'All humans are male, female, or hermaphrodite': ambiguously sexed bodies in late-medieval Europe

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Which sex, which gender? A few general observations

In medieval Europe, it was commonly assumed that hermaphrodites, even if constituting a separate sex, in practice could be assigned either male or female gender according to the 'sex which prevailed', as the legal formula was. From all we know, family, neighbours and, in rare cases, the authorities involved took into account bodily traits (genitalia, physical strength, facial hair), gendered behaviour and individual choice, but it is difficult to establish a clear hierarchy of these criteria – if indeed there ever was one. Importantly, the notion of double-sexed humans was closely linked to the idea of sex change. While gender ambiguity, let alone a change of gender in medieval Europe was generally problematic (to say the least), it was possible in those rare cases where a sex change was believed to have taken place. For some hermaphrodites it was even possible to remarry after a change of sex. Crucially, however, the extant sources report only of changes from female to male sex, indicating that such changes of sex and gender were socially constricted.

Hermaphrodites and the medieval laws

For the later Middle Ages, one can study the legal status of hermaphrodites from a variety of sources and in considerable detail. In the learned laws (Roman law and canon law), hermaphrodites were relatively prominent from the 12th century on; time and again, laws and legal commentaries asserted that all humans were 'male, female or hermaphrodite' and that hermaphrodites in practice could be assigned either male

or female gender according to the 'sex which prevails' (a formula taken from the ancient Digest). In modern terms, the laws assumed that there were three sexes but only two genders.[1] Hence, hermaphrodites could marry, inherit, act as witness, enter holy orders etc. according to the gender assigned to them. The legal status of 'predominantly male' hermaphrodites was clearly better than that of women and with only few qualifications equalled that of men; unlike women, for example, they could be ordained, but unlike men, dispensation was needed for such an ordination. Lawyers discussed various criteria (body and behaviour) as indicating the 'prevailing' sex; following Hostiensis, both laws finally adopted the solution that in doubtful cases, the 'perfect' hermaphrodite should swear an oath which gender s/he belonged to. This at least in theory left some choice to the individual; in practice, much depended on the social environment.

Medieval medicine and surgery on hermaphrodites

Learned medicine in the later Middle Ages dealt with the topic of hermaphroditism mainly in the context of sexual reproduction: how did an embryo became male, female or hermaphrodite? The idea that there was a 'Hippocratic-Galenic' one-sex model (as Thomas Laqueur claimed) has done much to obscure rather than to enlighten the complexities of pre-modern concepts of 'sex'.[2] Joan Cadden's pioneering studies have sadly not been followed by similarly erudite and inspiring scholarship.[3] Yet models with three, five or seven more or less discrete degrees suggest that 'sex' was indeed often understood not as binary but as a continuum.

Compared to the question of sex determination in the human embryo, the issue of the 'predominant' sex of adult hermaphrodites seems to have been relatively rarely

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[1] Rolker, C. (2014). The two laws and the three sexes: ambiguous bodies in canon law and Roman law (12th to 16th centuries). Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung, 100, 178–222. http://dx.doi.org/10.7767/zrgka-2014-0108.

[2] Laqueur, T. W. (1990). Making sex. Body and gender from the Greeks to Freud. Cambridge, Mass.: Harvard University Press.

[3] Cadden, J. (1993). Meanings of sex difference in the Middle Ages. Medicine, science, and culture. Cambridge: Cambridge University Press.

discussed in medieval medicine. University-trained surgeons of the later Middle Ages, relying on Greco-Arabic authorities, at least sometimes perceived 'hermaphroditism' as a medical condition that required treatment. For example, several manuals describe the condition of male genitalia 'hidden' in a female body as a form of hermaphroditism that could be healed. It is very doubtful whether such surgery was 'commonly' applied, as the textbooks claimed, and it is extremely unlikely that surgeons intervened unless at request of the person in question. This said, there is evidence at least for single cases of sex-changing surgeries in the later Middle Ages.

These are, in a nutshell, the first results of my studies of legal sources and, to much more limited degree, medieval medicine and surgery. The questions which will guide my further research are the following: Which different models of two, three, seven or any other number of bodily sexes as found in the learned sources were there, and what did they mean in practice? How important was bodily sex (as opposed to gender) in the Middle Ages? While there can be no doubt that (binary) gender was one of the key distinctions that structured social life in medieval Europe, it is far from clear what this meant for the importance of bodily sex, which was frequently *not* defined as binary in any case. The perception of hermaphrodites in learned discourse and in everyday life in my opinion is an excellent starting point for such enquiries. In addition to the sources outlined above, I hope to take medieval theology into account as well. While I expect some of these debates to be very academic, it is clear that they were closely related to very practical questions e.g. the baptism of children who were not easily assigned either male or female gender.

Finally, while much of my research on hermaphrodites conducted so far was of course shaped by my professional identity as a medievalist, I have become more and more interested in the *longue durée*. Certain basic assumptions on hermaphrodites survived over very long periods of time, while other such assumptions seems to have changed dramatically (or were at least very seriously challenged) rather quickly; scholars have repeatedly suggested that this was particularly the case in the second

half of the eighteenth century. It may also be argued that the human rights debate on intersex, which only very recently has become a major issue, is such a turning point. My research on medieval 'hermaphrodites' is necessarily much more specialised, but I hope to make a modest contribution to a *longue durée* history of ambiguously sexed bodies which remains to be written.