

## TERTULLIAN, WOMEN IN CANON LAW (1912) AND MULIERIS DIGNITATEM (1988)

From time to time I murmur that Islam is NOT the winner of the prize for the world's most sexist religion. Christians and Muslims play a little game on the Web which goes 'We granted women such-and-such ever so many centuries before you did, so yah-boo'. Both sides studiously ignore the suppurating sexism and plain misogyny in their own traditions. Undoubtedly Catholics would have stoned adulteresses were it not for the awkward figure of Jesus in the way.

[Book I Chapter I. Introduction. Modesty in Apparel Becoming to Women, in Memory of the Introduction of Sin into the World Through a Woman.](#) Tertullian (ca. 155–230)

If there dwelt upon earth a faith as great as is the reward of faith which is expected in the heavens, no one of you at all, best beloved sisters, from the time that she had first "known the Lord," [80] and learned (the truth) concerning her own (that is, woman's) condition, would have desired too gladsome (not to say too ostentatious) a style of dress; so as not rather to go about in humble garb, and rather to affect meanness of appearance, walking about as Eve mourning and repentant, in order that by every garb of penitence [81] she might the more fully expiate that which she derives from Eve, the ignominy, I mean, of the first sin, and the odium (attaching to her as the cause) of human perdition. "In pains and in anxieties dost thou bear (children), woman; and toward thine husband (is) thy inclination, and he lords it over thee." [82] And do you not know that you are (each) an Eve? The sentence of God on this sex of yours lives in this age: [83] the guilt must of necessity live too. You are the devil's gateway: you are the unsealer [84] of that (forbidden) tree: you are the first deserter of the divine law: you are she who persuaded [85] him whom the devil was not valiant enough to attack. You destroyed so easily God's image, man. On account of your desert that is, death even the Son of God had to die. And do you think about adorning yourself over and above your tunics of skins? [86] Come, now; if from the beginning of the world [87] the Milesians sheared sheep, and the Serians [88] spun trees, and the Tyrians dyed, and the Phrygians embroidered with the needle, and the Babylonians with the loom, and pearls gleamed, and onyx-stones flashed; if gold itself also had already issued, with the cupidity (which accompanies it), from the ground; if the mirror, too, already had licence to lie so largely, Eve, expelled from paradise, (Eve) already dead, would also have coveted these things, I imagine! No more, then, ought she now to crave, or be acquainted with (if she desires to live again), what, when she was living, she had neither had nor known. Accordingly these things are all the baggage of woman in her condemned and dead state, instituted as if to swell the pomp of her funeral.

By 1912 what is essentially the same message had been stripped of the fear and loathing behind it.

I. Ulpian (Dig., I, 16, 195) gives a celebrated rule of law which most canonists have embodied in their works: "Women are ineligible to all civil and public offices, and therefore they cannot be judges, nor hold a magistracy, nor act as lawyers, judicial intercessors, or procurators." Public offices are those in which public authority is exercised; civil offices, those connected otherwise with municipal affairs. The reason given by canonists for this prohibition is not the levity, weakness, or fragility of the female sex, but the preservation of the modesty and dignity peculiar to woman. For the preservation of this same modesty many regulations have been made concerning female apparel. Thus, women may not use male attire, a prohibition already found in the Old Testament (Deuteronomy 22:15). The canons add, however, that the assumption of the dress of men would be excusable in a case of necessity (Can. Quoniam 1, qu. 7), which seems to apply to the well-known case of Bl. Joan of Arc. Women must abstain from all ornament that is unbecoming in a moral sense (Can. Qui viderit, 13, c. 42, qu. 5). Some of the ancient Fathers are very severe on the practice of using pigments for the face. St. Cyprian (De habitu virg.) says: "Not only virgins and widows, but married women also, should, I think, be admonished not to disfigure the work and creature of God by using a yellow colour or black powder or rough, nor corrupt the natural lineaments with any lotion whatsoever." It is not held, however, to be a grave transgression when women ornament and paint themselves out of levity or vanity (St. Thomas, II-II:169:2), and if it is done with an upright intention and according to the custom of one's country or one's station in life, it is entirely unblameworthy (ibid., a. 1). Authors are even so benevolent as to say that if the face is painted to hide some natural defect, it is entirely licit, owing to the words of St. Paul (1 Corinthians 12:12, 14): "And such as we think to be the less honourable members of the body, about these we put more abundant honour; and those that are our uncomely parts have more abundant comeliness. But our comely parts have no need." Canonists strictly condemn female clothing that does not cover the person properly (Pignatelli, III, consult. 35), and Innocent XI issued an edict against this abuse in the city of Rome.

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The second branch of the woman question, which of necessity follows directly after that of gaining a livelihood, is that of a suitable education. The Catholic Church places here no barriers that have not already been established by nature. Fénelon expresses this necessary limitation thus: "The learning of women like that of men must be limited to the study of those things which belong to their calling; The difference in their activities must also give a different direction to their studies." The entrance of women as students in the universities, which has of late years spread in all countries, is to be judged according to these principles. Far

from obstructing such a course in itself, Catholics encourage it. This has led in Germany to the founding of the "Hildegardisverein" for the aid of Catholic women students of higher branches of learning. Moreover, nature also shows here her undeniable regulating power. There is no need to fear the overcrowding of the academic professions by women.

In the medical calling, which next to teaching is the first to be considered in discussing the professions of women, there are at the present time in Germany about 100 women to 30,000 men. For the studious woman as for others who earn a livelihood the academic calling is only a temporary position. The sexes can never be on an equality as regards studies pursued at a university.

### [Catholic Encyclopaedia: Women \(1912\)](#)

To complement this article, which was taken from the 1912 Catholic Encyclopedia, New Advent recommends a prayerful reading of Pope John Paul II's 1988 apostolic letter, "Mulieris Dignitatem."

OK, I have read it. It's mostly about Mary and Genesis. It appears the Church has finally discovered women are also people, but nonetheless a different kind of people.

Therefore when we read in the biblical description the words addressed to the woman: "*Your desire shall be for your husband, and he shall rule over you*" (Gen 3:16), we discover a break and a constant threat precisely in regard to this "unity of the two" which corresponds to the dignity of the image and likeness of God in both of them. But this threat is more serious for the woman, since domination takes the place of "being a sincere gift" and therefore living "for" the other: "he shall rule over you". This "domination" indicates the disturbance and *loss of the stability* of that *fundamental equality* which the man and the woman possess in the "unity of the two": and this is especially to the disadvantage of the woman, whereas only the equality resulting from their dignity as persons can give to their mutual relationship the character of an authentic "*communio personarum*". While the violation of this equality, which is both a gift and a right deriving from God the Creator, involves an element to the disadvantage of the woman, at the same time it also diminishes the true dignity of the man. Here we touch upon *an extremely sensitive point in the dimension of that "ethos"* which was originally inscribed by the Creator in the very creation of both of them in his own image and likeness.

This statement in Genesis 3:16 is of great significance. It implies a reference to the mutual relationship of man and woman *in marriage*. It refers to the desire born in the atmosphere of spousal love whereby the woman's "sincere gift of self" is responded to and matched by a corresponding "gift" on the part of the husband. Only on the basis of this principle can both of them, and in particular the woman, "discover themselves" as a true "unity of the two" according to the dignity of the person. The matrimonial union requires respect for and a perfecting of the true personal subjectivity of both of them. *The woman cannot become the "object" of "domination" and male "possession"*. But the words of the biblical text directly concern original sin and its lasting consequences in man and woman. Burdened by hereditary sinfulness, they bear within themselves the constant "*inclination to sin*", the tendency to go against the moral order which corresponds to the rational nature and dignity of man and woman as persons. This tendency is expressed in *a threefold concupiscence*, which Saint John defines as the lust of the eyes, the lust of the flesh and the pride of life (cf. 1 Jn 2:16). The words of the Book of Genesis quoted previously (3: 16) show how this threefold concupiscence, the "inclination to sin", will burden the mutual relationship of man and woman....

Consequently, even the rightful opposition of women to what is expressed in the biblical words "He shall rule over you" (Gen 3:16) must not under any condition lead to the "masculinization" of women. In the name of liberation from male "domination", women must not appropriate to themselves male characteristics contrary to their own feminine "originality". There is a well-founded fear that if they take this path, women will not "reach fulfilment", but instead will *deform and lose what constitutes their essential richness*. It is indeed an enormous richness. In the biblical description, the words of the first man at the sight of the woman who had been created are words of admiration and enchantment, words which fill the whole history of man on earth.

The personal resources of femininity are certainly no less than the resources of masculinity: they are merely different. Hence a woman, as well as a man, must understand her "fulfilment" as a person, her dignity and vocation, on the basis of these resources, according to the richness of the femininity which she received on the day of creation and which she inherits as an expression of the "image and likeness of God" that is specifically hers...

14. Jesus enters *into the concrete and historical situation of women*, a situation which is *weighed down by the inheritance of sin*. One of the ways in which this inheritance is expressed is habitual discrimination against women in favour of men. This inheritance is rooted within women too. From this point of view the episode of the woman "caught in adultery" (cf. Jn 8:3-11) is particularly eloquent. In the end Jesus says to her: "*Do not sin again*", but first he *evokes an awareness* of sin in the men who accuse her in order to stone her, thereby revealing his profound capacity to see human consciences and actions in their true light. Jesus

seems to say to the accusers: Is not this woman, for all her sin, above all a confirmation of your own transgressions, of your "male" injustice, your misdeeds?

This truth is *valid for the whole human race*. The episode recorded in the Gospel of John is repeated in countless similar situations in every period of history. A woman is left alone, exposed to public opinion with "her sin", while behind "her" sin there lurks a man - a sinner, guilty "of the other's sin", indeed equally responsible for it. And yet his sin escapes notice, it is passed over in silence: he does not appear to be responsible for "the other's sin"! Sometimes, forgetting his own sin, he even makes himself the accuser, as in the case described. How often, in a similar way, *the woman pays* for her own sin (maybe it is she, in some cases, who is guilty of the "other's sin" - the sin of the man), but she alone pays and she pays *all alone!* How often is she abandoned with her pregnancy, when the man, the child's father, is unwilling to accept responsibility for it? And besides the many "unwed mothers" in our society, we also must consider all those who, as a result of various pressures, even on the part of the guilty man, very often "get rid of" the child before it is born. "They get rid of it": but at what price? Public opinion today tries in various ways to "abolish" the evil of this sin. Normally a *woman's conscience does not let her forget* that she has taken the life of her own child, for she cannot destroy that readiness to accept life which marks her "ethos" from the "beginning".

The attitude of Jesus in the episode described in John 8:3-11 is significant. This is one of the few instances in which his power - the power of truth - is so clearly manifested with regard to human consciences. Jesus is calm, collected and thoughtful. As in the conversation with the Pharisees (cf. *Mt 19:3-9*), is Jesus not aware of being in contact with the mystery of the "beginning", when man was created male and female, and the woman was entrusted to the man with her feminine distinctiveness, and with her potential for motherhood? The man was also entrusted by the Creator to the woman - they were *entrusted to each other as persons* made in the image and likeness of God himself. This entrusting is the test of love, spousal love. In order to become "a sincere gift" to one another, each of them has to feel responsible for the gift. This test is meant for both of them - man and woman - from the "beginning". After original sin, contrary forces are at work in man and woman as a result of the threefold concupiscence, the "stimulus of sin". They act from deep within the human being. Thus Jesus will say in the Sermon on the Mount: *"Every one who looks at a woman lustfully has already committed adultery with her in his heart"* (*Mt 5:28*). These words, addressed directly to man, show the fundamental truth of his responsibility vis-a-vis woman: her dignity, her motherhood, her vocation. But indirectly these words concern the woman. Christ did everything possible to ensure that - in the context of the customs and social relationships of that time - women would find in his teaching and actions their own subjectivity and dignity. On the basis of the eternal "unity of the two", *this dignity directly depends on woman herself, as a subject responsible for herself, and at the same time it is "given as a task" to man*. Christ logically appeals to man's responsibility. In the present meditation on women's dignity and vocation, it is necessary that we refer to the context which we find in the Gospel. The dignity and the vocation of women - as well as those of men - find their eternal source in the heart of God. And in the temporal conditions of human existence, they are closely connected with the "unity of the two". Consequently each man must look within himself to see whether she who was entrusted to him as a sister in humanity, as a spouse, has not become in his heart an object of adultery; to see whether she who, in different ways, is the cosubject of his existence in the world, has not become for him an "object": an object of pleasure, of exploitation...

17. We must now focus our meditation on virginity and motherhood as two particular dimensions of the fulfillment of the female personality. In the light of the Gospel, they acquire their full meaning and value in Mary, who as a Virgin became the Mother of the Son of God. These *two dimensions of the female vocation* were united in her in an exceptional manner, in such a way that one did not exclude the other but wonderfully complemented it. The description of the Annunciation in the Gospel of Luke clearly shows that this seemed impossible to the Virgin of Nazareth. When she hears the words: "You will conceive in your womb and bear a son, and you shall call his name Jesus", she immediately asks: "How can this be, since I have no husband?" (*Lk 1: 31, 34*). In the usual order of things motherhood is the result of mutual "knowledge" between a man and woman in the marriage union. Mary, firm in her resolve to preserve her virginity, puts this question to the divine messenger, and obtains from him the explanation: *"The Holy Spirit will come upon you"* - your motherhood will not be the consequence of matrimonial "knowledge", but will be the work of the Holy Spirit; the "power of the Most High" will "overshadow" the mystery of the Son's conception and birth; as the Son of the Most High, he is given to you exclusively by God, in a manner known to God. Mary, therefore, maintained her virginal "I have no husband" (cf. *Lk 1: 34*) and at the same time became a Mother. *Virginity and motherhood co-exist in her*: they do not mutually exclude each other or place limits on each other. Indeed, the person of the Mother of God helps everyone - especially women - to see how these two dimensions, these two paths in the vocation of women as persons, explain and complete each other.

### *Motherhood*

18. In order to share in this "vision", we must once again *seek a deeper understanding of the truth about the human person* recalled by the Second Vatican Council. The human being - both male and female - is the only being in the world which God willed for its own sake. The human being is a person, a subject who

decides for himself. At the same time, man "cannot fully find himself except through a sincere gift of self".<sup>39</sup> It has already been said that this description, indeed this definition of the person, corresponds to the fundamental biblical truth about the creation of the human being - man and woman - in the image and likeness of God. This is not a purely theoretical interpretation, nor an abstract definition, for it *gives an essential indication of what it means to be human*, while emphasizing *the value of the gift of self, the gift of the person*. In this vision of the person we also find the essence of that "ethos" which, together with the truth of creation, will be fully developed by the books of Revelation, particularly the Gospels.

This truth about the person also opens up *the path to a full understanding of women's motherhood*. Motherhood is the fruit of the marriage union of a man and woman, of that biblical "knowledge" which corresponds to the "union of the two in one flesh" (cf. *Gen 2:24*). This brings about - on the woman's part - a special "gift of self", as an expression of that spousal love whereby the two are united to each other so closely that they become "one flesh". Biblical "knowledge" is achieved in accordance with the truth of the person only when the mutual self-giving is not distorted either by the desire of the man to become the "master" of his wife ("he shall rule over you") or by the woman remaining closed within her own instincts ("your desire shall be for your husband": *Gen 3:16*).

This *mutual gift of the person in marriage* opens to the gift of a new life, *a new human being*, who is also a person in the likeness of his parents. Motherhood implies from the beginning a special openness to the new person: and this is precisely the woman's "part". In this openness, in conceiving and giving birth to a child, the woman "discovers herself through a sincere gift of self". The gift of interior readiness to accept the child and bring it into the world is linked to the marriage union, which - as mentioned earlier - should constitute a special moment in the mutual self-giving both by the woman and the man. According to the Bible, the conception and birth of a new human being are accompanied by the following words of the woman: "I have brought a man into being with the help of the Lord" (*Gen 4:1*). This exclamation of Eve, the "mother of all the living" is repeated every time a new human being comes into the world. It expresses the woman's joy and awareness that she is sharing in the great mystery of eternal generation. The spouses share in the creative power of God!

The woman's motherhood in the period between the baby's conception and birth is a bio-physiological and psychological process which is better understood in our days than in the past, and is the subject of many detailed studies. Scientific analysis fully confirms that the very physical constitution of women is naturally disposed to motherhood - conception, pregnancy and giving birth - which is a consequence of the marriage union with the man. At the same time, this also corresponds to the psycho-physical structure of women. What the different branches of science have to say on this subject is important and useful, provided that it is not limited to an exclusively bio-physiological interpretation of women and of motherhood. Such a "*restricted picture*" would go hand in hand with a materialistic concept of the human being and of the world. In such a case, what is truly essential would unfortunately be lost. Motherhood as a *human fact and phenomenon*, is fully explained on the basis of the truth about the person. Motherhood *is linked to the personal structure of the woman and to the personal dimension of the gift*: "I have brought a man into being with the help of the Lord" (*Gen 4:1*). The Creator grants the parents the gift of a child. On the woman's part, this fact is linked in a special way to "a sincere gift of self". Mary's words at the Annunciation - "Let it be to me according to your word" - signify the woman's readiness for the gift of self and her readiness to accept a new life.

The eternal mystery of generation, which is in God himself, the one and Triune God (cf. *Eph 3:14-15*), is reflected in the woman's motherhood and in the man's fatherhood. Human parenthood is something shared by both the man and the woman. Even if the woman, out of love for her husband, says: "I have given you a child", her words also mean: "This is our child". Although both of them together are parents of their child, *the woman's motherhood constitutes a special "part" in this shared parenthood*, and the most demanding part. Parenthood - even though it belongs to both - is realized much more fully in the woman, especially in the prenatal period. It is the woman who "pays" directly for this shared generation, which literally absorbs the energies of her body and soul. It is therefore necessary that *the man* be fully aware that in their shared parenthood he owes *a special debt to the woman*. No programme of "equal rights" between women and men is valid unless it takes this fact fully into account.

Motherhood involves a special communion with the mystery of life, as it develops in the woman's womb. The mother is filled with wonder at this mystery of life, and "understands" with unique intuition what is happening inside her. In the light of the "beginning", the mother accepts and loves as a person the child she is carrying in her womb. This unique contact with the new human being developing within her gives rise to an attitude towards human beings - not only towards her own child, but every human being - which profoundly marks the woman's personality. It is commonly thought that *women* are more capable than men of paying attention *to another person*, and that motherhood develops this predisposition even more. The man - even with all his sharing in parenthood - always remains "outside" the process of pregnancy and the baby's birth; in many ways he has to *learn his own "fatherhood" from the mother*. One can say that this is part of the normal human dimension of parenthood, including the stages that follow the birth of the baby, especially the initial

period. The child's upbringing, taken as a whole, should include the contribution of both parents: the maternal and paternal contribution. In any event, the mother's contribution is decisive in laying the foundation for a new human personality.

[APOSTOLIC LETTER MULIERIS DIGNITATEM OF THE SUPREME PONTIFF JOHN PAUL II ON THE DIGNITY AND VOCATION OF WOMEN ON THE OCCASION OF THE MARIAN YEAR](#)

Since we can't all be Mary, our vocation is to be a mother or a virgin. Yep, that really speaks to C21st women.