

Genesis of Chastity-Honour Code and its Evolution: a Case Study of Gender Construction¹

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Much has been written about the honour-shame value system of the Circum-Mediterranean world since Peristiany, Pitt-Rivers and others began to argue on that theme in 1956. To study this value system is, as the former says, to know the fundamental framework of a society as an entity. But, as J. Davis (1977: 253) and M. Herzfeld (1980: 399; 1984: 12-13) criticise, the concept of this moral value system has come to be a kind of theorem of Mediterranean character, in which various values are summed up without examining each historical context, proliferating non-constructive circular reasoning. There are few studies on the formation of these values over a long span of time, as A. Block points out (1984: 59), and no attention has been paid to peculiarities in the formation of culture in each society (Holy 1989: 121). As to Spain, although García Valdecasas pointed out nearly half a century ago that the honour of women, in spite of its importance in Spanish culture, remained unsolved as a historical theme (1958: 157), the concept of honour based on chastity has not been fully studied. Research in this light will make possible historical comparative studies in the truest sense of the word, as proposed by Davis (1977: 15) and J. Boissevain (1979: 83).

As for the time of the appearance of the chastity codes as a crucial component of the gender system, there have been only few studies. J. and P. Schneider trace the code back to the Ancient Ages; the honour code might have emerged with male orientation to control the family against the political pressure of ancient empires and religions, and it might have originated as a violent revenge against the menace of being taken away as slaves to fabricate luxuries in Ancient and Middle-Ages cities (1976: 97-98). Ortner attributes the origin of purity code to the state-related religious thought which demanded higher purity (1976: 9). However, these opinions, as Gilmore criticises (1987b: 7-8), put too much emphasis on the ambiguous state and neglect historical conditions, thus having very limited usefulness in explaining ideological continuity under changed and changing circum-

¹ This article is based on my four previous works published in Japanese (1992, 1995, 1999, 2001).

stances. Indeed, J. Goody, who links the virginity code with the dowry system, mentions that the Mediterranean characteristics of putting great value on the virginity of women in their first marriage have social and religious roots (1985: 212). But, we have to inquire, furthermore, into each society, because it must have unique processes in forming chastity codes and gender systems inseparably related to them, and their origins and meanings could be different, even though the phenomena and certain implications of chastity and gender codes seem similar at first glance. Indeed, Joan W. Scott and Ute Frevert remark on the need to scrutinize historical contexts surrounding the appearance of gender systems in each society. So, in this article we will analyse the chastity code that is tied up closely with the honour-shame syndrome in traditional Spain in historical context, presenting a hypothesis as to the time of the genesis of the idea of honour based on chastity and considering its relationship with the gender code. This examination will help clarify the nature of Spanish moral values in the Medieval and Modern Ages and possibly up to the middle of the 20th century.

I. A HISTORICAL REVIEW OF THE CHASTITY-HONOUR SYNDROME IN MEDIEVAL SPAIN

As for the concept of honour based on chastity in Spain, historical analyses have been carried out to some extent by C. Sánchez Albornoz, R. Serra Ruiz, C. Lisón Tolosana and J. Caro Baroja among others. Their studies allow us to get a glimpse of this value system in the past, although, as Sánchez Albornoz himself confesses (1965: 615), the process of its genesis remains unclear and not fully clarified. To make up for this blank, we would like to look at the case of the Kingdom of Castile, based mainly on some judicial documents and historical literature which reflect to great extent its social life.

1. The Visigothic period

Since when did chastity come to be a social demand in the history of Spain? The cliché in sixteenth-century Spanish marriage documents, which reads “Here I (the groom) donate ‘arras’ in praise of the virginity of the bride”, seems to contain the remaining concept of Germanic “*Morgengabe*”, glorifying virginity. Was there, then, a chastity code among Germanic tribes? We can find one clue to this question in some stipulations of the *Liber Iudiciorum* promulgated in the middle of the 7th Century (654) in the Visigothic Kingdom. It reads as follows: “A man

who deprived a young woman of her virginity will become <enemy> of herself and her family for thirty years (*Fuero juzgo, libro III, título III, ley VII*). And a woman who had a secret sexual relation in a house of others with a man could marry him, if he wanted it (III, IV, VII & VIII). However, when such relation took place in her father's house, the patriarch or his substitute (her brothers or uncles) could kill her (III, IV, V)." The former stipulation shows us that rape was treated just as an ordinary crime, though rather serious. The second insinuates that a woman could have a sexual relation with marriage in view without any punishment. The problem was whether the act had taken place in the patriarch domain or not; if so, it meant an offence against patriarchic authority. This stipulation gives us positive confirmation that the social demand of virginity did not exist at that time, because in a society where chastity is a social requirement --*vigencia*, expressed by Ortega y Gasset (Lisón Tolosana 1966: 313)— the problem is the loss itself or the recognition as such, not the place where the chastity is lost. Therefore, the great respect for virginity expressed in "*Morgengabe*" among Germanic tribes cannot be connected directly to the Spanish chastity-honour value system in the later centuries.

Unfortunately, Spanish judicial history has a great blank between the Visigothic period and the height of the Middle Ages when customs, a great conglomeration of vulgar unwritten laws of various preceding ages, began to be formulated in the form of *fueros* or regional laws. It was precisely during the period from the 10th to the beginning of the 14th century, mainly in the 12th and the 13th that the rapid territorial expansion and the development of resettlement were causing a series of crucial changes in the Castilian society. The changes must have left something behind in those *fueros*, which will surely enable us to trace the evolution of the mentality. Indeed, the *fueros* reflect to great extent the community life, for the Castilian people could add articles they felt necessary to the endowed *fueros* or formulate new ones totally by themselves, which were to be confirmed later by their kings or lords.

2. Changes in the height of the Middle Ages

2.1. Offence stipulations in early *fueros* in Castile

What kind of stipulations on chastity or honour can we find in the Castilian *fueros*? In these laws we do not encounter such provisions, but we do find many on affronts, which is the other face of the coin of the same value system. Rules on affronts formed typical Spanish legislation through the centuries, unlike among the Anglo-Saxons who did not have stipulations of crimes against honour (Pitt-

Rivers 1965: 41). Those who read the Castilian *fueros* will be astonished at how much room is given to the rules on affronts and insult. The later dated the *fueros*, the more regulations there are on them. Since an insult is a violation of a certain social ideology (Serra Ruiz 1969: 76; Trexler 1984: 900), to study the insults of a given society of a given period is to know the value systems and mentality of the people.

Below we shall look at stipulations on affronts against women in the “short *fueros*” (“*fueros breves*”) from the 10th to 12th Century and in the “extensive *fueros*” (“*fueros extensos*”) since the end of the 12th Century and mainly in the 13th, which should allow us to trace the genesis of the concept of chastity as *vigencia*, an issue which Serra Ruiz has covered to some extent.

According to Serra Ruiz, the concept of affronts did not exist in every age. In the Roman period all kinds of illegal behavior were expressed by the same one word “*in-iuria*”, meaning injustice, without an idea of classifying them. Then, among Germanic tribes, violations and illegal behavior against the body were recognized as affronts. That is, insult was unspecified and undifferentiated from physical violations. For example, typical affronts among the Visigoths were to cut or pull out the hair and to pull someone down from a horse. These crimes of insult could be valid only when they were done against privileged groups, such as members of royal families including women. And the gravest penalty for such crimes was cutting hair. This non-differentiation between insult and violations against the body continued until the height of the Middle Ages; in the *fueros breves* affronts were still limited to physical violations, so an insult against someone could be expressed through physical violations.

In other aspects of the concept of affronts, however, much changed in the height of the Middle Ages, as Serra Ruiz indicates. First, insulting behaviour came to be gravely punished in comparison with the above-mentioned penalty among the Visigoths. The *Fuero de León*, dated 1017, for example, stipulated the same fine (500 *sueldos*) for insult as for murder committed against a royal official (*sayón*). Secondly, the object of insult was expanded from the restricted privileged group to people in general. Third, for the first time the words “*honor*” and “*deshonor*”, expressing a collective conception, appeared in the *Fuero de Nájera* (1076), located on the upper reaches of the Ebro. Fourth, verbal affronts made the first appearance in the history of insult. Words like “leper”, “gay”, “slave”, “traitor”, “cripple”, “cornuted”, “*forncornio / fodidenculo*” were listed word by word, with some variation from one *fuero* to another. Serra Ruiz surmises that there would be no other insulting words than those written down in *fueros*, because at

that time the value system was not diverse.² Now with the appearance of verbal insults the concept of affronts enlarged, though insult itself was still undifferentiated from physical violence —forceful behaviour such as confinement or beating doors of others' houses, and physical violation like striking blows with sticks and stones, pulling someone down to the ground, spreading mud on the face or spluttering in the face of others, and filling the mouth with dung, etc.

As for the fifth point, violence against the symbolic parts of both sexes came to be specified as an affront. The *Fuero de Sepúlveda* stipulated a fine, though of a small amount, for grasping the breasts of women or giving a kiss to them: in the case of virgins 1 *maravedí* and married women 4 *maravedies*.³ The *Fuero viejo*, a collection of the old consuetude in Leon-Castile first compiled in random fashion in the middle of the 13th century and ordered and edited in 1356, stipulated the mutilation of the criminal's hand and hanging for an offender who deprived a woman of her virginity with a hand (*libro II, título II, ley II*). It is noteworthy that breaking virginity was then treated not as sexual but as an act of pure violence against a part of the female body.

As to violence against men, tearing someone's hair, above all the beard, was treated as the gravest affront to men's dignity. The *Fuero de Miranda de Ebro* (dated 1099) stipulated, in addition to a fine equal to that for murder, the mutilation of the hand with which the crime of grasping the hair or the symbolic parts of a man, like the beard and testicles, was committed (item 21 according to Serra Ruiz, though the version of Muñoz y Romero does not itemise). This affront of tearing another's beard is described in the famous epic *Poema de mio Cid* depicting the hero, El Cid Campeador, who lived in the late eleventh-century Iberian world. These values, possibly originating from the Semite, might have been introduced from Al-Andalus, Islamic Spain, through intimate contact with the Muslims in times of peace as well as of war. It is no wonder that the Christians would have adopted Muslim values as their own, judging from their high consideration for the Muslim's nobleness and virtuousness. Anyway, this high value on the hair and beard was maintained during the height of the Middle Ages, for the composition of that epic is thought to have been in the 12th century or at the latest at the very

² These words were listed in the *fueros* of Lara (1135), Avelés (1147), Peralta (1144), Cetina (1151-57), etc. (Serra Ruiz 1969: 54). The last word means vicious, coward, passive homosexual according to the glossary attached to *El Fuero Viejo de Castilla*, Junta de Castilla y León, 1996.

³ See Saez, p. 510. This stipulation is in the first part written in Latin of the item 186 of the *Fuero* in Romance. It must have been in the old *Fuero* in Latin confirmed in 1076 or probably been added to it a little later. See Saez, p. 510.

beginning of the next century (1207). The pact between the two cities of Plasencia (Extremadura) and Escalona in around 1200, for example, aimed to protect the honour of villagers from affronts against their hair as well as to defend mutual benefits (Serra Ruiz 1969: 92).

As for the sixth point, the married came to be separated from those who were single. When a married person was offended against, the fine for the crime was much graver than in the case of an offence against a single person; for example, in the *Fuero de Miranda de Ebro* it was three times graver. Because any affronts against the married were considered to be also against the spouse as well, an offence against a married woman, above all, was taken as a direct insult against her husband (Serra Ruiz 1969: 49). So, when someone struck, injured or scratched a married woman, or pulled her hair, the fine was sometimes as much as for murder.

As for the seventh point, mention of rape was made for the first time in the *fueros*. It was also the *Fuero de Miranda de Ebro* that first referred to rape; it just read “not to murder the rapists” (Muñoz y Romero 1977: 348). The *Fuero de Santo Domingo de Silos* (Burgos, adjacent region to Miranda), dated 1135, stipulated a fine against rape as the punishment (Barrero García 1972: 579). Moreover, the *Fuero de Escalona* (southwest of Madrid), dated 1130, punished this crime with the maximum penalty. But these stipulations can be considered exceptions in the first half of the 12th century when the overwhelming majority of the *fueros* did not even insinuate that crime itself.

From these new phenomena we can see the tendency that the upper basin of the Ebro and the other frontier areas were sensitive to offence prior to any other regions. The reason might be the fact that in these areas battles occurred most frequently in the Peninsula at that period, because, as Trexler supposes (1984: 899), offence might have begun in battlefields. Precisely, the upper basin of the Ebro was on the route of the incursion of the Islamic army as well as being an area of conflict between the Christian kingdoms of Leon-Castile, Navarra and Aragon over veins of iron and salt (García de Cortázar 1985: 54-55). No wonder the masculine value as a soldier came to be stressed through continuous battles and that people in the area became extremely sensitive to physical vulnerability. Also, the first reference to violence against a specific part of the female’s body in the *Fuero de Sepúlveda* and the earliest and severe provision against rapists in the *Fuero de Escalona* must derive from the fact that these cities were situated in those days in the unstable frontier area between Castile and the Islamic Spain.

2.2. Affronts in the Extensive Fueros

Offence expanded and varied in both the verbal and behavioral spheres in the “extensive fueros”, above all in specifying affronts against women. The *Fuero de Alcalá de Henares*, dated 1223, acknowledged as affronts violence against the symbolic parts of the female body, such as grasping the breasts or the genital organs, punishing them with a fine of 2, 3 and 5 *maravedies* against virgins, widows and married women respectively (items 85-88). These amounts of fine, however, were still equivalent to those for other acts of violence in general such as blows or pulling someone down, which means that those specified acts of violence against women were treated at that time just as a simple form of affront. The *Fuero de Ledesma* (assumed in the 13th century) stipulated as insult the grasping of hair, taking off of hoods, exposing of the legs and the body (Serra Ruiz 1969: 109). In the *Fuero de Cuenca*, which became perfected down to the minutest detail of legislation toward the middle of the 13th century as if it were the “Law of Extremadura” (García Gallo 1975: 454), the grasping of the hair of a woman was punishable with the fine of 10 *maravedies*, while pushing or striking a woman incurred a fine of from 5 to 30 *maravedies* according to the damage. On the other hand, this *fuero* stipulated the severe punishment of 300 *sueldos* (a *sueldo* was equal to a *maravedi* at that time) for robbing a woman while taking a bath or for stripping her of her clothes, and 200 *maravedies* in addition to becoming the victim’s family’s “enemy” (subject to their private revenge) for cutting her in the breast or her skirt⁴ (*capítulos* XI-30-34). The *Fuero de Plasencia* in the family of that of Cuenca punished the grasping of the breasts of a woman with the fine of 100 *maravedies*; that is, one fourth of that for murder, and becoming the “enemy” (item 89). The *Fuero de Sepúlveda*⁵ (the latter part in Romance of item 186) stipulates a fine of as much as 500 *sueldos* in case of low noblemen (*hidalgos*) for grasping the breasts of women. These regulations allow us to know that the various acts of violence came to be specified, separating little by little acts of violence against the symbolic parts of the female body from violence in general and recognizing them as increasingly grave insults in the course of the 13th century.

Rape, referred to only exceptionally in the previous century, makes frequent appearances after the turn of the 12th and 13th centuries, fixing severe punishments.

⁴ It is interesting to know that the expression of “*cortar el traje*” (to cut the cloth) indicates today a genre of critical gossip (Gilmore 1987a: 71).

⁵ The *Fuero* in Romance must have been compiled over rather long period at the end of the 13th century, judging from the gothic script of that time by various hands (Saez 1953: 13), though it was handed over in 1300 to the judge sent by the king to the city.

One example is the *Fuero de Madrid*, which stipulated capital punishment for that crime (item 110). The *Fuero de Ledesma* stipulates a fine of 300 *sueldos* if a woman's accusation with shouting "*fula me fodio o me desorno*" (So-and-So has violated me or dishonoured me) and tearing her hair is proven (item 191). A similar situation was also provided for in the *Fuero de Alcalá de Henares*, though the fine was less, namely, 108 *maravedies* (item 9). The *Fuero de Cuenca* punished the rapist of a single woman and the helpers of such a crime with 300 *sueldos* as well as becoming the "enemy"; the rapist of a nun with being pushed down from a cliff or, if fugitive, with the confiscation of 500 *sueldos* from his property; and he who raped a married woman with burning at the stake or, if fugitive, with the confiscation of his whole property to be bound to her husband, as well as becoming the "enemy" (items 11-24, 25, 27). The *Fuero viejo* (II, II, III) also stipulated against rape, though the date of the stipulation is unknown. It reads that the victims should accuse men of rape before royal officers (*merinos del rey*), and that to receive those appeals and to persecute the rapists the officers can enter any seigniorial domains (*behetrias, solariegos*). This law would have been probably provided for in the middle of the 13th century at the beginning of the reign of Alfonso X, who tried to expand royal authority to every corner of his kingdom with the aim of judicial unification, or little after 1272, when the *Fuero Real* was invalidated. Further, in 1274 the Parliament (*Cortes*) declared rape a Royal Court crime, too, as were the break of a truce, the intrusion of a house, the destruction of roads, and betrayal (*capítulo* 46). This decision of the *Cortes* surely indicates that by the second half of the 13th century rape came to be regarded at the realm's level "to bring ignominy to the victim and her relative", as stated in the *Fuero de Ledesma* (item 190), which also treats it as equivalent to murder and treason.

From these stipulations of the various *fueros*, we can notice that the rape of a married woman came to be considered the gravest crime, compared to that committed against a single woman, maiden or widow. This is the crucial point in understanding the nature of the concept of chastity in Castile, because it departs from the concept in other European societies that used to stipulate punishment only for rape committed against virgins. For example, in tenth-century England a man who lay with a virgin lost his life through dismemberment and in the 13th century he was punished by blindness and castration, while there were no references regarding married women. In Catalonia, also, virgins and then widows were of much more concern than married women. Men accused as rapists used to say as their excuse for immunity that the women had not been virgins (Pérez Molina 1997: 257, 260), which proves that married women remained vulnerable without legal protection.

2.3. Evolution in mentality relating to the chastity

2.3.1. Suspicious eyes on women's sexuality

These grave punishments in Castile against rape resulted in causing women ominous effects; the great importance put on female sexual intactness in the 13th century led people to turn suspicious eyes on every woman. Women were watched to see if their chastity was maintained intact. If a woman lost her virginity, she had to wear a hood (*toca*) just like married women (Azpiazu 1995: 250), while virgins had long hair without a hood. Here is a testimony of persistent and tenacious public eyes. And at last occurred a crucial change of direction; since the 13th century, lawsuits against rape brought by women began to be turned down and, in addition, those women were treated as whores (Anderson *et al.* 1992: 462).

In parallel with this serious change, a new regulation appeared for a situation that had never been stipulated for before: the *Fuero de Cuenca* regulates that if a raped or kidnapped married woman ran away with the man and was arrested in the city territory, she would be burned at the stake with him (item XI-25). This specific situation was distinguished from adultery by only a very fine line and opened the way for punishment against adultery, which had never been referred to in the early Leon-Castilian *fueros* we have so far examined. Now we have to look into how adultery appeared and has been treated in Castilian laws, which will clarify the characteristics of the Castilian concept of chastity and honour. The comparison with other regions will be of use.

2.3.2. Appearance of provisions against adultery

In Catalanian region, the *Fuero de Agramunto* (dated 1113) had already regulated against adultery, which is the oldest stipulation in the Iberian Middle Ages on adultery. The punishment stipulated was to drag and whip both adulterer and adulteress around the town while “stripped to the skin”⁶ (Muñoz y Romero 1977: 402). This was the typical punishment common in the Occident for adultery. The combination of whipping while being dragged is considered to be an invention of medieval Europe (Trexler 1984: 888), although Roman⁷ and Germanic adulterers and adulteresses had also been whipped. It was a humiliating sanction against the two persons concerned. It is noteworthy that there was no appearance of the adulteress' husband.

⁶ In the Middle Ages, this expression did not mean totally nude, but “with only underwear” (Bernis Madrazo 1956: 21).

⁷ *Lex Julia* by Augustus permitted the father to kill the adulterer if he killed his adulterous daughter, and the husband to kill the adulterer in certain conditions, but did not allow him to kill his adulterous wife (Pérez Molina 1997: 270). These stipulations let us know that the wife's adultery at that time did not cause dishonour for her husband but to her father because of the Roman system of patriarchy.

Contrary to this typical European regulation against adulterers, the early Castilian *fueros* were silent about adultery itself and the concerned parties themselves never appeared; instead, as we have seen, those *fueros* listed “*cornudo*”⁸ as verbal offence. This Castilian attitude toward adultery makes a striking contrast with the above-mentioned Catalonian *Fuero de Agramunto* and the other European societies, implying thus a certain difference in mentality.

In Castilian legislation provisions against adultery appeared for the first time from the middle of the 13th century after the aforementioned subtle regulation of the *Fuero de Cuenca*. As to the treatment of adulterers, there are some variations. The *Fuero de Zorita*, a derivation from the *Fuero de Cuenca*, stipulated that a married woman who was found to have a lover would be banished from the city after being whipped (item 260). And the *fueros* of the Vizcaya region where the ancient Vasque tradition of egalitarianism remained alive provided for utterly equal punishments against adulterers and adulteresses (Martín Rodríguez 1973: 310-311). In other regions there were also some *fueros* which allowed a wife to murder her adulterous husband (Montanos Ferrin 1980: 96), while a married man who had a lover would be punished (*Fuero de Cuenca*, items XI-37, XIII-3, 8). However, the majority of *fueros* stipulated the right only for the husbands to murder their adulterous wives and the lovers, which indicates that the adultery of wives was generally considered more serious. The most typical regulation for adultery was to allow the husband with immunity to kill his adulterous wife and her lover caught in the act of assault. If he murdered only one of them, however, then he was levied with the fine for murder and became “enemy” of the victim’s family (for example, *Fuero de Cuenca*, item XI-28; *Fuero Real*, 4-7-1; García Ulecia 1976: 262). Moreover, though exceptional at that time, the *Fuero de Soria* admitted murder, when adultery was proved, even if the offenders had not been caught in the act.⁹

Historically speaking, the Germanic tribes admitted private revenge sanctions in the case of flagrant delinquency. Among the Visigoths the right to murder an adulteress was sanctioned against the infringement on patriarchy as well as subversion of the social order. Even in the Middle Ages until the 11th century, the husband and the children, or

* As to the meaning of this insulting word, we are of the opinion of Kenny (1969: 83) and Block (1984: 52): it originated from the fact that a he-goat allows another he-goat to mount his she-goat. There certainly existed in Modern-Age Spain an insulting word “*cablito consentido*” (Candau Chacón 1993: 199), which means nothing but a he-goat that permits such a relation tacitly.

¹⁰ But in the later centuries, “*flagrante delicto*” would not always be the precondition; Queen Isabel granted amnesty to the soldiers who had killed their wives for alleged adultery during their absence in the war of Granada (Sánchez Ortega 1982: 120).

husband's relatives in the absence of children, or any co-villagers could indict an adulteress for disturbance of the social order (García Ulecia 1976: 260, 262). On the other hand, in the regions of Leon and Galicia, from the 9th to the 11th century both men and women who had extra-marital relations used to get off with a fine (Sánchez Albornoz 1956: 621). So, it seems that the traditional punishment against adultery had been partly maintained until the end of the High Middle Ages with regional variations.

These situations changed radically from the 13th century. Along with the formation of the concept that the loss of a woman's chastity brought dishonour to the family in addition to herself, the meaning of adultery and so the way of coping with it changed drastically. The *Libro de los Fueros de Castiella*, the oldest collection of the regional laws of Castile from the 11th century to the time of the compilation in the middle of the 13th century, declared that an adulteress was obliged to be liquidated by her own relatives to restore their honour (Serra Ruiz 1969: 125). This regulation is nothing but the direct and merciless result of the formation of the chastity-honour code.¹⁰

Even *fiancées* were treated just the same as married women, when they lost their chastity. It could be firstly because the loss of matrimonial / sexual faithfulness might cause direct and destructive damage to husbands / *fiancés*. Adultery would cause fatal damage to his reputation of manliness, which constitutes the crucial component of the honour complex: dishonour was due to the failure of his obligation to protect his wife / *fiancée* intact from outsiders' attacks. Secondly, in the nuclear family, which has been utterly predominant in Castile above all since the 13th century (Martín Cea 1986: 88, 98), the husband-wife relationship would tend to be more emphasised than in the stem families or patrilineal families where the vertical relation has been more stressed and the marital relationship has been underestimated and even disregarded, it being seen as a threat against the consanguineous solidarity.

So, private revenge against adulterers came to have the implication of liquidating the living testimony of the husband's dishonour, according to Pitt-Rivers (1966: 75). It would be for this reason that the husband could kill both adulterer and adulteress with immunity for the sake of wiping out his dishonor, but murdering one of them would be regarded as homicide, losing this legal motive. Moreover, the *Fuero de Sepúlveda* (item 73), one of the leading *fueros*, and other numerous *fueros* allowed relatives, besides her husband, in the second degree of an adulteress to kill her. That

¹⁰ So, we do not agree with the opinion of Córdoba de la Llave that the right to murder the two persons concerned with immunity stipulated in many Castilian *fueros* was inspired by the *Fuero Juzgo* (Romance version of *Liber Iudiciorum*) (1993: 120).

is, adultery did not only dishonour the husband, but degraded the kinship of an adulteress herself, as Montanos Ferrin points out (1980: 96). Adultery was no longer infringement of patriarchy but defamation of a certain range of her kinship. So, the kinship had to demonstrate to the community that they lived with dignity. In the words of Sánchez Albornoz, they were obliged to dedicate the lives of their own or kinship to “the altar of honour” (1965: 649). He (and Molina Molina who follows the great historian) indicates without arguments that by the 13th century matrimonial honour, that is, honour based on the faithfulness of wives, prevailed among the people from the aristocracy to the peasants (1965: 624; Molina Molina 1990: 402), though we do not agree with his opinion that this honour derived from the chivalry honour. Also, Carlé mentions that the faithfulness to husbands on the part of wives became required in the 13th century, which was called “*honestidad*” in the next (1988: 81).

From a gender’s point of view, we witness here the very establishment of a gender category concerning femininity on chastity, since gender, as Scott accurately notes, is a primordial order that gives significance to power balance between both sexes (1986: 106-107). In this Castilian genre, the relation to dominate and to be dominated goes too far; women were obliged to protect their sexual chastity at the risk of their own lives. There the men’s superiority is definitely expressed by purging women in case of the loss of chastity.

3. The formation of the concept of honor based on women’s chastity

3.1. The genesis of chastity code

We can, thus, realize that the Spanish concept of honour emphasizing women’s sexual integrity was fermented in the course of the 13th century, possibly by the middle of the same. At the outset an offence against women was referred to only as general violence, but acts of sexual violence, among which rape appeared as time went on, came to be specified and sanctioned with severe punishments. In other words, the gravest insult against women proved to be violence specifically against their sexual parts. To have their sexuality affronted was regarded as disgracing the honour of a woman’s family as well as herself. The rape of a married woman was regarded as tantamount to an affront against her husband, and treated as equivalent to the other gravest crimes, murder, arson and all cases under the King’s jurisdiction, as the *Fuero de Sepúlveda* (item 33) manifestly declared. Thus, a woman who had not suffered sexual violence was called an “honorable woman” (“*mujer honrada*”), and the word “honour” was used in the narrow sense to mean “virginity” for

girls and “faithfulness” for wives. This meaning continued unchanged until at least the middle of the 20th century. Until that time the custom of showing the blood-stained sheet of the wedding night to the husband’s family remained alive all over Spain (Casas Gaspar, cited by Brandes 1980: 182), as is maintained even today in the Islamic world.

The more women’s sexual intactness was emphasised, the more severe criteria were demanded. The more rigorous criteria, in turn, led to making chastity the more sacred. Circulating in such a closed cycle, the consciousness of chastity would probably have intensified itself in the mentality of the Castilian people. We can see the process of this radicalization in the criterion of being a whore. Until the middle of the 13th century a woman proven to have had sexual relationships with more than five men was regarded as a prostitute, as indicated in the *Fuero de Cuenca* (item XI-43) or in the *Fuero de Teruel*, which belonged to the family of this *Fuero*. But by the end of the century, as mentioned in the *Fuero de Sepúlveda*, a woman came to be treated as a whore, if proven to have had sexual relationships with two or three men (item 235). This means that if a virgin were raped by a couple of malicious men, she could be, if not killed, disgraced and discarded by her family and compelled to live a marginal life in society. Indeed, even in the middle of the 20th century, a rumour of the loss of virginity expelled a girl from her natal village (Lisón Tolosana 1966: 332). Remember that it was precisely in the 13th century that any accusation of rape on the part of a woman which had been stipulated as her right and obligation by many *fueros*¹¹ came to be turned down, getting her treated as a prostitute. Thus the biggest reason, aside from poverty, that a woman had to go down to be a whore in the late Middle Ages and the Modern Ages was nothing but this merciless concept of honour.

Such a situation was shown, for example, by notary documents in Málaga at the beginning of the Modern Ages (López Beltrán 1985: 100). A similar thing happened also in southern France; 21 women out of 77 who were labelled whores in Dijon in the period from 1440 to 1540 were reduced to this status because of having been raped, which constituted the biggest factor (Rossiaud 1976: 301). Since the dishonoured women could not live but as whores, the formation of the concept of chastity-honour and the propagation of prostitution in the late Middle Ages were intimately related.

¹¹ *Fuero Viejo* (II, II, III) states that “... deve ella dar bozes e apellido alli do fuere el fecho e rrascarse, diciendo ‘fulano me forçó’...”; Soria (item 532), Ledesma (item 191), Alcalá de Henares (item 9), Cuenca (item XI-26), *Libro de los Fueros de Castilla* (item 14) (Aguado, et al. 1994: 191-192), etc.

So, the loss of “honour” by violence, or being regarded as such, meant physical or social death. In this context, to keep chastity on the part of the woman herself and to defend it on the part of her family came to be a social demand; thus, the whole society came to be extremely sensitive, and even paranoiac, regarding the chastity of women. For example, in sixteenth-century Castile a mother hurried to the local justice with some witnesses to obtain a notary certification that her eight- or nine-year-old daughter did not lose her virginity, despite bleeding much from “*la boca de la madre*” (the mouth of the mother) due to an accident while she was playing (López Beltrán 1985: 101).

Indeed, since the fore-mentioned *Ordenanzas de Alcalá de Henares* (1348) legislation hardly addressed rape any further in the late Middle Ages and the whole of the Modern Ages and limited itself to stipulating punishments against adultery, bigamy and incest. The sole exception was *estupro* or sexual violence against minors (virgins). Even in this crime, the accused were not imprisoned but only required to pay bail, and, if they could not pay it, it was enough for them to stay where they lived and to present themselves at summons (*Novísima recopilación*, 1805, XII, XXIX, IV). Here is an astonishing difference between the severe punishments at the height of the Middle Ages as mentioned above and this lenient measure, near to remission, in the Modern Ages. Furthermore, if committed against a maid, she herself was also punished (*Novísima recopilación*, XII, XXIX, III). It is worth noting that there is no provision for rape committed against adult women. The sole reservation was that women would not be punished if they were forced (*Fuero Real*, IV, VII, 1, *Nueva recopilación*, 1567, VIII, XX, 1, *Novísima recopilación* XII, XXVIII, I). But this appeal seems to have been in vain, judging from the above-mentioned refusal since the 13th century.

This change in treating rape, we suppose, could happen through confusion between the compulsory loss of chastity-honour and the voluntary, because either of the cases brought about the same disgrace. Thus, the increasing consciousness of chastity that at first condemned men severely for depriving women of their chastity came to turn itself against women, making no distinction in punishments and social sanctions against those without chastity for whatever reasons. Any loss of chastity came to be regarded as voluntary on the part of women.

2.2. *The evolution of men's honour*

It is noteworthy to indicate that as this chastity code came to be formed, the gravity of men's honour or masculinity moved.

At the height of the Middle Ages masculinity was thought, as we have glimpsed before, to exist particularly in the beard and it was treated as the symbol of masculinity and honour of men. So, affronts against it were regarded worth the life of offenders, and so revenged by all members of a community, according to the early *fueros*. In later years, tearing of the beard continued to be an affront and was even applied to animals, whereby tearing the tails of others' animals was a fineable offence (*Fuero de Cuenca*, item XXXIII-19).

It is obvious, however, that the value of beards as the symbol of masculinity comparatively diminished as time went on, though with much variety among the *fueros*. While the *Fuero de Cuenca* still stipulated for this affront the fine of 200 *maravedies* and becoming "enemy" (item XII-8), the fine provided by the *Fuero de Madrid* was only 2 *maravedies* for the villagers (*vecinos*) and 1 *maravedí* for non-qualified neighbors (*moradores*), and when the offence took place in the City Hall or the Law Court the fine was 20 *maravedies*, equivalent to one-fifth of the fine for killing a villager (items 5, 28, 45). In the *Fuero de Sepúlveda* the fine for tearing the beard was 5 *maravedies* and becoming "enemy", though this would cease once the offender had also had his beard torn, when it grew if he did not already have one (item 58). And, even for affronts against beards in the City Hall the fine was only 10 *maravedies* (item 240).

In short, as the honour-shame of a woman came to be evaluated in her sexuality, a man's honour moved its gravity from the physical integrity of himself to carrying out his obligation to defend the honour of his family's women, above all his wife, in the general process of escalating the obsessed consciousness of honour.

As to this responsibility of men, Kenny indicates that the conscience of honour contributed to the making of man as a defender of his family (1969: 81). According to Saunders, the notion that it is men's obligation to defend the intactness of each family or family group is keenly embraced by autonomous groups or in marginal areas from central state powers, and there the honour of family consists of the reputation for men's ability to defend its intactness (1981: 448). Thus, Castilian people in the settlements in newly acquired territory or in conflictive areas came to regard that manliness depended above all on the fulfillment of this obligation, which constituted the most important element of man's honour. And, when the wife is deprived of her chastity, the other side of manliness is exposed under the critical eyes of the community: whether he has enough virility and bravery to avenge his own family in order to recover his honour. If he fails in carrying out this obligation, he would receive a double reproach from the community —*cobarde* (coward), the gravest insult against a man as well as *cornudo*.

Here exists the peculiarity of the Castilian and mostly Mediterranean concept of honour, which emphasises more the horizontal relationship on requiring chastity to symbolise the intactness of nuclear families, while in patriarchal or caste societies the vertical relationship is more stressed for having legitimate offspring in order to perpetuate the lineage or the stem-family and its property or to maintain purity of social strata or caste.¹² To inquire as to what and to whom the disgrace was brought is crucial to understand the nature of the chastity-honour code.

The behavioral principles of men and women came, in this way, to be interdependent. The beard ceased to be the utmost honour of men, who were now supposed to defend their women's chastity, which came to be the honour itself of women. We could say that this is the very moment when a gender category concerning chastity was established, because each of the two spheres came to be complementary to each other. Once a gender category was established, men and women were socialized as it regulated and forced them to act as such. Thus, men got the reputation of being "virile" and showed bravery by purging their women when they failed in defending women's chastity.¹³

Virility loaded with this meaning will make itself in more excessive form in the Modern Ages. There appeared Donjuanism from the turn of the 17th century and the Machismo from the next. They are nothing but extreme expressions of male categories of gender sprung from this principle of "virility" based on the concept of honour, and reinforced by the post-Trent Church which made the female category utterly subordinate to the male. The chronological coincidence between the appearance of the novel of Don Juan (around 1620) and that of Andalusian pictures of Joseph-centered terrestrial Saint Family (Civil 1995; Miyazawa 2000) is amazing. Indeed, Don Juan is an ideal for men as a man of honour, for he lives in accordance with the aggressive code required by the concept of honour (Lisón Tolosana 1966: 355-356). So, we share the assumption with Sánchez Lora who indicates that the basic factor of social values in Spanish Ancient Regime was the principle of virility, sustained by the concept of honour.¹⁴

¹² In this respect, it is unreasonable to compare Catalonian chastity-honour based on the stem family, regarding it as common to the Mediterranean, with the Japanese based on the "Ie" system, as M. Asano-Tamanoi did (1987). Catalonia has been historically and culturally different from the majority of the Mediterranean areas and shared many characteristics with northwestern Europe.

¹³ So, a hidden power of a wife's over her husband owing to the dependency of his honour on her sexuality is not so much as Wikan assumes (1984).

¹⁴ Sánchez Lora 1988: 47-48. This perspective is diametrically as opposed to that of Wiesner that the concept of honour was based on gender in early-Modern-Age Europe (1993:34).

3.3. Genesis of the concept of honour in general

Now we have to come back to the Middle Ages to understand the background of the genesis of the chastity code.

The radicalization of the concept of chastity was linked with the exaltation of the consciousness of honour in general and with the prior formation of the concept of honour itself. According to Serra Ruiz, one of the most notorious characteristics of the concept of honour among the medieval Spaniards is collective revenge (1969: 97-98). We believe, however, that it is the other way around: the collective revenge system must have played an important role in making people hyper-conscious of honour. According to the *Fuero viejo* (II, II, III), a victim had to make the villagers notice the crime committed against him or her by going around shouting so that all villagers could participate in the revenge against the offenders. They were all even obliged to do so¹⁵ and, thus, collective attention came to be paid to any personal damage suffered by co-villagers (Serra Ruiz 1969: 29-30, 98-99). Here we have the process of a personal feeling (“*honra*”) developed to form a collective one (“*honor*”): the personal feeling of being offended came to be shared by the whole neighbors, thus escalating the sense of honour / shame. Everyone watches out if not offended oneself, looks out for others if they get insulted, and, thus, comes to be extremely worried about the honour of himself / herself as well as of others. This incessant anxiety would result in a hyper and obsessive sense of honour / shame.

In this way, honour came to be crucial—even worth dying for—in the mentality of the people in the Kingdom of Castile. In fact, the *Fuero de Guadalajara* stipulated as early as 1133 that one who insulted and so disgraced others should pay to the King 500 *sueldos*, the same amount as for homicide (Muñoz y Romero 1977: 509). And the *fueros* of the northern region (Sahagún) formed in the 13th century read that if thrown some insulting words, one could injure or murder the offender with immunity (Barrero García 1972: 562). Still more, *Libro de las siete partidas*, compiled in the second half of the 13th century, though promulgated in the middle of the next (1348), concluded that it was the same to kill someone as to insult him or her, and that it would be desirable to die for a person if affronted (II, XIII, IV). Jorge Manrique, a poet in the 15th century, equated honour with eternal life above carnal life (Molina Molina 1990: 401). This Spanish sense of honour differed much from that in northwestern Europe where the concept of honour was connected with Christian virtues as well as with power and wealth (Jouanna 1968: 601-620).

¹⁵ The *Fuero de Parga* stipulates a fine of 10 *maravedies* for not participating in the collective revenge (Serra Ruiz 1969: 91).

4. Factors to ferment the concept of honour based on chastity

Now, we have to question how and why the sense of honour (*honra*) came to be embraced by the Castilian people in general, just contrary to what happened in other parts of Europe. To solve this problem, historical perspectives are required.

4.1. Egalitarianism

To expand the sense of honour among commoners, it is a prerequisite for them to have a sense of egalitarianism. This constitutes the most radical difference from the European feudal societies. In feudal Europe the word “*honor*” was used exclusively for indicating that which was endowed by kings and lords, like lands or any privileges, and the concept of honour was limited within a small privileged stratum. So was it even in the Peninsula; in Catalonia commoners were not objects of honour (Serra Ruiz 1969: 257-258), because of the feudalism established there.

In Castile the municipality in a re-settlement used to give new settlers land to cultivate and the equal right to make use of the village common, for example, the “pine lot” in the Province of Soria (Kenny 1969: 76) or “*fetosin*” (right of holding the municipal land) in Segovia. Many villages forbade the nobles to settle in and, in turn, any social superiors proved to be outsiders.¹⁶ So at least at the beginning and in theory all dwellers were in the same social and economic situation, though above all in big towns the *caballeros villanos* (commoner knights) soon appeared to form privileged groups. It was so urgent a task to settle lands for the kings and lords that they tried to defend every settler from any acts of violence committed by outsiders. Thus, all qualified villagers (*vecinos*), that is, those who had land to cultivate and a house where their family lived, became fully protected by a given *fuero* as objects of honour, and this applied to the non-qualified (*moradores*) to a lesser degree.

Based on such circumstances, the common people came to cherish egalitarianism and consequently have a sense of honour in the community. According to Sánchez Albornoz, the conscience of self-confidence (*orgullo*) was generated in the mind of the Castilian people from egalitarianism in liberty in the re-settlements at the latest in the 10th century. From this sense of *orgullo*, he says, the sense of honour must have been produced in the 11th century (1965: 616, 619). Indeed, this egalitarianism, the exciting peculiarity of medieval Castilian history, surely produced

¹⁶ Freeman 1970: 23. This is also true today among the Bedouin nomad (Abu-Lughod 1986: 78-79).

the honour / shame syndrome.¹⁷ Based on the personal sense of honor (*honra*), the collective sense of honour (*honor*) would have been brought directly in the second half of the 11th century through the process we have mentioned above. Remember that the first appearance in the *fueros* of the word “*honor*” was attested in 1076.

The concept of honour, thus, would prevail among commoners. The negative expression of this situation can be seen in some *fueros* which declared that anyone could kill whores with immunity (*ex.*: the *Fuero de Sepúlveda*, item 235), because they were considered to be persons without honour ad litteram, contrary to “*mujeres honradas*”. Everyone but whores was regarded to have honour so long as he / she lived in accordance with the moral codes required by sex, age and social status. In this respect, “*cornudo*” listed as verbal affront in *fueros breves* stands for aggression against “*honra*” of husband’s of an adulteress, though, at that time without the fatal damage to his virility as in later centuries after the formation of chastity-honour code.

4.2. Environmental factors

Other factors to ferment the honour obsession in Castile could be environmental peculiarities common to the other Mediterranean societies. Indeed, the physical environment affects man and every aspect of social life and institutions, and, at the same time, is influenced by man in turn, which is more important in that correlation, because it forms part of a system of ideas, desires and attitudes (Lisón Tolosana 1966: 350). First, as Black-Michaud points out, honour / reputation was treated as the same kind as land and property because of the zero-sum ethos produced from “total scarcity” (Black-Michaud 1975).

Secondly, the nomadic or transhuman way of living generates the need for incessant vigilance, suspicion and hostility toward neighbours, as shown by J. Schneider (1971). Indeed, in Castile the traditional transhumance and equal hereditary system caused vigilance and hostility. It was not infrequent that a peasant had his land scattered in more than one hundred small pieces, which means he would have so many boundaries to protect. There prevail tacit tensions between brothers and even between “ego” and the parents / parents-in-law in the case of co-residence (Lisón Tolosana 1966: 160),

¹⁷ As to shame, Don Juan Manuel (nephew of Alfonso the Learned) said that the most supreme thing that a person could have within him / herself was shame, which restrained him / her from bad conduct (Sánchez Albornoz 1965: 633). Indeed, shame is, according to Lisón Tolosana, incessant anxiety about the reputation, which guarantees the unwritten *vigencia*, social codes (1966: 337), and according to Pitt-Rivers, the sense to make a man sensitive to his reputation as well as a reaction to criticism of others (1980: 134).

without saying between neighbours (Gilmore 1987a). The very existence of the word “*vitandae*”, meaning the non-speaking relationship, shows this phenomenon is popular. Thirdly, we can point out the compact town-like construction of villages called agro-towns (Pitkin 1963; Gilmore 1987a).

The first two factors would contribute to compel people to compete against others in non-material values, one of which is honour, and the third offers appropriate circumstances for villagers to watch others, to be watched, and to circulate rumour and gossip in no time.

4.3. The role of religion

The Male-God religions are said to have been very powerful in prevailing and consolidating the ideology of androcentrism and to have had great influences on making and regenerating of women’s roles and images (Martin Doyle 1974: 9). Delaney definitely points out monogenesis and monotheism are two aspects of the same thing —an ideology that contributes to and supports men’s superiority in all things social (1987: 45).

Among Male-God religions, Christianity has much to do with the chastity code and the concept of virginity, judging from the doctrine of the divine nature of Christ based in particular on the Immaculate Conception since the 4th Century, which takes tacitly for granted the intactness of the hymen (Sissa 1990:172). Now, we have to inquire to see the role of monotheism in forming the chastity-honour code if the Male God doctrine, in this case the veneration for Jesus, really prevailed among the people.

In Europe, even at the end of the Medieval Ages, God was described both as man and woman, and Christ was worshipped with his “motherhood” (Walker Bynum 1986: 262-263). In Spain, furthermore, if Christianity is represented by its doctrine, its theological interpretation and moral and religious practice, the Spaniards could not be said to be Christians, Lisón Tolosana mentions (1966: 264,277-278), because they lived an utterly non-Christian way of life, ignoring, for example, how to pray even in the 17th and 18th centuries. In these centuries the cult of Mary was enhanced so much that the Spaniards themselves got amazed at the fact that they discarded Christ. It is only at the beginning of the 20th Century, according to W. Christian Jr., that the veneration for Jesus began to prevail among the Spaniards (1989: 89). In fact, there have never been in Spain chapels dedicated to Jesus (Carrol 1992: 11). Therefore, it could not be far off the point that the Iberian people accepted Christianity in the Middle Ages and the most part of the Modern Ages only through devotion for Mary, not for Jesus, Male God. So,

it would be difficult to say that the theory of men's superiority prevailed through monotheism among the Iberian masses in the Middle Ages.

On the other hand, there might be certain influence of the cult of Mary on forming the chastity-honour code, because it is said that the veneration for Mary would unconsciously bring about the idea of women's subordination (McLaughlin 1974: 246-249; Saunders 1981: 449). However sacred was motherhood of Male God, Mary had to remain subordinate to her Son. The relationship could be proven by the chronological coincidence between the exaltation of the cult of Mary and the formation of the chastity-honour code, and the geographical coincidence between this cult and the code; in the northwestern Europe where the cult of Mary scarcely existed in the Middle Ages and was denied totally by the Reformation, there was not such a code.

Furthermore, we have to remind ourselves that Religion does not spring from nothing. According to Carrol, who studies the cult of Mary from the social-economic and psychological perspectives, this cult in Spain and Italy is connected with the phenomenon of "father-ineffective family" (Carrol 1992). Also, in the Islamic world where virginity has originally nothing but vulgar values (Davis 1984: 29), the origin of the chastity code (and the concept of honour based on it), according to Antoun, should not be quested in a Great Tradition, Islam, nor in a prior Small Tradition, tribal androcentrism, but it would result from the fusion of these two traditions (1968: 679-681). Religion itself is, thus, determined by various precedent and circumjacent factors.

In this respect, Small Tradition in the northwestern Europe had a propensity to venerate Nature in form of cults for spirits of trees or "Green Man", with less inclination toward androcentrism. With this cultural foundation, the androcentrism built in the Male God might not have been transplanted well when Christianity expanded to that area, in marked contrast to the Mediterranean area where Christianity fused with the ancient cults remounting to Goddess of Earth so harmoniously that the people accepted androcentrism indirectly through the cult of Mary. Here we probably have a fundamental reason why the concept of chastity-honour was not generated in the northwestern Europe, notwithstanding a seed of monotheism also took root, as well as for the geographical coincidence between that concept and the cult of Mary.

So, it will stand to reason to think that ecology or geography has priority over religion. The Male God religion or monotheism ought not to be grasped, we suppose, as an absolute premise to ferment the concept of honour, contrary to the supposition of Delaney.¹⁸ Religion has to be understood rather as a useful and powerful institution or

¹⁸ Delaney, on the other, regards as conditional factors ecology of the Mediterranean area, political economy, social structure and education (1987: 46).

a vehicle to promote and reproduce the concept of male-dominance once established, though it must have played indirectly (in this case, through the cult of Mary) a certain role as one factor, along with others like family and kinship formation, social structures, economy, political environment as well as ecology, the most powerful factor, which, though, cannot be absolute, either, as shown by the case of Catalonia. Therefore, the different combination and degree of these various factors bring variety to the concepts of chastity-honour in the Mediterranean area (Shiba 2001: 272-274).

5. Phenomena after the formation of the concept of honor based on chastity

5.1. In case of the loss of virginity

Once the chastity code was formed, new phenomena came to emerge to cope with it. As we have seen, the virgins, even if raped, became dishonoured and would be discarded by their own families. Then, there appeared a new tendency: to reconcile with the rapist by receiving a dowry from him or through marriage with him. Marriage with rapists had long been prohibited, as the *Fuero juzgo* stipulated (III, III, I), in order to prevent consented abduction. According to one interpretation (Marcos Martín 1978: 129) of this change, marriage with the victim came to be considered to compensate for the crime against virginity since the Council of Trent (we suppose he means that of 1545-1563), which definitely made marriage sacramental. This kind of marriage, however, can be supposed to have already taken place at the middle of the 13th century. It was both in 1240 that the *Fuero de Brihuega* (Guadalajara) stipulated immunity of kidnappers if the two persons concerned had a will to marry and their relatives agreed to it (Montanos Ferrin 1980: 53) and the *Furs de Valencia* let kidnappers make a choice between marriage and payment of dowry (López Elum 1983: 131). And there remain some notary documents of the first half of the 16th century showing such solutions (López Beltrán 1985: 101-102).

So, the change in treatment of marriage with rapists has nothing to do with the sacrament of marriage, but surely with the formation of the chastity code with which people came to think that the only peaceful solution to recover the dishonour of victims' and their families' was marriage with the kidnappers / rapists. This change took place precisely because the concept of honour based on women's chastity was fermented. The chronological coincidence between this radical change and the ferment of this concept we have proven above is quite precise. This kind of solution is adopted even today in the Islamic world, which also indicates

that such kind of marriage as an honorable and amicable settlement is not related with the sacramental nature of Catholic marriage.

5.2. In case of adultery

How about the case of married women who lost their chastity? While the majority of *fueros* permitted the husbands and a certain range of adulteresses' relatives to murder them and, the *Fuero Real* stipulated the case in another way: in order to circumscribe the sphere of private revenge, the right of killing an adulterous wife was limited to her husband (IV, VII, I), and the accusation of adultery or the murder of his wife was no longer compulsory, saying that if he forgave his adulterous wife or fiancée, he could dispense with taking legal action against her (IV, VII, III). This new, but temporary (because of the short life of *Fuero Real*), stipulation was definitely adopted by the *Ordenanzas de Alcalá de Henares* (item 51) for the Kingdom in general. It reads that a husband can, *if he wants*, murder her lover as well as his wife¹⁹ above 12 years old, who is married with man above 14 years old, caught in the act of adultery, but that, in this case, he cannot leave one of them alive. The *Cortes de Toro* (1505: item 82) took a further step: even if a husband properly killed his adulterous wife and her lover when caught in the act, he could not obtain her dowry nor her lover's property, except when done through judicial authorities. These laws were adopted successively by the *Nueva recopilación* (VIII, XX, I & V) and the *Novísima recopilación* (XII, XVIII, I & V), valid up to the end of the 19th century (1889).

Along with this new judicial trend since the late Middle Ages there appeared a new phenomenon, "letters of pardon by *cornudo*", denominated such since the 14th century (Córdoba de La Llave 1993: 118). They were given by husbands to their adulterous wives in front of a notary and some witnesses. With these letters those wives could demand a royal pardon for the crime of adultery. Although the time of its first appearance in the 14th century has not been determined exactly, innumerable letters of pardon dated in the 15th and 16th centuries remain in the notary documents. These letters are extremely suggestive, because they insinuate the change of behaviour of, at least, part of the Spaniards.²⁰ Before that judicial changes mentioned above, husbands had been forced to murder their adulterous wives as well as their

¹⁹ This Castilian stipulation (1348) differed strikingly from that of Aragon; *Cortes* of Zaragoza (1349) absolutely denied husbands killing their adulterous wives (García Herrero 1990: 301-302).

²⁰ Molina Molina indicates, without scrutinizing the reason, that it shows the radical change in the mentality concerning the concept of honour that husbands came to put up with their unhappiness (1990: 409-410).

lovers, even if they did not want to, because, even if they had not done, the wives' relatives would have surely done so and he might have been called "coward" for not doing so himself. But, now that the disgrace caused by the crime became personalized and the revenge could be evaded, many husbands made the choice of forgiving their wives.

It is not certain if they could completely recover their once fallen honour with such letters. But, at least they might have been able to avoid being called "*cornudo*" in public, though surely they would have been called such behind their backs as insinuated by the animals' heads with big horns drawn by a notary's secretaries in Seville in the margin of those letters (Córdoba de la Llave 1993: 117-119). In any case, those letters are but to witness to the existence of a number of husbands who tried to recover their disgrace through non-violent means. At the same time, we have to keep in mind that this phenomenon could occur precisely because of the chastity-honour code.

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