



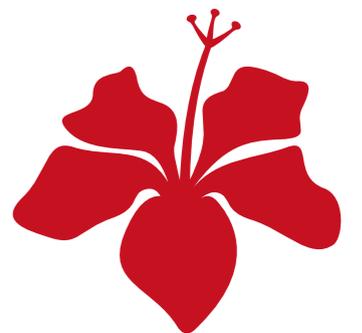
**GLEANNING SOCIAL HISTORY THROUGH LAW:
A RECONSTRUCTION OF GENDER DYNAMICS, SEXUAL PRACTICES
AND PERVERSIONS IN MEDIEVAL ARMENIA AS INFORMED
BY [MEDIEVAL ARMENIAN] LEGAL SOURCES**

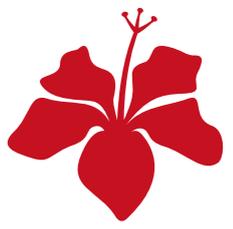
**CAPSTONE PAPER BY MERI HARUTYUNYAN
AMERICAN UNIVERSITY OF ARMENIA**

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Research Questions

- *How did regulations of intra and extra-marital sexual activity shape the wider discourse of gender dynamics in the Medieval Armenian society?*
- *Which were the social groups and minorities whose sexuality was taken under special supervision and control. Which were the tools serving to this end? What did such specified targeting result in?*
- *What kind of change did the legal method of regulation undergo in terms of its breadth, formulation, delivery and implementation as the church reform of in the 12th brought about the renewal of canonic law?*





Working with primary sources

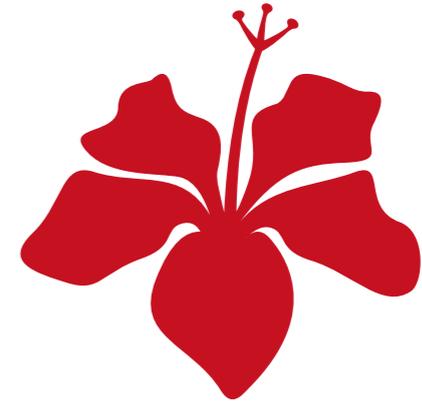
- *The Penitential* of Davit Alavkavordi (11th century).
- *The Lawbook* by Mkhitar Gosh (12th century).
- *The Lawbook* by Smbat Sparapet (13th century).

Working with secondary sources

- Payer, P. J. (1994). *Sex and the penitentials: the development of a sexual code.*
- Karras, R. M. (2017). *Sexuality in Medieval Europe: doing unto others.*
- Classen, A. (2008). *Sexuality in the Middle Ages and early modern times: new approaches to a fundamental cultural-historical and literary-anthropological theme.*
- Brundage, J. A. (2005). *Law, sex and Christian society in medieval Europe.*

Methodology

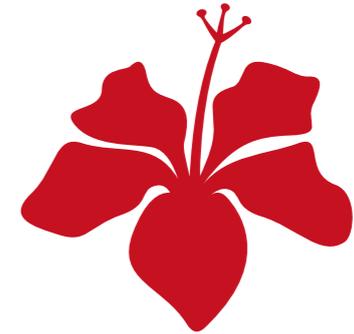
- *Identification of the research method*
- *Identification of the field of research*
- *Working with primary sources*
- *Categorization of the derived data and identification of patterns therein.*
- *Consultation of foreign academic research on the topic to draw out a viable, standardized structure that best fits the field and type of my research*
- *Identification of similarities between the theorized data derived from the primary sources and the theories presented in the academic research.*
- *Theorization of the derived data – extracting history out of legislation*



THE HISTORICO-CULTURAL SIGNIFICANCE OF THE RESEARCH IN THE ARMENIAN CONTEXT

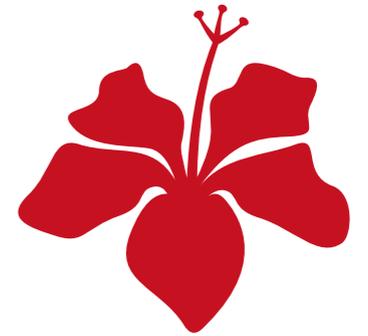
What necessitates my study?

- *Study of sexuality is disregarded by the Armenian academia.*
- *A big chunk of social history and cultural identity is understudied and neglected.*
- *The present treatment of sexuality is misperceived and misshaped as a result of historical obfuscation.*



What are the objectives of my research?

- *Demonstrate how sexually charged the medieval Armenian society was.*
- *Prompt a process of paradigm shift in the national self-perception.*
- *Make the first scholarly contribution to the study of sexuality in Armenia and encourage further research.*



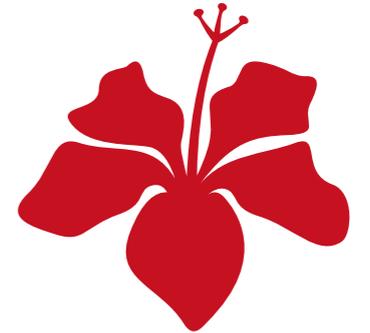
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Those who feel inclined to ignore sexuality as a fundamental force determining cultural development deliberately turn their backs on one of the strongest motivational factors in human existence.

-Albrecht Classen , 2008.

EARLY-MEDIEVAL LEGAL SOURCES (PENITENTIALS)

What are Penitentials?



- *Moral-Corrective body of literature of 6-11th centuries*
- *Compilation of moral doctrines that guided priests in confessionals*
- *Case-based, situational and unstructured.*
- *Lacked the breadth of later legal theory.*
- *Rich in graphic detail and exhaustive descriptions of the cases.*

EARLY-MEDIEVAL LEGAL SOURCES (PENITENTIALS)

Dawit Alavkavordi's Penitential of 11th century.

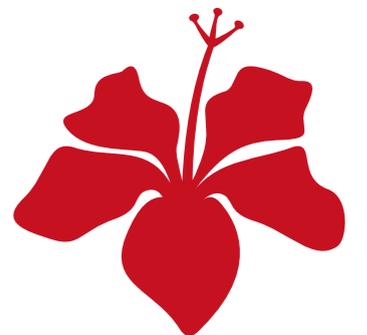
- Commissioned by the Armenian Church to guide priests.
- Unstructured compilation of detailed, case-based canons

Following Pierre Payer's methodology in *Sex and Penitentials*

- 10 categories of sexual offences regulated by the penitentials.

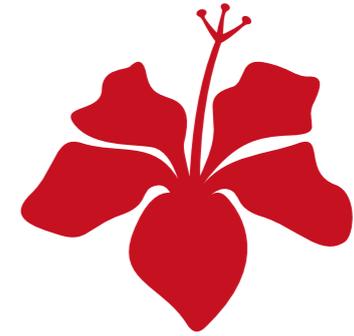
Adultery; Form (proper form of sexual intercourse); Abstinence; Aphrodisiacs;

Fornication; Incest; Homosexuality; Bestiality; Masturbation; Pollution



INTRAMARITAL SEXUALITY AND ADULTERY IN DAWIT'S PENITENTIAL

Key Conclusions

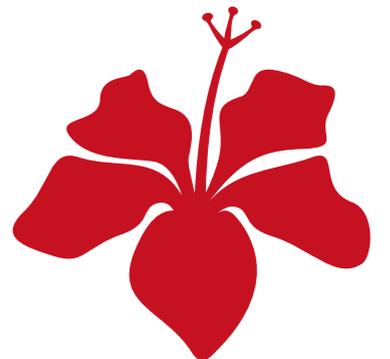


- The coverage of adultery is scattered and undetailed.
- The subject of infidelity is overlooked as part of illicit sexual behavior.
- The pleasurable of procreational marital sex is tolerated if inevitable.
- Any type of foreplay is strictly prohibited (kissing, fingering, stroking).
- Penetrative sex is the singular sanctioned form of marital intercourse.

DIVORCE

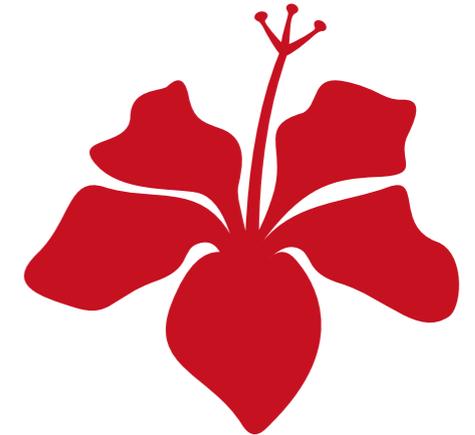
Key Conclusions

- No procedural law for divorce (not recognized as a category).
- Canons on divorce are very localized.
- Adultery was the singular legal ground to demand divorce.
- The right to divorce belong to the husband exclusively.
- Reconciliation was favored over divorce.



EXTRAMARITAL SEXUALITY

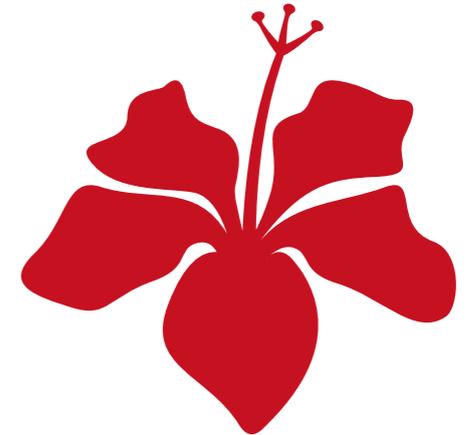
Key Conclusions



- Premarital intercourse was strictly prohibited.
- Sexual life was terminated after death of a spouse.
- Fornication in brothels was a common illegal practice.
- Practice of prostitution indicated a developed social structure (Payer, 1994).
- Female sexuality and illicit practices flourished within the domestic space.

INCEST

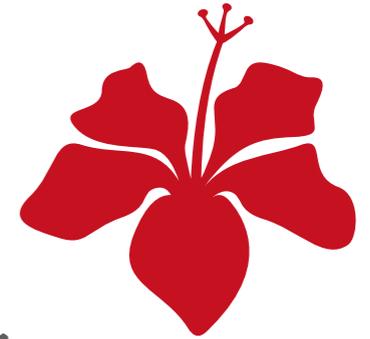
Key Conclusions



- One of the most thoroughly covered categories.
- Addresses intercourse between blood-related relatives as well as in-laws.
- Female members of the family are portrayed as passive recipients.
- Incest between young male and older female family members was common.
- The domestic realm catered to the sexuality repressed in the social realm.

MASTURBATION AND POLLUTION

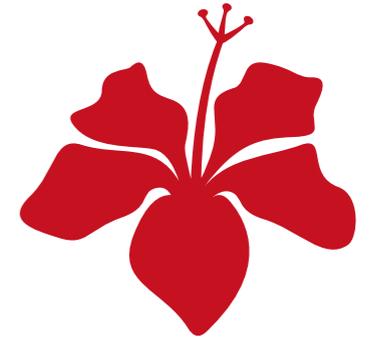
Key Conclusions



- The formulation of canons disregards the sexual function of masturbation.
- Homosexual and heterosexual mutual masturbation was common.
- *Wasting-of-seed* was the premises for the criminalisation of onanism.
- Female masturbation is completely disregarded and unaddressed.
- Bizarre types of onanism (while saddling cattle) seem to have been the norm.
- Differentiation between voluntary and involuntary flow of seed (pollution).
- No medical reasoning behind premature ejaculation - pollution “by the act of the devil.”

HOMOSEXUALITY, SODOMY AND BESTIALITY

Key Conclusions

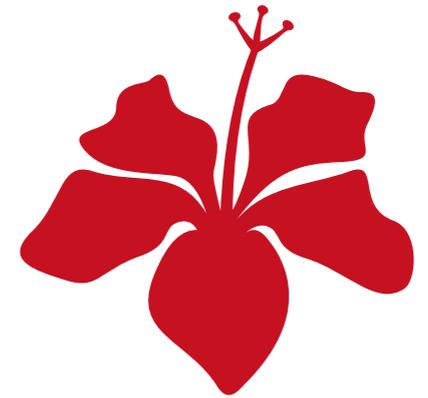


- Homosexuality unrecognized as a romantic orientation (exclusively sexual).
- Sodomy is perceived as the heterosexual equivalent of homosexual intercourse.
- Only the woman is held responsible for allowing anal intercourse.
- Heterosexual sodomy is penalized more heavily than homosexual intercourse.
- Bestiality and voyeurism of copulating animals were a common transgression.

LAWBOOKS OF THE 12TH AND 13TH CENTURIES AND THE EVOLUTION OF LAW

Church reform in the 12th century.

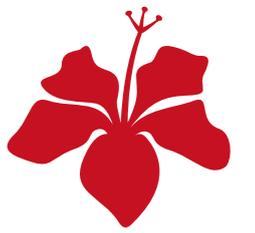
- Emergence of canonic law complications.
- Canonic ideology was stricter in regard with extramarital sex.
- Formation of and fixation on matrimonial law.



Lawbooks by Mkhitar Gosh (12th c.) and Sempad the Constable (13th c.)

- Served as official basis for civil and criminal jurisdiction.
- Solid legal theory on marital and especially divorce law.
- Looser regulation of marital life and relaxed divorce laws.

DIVORCE IN THE 12TH AND 13TH CENTURY ARMENIAN LAW



Legal ground for divorce

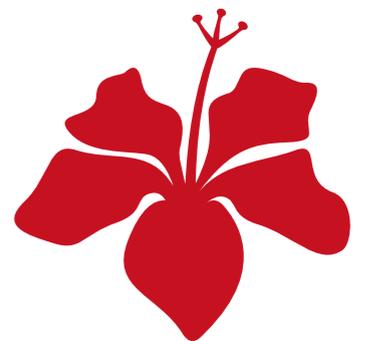
- Impotence
- Entry into religion
- Long-continued absence
- Intractable illness
- Serious crime
- Rape
- Adultery

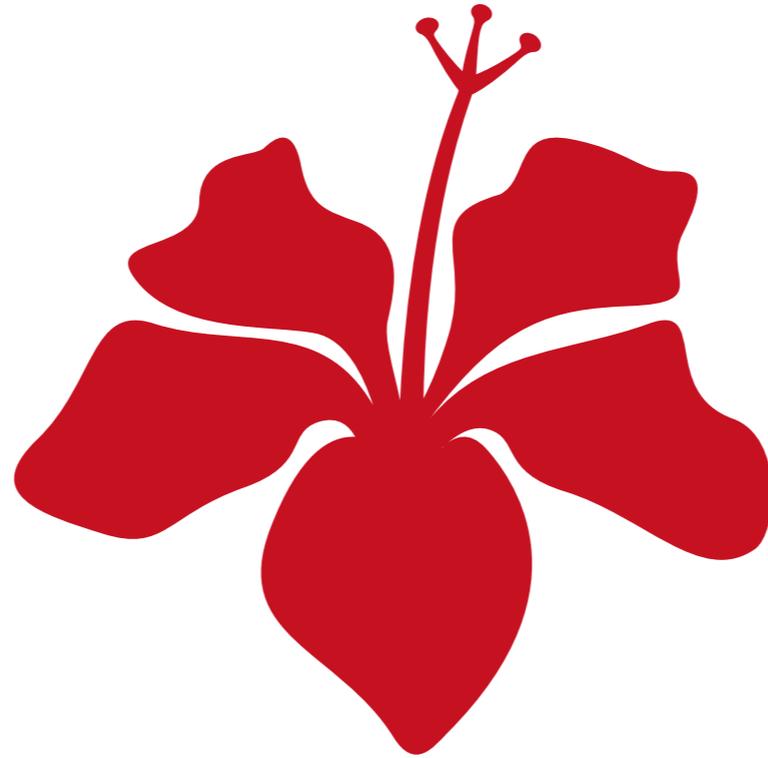
Peculiarities of Armenian vs Western Law

- More tolerant and relaxed grounds for divorce
- Divorce allowed based on *domestic violence, hatred and mutual dislike*
- Consideration of the psychological element of marriage
- Reflects modern-day marital norms

CONCLUSION AND AVENUES FOR FUTURE RESEARCH

- Early medieval legal documents lacked theoretical backbone.
- From 12th century onwards regulation of sexuality became more comprehensive.
- Marriage became the most meticulously regulated part of private law.
- Treatment of extramarital sexuality from 12th century onwards merits further sociological research.





THANK YOU