

Sexual Access to Slave Women: Árpáadian Hungary as a Case Study

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Abstract

This paper examines the evidence that owners of slaves had sexual relations with their female slaves in Árpád-era Hungary (1000-1300). The evidence comes in two types – manumission charters from the dominant Christian culture and the testimony of a visiting Arab geographer, Abu-Hamid al-Garnati. Both sets of evidence show clearly that such sexual liaisons were not uncommon and that the nature of these relationships varied significantly. Islamic law promoted the sexual use of slaves while Christian moral precepts in theory forbade it. In practice, the situation was very different. The relationships between slave and owner were mostly exploitative though not necessarily so.

Keywords: Hungary; Middle Ages; enslaved women; slavery; sexual relations; Abu-Hamid al-Garnati; ancilla; porneia; jaaria; sharia.

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Perhaps the most common element of slavery through time and place is the access that masters had to enslaved women under their control. The kingdom of Hungary under the Árpád dynasty (1000-1301) was little different in this regard. What makes the Hungarian kingdom unique was the existence of two communities within the realm – one Christian, one Muslim – each living under very different cultural and legal norms and each dependent on slave labor. This unique situation makes the medieval kingdom of Hungary an interesting case study into the attitudes towards such sexual relationships, how these attitudes fit into broader religious values systems, and how each community ultimately accommodated the realities of slavery to their values system.

The Hungarians were known as purveyors of slaves long before they had entered the Carpathian Basin. Muslim sources in the Jayhani tradition described how the Magyars enslaved their Slavic (*saqaliba*) and Rus (*rus*) neighbors and brought them to the Byzantines (*Rum*) for sale.¹ The use of slave labor continued long after the Conquest, and Cosmas of Prague wrote of the Hungarian kingdom as a place where slaves

¹ István Zimony, *Muszlim források a honfoglalás előtti magyarokról: A Ğayhani-bagyomány magyar fejezete* [Muslim sources on the pre-Conquest Magyars: the Hungarian chapter of the Jayhani tradition] (Budapest: Balassi Kiadó, 2005), 229-31; Gyula Kristó, *A honfoglalás korának írott forrásai* [Written sources for the age of the Conquests] (Szeged: Szegedi Középkorász Műhely, 1995), 34; Gyula Moravcsik, *Az Árpád-kori magyar történet bizánci forrásai* [Byantine sources of Árpád-era Hungarian History] (Budapest: Akadémiai Kiadó, 1988), 63.

were sent for sale in the twelfth century.² In fact, Hungarian lords commonly used slave labor as late as the early fourteenth century.³

While royal and ecclesiastical estates became increasingly more like their western counterparts in using tenant or conditional labor, lay landlords made ample use of slave labor in the Hungarian kingdom under the Árpád dynasty (1000-1301).⁴ *Servi* appear in large numbers in both the early laws and in cartularies, and they are ubiquitous on the estates of lay lords where they appear as items of sale, items of pawn, and items of donation. In a largely cashless society, lords often used *servi* and *ancillae* as payment for land transactions. *Servi* were put up as items of pawn and could be lost to the pawnbroker if debts were not paid. *Servi* and *ancillae* also formed the bulk of the gift that fathers gave their daughters on their wedding day – the so-called *quarta filiae*. The *quarta* was supposed to be a gift of moveable property only, so *servi* made particularly useful gift items. *Servi* were regularly given as part of the “appurtenances” donated to the church and they appear in charters listed alongside cattle, plows and other such items. *Servi* and *ancillae* could not expect to live in a secure marriage relationship because even though the church at times attempted to defend their marriages, the evidence also makes it clear that the permanence of such relationships depended upon the will of their owner. Perhaps most telling, the labor obligations of the *servi* and *ancillae* also depended solely on the command of their owner. *Servi* had no rights to patrimony and no claim (even customary) to the land they worked. In fact, lords even moved their *servi* long distances if necessity dictated. Similarly, *servi* had no customary limitations on the labor they had to perform for their owner. Though most *servi* performed the heavy work of cereal production, especially the plowing and harvesting, they could be asked to do whatever their lord demanded of them, a fact which lords emphasized at times in the charters.

Ancillae generally helped the *servi* with the plowing by performing tasks that were not so physically demanding. Frequently they would

² Cosmas of Prague, *Chronica Boemorum* (Berlin: Weidmansche Buchhandlung, 1923), 86.

³ See Cameron Sutt, *Slavery in Árpád-era Hungary in a Comparative Context* (Leiden: E. J. Brill, 2015).

⁴ For much of what follows on the conditions of *servi* and *ancillae* in Hungary see Cameron Sutt, *Slavery in Árpád-era Hungary in a Comparative Context* (Leiden: E. J. Brill, 2015).

follow along behind the plow carrying the bags of seed for planting. Otherwise, *ancillae* were put to work at various domestic chores around their owner's *curia*. One of the more common tasks was doing the laundry for the lord in his *curia*, and more powerful men would have teams of enslaved laundresses cleaning their clothes. Another important job was in textile production. Again, the particularly well-off lords might have a small *gynaeceum* dedicated to making cloth. Some charters list *ancillae* as serving their lord by baking bread in the ovens of the *curia* or as serving as a chambermaid for their owners.

Servile women could serve at their lord's disposal in other ways, and this brings us to the purpose of this paper. It is clear from the evidence that enslaved women in Árpád-era Hungary were at the sexual disposal of either their owners or their owner's kin. The evidence for sexual relationships between enslaved women in the Christian community and their owners comes in two types. The first is a group of three charters originating from the dominant, Christian society in the Kingdom of Hungary. All three are manumission charters drawn up and authenticated by an ecclesiastical institution as was the custom in the Hungarian kingdom throughout the Árpád period.

The first of the three charters was authorized at the monastery at Lelesz (Leles in the Trebišov District of Slovakia today) in 1311. The charter confirmed the manumission of a certain *ancilla* named Elizabeth and her four daughters. Elizabeth was the daughter of a *servus* named Bench, and both Bench and Elizabeth were owned by a *Magister Dobou*. Magister Dobou came from an important family because his father carried the title of *comes*. The person requesting the manumission was a certain Gregorius, son of Albert. According to the charter, Gregorius had married the *ancilla* Elizabeth and had had four daughters by her. Gregorius stated that he did not want his wife and girls to "be brought under and remain in the yoke of *servi* and *ancillae*," so he secured in their freedom with all their children.⁵ He paid Magister Dobou two other *ancillae* along with a piece of property for the freedom of all five women.⁶

The second charter was witnessed by the canons of Bratislava in 1289. In this instance, a certain Domina Chanir, on behalf of her two

⁵ *volensque eas in iugum Servi et ancille committere uel perpetuari* Magyar Országos Levéltár (Hungarian National Archives) Diplomáciai Levéltár (DL hereafter) 71850.

⁶ DL 71850.

sisters, a younger brother, and another male relative, wished to manumit a *servus* named Boxa who was owned by her family. Domina Chanir related that her father, who was now dead, had fathered a son by an *ancilla* that he had purchased.⁷ The son was the *servus* Boxa, and Domina Chanir, along with her siblings, wanted to manumit Boxa both for their own salvation, and “because the same Boxa had been born from the same seed as she.”⁸

The third case of sexual relations between a freeman and an enslaved woman comes from a charter of 1292 issued by the canons at the Cathedral of Kalocsa. The manumitter was the son of the count (*comes*) of Székesfehérvár named Benedictus. Benedictus appeared on behalf of himself, his deceased mother and his brothers who were not present. Benedictus desired to manumit a *servus* by the name of Petrus. In the course of the brief testimony, Benedictus told the canons that his mother had revealed on her deathbed that the Petrus was actually the son of a male relative of theirs named Corradus. It seems that Petrus’ mother (a certain Cece *ancilla*) was the *ancilla* of Benedictus’ mother, and Corradus had fathered Petrus by Cece when he was serving Benedictus’ father, Lazar. Interestingly, Benedictus did not give Petrus complete freedom (called *aurea libertas*, or golden freedom, in the Hungarian sources), but instead Benedictus manumitted him to the status of the *libertinus*, or freedman. The charter then elaborates on the conditions of this freedom. Petrus and all his relatives were free to serve another lord only if Benedictus did not want his services. Petrus and all his descendants could serve in the royal host if they desired, but if they were too poor to serve as soldiers, Benedictus would give them an *uncia* for their expenses.⁹ Petrus and all his children could contract legitimate marriages, and if they wanted, they could buy their freedom with one mark “as is the custom of *libertini*.”¹⁰

What do these three cases show us about sexual relations between owners and enslaved women in Hungary? First, it is clear the masters

⁷ Magyar Országos Levéltár (Hungarian National Archives) Diplomáciai Filmtár (photo reproductions of documents held in archives outside of Hungary, DF hereafter) 226884

⁸ *quia de proprio suo semine idem Boxa fuerat procreatus*. DF 226884.

⁹ It appears that an aspect of freedom, Petrus could now serve in the royal army, but would need to provide for his own equipment and costs. In this event, Benedictus agreed to provide him with an *uncia*.

¹⁰ *ut mos est libertinorum*. DF 229845.

had sexual relationships with their own enslaved women. Though only three charters indicate this and no contemporary laws discuss such sexual liaisons, I suspect that such relationships were not at all uncommon because they would only appear in a charter under very specific conditions. As we will see, for such a charter to be written would require first of all that a child be produced from the union, and the child had to be a boy. Second, members of the freeman's family would have to be concerned enough with the inappropriate legal status of the enslaved boy that they were willing to manumit him and complicate the delicate inheritance balance in the family. For all these reasons, it is not surprising that only three charters discuss a free-servile sexual relationship.

Second, we can clearly see the natal enslavement pattern for the medieval Hungarian kingdom. Hungarian custom seems to have been that the child of a mixed marriage, where one parent was free and the other servile, took the legal status of the parent whose gender he or she shared. In other words, daughters took the status of their mother and sons took the status of their father. A few examples of *servus-libera* marriages exist in the records. They are probably all the result of an *ancilla* receiving manumission after having been married to a *servus*. This custom is most explicitly stated in a charter from 1256, but it is implied in others that mention the children of *servus-libera* unions.¹¹ In the cases of freemen-*ancilla* relationships, we see the same pattern. Gregorius had to pay for his four daughters to be free because the mother was herself servile. In the other two cases, the sons of a *liber* and an *ancilla* were manumitted without any payment required. In both instances, the manumitter indicated that such an act of manumission was beneficial for the well-being of their soul. In the case of Domina Chanir, she also made a point of stating that Boxa was from the same seed as she, as if it were self-evident that he deserved to be manumitted. It was a natural action for her.¹²

The second conclusion we can draw from these cases is that at times a freeman might marry a slave. The earliest laws of the Kingdom of Hungary were those of Stephen I (r. 1000-1038), and they declared such a mixed marriage was an "outrage" (*iniuria*), the punishment for which

¹¹ Nagy et al., *Codex diplomaticus patrius*, 8:71-72; 122; Wenzel, *codex diplomaticus Arpadianus*, 11 : 284.

¹² DF 226884.

was the enslavement of any debased freeman. We do not have any charters contemporary with Stephen that illuminate how such unions would have been handled in practice, but by 1311 such punishments were evidently not used. It is interesting to note that Gregorius specifically declared he had “legitimately married” the *ancilla* Elizabeth without the knowledge and approval of her owner, Magister Dobou.¹³ There is no way of knowing what constituted a legitimate marriage in Gregorius’ mind, but it clearly did not involve the owner of the *ancilla*. The evidence indicates that marriage among non-elite families were still very much absent oversight of the church and were not terribly influenced by the teaching of the church.¹⁴ It is clear that we are not dealing with a very poor freeman who happened to marry his social or economic equal who happened to be an *ancilla*. In other words, some would argue that this is evidence that the boundaries between slave and free were blurring to the extent that we should not speak of Elizabeth as a slave any longer. The claim is that her status may have been as an *ancilla*, but in social and economic terms, she was so similar to Gregorius that he felt no problem with marrying her. This position is wrong for two reasons. First, Gregorius was clearly a well-to-do individual because he was able to pay for his wife and daughters’ freedom with two other *ancillae* and a piece of property. Gregorius was almost certainly not as wealthy as Elizabeth’s owner, Dobou, because Dobou carried the title Magister, and his father was a count (*comes*). Second, Gregorius recognized that the condition of bondage was severe. He testified that he did not want his wife and daughters to live under the “yoke” of servility. I consider it very likely that what happened was not dissimilar to the numerous cases of freeman-slave marriages, official or not, that occur in all slave holding societies, even in such severe ones as the antebellum American South. Gregorius clearly felt affection for his wife and daughters, again, a not unheard of phenomenon.¹⁵ The contrast of Gregorius case with the other two cases is stark. In the other two cases, neither father recognized the children produced from their relationship with the *ancillae*. In the

¹³ *duxisset legitime* DL 71850.

¹⁴ Cameron Sutt, “*Uxores, ancillae and dominae*: women in thirteenth-century Hungary in the Register of Várad,” *Journal of Medieval History* 36 (2010): 148.

¹⁵ Herbert Gutman, *The Black Family and Freedom, 1750-1925* (Oxford: Basil Blackwell, 1976), 389-94.

manumission of Boxa, his half-sister Domina Chanir waited until the death of their father before she and her siblings moved to free their half-brother. In the other case, the *servus*' mother's owner only revealed his parentage on her deathbed. The fact that these children were not acknowledged by their fathers could indicate that, unlike the case of Gregorius above, these relationships were coerced. Of course such incidents were legion in the American South.¹⁶

Another reason that freemen kept the paternity of boys born of *ancillae* secret was the desire to maintain the patrimony. In Hungary, ancestral land was considered the property of the clan, and not to be alienated from the clan at any cost. The result was that when a patriarch died, the ancestral land would be divided among the male members of the clan. Adding a son to the mix of male relatives would be undesirable to any patriarch wishing to maintain the strength of the clan and particularly of his legitimate sons because it would mean one more division of the property. However, in both cases, there seems to have been no thought that these sons would be part of the family. Even though Domina Chanir considered Boxa "born of the same seed," Boxa was not part of the family. He did receive complete liberty, or what Hungarian sources called "golden freedom" meaning that he could move wherever he pleased. The implications are that he will move elsewhere and thus does not form part of the clan. Similarly, Benedictus' manumission of Petrus makes it even more clear that the *servus* will not form part of the clan because he is only given the status of a "freedman" (*libertinus*).

The evidence for sexual relations between slaves and freemen among the Muslim population in the Kingdom of Hungary provides and interesting contrast to the situation in Christian Hungarian society.. Through much of the Árpád dynasty, the Hungarian kingdom provided a home to a sizeable Muslim community. Hungarian kings generally employed the Muslims as soldiers, and legally they lived as dependents of either the king or queen. These Muslim warriors seem to have lived within the realm with little interference by Christian authorities into

¹⁶ Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves made* (New York: Vintage Books, 1976), 414; Norman Yetman, *Life under the 'Peculiar Institution': Selections from the Slave Narrative Collection* (New York: Hold, Rinehart and Winston, Inc., 1970), 13, 232, 299, 317.

their customs and religious practice.¹⁷ The most informative source for this Muslim community is the account of Abu-Hamid al-Garnati who lived in Hungary from 1150 to 1153. Al-Garnati was born in Granada in either 1080 or 1081 where he seems to have studied Islamic law. After traveling through Egypt, the Levant and Baghdad, he finally made his way to Saqsin on an estuary of the lower Volga. He spent twenty years in Saqsin, guiding the community in Islamic law.¹⁸ Never settled too long, in his seventieth year he traveled into the steppes and made contact with the marginally Muslim Petchenegs, and his connections with this group seems to have led him to the Kingdom of Hungary in 1150. At one point he even had an audience with the Hungarian king, Géza II (r. 1141-62) who once tasked him with recruiting mercenaries from among the Muslims living on the steppes beyond the Carpathian Basin.¹⁹

Abu-Hamid's recollection of his time in Hungary provides a crucial insight into the life of the Muslim community. Indeed, it is the only evidence for our topic – sexual relations between slave and free in Árpáadian Hungary. The *Kitaab al-Mu'rib 'an baad aja'ib al-Maghrib* (Praise of some wonders of the West) was composed in 1155, shortly after Abu-Hamid's stay in Hungary while he lived among the Volga Bulgars.²⁰ In the *Kitaab al-Mu'rib* Abu-Hamid described how he purchased two slave girls while in Hungary. For both girls, he used the word *jaaria*, a word commonly used in Classical Arabic to refer to a slave girl. The root of this word has the idea of “running”, or the “ability to run”, and so it had the sense of a slave girl who is young and active.²¹ The most recent translator of the *Kitaab al-Mu'rib*, César

¹⁷ Nora Berend, *At the Gate of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, 1000-c.1300* (Cambridge: Cambridge University Press, 2001), 85-87.

¹⁸ Gabriel Ferrand, “Le *Tuhfat Al-Albab* de Abu Hamid Al-Andalusi Al-Garnati,” *Journal Asiatique* 207 (1925): 21; O. G. Bolsakov and A. L. Mongajt, *Abu-Hamid Al-Garnati utazása kelet- és Közép-Európában, 1131-1153* [The Travels of Abu-Hamid Al-Garnati in Eastern and Central Europe] (Budapest: Gondolat, 1985), 11-14.

¹⁹ Bolsakov and Mongajt, *Abu-Hamid*, 15; Nora Berend, *At the Gate of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, 1000-c.1300* (Cambridge: Cambridge University Press, 2001), 85.

²⁰ For the text of the *Kitaab al-Mu'rib*, see César E. Dubler, *Abu Hamid el Granadino y su relación de viaje por terras euroasiáticas* (Madrid: Maestre, 1953).

²¹ I would like to thank my colleague Dzavid Dzanic for his immense help with the Arabic text of Abu-Hamid's *Kitaab Al-Mu'rib*.

Dubler usually translated *jaaria* as “*una buena esclava*” which seems to have described at least one of Abu-Hamid’s *jaariaat* quite accurately. The slave girl is described as a fifteen-year-old girl who had been born a slave and whom he had purchased for ten dinars. She was particularly skilled at cooking, sewing, and embroidery.²² For Abu-Hamid her most important quality seems to have been her beauty for she was “as beautiful as the moon, with black eyes and hair, [and] skin white like camphor.”²³ Abu-Hamid next mentioned that he also purchased an eight-year-old *rumiyya*.²⁴ In other words, this little girl was from the Byzantine (i.e. Roman) lands. Muslim Petchenegs and Kaliz were an important part of Géza II’s army when he supported a Serbian revolt against the Greeks in 1149-50, and the little girl was almost certainly acquired then.²⁵ Abu-Hamid mentioned that during one of the Hungarian wars with the Greeks the price of slaves dropped dramatically, and we see that the eight-year-old was half the price of the fifteen-year-old.²⁶

After describing these two slave girls, Abu-Hamid related a story about how he had purchased two jars of honey on the comb. He brought them in and told one of the *jaariaat* that she needed to clean them. He then went out to a stone bench at the gate to his home where he chatted with the local men for about an hour. When he returned into the house, the honey had been cleaned up nicely and all that was left was one large jug of honey “as clear and shining as rosewater.”²⁷ Immediately after this story the seventy-something Abu-Hamid briefly noted that he had a son by that slave girl, but the son had died.²⁸

We are left wondering exactly which slave girl had borne Abu-Hamid the son because the direct context is not so clear. The biology of the matter means that the fifteen-year-old was most likely the

²² Dubler, *Abu Hamid*, 67.

²³ *era más hermosa que la luna, con los ojos y el pelo negros, [la piel] blanca como el alcanfor*. Dubler, *Abu Hamid*, 67.

²⁴ Dubler, *Abu Hamid*, 67.

²⁵ See Ferenc Makk, *The Árpáds and the Comneni: Political Relations between Hungary and Byzantium in the 12th Century* (Budapest: Akadémiai Kiadó, 1989), especially 51-53; Ferenc Makk, *Magyar külpolitika (896-1196)* [Hungarian International Relations (896-1196)] (Szeged: Szegedi Középkorász Műhely, 1996), 188-190.

²⁶ Dubler, *Abu Hamid*, 67.

²⁷ Dubler, *Abu Hamid*, 67-8.

²⁸ Dubler, *Abu Hamid*, 68.

mother though it would have *just* been possible for the eight-year-old to have given Abu-Hamid a son if he had purchased her in 1150 at the age of eight, and she had borne him the son three years later when she was eleven. There was of course precedent for bedding a child of such tender age in Islamic law. According to *hadith* that every Muslim jurist considered authentic, Muhammad had consummated his marriage to his favorite wife, Aisha, when she was just ten or eleven.²⁹ Ibn Hanbal recorded Aisha relating how her mother had come to her while she was on a swing, took her into the house, set her on Muhammad's lap, "and the Prophet consummated the marriage in our house."³⁰ Nevertheless, the age of the fifteen-year-old plus the fact that Abu-Hamid praised her beauty in such an extravagant way makes it almost certain that she was the mother of Abu-Hamid's short-lived son. Abu-Hamid later tells us that he wanted to take the *jaaria* back with him to Saqsin, but was afraid of the reception she would receive from his slave-concubines there.³¹ When Abu-Hamid left for Saqsin, he tells us that he left an older son who had married two women in Hungary and was well-established in the Muslim community there.³² He presumably left the slave-concubine in Hungary as well.

Adding Abu-Hamid's testimony to that of the charters, what conclusions can we draw? Comparisons between the two sets of evidence are difficult to make because both communities lived under very different sets of legal and moral rules. The Christian world that stood behind the manumission charters had long frowned upon sexual relations between the unmarried though the strictures of owners having sex with their slaves were not always clear. The world into which Christianity was born did not consider sex between a master and his slave girl to be wrong. The Hellenistic eastern Mediterranean generally considered illicit sex with a woman of honor, or *μοιχεία*, to be a serious sexual crime. Honorable women were wives, widows or daughters – any woman under the authority of a man, her *κύριος*. In other words, *μοιχεία* was a crime because it damaged the honor of the woman's

²⁹ Al-Bukhari, *The Translation of the Meaning of Sahih Al-Bukhari, Arabic-English*, trans. Muhammad Muhsin Khan, vol. 7 (Riyadh: Darussalam, 1997), 69.

³⁰ Quoted in Leila Ahmed, "Women and the Advent of Islam," *Signs* 11, no. 4 (Summer 1986): 676.

³¹ Dubler, *Abu Hamid*, 68.

³² Dubler, *Abu Hamid*, 70.

νότος. Taking her honor was taking from her man's honor and thus a serious infringement upon the social order. In contrast, πορνεία was sex with a dishonorable woman such as a prostitute or a slave. Having sex with such dishonorable women was not considered morally bad because no one was thought hurt by them.³³ In the Roman world, sex with dishonorable women, especially prostitutes, was even considered praiseworthy because it was thought that a man using the prostitute's services therefore would not defile an honorable woman.³⁴

The Jewish world out of which Christianity came generally considered all forms of sex outside of marriage to be illicit. Exodus 20:17 forbade desiring another man's slave girl, and the Greek version of the second-century BCE *Wisdom of Ben Sira* warns against the same sin – “Be ashamed ... of gazing at another man's wife; of meddling with his servant girl – and do not approach her bed.”³⁵ However, the extant Hebrew manuscripts caution against a master having sex with his own slave girl, of not “meddling with *your (lekha)* servant girl and climbing into her bed.”³⁶ Rabbinic texts are equally restrictive and frequently condemn the practice of sexual activity between master and slave.³⁷ The moral requirements of Christianity seem to have been equally restrictive. Paul's strictures against πορνεία for Christians almost certainly included sex between masters and their slaves. Carolyn Osiek wondered if Paul's command for slaves to be obedient to their masters in *everything* included acquiescing to their sexual advances. He commanded wives to submit to their husbands, and that included sex, so Osiek asked if the same were true for slaves.³⁸ Similarly, Joseph

³³ Kyle Harper, “Porneia: The Making of a Christian Sexual Norm,” *Journal of Biblical Literature* 131, no. 2 (2012): 367-369.

³⁴ Harper, “Porneia,” 368-369. Carolyn Osiek, “Female Slaves, *Porneia*, and the Limits of Obedience,” in David L. Balch and Carolyn Osiek, *Early Christian Families in Context: An Interdisciplinary Dialogue* (Grand Rapids: Eerdmans, 2003), 264; Joseph A. Marchal, “The Usefulness of an Onesimus: The Sexual Use of Slaves and Paul's Letter to Philemon,” *Journal of Biblical Literature* 130, no. 4 (Winter 2011): 758.

³⁵ Ben Sira 41:19, 22 (NRSV).

³⁶ Emphasis is mine. Pancratius C. Beentjes, *The Book of Ben Sira in Hebrew*, (Leiden: E. J. Brill, 1997), 116. The translation is based around Eric Reymond

<http://www.bensira.org/navigator.php?Manuscript=Masada&PageNum=4>. See the discussion by Osiek. Origen evidently quoted the passage as forbidding sex with both the master's own slave girl and another's slave girl. Osiek, “Female Slaves,” 265-6.

³⁷ Osiek, “Female Slaves,” 266.

³⁸ Osiek, “Female Slaves,” 271.

Marchal suggests that when Paul commended Onesimus to his owner Philemon as being “useful,” he was including contemporary ideas of the sexual use of slaves by their masters.³⁹ Both Osiek and Marchal are mistaken in my view because they fail to take into account how radically different Greek and Roman society was from the Jewish and Christian mindsets regarding sexuality. It is indeed true that both Greek and Roman authors allow and even praise the practice. However, Paul was “a Pharisees, a son of Pharisees” and would have had little reason to accept the “pagan” mores of non-Jewish society.⁴⁰ Furthermore, Paul’s discussions of the sexual requirements for Christians elsewhere seem to clearly forbid all sexual activity not between husband and wife. Kyle Harper has convincingly argued that *πορνεία* in Second Temple Judaism included a much broader semantic range of meaning than it did among the non-Jewish communities of the eastern Mediterranean where it typically referred to the use of prostitutes. In the *Wisdom of Ben Sira* as we have seen, in the *Testaments of the Twelve Patriarchs*, *Jubilees*, and in *Tobit*, *πορνεία* refers to various forms of illicit sexual activity.⁴¹ Philo of Alexandria used *πορνεία* as “the sexual use of other women” [i.e. not the man’s wife].⁴² Paul wrote in a similar manner, so that he regarded continence as celibacy for singles and fidelity for married men. Thus for him *πορνεία* was equal to any sexual activity outside marriage.⁴³ Certainly the Church Fathers considered sex between master and slave as *πορνεία*. The fourth-century *Apostolic Constitutions* forbade *πορνεία* among slaves and John Chrysostom specifically rejected any distinction between *πορνεία* and *μοιχεία* – both were on the same plane and to be rejected by Christians.⁴⁴

Despite its condemnation by the church, sexual relations between masters and their slaves continued well into the medieval period. As slavery declined in the West, it became less of a question in everyday life. In those areas where domestic slavery became prominent again,

³⁹ Marchal, “The Usefulness of an Onesimus,” 749-770.

⁴⁰ *Φαρισαῖός εἰμι, υἱὸς Φαρισαίων*. Acts 23:6.

⁴¹ Harper, “Porneia,” 370-73.

⁴² Harper, “Porneia,” 374.

⁴³ Jennifer A. Glancy, “Obstacles to Slaves’ Participation in the Corinthian Church,” *Journal of Biblical Literature* 117, no. 3 (1998): 497. See also Joseph Jensen, “Does Porneia Mean Fornication? A Critique of Bruce Malina,” in *Novum Testamentum* 20 (July 1978): 161-84.

⁴⁴ Harper, “Porneia,” 382.

such as in the Iberian Peninsula during the thirteenth century and later in Italy, we know that such sexual liaisons were not unusual or even condemned.⁴⁵ In Árpáadian Hungary, as we have seen, such relationships occurred. The Laws of Stephen only prohibited sexual activity between a freeman and the slave girl of another. Such an action was considered *fornicatio* and was a crime to be punished.⁴⁶ Maybe such social stigma was still attached to slave-free relationships, and that could partially explain the silence that lords maintained about their children born to *ancillae*. So, in the moral teachings of the church, sex between a freeman and his slave was forbidden, but such relationships did occur despite some possible social stigma.

In the Islamic world of Abu-Hamid, the situation was very different. In fact, one of the express purposes of purchasing a female slave was to use them sexually. *Sharia* was uniform across the various schools that sex between a man and his slave girl was not only tolerated, but commended. Al-Shāfiʿī's early ninth-century *Risāla* specifically allowed the sexual use of female slaves.⁴⁷ The sexual availability of a female slave is explained by her status as property. Al-Shāfiʿī explains: "...profit, sexual intercourse with the nonvirgin female slave, and the fruit of date palms, ... All these things are the same ... because they come into being as part of the buyer's property."⁴⁸ Similarly, Malikite law considers sexual ownership of masters over their slave girls so normal as to mention it only in passing.⁴⁹ The North-African Ibn-abi-Zayd al-Qayrawani's summary of Malikite law from the tenth century allows slave owners to have sex with their human property so long as

⁴⁵ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 140-141; Iris Origo, "The Domestic Enemy: The Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries," *Speculum* 30, no. 3 (July 1955): 343-348. Gregorio Dati records the birth of a son by a Tartar slave he had purchased in 1390 or 91. Gene Brucker, ed., *Two Memoirs of Renaissance Florence: The Diaries of Buonaccorso Pitti & Gregorio Dati* (Prospect Heights: Waveland Press, 1967), 112.

⁴⁶ János M. Bak, György Bónis and James Ross Sweeney, eds., *Decreta regni mediaevalis Hungariae 1000-1301*, 2nd edition (Idyllwild: Charles Schlacks, 1999), 7 (I.28).

⁴⁷ Al-Shāfiʿī, *The Epistle on Legal Theory. A Translation of Al-Shāfiʿī's Risāla*, trans. Joseph E. Lowry (New York: New York University Press, 2015), 102, 151, 210, 220.

⁴⁸ Al-Shāfiʿī, *The Epistle*, 220.

⁴⁹ E.g. Khalil ben Ishʿaq, *Abrégé de la loi Musulmane selon le rite de l'Imam Malek*, trans. G.-H. Bousquet, (Alger: Éditions En-Nahdha, 1956), 1: 209.

the women were either Jewish or Christian.⁵⁰ Islamic jurists had no difficulty accepting the right of masters to have sex with their slaves because the Qur'an explicitly allows it and even promotes it under certain circumstances. Q 23:5-6 explains that those who are concerned about their chastity do no wrong if they allow themselves their wives or slaves. Q 4:3 allows men to have sex with their slave girl if they cannot afford a dower for a wife.⁵¹

Abu-Hamid, being an Islamic legal scholar, would have understood these instructions. Certainly he had no compunction about siring a son by his slave girl. In the *Kitaab al-Mu'rib* Abu-Hamid even relates a conversation he had with Géza II on the differences between Christian and Muslim practices. Abu Hamid related how surprised Géza was that Muslim men were encouraged to have four wives and to take slaves as concubines in addition. Abu Hamid justified Islamic practice to the king by explaining that the temperament of Muslim men necessitate multiple outlets for their sexual ardor.⁵²

Géza's reaction to Abu-Hamid and the Muslim practice of polygamy clearly illustrates the theological differences between the two communities. The Christian and Muslim societies viewed sex with slave women very differently, and yet the practice was common in both. Just as Islam accepted polygamy, it accepted, and even promoted, sex between a free man and his female slave. Christian Hungarian society inherited a moral prohibition against all sex outside of marriage that extended back to the Church Fathers and even to Second Temple Jewish writings. The contrast between the moral views of slave-free sex could hardly be more striking, yet such sexual liaisons regularly occurred within both societies. Religious approbation in part, but also fears over the inherent complications of inheritance prevented Christian Hungarian masters from acknowledging their illicit children, leaving them to grow up in servitude. Only in the occasional instances where concerned relatives intervened could a slave boy whose father was free be freed himself. In Abu-Hamid's Islamic community, slave concubines were openly held, and Abu-Hamid even boasted of the beauty and capabilities of his concubine. The gulf between the moral

⁵⁰ 'Abdallah Ibn-Abi-Zayd Al-Qayrawani, *The Risala: Treatise on Maliki Law*, trans. Joseph Kenny (Minna: Islamic Education Trust, 1992), 119.

⁵¹ *The Qur'an*, trans. M.A.S. Abdel Haleem. (Oxford: Oxford University Press, 2005).

⁵² Dubler, *Abu Hamid*, 69-70.

stance each society held towards master-slave sexual relationships could not have been wider, and yet such relationships appear as perfectly normal occurrences in each society with no justification needed for its practice. Moral precepts, in other words, had little bearing on sexual practice.

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