

# WHEN DO WE SPEAK OF “GENDER”?

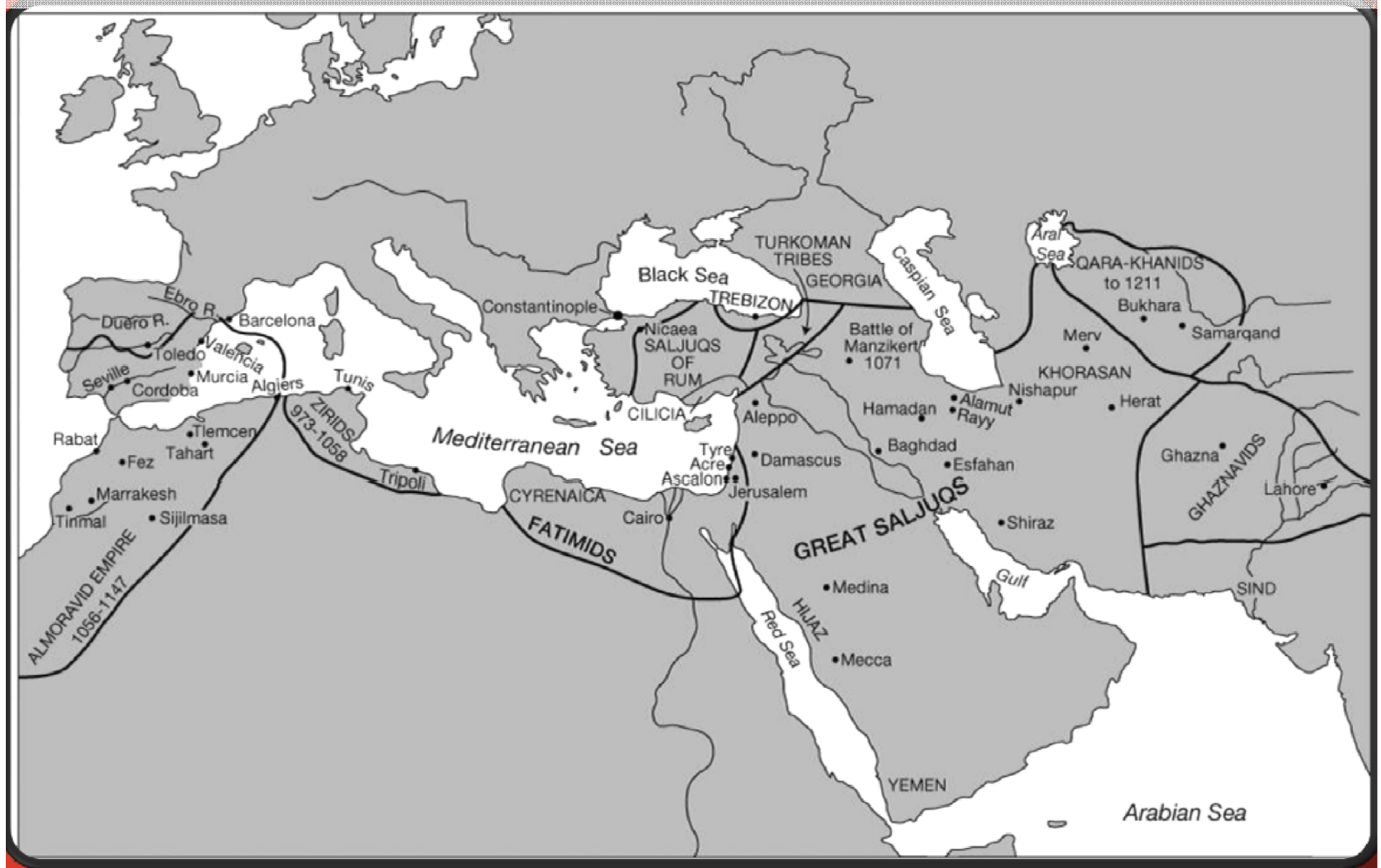
**The OED definition of “Gender”: In mod. (esp. feminist) use, a euphemism for the sex of a human being, often intended to emphasize the social and cultural, as opposed to the biological, distinctions between the sexes.**

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What could you buy with 5 solidi in the 13th century? (solidi=shilling= $1/20$  of a pound)

- A) 5 loaves of bread
- B) A keg of beer
- C) Ten cows
- D) An Italian hat
- E) An Arab slave

# The Muslim World in late-11<sup>th</sup> c.





**Population Estimates of Europe  
(in millions) at specified times  
500-1450**

650	1000	1340	1450
18	38.5	73.5	50

Source: The Medieval Sourcebook  
<http://www.fordham.edu/halsall/source/pop-in-eur.html>



The capture of a caravan by King Richard reveals the variety and quantity of goods transported from Asia to Europe in the twelfth century, and during all the Crusades.

By this defeat the pride of the Turks was entirely cast down, and their boldness effectually repressed; whilst the caravan, with all its riches, became the spoil of the victors. Its guards surrendered to our soldiers themselves, their beasts of burden, and sumpter horses; and stretching forth their hands in supplication, they implored for mercy ... They led the yoked horses and camels by the halter, and offered them to our men, and they brought mules loaded with **spices** of different kinds, and of great value; **gold** and **silver**; **cloaks** of silk; purple and scarlet **robes**, and variously-**ornamented apparel**, besides **arms** and **weapons** of divers forms; coats of mail, commonly called **gasiganz**; costly **cushions**, **pavilions**, **tents**, **biscuit**, **bread**, **barley**, **grain**, **meal**, and a large quantity of **conserves** and **medicines**; **basins**, **bladders**, **chess-boards**; **silver dishes** and **candlesticks**; **pepper**, **cinnamon**, **sugar**, and **wax**; and other valuables of choice and various kinds; an immense sum of **money**, and an incalculable quantity of **goods**, such as had never before (as we have said) been taken at one and the same time, in any former battle.

## 1. Bill of Sale for Purchase of one "Aissa", 1248:

May the nineteenth, in year of the Lord 1248. We, William Alegnan and Bernard Mute, of Cannet, have sold jointly in good faith and without guile to you, John Aleman, son of Peter Aleman, a certain Saracen maid of ours, commonly called Aissa, for a price of nine pounds and fifteen solidi in the mixed money now current in Marseilles.

Witnesses, etc.

## 2. Bill of Sale for Purchase of one "Aissa", 1248:

July the second. I, John Aleman, citizen of Marseilles, in good faith and without guile, sell and transfer to you, Peter Bertoumieu, son of the late Raymond Bertoumieu, a certain Saracen maid of ours, commonly called Aissa, for a price of ten pounds in the mixed money now current in Marseilles, which I confess to have had and to have received from you, renouncing the benefit of all laws, etc. And if the said Saracen maid is worth more at any time in the future I grant it all with the price, or I give all that extra worth to you and yours, etc.

# “Gender” in Late Middle Ages

- Population decline due to black death
  - Consequences?
- Increased contact across the Mediterranean due to the Crusades
  - Consequences?
- Slavery
  - How does it influence the way gender is constructed in the Middle Ages?



**An illustration to a glossary  
of rare words and proper  
names occurring in Persian  
poetry.**

**Muhammad ibn Da'ud's  
*Miftah al-Fuzala*  
India, 15th century**

**Farmuk**

**WHAT CAN WE LEARN FROM AN  
ILLUSTRATED DICTIONARY?**





**'Latinak'**  
(instrument for  
sharpening  
millstones).



**'Lurak'** (a bow  
used for dressing  
cotton).



**'Lawh-i pay'** (a foot-  
board or treadle of a  
weaver's loom).

**'Nushra'** (words written in saffron on tablets for children in order to avert evil).



**'Kavish'** (meditation or discussion on theological subjects).





Maykada (a tavern).

'Galla' or 'kalla' (a pavilion for entertaining).





'Kunghala' (a prostitute).



'Nazanin' (elegance).

هندوی آزا کو پچی  
کهند و بعضی به راه



'Sarguch' (a headdress worn by women).



واریچ خبته که انکور بر و اندازند و آن جای که انکور

Vaznij' or 'vaznich' (a swing).

*024.030*

**Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is aware of what they do.**

*024.031*

**And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigor, or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed.**



## **THE ECLOGA ON SEXUAL CRIMES**

*The Ecloga of Leo III (717-41) was meant an abridgment of the Corpus Juris Civilis, but there are several modifications to be noted in it. These have led some scholars to term the Ecloga the first law code to be influenced by Christian principles. This influence is apparent in the following list of criminal punishments, taken from the Ecloga.*

1. A married man who commits adultery shall by way of' correction be flogged with twelve lashes; and whether rich or poor he shall pay a fine.
2. An unmarried man who commits fornication shall be flogged with six lashes.
3. A person who has carnal knowledge of a nun shall, upon the footing that he is debauching the Church of God, have his nose slit, because he committed wicked adultery with her who belonged to the Church; and she on her side must take heed lest similar punishment be reserved to her.
4. Anyone who, intending to take in marriage a woman who is his goddaughter in Salvation-bringing baptism, has carnal knowledge of her without marrying her, and being found guilty' of' the offence shall, after being exiled, be condemned to the same punishment meted out for other adultery, that is to say, both the man and the woman shall have their noses slit.
5. The husband who is cognizant of, and condones, his wife's adultery shall be flogged and exiled, and the adulterer and the adulteress shall have their noses slit.



6. Persons committing incest, parents and children, children and parents, brothers and sisters, shall be punished capitally with the sword. Those in other relationships who corrupt one another carnally, that is father and daughter-in-law, son and stepmother, father-in-law and daughter-in-law, brother and his brother's wife, uncle and niece, nephew and aunt, shall have their noses slit. And likewise he who has carnal knowledge with two sisters and even cousins.

7. If a woman is carnally known and, becoming pregnant, tries to produce a miscarriage [abortion], she shall be whipped and exiled.

8. Those who are guilty whether actively or passively of committing unnatural offences shall be capitally punished with the sword. If he who commits the offence passively, is found to be under twelve years old, he shall be pardoned on the ground of youthful ignorance of the offence committed.

9. Those guilty of "abominable crime" [homosexuality?] shall be emasculated.

from E. Freshfield, trans, *A Manual of Roman Law: The "Ecloga"*, (Cambridge, 1926], 108-12.). Reprinted in Deno Geanakoplos, *Byzantium*, (Chicago: 1984), 78

## Abortion (From Encyclopedia of Islam)

As a rule, pre-modern and modern Muslim legal scholars regard an abortion after ensoulment—whenever that occurs—as absolutely and universally forbidden (*ḥarām*). The latest point in a pregnancy at which some of them permit an abortion is usually 120 days. ... The dominant opinion, however, does not regard an abortion performed any time before forty days as punishable.

Some authorities assume a gradual increase in the gravity of sinfulness in accordance with the progression of the embryo's development. ... Amongst the different schools of law, the Mālikīs, Imāmī Shī'īs, and Ibādīs are the most stringent; the Ḥanbalīs and the Shāfi'īs disagree among themselves about the forty-day deadline; and the Zaydīs and Ḥanafīs are the most liberal. ... Be that as it may, they make exceptions if there are grounds for exculpation. Jurists of all schools discuss the necessity for the husband's agreement and the liability of someone who performs an abortion. A person who performs an abortion prior to the fourth month should pay compensation equal to 1/10 of the blood money due for an adult. After the 120th day, the consequences increase in accordance with different factors. ... All of the law schools require a legitimate reason for a premeditated abortion, e.g., necessity or need, for example, when the mother's life is in danger

## Asultery (Zina) (From Encyclopedia of Islam)

All Sunnī schools of jurisprudence agree that adultery is to be punished with stoning if the offender is muḥṣan, i.e. adult, free, Muslim and having previously enjoyed legitimate sexual relations in matrimony (regardless of whether the marriage still exists). The Ḥanafīs and Ḥanbalīs require that both partners in the act be muḥṣan for stoning to be applied. Persons who are not muḥṣan are punished with one hundred lashes if they are free and with fifty lashes if they are slaves, followed, according to all schools except the Ḥanafīs, with banishment for the period of one year (six months for slaves). The offenders must have acted out of their free will; a woman who has been raped cannot be punished with this penalty.

About homosexual intercourse, there is difference of opinion. The Shāfi'īs and Ḥanbalīs regard it as adultery. If the act has been testified to by four male eyewitnesses, the active partner, if he is muḥṣan, is to be punished with stoning, the passive partner with flogging and banishment. The Mālikīs do not require iḥṣān for the imposition of stoning. According to the Ḥanafīs, homosexual intercourse can only be punished on the strength of a discretionary punishment.