

(sexual)

## SEXUAL RELATIONS AND MORALITY

[The following introduction is based on the report to the E.S.R.C. in 1983 by Alan Macfarlane]

Thanks to the workings of the various courts, and particularly the unusually complete ecclesiastical records, the degree to which people in these villages were obsessed with purity, virginity, shame and honour, can be investigated in some detail. In the English material it is possible to make detailed studies of such topics as adultery, bridal pregnancy, bastardy, ordinary sexual relations, incest, sexual defamation and slander and we have commenced investigations of these topics. The formal codes and the degree to which people lived up to them, and their excuses when they failed, provide us with much to be investigated.

Perhaps the most striking first impression when we step back from the multitudinous evidence for our two parishes is the absence of horror, shame and emotion connected with sexuality. Incest and adultery, for example, which elsewhere are usually regarded with disgust and horror and often physically punished, seem to have been only moderately regarded. Women's virginity was largely a private matter, and did not bring ruin, when lost, to her kin. There is no evidence of the testing of virginity at marriage, no large concern with women's sexual purity, little evidence of emphasis on male virility. Sex, like everything else, seems to be treated as a commodity. There is a curious combination of mild asceticism and a relaxed attitude which makes it impossible to classify the society as either 'puritan' or licentious. Furthermore, sex and fertility seem to have been well differentiated. There is some evidence that sex was for pleasure, rather than solely as a means to reproduce. But while sex was pleasurable, except in the fantasies of a few zealots it was not seen as the overwhelming and consuming passion. It was not assumed that every man or woman was burning with lust, that every widow was burning to enter into sexual relations, that males and females were like animals that had to be forcibly held apart. Indeed the whole sexual morality is puzzling, conforming neither to that in many other traditional societies, yet containing elements, for example of public scrutiny, which we find strange.

The playing down of the importance of sexual morality can be linked in a tentative way to many of the features described above. When the family and marriage are not the institutions which ultimately hold the society together, sex becomes less important. Adultery, incest, the ravishing of unmarried girls, do not threaten the very foundations of society. To threaten the State, or to threaten the economy, or even, to a certain extent, to threaten the Church, is to undermine the society. For these the punishment is death. But to violate and confuse sexual relations - as long as the partner is a consenting member of the opposite sex - is a venial sin. It is only when the sex is 'unnatural' in manner or includes force and hence assault, that it becomes a crime.

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[The following topics were discussed in notes made by Alan Macfarlane in the 1980's]

Bridal pregnancy : illicit sexual relations outside marriage : illegitimacy : incest :

## BRIDAL PREGNANCY

One of the peculiarities of England throughout this period was that there were two definitions of marriage and they clashed. By canon law there was a valid marriage if two persons said in words of the present tense 'I take thee to be my lawful wedded wife' and this was reciprocated, and if this was followed by sexual consummation. Before Hardwick's Marriage Act of c.1750 the State was forced to recognize such marriages as valid and indissoluble, but they were nevertheless illegal. They were only legal if there had been a marriage service.

The situation was complicated by the power and presence of a very firm kind of engagement, the 'spousal' or 'espousal'. If people said that they would, in the future, take each other to be lawful wedded husband and wife, this was binding for life and could not be broken except by mutual consent. It is clear from many contemporary accounts that people were either confused, or believed that as soon as they were espoused they were already partially married.

This ambiguity, noticed some time ago forcefully by Peter Laslett, helped to create the uncertain world of bridal pregnancy which has interested historians for some time. This differs from illegitimacy in that the child is actually born within wedlock, even though it was conceived before the official church ceremony. The situation is even more complicated because there was a conflict between church and state even over the question of illegitimacy. While the church maintained that subsequent marriage retrospectively conferred legitimacy - thus if a child was born to unmarried parents but they married five years later, at that point it became legitimate - the Common law did not recognize this. So that a person could be both legitimate and illegitimate simultaneously for different purposes.

Given this confused background, we might well expect to find quite high rates of bridal pregnancy. Furthermore, it would be wrong to assume that contemporaries would necessarily consider such pregnancies immoral. Even the church was inconsistent. On the one hand it made spousals binding and recognized legal wedlock before the service, but when people were found to be pregnant at the service they were often presented. This ambivalence is shown when Richard Whitford (*A Werke for Householdiers, 1553, Eiiiv*) wrote that the common people 'suppose they may lawfully use their unclean behaviour and sometime the act and deed doth follow'.

There are other complications to be added. One lies in the use of pregnancy as a tactical weapon in the marriage process. It has plausibly been suggested by Keith Wrightson that, as common sense today tells us, one way of forcing a reluctant partner of either sex into a firm

commitment of marriage is pregnancy. No doubt we will find cases in EC where such a tactic was employed and the terrors which are so graphically described in *Tess* by Hardy led a woman into marriage.

Thus the deliberate impregnating of women, or luring of men, followed by a subsequent marriage means that we cannot merely regard bridal pregnancy rates as a simple index of sexual frustration etc. They are a result of political manipulation, the results of complicated and often long processes.

Another complication lies in the presence or absence of all methods of contraception or abortion; the situation in a society where it is possible to engage in sexual relations in the months leading up to a marriage and not become pregnant, or avoid a livebirth, are clearly different from that in a society where intercourse was quite likely to be followed by a livebirth. This makes it impossible to deduce very accurately from bridal pregnancy rates to pre-marital intercourse rates.

A third complication is the alleged presence of several phenomena which are supposedly universal in European peasantries. These may be collectively termed 'bridal testing'. The usual argument is that in most peasantries it is essential that a woman have children. In order to ensure her fecundity, the couple are allowed, even encouraged, to sexually cohabit. They will only marry if the woman conceives. An example would be the 'trial marriage' supposedly common in parts of the western isles of Scotland in the eighteenth century, which was dissolved after a year if the couple proved incapable of producing a pregnancy. A more muted form was the custom of night visiting, sometimes called 'bundling', found in Scandinavia and elsewhere. If such a social custom had existed, it would again mean that popular morality was in conflict with official Christian morality. It would also mean that pre-marital intercourse was far more widespread than the bridal pregnancies suggest - but selectively, only those who were pregnant would marry.

Thus, in order to proceed far in understanding bridal pregnancy we will have here, or elsewhere, to say something about these other topics. Off the record, my present impression is that some forms of contraception and abortion were known in the society, but that for most of the unmarried population, possibly excluding professional prostitutes, they were not widely available or practiced. This is a complete guess. It was a different matter, as Wrigley showed, within marriage.

Secondly, in relation to fertility testing, my guess is that though there might be the occasional instance of individuals doing this, particularly where heirs mattered most, in the aristocracy, on the whole the set of features found elsewhere are totally absent. This is a view which has been

endorsed by Keith Wrightson. As yet no reasonable evidence that fecundity testing existed has been shown for England. One might expect after all these years looking through court records etc. to have found one person alleging such a custom as justification for his behaviour when presented by the church, but I have never found such a defence. Nor did any of the moralists, e.g. Stubbes, ever mention such a cause of what they considered to be immoral behaviour. Either contemporaries were singularly blind, or, oddly, the custom was absent.

The absence seems further confirmed by the statistics. If people tend to marry only when they are pregnant, we would expect bridal pregnancy rates of a very high order - something like the levels in parts of early nineteenth century England when nineteen out of twenty brides were pregnant at marriage. Present work suggests that the modal level for the seventeenth century was about one in five, rising as high as nearly half in some parishes like Colyton, but dropping to one in twenty in others. These rates rose very considerably in the eighteenth century. Therefore, if ever, the statistical support for some kind of fertility testing will only exist for the period after ours.

One of the most interesting aspects of bridal pregnancy is the attitude towards it, given all these pressures and counter-pressures. One measure of this, and a rare opportunity to test the completeness of presentation in church courts, is the proportion of persons who we can estimate to be pregnant at their marriage (by subtracting seven months from the baptism date and seeing if this took conception back behind marriage), and who were presented at some point for fornication or pregnancy. The preparation of a list of such persons is something which, if the computer can do record linkage, it should be able to do very effectively, and it should also be able to see how many of them were presented in the church courts. It seems likely that this was one of the hardest offences for a churchwarden to present, and he would only do so if he was put under pressure to do so or had some personal reason for doing so. It is clear that the church expected there to be considerable sympathy for such persons. Thus those who supported or received pregnant women were also to be presented.

The other aspect of bridal pregnancy is one which historians have devoted less attention to, this is the question of virginity. In many cultures, a woman is expected to come *virgina intacta* to the marriage bed. There are many devices for ensuring this, from the chastity belt, convents, inspection of the marriage sheet etc. etc. If a woman in such a society is found not to be a virgin, whether as a result of her future husband or anyone else, there is a very considerable row. The marriage may be broken up and the woman sent home to her village. She will be publicly shamed. She may never be able to marry etc. It will be interesting to see what signs there are of these features

of sexual morality.

One's first impression again is that while to be discovered no virgin was a minor sin, an offence against official morality, it was not something that brought great shame, either on the individual or on her family. One can see this in all sorts of indirect ways. There is little evidence that women committed suicide or fled when discovered to be pregnant. There is no evidence that they found it impossible to marry once suspected of sexual intercourse. Certainly, loss of virginity was never cited as grounds for separation or divorce, nor even as a basis for physical attacks on an erring partner. I know of no evidence of popular customs, for example charivari or rough music, being used against a woman who at or after marriage was found not to be a virgin. There is no hint of the inspection of brides or the bridal sheet. The nearest to this was the inspection of women who were suspected to have had illegitimate children and have killed them. But the purpose of this was to establish whether a felony had been committed - i.e. infanticide - and not to establish whether a woman had lost her virginity.

Thus, as a wider part of sexual morality, one will look into the whole question of reputation, shame etc.

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## **FORNICATION: ILLICIT SEXUAL RELATIONS OUTSIDE MARRIAGE**

The intersection of a Christian ethic which forbade all sexual relations outside marriage with a marriage pattern which throughout all, or at least most of our period, ensured that there was for both sexes a gap of about ten years between sexual maturity and marriage, led to a considerable potential conflict. The ways in which sexual relations were controlled thus give a good insight into the success of the society in its self-policing as well as having considerable effects on individuals. All sexual relations between those not betrothed or married to each other were forbidden and both those suspected of such offences, and those who encouraged them in any way were to be presented in the church courts. For instance, in the Colchester archdeaconry articles of 1635 it was enquired: 'Whether have you in your parish, to your knowledge, or common fame and report, any who have committed ...fornication,...or any bawds, harbourers or receivers of such persons, or publicly suspected thereof, which have not been public punished to your knowledge?' The matter might become of concern to the other authorities if a child was born, because then the infant and mother might have to be provided for by the parish. But the act of sexual intimacy by itself was immoral and of concern to the church.

There is a very considerable amount of information in the EC data on the microscopic supervision of sexual relations. There are, for example, over 70 references to the word 'fornication' and another 200 or so to various words stemming from 'incontinent' which, with its

implication of lack of self-control, was used exclusively of sexual failures. It will be necessary to establish first of all what kind of people and what kind of situation would make a presentment for this type of offence likely. It is obvious that the historical records only describe a tiny proportion of the actual instances of sexual relationship. One standard test to try to get some idea of this underreporting is to compare the presented fornication cases with those presented either for illegitimate births or for bridal pregnancy, or those whom we know were pregnant when they married. But it must be remembered that the distinction between relations between persons who had no intention of marriage, and those who were seriously considering marriage, are very different matters.

It should be possible to say a fair amount about casual sexual relationships; what sort of people were involved, at what age, where they lived, what evidence there was, whether money was involved, the subsequent career of the partners, their punishment etc. The possible presence of rural prostitution, of a double standard of behaviour, of tolerated sexual relationships etc. can be investigated. The presence and effects of venereal disease, the effects of living conditions and presence of in-living servants and other matters can also be looked for. Many of these topics need to be looked at over time. For example, what happened when the church courts were no longer active?

If possible, the relationship between unmarried males and females needs to be set within the much wider context of the relations of the sexes in everyday life. On a superficial comparison with other cultures, the English situation appears to be a strange middling variant. While appearing intolerant, ascetic, highly controlled and 'puritan' if we compare the situation to the classic accounts of the sexual behaviour of the Muria, Trobrianders, or many tribal societies, when we compare it to many other peasantries - e.g. the classic 'honour and shame' cultures of India, Islam or even Mediterranean Catholicism, the English sexual morality seems very relaxed and tolerant. The kind of activities on the scale at which they occurred in Elizabethan Earls Colne and their apparent tolerance, particularly of the assaults on the sexual honour of women, would not be tolerated in many societies. The women would have been stoned or driven out, the men beaten up by furious relatives.

One gets a strange sense that sexual behaviour, while being under general ethical controls, was nevertheless largely in the hands of the individual. The regulation of sexual relations was very much like the regulation of the market - a matter of getting standards right, of ensuring that people kept their word and contracts and did not exploit either others or themselves too much. The degree to which women were indeed exploited in this situation will be something to look into elsewhere.

Placed against the stereotypes of certain recent historians, e.g. Stone and Shorter, the short accounts of sexual behaviour from this period do not fit at all. These authors, whose remarks could be cited in detail, project an image of a frigid and sexually repressed society where sex was hardly present and, when engaged in, was cold and unpleasant - a world similar to that of the Manus islands etc. A world of brutality and puritanism and unrelieved gloom. Despite the efforts of the church, however, and without falling into any kind of 'Merry England' myth, one does not get such an impression from the cases which we will examine. It is difficult to account for the large amount of sexual innuendo and illicit sex unless we recognize that large numbers of people actually enjoyed the experience. They were prepared to risk venereal disease, pregnancy, social ostracism, ritual exclusion etc. in pursuit of physical and emotional pleasure. Without accepting this premise, the behaviour is nonsense.

It would be wrong to think that it was a society obsessed with sex; in many ways sexuality etc. was played down in the culture. But it was there in moderation and in some force. All these hints and guesses can be further investigated in this particular context, though it is unlikely that the Earls Colne material will do more than start one on a re-evaluation of popular stereotypes.

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## ILLEGITIMACY

This is just one aspect of the wider question of illicit sexual relations, but it is one which has particular importance, not only because it has recently earned considerable attention from historians, but also because at the time it was of particular concern. In the original of the article which was cut down to include in the Laslett volume I wrote at considerable length on illegitimacy in EC (see article on web). Although the material there is now long out of date, since we have much more, and also there are many questions which we could now ask which were then impossible, it should provide a starting point for some thoughts on the subject. The rates, treatment of etc. have also been of concern to anthropologists since it is observed that the creation of legitimacy is one of the major functions of marriage and of kinship systems. The topic allows a considerable amount of cross-checking between sources since facts about illegitimate births can be gleaned from the parish register, from quarter sessions, from the ecclesiastical courts and from some other sources. The first thing to establish, therefore, is the degree to which each of these sources gives an accurate picture of the type and number of cases. Long-term changes in illegitimacy patterns, the personal backgrounds and situations of those who had illegitimate children etc. can be investigated.

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## INCEST

I will here limit myself, following recent anthropological convention, to the matter of sexual relations between persons standing in a forbidden kinship relationship. Although it overlaps and needs to be born in mind, the question of forbidden marriages is a separate one. One will, among other things, be able to test the remark of Malinowski that 'It is an axiom of Anthropology that nothing arouses a greater horror than the breach of this prohibition' (i.e. incest rules). Thus the definition used will be that of the Oxford English Dictionary: incest is 'the crime of sexual intercourse or cohabitation between persons related within the degrees within which marriage is prohibited'. The degrees are set by the marriage rules, but the offence is the sexual relation. Thus even if one is not married, there is an offence. This is an ethnocentric definition, for it does not include the many instances cited by anthropologists where marriage and sexual degrees are not the same, but it will be sufficient for England, where the two had similar boundaries. No distinction was made in sixteenth century English law between illicit heterosexual relations and illegal marriages: those prohibited by law were prohibited both as marriage and sexual partners. A person could not have sexual intercourse with a person with whom he might not marry, and vice versa.

After a period of change and flux, which will need to be explained, the range of incestuous relations became fixed in 1563 and it has remained fixed without alteration (except in the case of a deceased wife's sister, which was legalised in 1907) from that day to this. The range of forbidden sexual and marital partners for a man (and a woman's range was identical in reverse) was as following:  
female kin: mother's mother, father's mother, father's sister, mother's sister, mother, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter. This carved out all those who in the kinship terminology were called by terms extended from the nuclear family, plus the next layer of uncles, aunts, nephews and nieces.

Spouses of male kin: he could not marry or have sexual relations with the wives of any of the close ring of relatives in the same circle, and this included the stepmother. Finally, he was treated as one person with his wife, so that he could not marry or have sexual relations with any person who stood in the same ring of relationships to his wife, i.e. all female relatives of his wife who were called by extension of the nuclear family or aunts and nieces. All those not within this framework, for example, first cousins, or the son of the father by another wife and the daughter of the mother by another husband, and vice versa, might marry and have sexual relations. A final restriction, which had operated until the Reformation, namely on relations between spiritual kin - godparents and godchildren, were forbidden.

Despite the restricted range and simplicity of the system. there were



still anomalies. One concerned whether sexual intercourse alone, without marriage, created affinity, and hence provided a future bar to marriage. The Act of 28 Hen 8 cap.7 stated that it did, but the fact that there was confusion is shown by the fact that when at a meeting of Puritan ministers in the later sixteenth century 'Mr Stocton moved whether fornication make affinity', it was 'not thought convenient to be decided'. (Usher). A second problem related to illegitimate children. Technically they were sons of no-one, 'nullius filius', and hence could cohabit with their close blood relatives. In an actual instance, however, it was decided that they were subject to the same prohibition as others.(Burn,ii,408). A further problem concerned first cousins. Whereas the canon law forbade the marriage of both first and second cousins, the common law allowed the marriage of first cousins. We thus get a curious reversal of the situation with marriage. There we remember that the church recognized marriages, which were 'binding', even though they were illegal. Here we have the State recognizing the legality of marriages which the church forbade as immoral. Thus people might be brought to the ecclesiastical courts for this offence, but when they were, as in an Essex case, they could argue that it was no offence. A final problem was whether a person might marry and have sexual relations with the daughter of the sister of his former wife: Coke allowed this, but it was later expurgated from the Institutes.(see Burn,ii,407).

It was within this somewhat confused setting that the authorities tried to prevent incestuous behaviour. It was a regular article of many of the ecclesiastical visitations to ask whether there had been any cases of 'incest'. What, we may wonder, do we find in EC? The immediate answer is nothing: the word incest does not occur in the database at all. If we widen the search and look at the whole of Essex for the period 1560-1680, some of the reasons for this absence will be found. For the whole county, only 37 cases of 'incest' were found [I hope to put this onto my web site at a future date]. It was estimated that these included at least half of the cases tried in Essex over these years. This would mean, with over 400 parishes, the likelihood of even one case being tried in a parish is less than half. Thus, for example, the other sample parishes of Hatfield Peverel, Boreham and Little Baddow produced no incest cases in the period 1560-1599. Compared to other sexual offences, sexual or marital incest, as a presented offence, was negligible. The only time when incest cases were tried at the secular courts was during the period when the church courts were suspended, between 1641-1660. Then, only a handful of cases were presented.

At the general level, the reaction seems to have been remarkably mild. There is no evidence of physical punishment of either an official or informal kind. There is no evidence of mob violence, or that the parties were forced to leave the village. Normally the case merely petered out without even the proscribed penalty of

standing in a white sheet before the congregation being performed.  
Etc.

In my MPhil I have already written about five thousand words analysing the incest cases in some detail for Essex as a whole. The questions considered are: how were the cases presented and upon what evidence; the age at which incest was supposed to commence and end; the usage and meaning of the word 'incest' - in what relationships was it used (which shows that one will have to use other euphemisms, such as 'lying together' to detect incestuous cases); the frequency of different kinds of offence and their treatment; analysis of forbidden marriages - type of relationship; which partner was presented; the degree of horror or shame shown in the presentments; any evidence of association of incest with other offences; a final conclusion assessing the seriousness and frequency of the offence. It would be possible to include this earlier work, but if the material is very thin for EC, it may overbalance it. What we should be able to do, which has hitherto been impossible is detect any cases of close marriages which were not presented; is it possible after record linkage to programme the computer so that it locates first-cousin, uncle, nephew type marriages? Secondly, one could put all the sexual offences through the kinship network to see if there were any concealed close relationships involved.

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## INTERCOURSE WITHIN MARRIAGE

We live in a society in which, on the whole, sexual relations within marriage are largely considered to be a matter of private morality. But even in our society morality is involved, some things are right and decent, others are not so. It would appear that in dealing with EC in this period we are dealing with a society which, in line with most societies encountered by anthropologists, sexual relations within marriage were also of public concern. There were a number of activities, or lack of activities, in the sexual sphere which were immoral, if not criminal. The literary and other background to these types of activity is outlined in a preliminary way in my M.Phil. thesis. Here we can just mention the various categories of activity with a view to seeing whether there is any chance that the type of local records for EC will throw any light on the matter.

There were certain restrictions on the frequency of intercourse: as with drinking, eating or anything else, a middle course was moral, but either too much, or too little, was dangerous. As regards abstention, there were those (e.g. Gouge) who argued that abstention from intercourse was a form of murder: 'to deny this duty being justly required, is to deny a due debt, and to give Satan great advantage'. It was not only a danger to health and an inducement to other evils, but it was in itself to deny a central part of the marital relationship and, by denying a valid form of relationship, immoral in itself. It is probably the case, though I would have to check this, that to abstain from sexual

intercourse was grounds for a legal separation. In other words, there was no true marriage without sexual relations. I think that looking through our material, if not for EC., certainly for the ecclesiastical courts in general, would show a number of cases where men alleged that their partner was either unwilling or unable to fulfil their conjugal 'duties'. But of course, how often this actually happened and no-one brought the matter to our attention it is quite impossible to say. The reverse was too much sexual intercourse. Like gluttony or drunkenness or any unbounded sensuality, this was immoral. It drained the vital parts, led to early death, etc. This was the case even if both partners were equally voracious, but obviously if one were unwilling, he or she could appeal to some theoretical reasonable limit. There is a little, but not much, information in ecclesiastical courts and elsewhere as to what such a limit would be. It may be a subject which is too nebulous even to discuss from our material.

Another kind of control concerned when intercourse should occur, that is to say forbidden seasons. One aspect of this were the prohibitions on intercourse on ritually important occasions. Sex and spirituality were antithetical and should not be mixed together, a view which is found in many contemporary societies where, as in India, for example, certain peoples abstain from intercourse for up to 24 days a year for religious reasons (Human Fertility, p.85). If people had followed the advice given by Harrington or Bacon the number of prohibited days would have been even greater. Harrington in 1528 said that people should abstain during Lent, during the Embering days, Rogation, and holy days and holy nights. There would only appear to be two ways in which one might be able to find out whether they were indeed expected to, or did, abstain. The first would be to attempt to discover statistical tendencies. It might, for example, be possible to use the computer to find out whether there is any pattern in Lent conceptions (allowing for the forbidding of marriages in Lent) or other forbidden seasons. Given the fluctuations in length of pregnancy this could only be very crude. But something might well be done. Secondly, a search of all the categories concerned with sexual matters in our data would show whether there were any presentments, justifications etc. which alluded to intercourse in prohibited seasons or nights - for example before communion. It is difficult to see how outsiders could have known about this, and therefore negative evidence is fairly unhelpful. Yet it would be interesting at least to register whether there was any trace of this kind of prohibition.

Although it has little to do with morality, and more to do with such matters as work patterns, views of health etc., it would be interesting to see whether anyone followed the advice of T. Cogan that people should seldom have intercourse in the summer ('especially in June and July') and 'moderately and soberly' in the autumn, but 'more freely' in the winter and spring. Such seasonal patterns in fertility are the kind of thing which it would be an endless matter to test and try out by hand, but the machine would be extremely good at.

The matters we have considered so far have concerned the frequency or seasonality of intercourse. The final set of areas where there might well be rules of morality are connected to the physiological state of the woman. Sex and childbirth are so connected that it is not surprising that many societies regulate sexual behaviour in relation to the physiological state of the woman. The four major periods during which there are restrictions, usually supported by morality, are: during parts of the menstrual cycle, during parts of the gestation period; for some period after delivery; during breastfeeding. We may deal with each of these separately.

Intercourse during the menstrual period seems to have been widely thought of, at least by moralists, as something to be discouraged. References were made to the Levitical prohibitions and people were warned, for example, that 'polluted copulation' would lead to a 'leporous and loathsome generation'(Gouge). In certain societies, e.g. certain New Guinea or Hindu societies, this ritual pollution means that there are separate houses or at least rooms for menstruous women etc. Except with reference to Josselin it is difficult to see how we could get any information on this subject. There is not a single instance of the use of the word, nowhere in the court cases, in the defences for action, in the terms of abuse or recrimination, or nowhere else is there any reference to this word or any of its known alternatives such as 'terms', 'flowers' etc. It could, of course, be argued that such an absence indicated a fear so deep that the idea was suppressed. But references in contemporary diaries, e.g. Dee and Pepys do not support this view and it seems more likely that the taboos on sexual intercourse during menstruation were mild at an individual rather than societal level. Even a clever computer could not, one supposes, detect statistical patterns here.

Another prohibition, to be found in many societies, was on sexual intercourse during a woman's pregnancy. In other societies such intercourse is encouraged since it is believed that it helps the foetus to grow. There were a number of general statements on the matter in England at this time, thus Harrington, just before the Reformation, stated that a married couple should abstain from intercourse "at all such seasons as the wife is with child and nigh the time of the birth", but Gouge could 'find no such matter condemned in Gods word', although he admitted that some argued that it was wrong. Again it is difficult to know what to make of the complete absence of any information on this subject. One could say that given such records, even when they include some concerned with marital strains, it is not surprising that nothing has been found. A longer search of diaries and other church or medical records would be the only way in which to get some insight into these problems. But what is clear, is that this aspect of sexual regulation was not felt to be of public concern.

Once the child was born there was another period of potential ritual

impurity and abstinence. This allows slightly more detailed investigation in two ways. It was a traditional custom, only gradually undermined by the Protestants, that a woman needed to be purified from the 'uncleanness' of childbirth by being churched. That is to say, after a period of a certain number of days she would come to church again in fresh clothes etc. and a certain ritual be performed over her (describe churching ceremony). Until this was done she was both ritually impure and also not fit, perhaps in both senses of that word, for sexual intercourse. Thus Harrington stated that intercourse should not be resumed until the woman had been purified or 'churched'. Here he was following biblical texts which stated that a mother was unclean and impure for 40 days after the birth of a son, and 80 days after the birth of a daughter. There was a considerable controversy over churching, which many considered a popish relic, which it will be interesting to see in relation to these sexual prohibitions. At present, however, we only have three references to churching. But one thing we could do with a computer, which it would be possible but tedious to do by hand, is to take those instances of women who had livebirths within a year of their previous delivery and to see which of them seem to have been based on conceptions occurring within a very short period of the previous livebirth. If, indeed, there is a difference in the prohibition in relation to male and female children, we might be able to detect this. Also, we ought to be able to see whether there were changes over time - for, if the prohibitions declined with the ritual of churching, the birth intervals, all other things being equal, should decline.

The results, however, will be affected by another and final possible regulation. This is there regulation on intercourse during breastfeeding. Before going very far with this it would be necessary to establish whether it was normal to send children to wet-nurses, either inside or outside the village. Widespread wet-nursing at all levels would affect the birth interval, both by dealing with a such a regulation and also because of the curtailing of the lactation period, which is known to inhibit fecundity. So what was the position?

It is widely assumed by many social historians that, as in France at about the same time, and as in parts of Germany, wet-nursing was widespread in England. Although there is some evidence for a little bit of wet-nursing among the aristocracy and gentry, and especially near London, my first impression from local historical work, diaries etc. and other literary sources is that throughout our period the vast majority of women who could suckle their children did so. In relation to Earls Colne, we know for certain that Mrs Josselin did so. The rest is silence. But I find it difficult to believe that a widespread institution like wet-nursing would have been invisible in all our kinds of records. When studying occupations there is never a mention of a wet-nurse. When describing infant deaths, there is no mention of a wet-nurse. When people travel, they never explain that it was to take a child to a wet-nurse. No wet-nurses fees are ever mentioned. None of the overseers detailed accounts, so I believe, have any mention of

making payments for wet-nurses. This is not to say that when a mother died or was unable to give breast-milk no-one was brought in as a substitute. But it is to argue that such a system was not widespread and institutionalised in the Essex countryside for this period. It will be interesting to look up the two single references to the word 'suckle' and 'suckling', and the 28 references to 'nurse', nursing etc. Are any of these references to any form of wet-nurse and, if so, in what situation?

If we can be clear that most women suckled their own children, then we need to establish how long they did this for. In many societies this goes on for three or four years and the regulation of sexual intercourse during that period causes long gaps between births. There is now quite a considerable amount of evidence, mainly from diaries, as to the duration of wet-nursing (q.v) which tends to show that, at least at the middling level, the duration of breast-feeding was usually between about 9 months and 2 years. It seems to have gone one, often, until the child's first teeth were formed and caused pain to the mother.

If both these facts are true we have a situation where, if there was a strong taboo on intercourse during lactation, we should find that the birth intervals would usually be of the order of at least two and a half years (work out in detail - lactation, plus a period in which to become pregnant). One would have to look at contemporary advice. The one piece I have at present is rather vague. To the question 'if the wife give sucke to her child, ought not her husband then to forbear', Gouge answered 'because giving suck is a mothers duty, man ought to do what he can to contain'. But there is some evidence from Josselin that this was not a very powerful rule, even among the godly. Even though we know that none of Josselin's children were conceived while the previous ones were being breast-fed, this is more likely to be the result of physiological inhibitions than an absolute ban. The evidence for this is that Jane Josselin several times thought she was pregnant while still nursing a previous child. If we assume, as we must, that she knew of the connection between intercourse and conception, the couple must have started intercourse.

The final form of sexual regulation is of a different order altogether. It is the regulation of the method of intercourse in order to prevent conception, i.e. contraception. This would only be relevant to us here in a consideration of the morality of sexual relations if it could be shown that it was widely considered to be either moral or immoral to attempt to limit intercourse to prevent conception. There is some evidence of general disapproval of family limitation. The medieval writer Alvarus Pelagius had described as one of the sins of the people that 'they often abstain from knowing their own wives lest children should be born, fearing that they could not bring up so many, under pretext of poverty'. (quoted in Coulton). In our period Gouge wrote that it was evil to abstain from sexual intercourse for 'fear of having too many children'. There may be remarks on other forms of contraception, such as coitus interruptus etc. If, indeed,

it was considered immoral, we could then test to see two things. Firstly, whether there is any evidence of people ever being accused of this offence. I do not recall a single instance in any source, whether for EC or elsewhere, but memory often errs and one would need to search the file. Secondly, using the methods pioneered by the historical demographers, it might be possible to see whether, indeed, there was some form of birth control practiced. If so, whether by a more detailed analysis of those who seem to have practiced it, one can gain any hints as to motive or method.

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## SEXUAL MORALITY

Although there is easily enough material here for a book in itself, it would be best if the subject could be set within the wider context of morality. There are several reasons for this. One is that it would prevent it becoming sensationalized and isolated in the way it has been by a number of recent historians. Secondly, as Malinowski and many others have pointed out, the sociology of sex encompasses such things as language etc. and it is crude and misleading merely to concentrate on the physical aspects.

Only a very few preliminary observations will be made here about some of the possible categories for the analysis. Fortunately, I have worked a great deal on this subject and hence have a number of frameworks and thoughts on the subject, for instance in my unpublished M.Phil. thesis, which could well be adapted here.

Those forms of sexual and marital behaviour which were also crimes or felonies, namely rape, abduction, sodomy, bigamy, have already been discussed under felonies. Here we will be dealing with offences which were considered immoral, against the law of God, but which were not felonies. They can be usefully divided into three categories. Firstly, there are the control of sexual intimacies between people of the two sexes who were in a position to marry, but were not yet married, either leading to impregnation or not. The contemporary terms for these were 'fornication', 'bastardy', pre-nuptial fornication etc. Then there were controls on sexual relations between persons who were married to each other: there were forbidden times, methods, etc. Finally, sexual relations were forbidden between people either because of their family relationship to each other -incest - or because one or both of them were married to another partner - adultery. We need to look at each of these in turn, and then to consider them as a whole.