cultural Difference in the Study of Marital Rape,” in Yllö and Torres, *Marital Rape*, 9; Raquel Kennedy Bergen, “An Overview of Marital Rape Research in the United States,” in Yllö and Torres, *Marital Rape*, 20; Mary Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England 1850–1895* (Princeton: Princeton University Press, 1989), 156, 185.

110. Yllö, “Prologue,” 6.

111. Kennedy Bergen, “Overview of Marital Rape Research,” 24.

category even when the studied cultures do not, insisting that “marital rape is regularly constituted across cultures as a locally recognised social violation . . . . Women across many cultures do experience the violation of rape in marriage—even when the way that such violations are experienced and understood differs from culture to culture.”<sup>112</sup> As Torres notes, marital rape might sometimes be depicted as something that women are expected to endure, but it still seen as suffering.<sup>113</sup> Cecilia Menjívar agrees, arguing that even when women saw violence in their marriages as normal, they could still be traumatized by it. She insists, therefore, that scholars should pay attention not only to what women say but also to how they say it, in order to understand how their categories of understanding shape their experiences and processing of them.<sup>114</sup> In other words, even where there is no legal or socially sanctioned concept of marital rape in a modern society, it can still be a part of the lived experience of women, something they think about and with which they grapple. Could the same have been true for early medieval women?

There are suggestive indications in some of the examples cited earlier. The Christian sources do not talk in terms of marital rape, but they can talk negatively about husbands who continue to insist upon sex against the wishes of their wives. The *Life of Melania* is the clearest example: here her husband’s refusal to give up the marital debt drives the saint to such extremity that it leads to the death of her newborn child.<sup>115</sup> In the *Life of Radegund*, Clothar’s insistence that the saint share his bed drives her to punishing ascetic practices that would have served to render her physically repellent to him. In Baudonivia’s telling of Radegund’s life, when Clothar threatens to reclaim her, the saint threatens violence to herself rather than return to the marital bed.<sup>116</sup> In the account of Monegund, the saint fasts and prays until her husband abandons his attempts to keep her with him.<sup>117</sup> In the story of Iniuriosus, his wife weeps and implicitly threatens to kill herself before her spouse agrees to a chaste marriage.<sup>118</sup> None of these women were depicted as having a free power of consent (or free power to withdraw that consent). Each had to resort to measures that forced their husband’s hands, or that brought religious authorities into the equation.

112. Torres, “Reconciling Cultural Difference,” 10, 14.

113. Torres, 10.

114. Cecilia Menjívar, “Normalising Suffering, Rabadas, Coercive Power and Marital Unions among Ladinás in Eastern Guatemala,” in Yllö and Torres, *Marital Rape*, 76.

115. *Vita Melaniae Juniori* 5.

116. Baudonivia, *Vita Radegundis* 2.4–7.

117. Gregory of Tours, *Liber vitae patrum* 19.2 (Krusch, *Liber vitae patrum*).

118. *LHD* 1.47.

Hagiographers sometimes evoked a parallel to slavery in dramatizing constrained consent.<sup>119</sup> Like a slave, a wife had no power of sexual refusal: neither a wife nor a slave could control the sexual use of their body.<sup>120</sup> Indeed, it was only by entering the metaphorical servitude of God that women had the possibility of freedom from the sexual demands of their husbands, so the metaphorical inversion had a particular kind of ironic power.<sup>121</sup> The hagiographers of Radegund, Monegund, Melania, and others explored with some interest and sensitivity situations of constrained consent. Gregory had no interest in Berthe Gund's constrained consent, but her brother and her mother apparently did.

## CONCLUSION

Sexual consent could and did matter in some early medieval contexts, but it was complicated, and situationally contingent. Pastoral texts were silent on the subject, but hagiographical material provided a range of models of submission, resistance, and avoidance on which Berthe Gund could have drawn. She would likely have been aware of examples of marital sex avoidance where it was a virtue, a signal of sanctity, and a model for emulation. These tensions between stated ideals of Christian behavior and the stories that Christians told therefore provided Berthe Gund with an opportunity to try to escape her marriage. She tried to exercise her constrained consent within the bounds of what she thought might be acceptable and possible. Whether she was sincere is impossible to know, but this woman apparently saw a script and used it, even if not to complete success. Berthe Gund's small story therefore reveals a rich set of worldviews and understandings. Stefaniw urges scholars to "make bold and reckless grabs for other things, for something new, pressing into interstitial spaces and taking terrifying leaps into expanded imagination."<sup>122</sup> Berthe Gund's story provides a foundation from which we can take a leap of historical imagination into female experience in the early Middle Ages.<sup>123</sup> ■

119. Karras, *Sexuality*, 22–23; Elizabeth Stevens Girsh, "Metaphorical Usage, Sexual Exploitation and Divergence in the Old English Terminology for Male and Female Slaves," in *The Work of Work: Servitude, Slavery and Labor in Medieval England*, ed. Allen J. Frantzen and Dougal Moffat (Glasgow: Cruithne, 1994), 48.

120. Jennifer A. Glancy, *Slavery in Early Christianity* (Oxford: Oxford University Press, 2002), 156.

121. Girsh, "Metaphorical Usage," 50.

122. Stefaniw, "Feminist Historiography," 283.

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