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Medieval Barbarism — It Wasn't All Bad

by James Bowman

When author and film-maker Dinesh D'Souza was caught checking into a motel with a woman he described as his fiancée, even though he was still married to someone else, he wrote (according to *The New York Times*) this: "I had no idea that it is considered wrong in Christian circles to be engaged prior to being divorced." I immediately thought of the great "Seinfeld" episode of 1991 in which George Costanza is caught engaging in sexual relations with the cleaning woman on his desk. Called on the carpet for it, he says to his boss: "Was that wrong? Should I not have done that? I'll tell you, I've got to plead ignorance on this thing, because if anyone had said anything to me at all when I first started here that that sort of thing was frowned upon — because I've worked in a lot of offices and I tell you people do that all the time." Jason Alexander, who played George, is supposed to have said that this is his favorite moment from the series and the defining one for his character. Twenty-one years later it's still funny, too, as poor Mr D'Souza inadvertently showed. I wonder how long it will be before people no longer get the joke.

In today's *Times*, for example, the editors seemed to think in all seriousness that, in the wake of the Petraeus scandal, their readers are in need of an exploration of what people used to think was wrong with adultery in order to explain why, as "a vestige of the way American law has anchored legitimate sexual activity within marriage," it is still illegal in 23 states. Basically, we find, this is because the stigma on adultery is a primitive relic of patriarchal societies having to do with the prevention of pollution (i.e. "adulteration") of male blood lines. Melissa Murray, a professor of law at Berkeley, reports the *Times*, "said her research had led her to conclude that laws regulating sex emanated from a notion that sex should occur only within marriage." Well I never. Have you ever heard of such a thing?

Criminal law, she said, was there to reinforce marriage as the legal locus for sex. So any other

circumstance — sex in public or with a member of the same sex, or adultery — was a violation of marriage. “Now we live in an age when sex is not limited to marriage and laws are slowly responding to that,” she said. “But we still love marriage. Nobody is going to say adultery is O.K.”

Well, not nobody. Over in progressive Europe, where they no longer have such anachronistic and unenforceable laws on the books, Helen Croydon is writing in *The Guardian* that

Fidelity is a lifestyle choice and a subjective moral judgment, it is not the law. Many communities turn a blind eye to short-lived

extramarital liaisons. Some couples

I'll bet it's a relief to him to have Miss Croydon negotiate open arrangements about the barbaric punishments of the middle ages, which might indeed, very selectively, have been visited upon women like and there — as they were, for reasons having nothing to do with her alleged adulteries, on Anne Boleyn. But they were rarely, if ever, inflicted on powerful men, of whose real-

Anthropologists accept that monogamy is not the natural human mating strategy. It makes sense for societies to promote

fidelity and puritanical family values. It helps keep public order, then, according to Helen Croydon's own

standards. The barbaric social engineers of the middle ages must have been way ahead of us in moral discernment.

regular access to a sexual partner.

Across Europe in the middle ages,

adulterers would be punished by

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Petrarch in this way echoes the same sort of barbaric social engineering that was common in those times.