

‘WHETHER IN THE STATE OF INNOCENCE THERE WOULD HAVE BEEN THE LOSS OF VIRGINITY’. DURAND OF SAINT-POURÇAIN ON THE QUESTION (*SUPER SENT.*, II, 20, 2)

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Abstract: The 14th-century Dominican theologian and philosopher Durand of Saint-Pourçain was among the intellectuals who took part in the medieval debate on virginity, especially on the relationship between virginity and marriage. This paper discusses a question of his Sentences Commentary (*Super Sent.*, II, d. 20, q. 2), in which Durand poses the question of “whether or not there would have been a loss of virginity in marriage” (*utrum in actu matrimoniali fuisset amissio virginitatis*) both *in statu innocentiae* and *in statu post peccatum*. This paper shows how Durand’s solution to the problem is in opposition to Augustine’s and Thomas Aquinas’s views, based on formal and material aspects of virginity.

Keywords: Durand of Saint-Pourçain; Sentences Commentary; virginity; marriage; theology; sexual ethics.

1. Introduction

Does it make sense to speak of marriage in the Garden of Eden? If human beings had remained in that state of innocence, would they have had sexual intercourse? Would the process of the semen’s separation from the male body have been possible in the state of innocence? The issue of “if human beings had remained in that state of innocence, would they have had sexual intercourse?” is formulated in the *Summa fratris Alexandri*¹ in terms of the separa-

1 See ALEXANDER HALENSIS 1924, II, n. 495, resp. (700–701): “Respondeo quod in statu illo, si stetissent primi parentes, fuisset decisio seminis, sicut patet ex verbis Augustini supra tactis [...] et, ut patet ex verbo Augustini, quod tunc sicut nunc fuisset prolis procreatio ex commixtione seminis maris et feminae. Licet enim sit de ordine et potestate naturae

tion of semen. Even though this would suggest impoverishment, imperfection, corruption, and violence – elements that were supposedly all missing from the state of innocence – the natural inclination towards the procreation of the species seems to protect such process from any inadequacy. Nature, in fact, is perfected by this process, which can only happen if the sperm is separated from the male body.² This begs a valid question: was intercourse back then similar to ours? Were sexual relations of that time also characterized by intense pleasure?³ God’s creation mandate towards Adam and Eve was to be fruitful and multiply (*Genesis* 1:27-8). This precept could not have been fulfilled without sexual intercourse, suggesting that God indirectly commanded sexual intercourse to be the norm. In which case, chastity or “sexual abstinence,” i.e. virginity,⁴ would have been contrary and even deleterious to feat this purpose.⁵ Would thus abstinence from sexual intercourse and pleasure

quod proles procreetur per coniunctionem et commixtionem duorum sexuum in hominibus, qui respectu prolis se habent per modum materialis et efficientis, differenter tamen, quia ratio materialis plus residet penes mulierem et efficientis sive activi penes virum. Unde oportet quod semen, quod est materia prolis procreandae, descendatur a viro et a muliere, et hoc requirit natura bene instituta sicut et natura lapsa.” On female sexual pleasure and the idea of the female sperm, i.e. the fluid expelled by women during sex, see THOMASSET 1981, 17. According to Thomasset, the theory of generation, together with the idea of the female sperm as studied in embryology, could have been a call to investigate female pleasure in its physiological and psychological implications. For an exhaustive explanation of the semen’s separation, see THOMAS DE AQUINO 1929–1947, II, 30, 2, 2; THOMAS DE AQUINO 1952–1956, I, 119, 2.

2 See PAYER 1993, 29.

3 On the medieval *scientia sexualis* and the medieval reflection on pleasure, see THOMASSET 1981, 16. See also JACQUART, THOMASSET 1988. For Aquinas, in Paradise there must have been a higher degree of pleasure (see THOMAS DE AQUINO 1952–1956, I, 98, 2, ad 3); Franciscans, like Alexander of Hales and Bonaventure, believe that such intense pleasure was the result of the original sin, and therefore the degree of pleasure must have been lower before Adam’s sin (see ALEXANDER HALENSIS 1924, II, n. 496, resp., 701–702; BONAVENTURA 1885, II, dist. 20, art. unic., q. 3, 481).

4 In the Patristic era and during the High Middle Ages, *virginitas* was considered only as a Christian *charisma* and not as a real moral virtue. From the 12th century onwards, virginity started being considered as a virtue similar to temperance, a sort of subspecies of sexual continence or chastity. On this subject, see BLAŽEK 2008.

5 See PAYER 1993, 63.

have been regarded differently in Paradise as opposed to today? These topics – i.e. sexual intercourse, procreative purpose, pleasure, and virginity – have been widely discussed by medieval theologians, including Durand of Saint-Pourçain, whose positions are the subject of the present contribution.

2. Marriage *in statu innocentiae* and *in statu post peccatum*

To understand the relationship between marriage and *virginitas* in the state of innocence (prelapsarian) and in the state of sin (postlapsarian), we first need to ask ourselves whether there had been sexual intercourse in Paradise before the Fall and whether it makes sense to speak of marriage in the original state.⁶

Theological discussions on marriage admit a twofold institution: one before and one after the Fall. The first institution of marriage was made in Paradise, “let marriage be honored among all and the marriage bed be kept undefiled” (*Hebrews* 13:4), resulting in the fact that intercourse happened without pleasure and birth without pain. The second institution, instead, was made outside Paradise so that infirmity, prone to ruin, could be saved by the righteousness of marriage. Peter Lombard, in his *Sentences*, and Hugh of Saint Victor, in the *De sacramentis*, recognize two institutions of marriage known as marriage *ad officium* and marriage *ad remedium*.⁷ The source of the two expressions is probably Augustine’s statement that “what is a service for the healthy is a remedy for the sick.”⁸ Pope Alexander III specifies that the

⁶ See PAYER 1993, 18–41.

⁷ See PETRUS LOMBARDUS 1971–1981, IV, 26, 2, n. 1 (417,1–7): “Coniugii autem institutio duplex est. Una ante peccatum ad officium facta est in paradiso, ubi esset thorus immaculatus, et nuptiae honorabiles, ex quibus sine ardore conciperent, sine dolore parerent; altera post peccatum ad remedium facta extra paradysum, propter illicitum motum devitandum. Prima ut natura multiplicaretur, secunda ut natura exciperetur et vitium cohiberetur.” Cf. *Hebrews* 13:4; HUGO DE SANCTO VICTORE 2008, II, 11, 1 (PL 176, 479D–480D). Cf. also PAYER 1993, 18.

⁸ AUGUSTINUS 1894, 275: “et quod sanis est officium, egrotis est remedium”; cf. PAYER 1993, 63.

first institution of marriage was aimed solely at the propagation of humankind, explaining Peter Lombard's technical expression *ad officium* as an ellipsis for *ad officium naturae* (at the service of nature). Before Adam's sin, marriage was in sum a precept aimed at the propagation of the species.⁹ In Paradise, thus, sexual relations would have been natural, abiding by the initial divine command that directed the first parents to be fruitful and multiply (*Genesis* 1:28). By differentiating the sexes, along with their natural capacity for sexual reproduction, God set forth an act of loving kindness to save the human race from extinction and ensure that the number of the chosen ones was complete.

The increasing interest in reproductive biology during the 12th century had an impact on the study of sexual problems by canon lawyers and theologians. In his *Decretum*, Gratian affirms that the union of man and woman in marriage is part of a natural law ordained by God and common to all men.¹⁰ Consummation transforms this union into a sacrament and makes it indissoluble.¹¹ In fact, Gratian and the decretists interpret the *coniunctio viri et feminae* as "sexual intercourse."¹² However, some decretists, including Hugh of Pisa,

9 See ALEXANDER III 1874, 165; cf. PAYER 1993, 64. On the naturalness of marriage, see PAYER 1993, 154.

10 GRATIANUS 1879, d. 1, c. 7, 2. Cf. also BRUNDAGE 2009, 235, 421.

11 GRATIANUS 1879, d. 27, c. 6, 99; cf. BRUNDAGE 2009, 236. As Alexandra Diriart writes, "it is important to distinguish what effectively makes the conjugal bond valid. It is here that the medieval debate arose between supporters of the consent and those of conception. [...] For Pope Alexander III, marriage expressed by consent becomes absolutely indissoluble just with consummation (*copula carnalis*): *ratum et consummatum* [è importante discernere ciò che costituisce effettivamente il vincolo matrimoniale valido. È qui che interviene il dibattito medievale tra i sostenitori del consenso e quelli della consumazione [...]. Per Papa Alessandro III, il matrimonio espresso dal consenso diventa assolutamente indissolubile solo con la consumazione (*copula carnalis*): *ratum et consummatum*]," DIRIART 2019, 588.

12 Gratian, in the *Decretum*, in d. 1, c. 7, quoting Isidore of Seville, *Etymologiae* 5.4, writes: "Ius naturale est commune omnium nationum eo quod ubique instinctu naturae non constitutione aliqua habetur ut uiri et feminae coniunctio liberorum successio et educatio [...]."

oppose this view, by arguing that the union of marriage cannot be part of natural law. In fact, even though marital sex aimed at procreation is protected by natural law, sexual appetite is not indissoluble:¹³ sexual pleasure did not exist in the Earthly Paradise and is rather the fruit of original sin.

John of Damascus and Gregory of Nazianzus had considered the differentiation of the sexes as well as sexual relations as consequences of God's foreknowledge of the Fall rather than as part of His initial plan.¹⁴ By embracing the idea of the distinction of the sexes, Peter Lombard begins a discussion on whether there had been sexual relations in Paradise, which lasted at least until the 13th century. Albert the Great and Thomas Aquinas provide naturalistic arguments to support their claim that in the initial state, there would have been procreation through sexual intercourse.¹⁵ While many thought that sex in Paradise was entirely different from postlapsarian one, Albert considered sex as a natural act, since the movement of sexual organs does not obey reason or will. Albert's ideas on such issue lay at the root of his naturalistic/physical approach towards sexual ethics:¹⁶ procreation could have been realized naturally through natural (involuntary) movements of "physical bodies," in particular of sexual organs.¹⁷ Thomas argues that procreation occurs through sexual intercourse since the differentiation of the sexes was established by God before the Fall (*Genesis* 1:27, 2:22); moreover, human beings belong to the class of perfect animals which reproduce naturally through coition. In fact, coition is defined as "the union of male and fe-

13 Cod. Vat. Lat. 2280, fol. 2va; cf. BRUNDAGE 2009, 261.

14 GREGORIUS NYSSENUS 1567, 16–17 (PG 44, 177D–192A); IOHANNES DAMASCENUS 1955, 97, 2 (368,19–29). Cf. PAYER 1993, 21–22.

15 ALBERTUS MAGNUS 1896, 66, 1, ad 2 (554). For a naturalistic overview of the involuntary nature of erection, see ALBERTUS MAGNUS 1955, 2, 9 (12,68–70). Cf. also THOMAS DE AQUINO 1952–1956, I-II, 17, 9, ad 3 for a theological explanation (including a naturalistic overview) of genitals' noncompliance to reason.

16 BRUNDAGE 2009, 421; cf. also BRUNDAGE 1993, 376–377; CLIFFORD 1942, 10; BRANDL 1955.

17 ALBERTUS MAGNUS 1894, II, 20, C, 1, ad 1 (342).

male for procreation.”¹⁸ It could be said that for Thomas sexual desire is a “natural desire that implies a natural intentionality towards procreation: it is not a voluntary and deliberate kind of human intentionality, but a kind of intentionality belonging to the very nature of sexual action. Such action appears as destined in itself (and not by human will) toward procreation.”¹⁹

In Book II, dist. 20, q. 1²⁰ of his *Sentences Commentary*, Durand of Saint-Pourçain seems to share the above-mentioned Thomas’ position. In the following distinction, he goes on to investigate the relationship between virginity and marriage, both in the state of innocence (prelapsarian) and in the state of sin (postlapsarian).

3. Virginity and Marriage

3.1. Augustine

In the second question of the dist. 20 of his *Sentences Commentary* (*Super Sent.* II, dist. 20, q. 2), Durand discusses “whether or not there would have been the loss of virginity in marriage.” It is worth noting that this question is not transmitted by the manuscripts of the second redaction, but only by those of the first and the third redactions. However, we can find it in the *Ir-*

18 THOMAS DE AQUINO 1952–1956, I, 98, 2. 3. Cf. FUCHS 1949. See also the definition in a medical work written around 1200: “Coitus is the commingling of a man and a woman from the natural and voluntary act of union of both, with the emission of sperm; it is the procreation of a fetus with a great deal of concomitant pleasure,” LAWN 1979, B 15, 9; cf. CONSTANTINUS AFRICANUS 1983.

19 “[...] desiderio naturale che implica un’intenzionalità naturale alla procreazione: non è un’intenzionalità voluta e decisa dall’uomo, ma un’intenzionalità che appartiene alla natura dell’azione sessuale. Tale azione appare come destinata di per sé (non dalla volontà dell’uomo) alla procreazione,” NORIEGA 2019, 106. See also NORIEGA 2014.

20 See DURANDUS 1571, II, 20, 1, resp., f. 164ra: “[...] in habentibus distinctionem sexuum masculus habet rationem agentis in generatione, femina uero rationem patientis secundum aliquid ab utroque decism, quod generali nomine uocamus semen; ergo ad generandum oportebat esse approximationem secundum coniunctionem sexuum et commixtionem seminum.”

rtumslisten from 1314 and 1317²¹ because Durand's solution to the problem seems contrary (based on the lists) to Augustine's and Thomas' doctrine.²² In his text, Durand, in fact, first exposes the view expressed by Augustine and Thomas, from which he attempts to distance himself. While Durand believes that *virginitas* is not preserved in marriage *in quolibet statu*, i.e. both *in statu innocentiae* and *in statu post peccatum*, Augustine and Thomas think that it would have been preserved in the state of innocence (in the Earthly Paradise). In particular, if Augustine considers that both the integrity of the flesh and that of the soul are preserved, and Thomas only that of the soul, Durand argues that neither integrity is preserved in marriage.

Durand initially focuses on the relationship *virginitas-integritas*. The first argument being treated in the question is centered around Augustine's thought,²³ according to which the integrity of the flesh equals virginity. Augustine affirmed that, if the integrity of the flesh remains intact after the conjugal sexual act, then virginity is also preserved.²⁴ But how is this possible?

21 See KOCH 1973, 59 and 89.

22 As far as this question is concerned, there are no differences between the first and third redaction, confirming Koch's hypothesis that in both these redactions Durand takes anti-Thomist positions. An overview on Durand's life and career can be useful to understand the issue of the three redactions and Durand's supposed anti-Thomism. As a master of Theology in Paris, Durand wrote a Sentences Commentary. The first redaction of his Commentary, dating back to 1308, was modified after the General Chapter of the Dominicans in Zaragoza (1309), which declared Thomas' doctrine a common norm of teaching. By 1312, Durand had completed the second redaction of his Commentary. In 1313 the General Chapter of Metz indicated the Thomistic position as the most healthy and common, and accused Durand of being *contra doctrinam communem*, condemning his doctrines, later (1314) specified in a list of 91 propositions; between 1314 and 1317, the Order again censored Durand's work, this time in a list of 216 theses. Between 1317 and 1325, Durand wrote the third redaction of the Commentary. According to Joseph Koch, the three versions of Durand's Sentences Commentary resent from the different contexts of creation: the first is characterized by a strong doctrinal criticism towards Thomas Aquinas; the second, by a withdrawal from the polemical arguments against Thomas; and the third shows a return to the critical positions of the first redaction.

23 Concerning Augustine's view in relation to sex before and after the Fall, see COLE 1966, 47–51; ALEXANDER 1974; BUCOLO 2015; COVI 1980; CLARK 1996; MILES 1992.

24 DURANDUS 1571, II, 20, 2, arg. 1, f. 164rb: "Secundo queritur utrum in actu matrimoniali

He explains in his *De civitate Dei* (Book XIV) that *in statu innocentiae* the man's semen could be introduced into the wife's uterus, whilst saving the integrity of the female organ, just as the flow of menstrual blood in the uterus does not endanger its integrity:²⁵ in this way, the integrity of the flesh is not lost, as the female genitals would be only dilated, without any painful fracture. He deems sexual intercourse as necessary in the Earthly Paradise,²⁶ but with no sexual ardor (*sine stimulo ardoris*), thanks to the moderation operated by will and reason as well as to the preservation of the integrity of the female body. According to Augustine, in order to feat the purpose of fertilization and conception *in statu innocentiae* libido (irrepressible desire) is unrequired because the two sexes are united through an act of will (*nutus voluntatis*), contrary to what happens *post peccatum*.²⁷ This explains why Augustine believes that neither the integrity of the flesh nor that of the soul is lost.

In a passage from *De nuptiis et concupiscentia*, he points out that it is not the pleasure of the body (*voluptas corporis*) that makes the sexual act sinful in

fuisset amissio uirginitatis. Et uidetur quod non, quia ubi manet integritas carnis, manet et uirginitas; set post actum carnalem mansisset in muliere integritas carnis; ergo etc."

25 AUGUSTINUS 1955, XIV, 26, 449,23–28: "Quando illas corporis partes non ageret turbidus calor, sed spontanea potestas, sicut opus esset, adhiberet, ita tunc potuisse utero coniugis salua integritate feminei genitalis uirile semen inmitti, sicut nunc potest eadem integritate salua ex utero uirginis fluxus menstrui cruoris emitti."

26 Both in the *De civitate Dei* and in Book IX of the *De genesi ad litteram*, Augustine criticizes those who consider the Genesis story on the origin of the human species as a mere allegory. Following the new exegesis, the condition of man in Paradise was not spiritual but rather animal. Augustine shows the possibility of sexual practice and procreation of children also in the prelapsarian state, arguing against those who, just like the Encratites, ruled out the possibility of sexual relations in Paradise. See CIPRIANI 2019, 12. Cf. also DE NAVASCUÉS 2019, 436.

27 AUGUSTINUS 1955, XIV, 26, 449,17–22; 29–32: "In tanta facilitate rerum et felicitate hominum absit ut suspicemur non potuisse prolem seri sine libidinis morbo, sed eo uoluntatis nutu mouerentur membra illa quo cetera, et sine ardoris inlecebrosi stimulo cum tranquillitate animi et corporis nulla corruptione integritatis infunderetur gremio maritus uxoris [...] Vt enim ad pariendum non doloris gemitus, sed maturitatis impulsus feminea uiscera relaxaret, sic ad fetandum et concipiendum non libidinis appetitus, sed uoluntarius usus naturam utramque coniungeret."

the postlapsarian world, but rather “the inversion of objective moral relationships, when the *voluptas* dictates law to the will and not vice versa (*De nuptiis* I, XII, 12).”²⁸ As Foucault writes, “the fall provoked what could be called the libidinization of the sexual act. [...] The *libido*, in any case, is manifested in the form of the involuntary,”²⁹ i.e. there is a predominance of pleasure over will. Augustine distinguishes *delectatio* or *satisfactio carnis* from concupiscence in the postlapsarian world. In fact, he accepts that before the Fall the sexual act was accompanied by *delectatio*, but he dismisses that there was concupiscence *qualis nunc est*, “in its aspect of revolt against reason.”³⁰ To use the words of Emanuele Samek Lodovici, Augustine’s doctrine of marriage in Paradise intends “to distinguish between the chaotic tendency to the *concupiscentia carnis* (which is identifiable with pleasure and leads to pleasure, and is thus considered as morally wrong) and its physiological implication (*delectatio*), which he regards – albeit with some difficulty – as connatural to the realization of the specific function of the sexual organs.” Marriage, therefore, would have taken place *per coitum* also in Eden, but different from today’s marriage in that it would have been characterized by the complete obedience of the rational soul and body to God. The sexual act would have taken place according to an “agricultural solution”: the genitals would have sown *ad nutum voluntatis* just as farmers sow in the fields, with no libido and no sexual pleasure. As Augustine explains in *De nuptiis et concupiscentia*:

for why should we not believe that God in Paradise could grant to blessed man, with regard to his seed, what we see granted to farmers with regard to the seed of wheat? Human seed could have been sown without any shameful libido with the genital organs subjected to the will, in the same way that wheat seed is

28 “[...] l’inversione dei rapporti morali oggettivi, quando è la *voluptas* a dettar legge alla volontà e non viceversa (*De nuptiis* I, XII, 12),” LODOVICI 1976, 230.

29 FOUCAULT 2021, 297.

30 “[...] nel suo aspetto di rivolta contro la ragione,” LODOVICI 1976, 230.

sown by the hands of farmers, who obey the orders of the will, without any shameful lechery; all the more so since the desire of parents to have children is nobler than the desire of the peasants to fill the granaries.³¹

Nonetheless, according to Lodovici, Augustine cannot be accused of biologism (according to which the sexual act is aimed exclusively at procreation and not at pleasure) since he also includes *delectatio* as a fundamental part of the sexual act besides the reproduction purpose. The subjective intention (pleasure) does not exclude the objective goal of marriage (procreation):

This conformity between the subjective and the objective moment is in line with the proper order of reason, and it is only by respecting it that one can make good use of concupiscence. According to Augustine, such two moments – the subjective and the objective – are not in a relation of inferiority the one to the other (i.e. the first inferior to the second), but rather of conformity (the first complies with the second, but also the second cannot be detached from the first): the pleasure of the sexual act must be in line with the order of reason. Yves de Montcheuil observes that between concupiscence in Paradise and concupiscence *qualis nunc est* there is no difference of degree but of state, since the paradisiac libido *ne comporterait en aucune manière une lutte de la chair contre l'esprit* [would not under any circumstances involve a fight between flesh and spirit].³²

According to Augustine, in Paradise, all the elements of the sexual act are subjected to the control of the will, or in Foucault's words: "The sexual relation without libido is completely occupied by the volitional subject."³³

31 AUGUSTINUS 1902, II, 14, 29 (282,19–27, 283,1–22).

32 "Questa conformità tra momento soggettivo e momento oggettivo è l'ordine conveniente e di ragione e solo rispettando questo si fa buon uso della concupiscenza. Il rapporto tra momento soggettivo e momento oggettivo in Agostino non è di inferiorità (il primo inferiore, il secondo superiore), ma di conformità (il primo conforme al secondo, ma anche il secondo non avulso dal primo): il piacere dell'atto sessuale deve essere confacente all'ordine di ragione. J. Montcheuil ha osservato che opponendo la concupiscenza paradisiaca alla concupiscenza *qualis nunc est*, Agostino ha ipotizzato una forma di concupiscenza che nel nostro linguaggio non potrebbe più essere chiamata tale; non si tratterebbe infatti di una differenza di grado, ma di stato, dal momento che la libido paradisiaca *ne comporterait en aucune manière une lutte de la chair contre l'esprit*," LODOVICI 1976, 233.

33 FOUCAULT 2021, 291.

3.2 Thomas Aquinas

According to Thomas,³⁴ two are the things that contribute to the perfection of virginity: the integrity of the flesh and the integrity of the soul; the latter is considered more worthy of honour, while the former is deemed as more essential to *virginitas*. The integrity of the soul, in turn, can be interpreted in two ways: first, as concerning the *habitus* (attitude, individual quality), in which case the integrity is lost as a result of the illicit sexual act depriving one of chastity (*habitus castitatis*); and second, as regarding action in a *post peccatum* state, when the soul integrity ceases as a result of the carnal union in marriage: due to the strong desire, reason is in fact subordinated to sexual pleasure.³⁵ In his Sentences Commentary (II, 20, 1, 2) Thomas clarifies that *in statu innocentiae*, only the integrity of the flesh is lost in order to ensure procreation, while spiritual integrity is safeguarded. In a *post peccatum* state, instead, no integrity is preserved since conformity to the *recta ratio* is lost as a consequence of the vehemence of sexual pleasure.³⁶ For him, pleasure in coition would have been also present in the state of innocence, yet it was inferior to the reason that dominated it. In other terms, Aquinas presents the ques-

34 On the position of Aquinas, see COLE 1966, 72–77.

35 THOMAS DE AQUINO 1929–1947, II, 20, 1, 2, sol.: “Ad primum ergo dicendum quod ad perfectionem virginitatis duo concurrunt, scilicet integritas carnis cum integritate mentis; quorum alterum, scilicet integritas mentis, honorabilius est, reliquum virginitati essentialius [...]. Sed integritatem mentis contingit solvi dupliciter, vel quantum ad habitum, et sic solvitur per illicitum concubitus, qui tollit habitum castitatis; vel quantum ad actum, et sic in statu post peccatum solvitur etiam per concubitus matrimonialem, eo quod propter vehementiam delectationis, ratio in ipso actu absorbetur.”

36 THOMAS DE AQUINO 1929–1947, II, 20, 1, 2, sol.: “Dicendum ergo quod in omni concubitu solvitur virginitas quantum ad integritatem carnis etiam in primo statu [...]. In primo vero statu, neutro modo integritas mentis soluta fuisset, sed sola integritas carnis, cui preponderasset fecunditas prolis [...]. Ad secundum dicendum, quod quantitas alicuius potest attendi dupliciter: vel absolute, vel secundum proportionem. Dicendum ergo quod absolute loquendo maior delectatio coitus fuisset in primo statu quam etiam modo sit; sed secundum proportionem ad rationem, fuisset multo minor, quia ratio in suo actu fortiter persistens, delectationi penitus dominaretur; et ideo non fuisset superabundans vel feruens delectatio.”

tion as a matter of proportions.

In his *Summa theologiae* (I, 98, 2) Thomas argues that even *in statu innocentiae* man can naturally use his sexual organs as he would do with any other organ of his body: the natural order requires that man and woman procreate through carnal union (*per coitum*).³⁷ However, *in statu innocentiae* sexual drive is subject to reason, thus we do not find the immoderate concupiscence (*deformitas immoderatae concupiscentiae*) that pervades the state of sin. In Paradise, man's soul is like that of the angels, while his body is like that of other animals. Thomas delves into the matter further by affirming that *in statu innocentiae* reason regulates pulsation not because of a lesser degree of pleasure of the senses (in fact, the body is even more sensitive): Thomas' focus is not on the degree of pleasure, but rather on the removal of the libido which occurs thanks to the moderation operated by reason.³⁸ "Sexual desire becomes a desire not only *secundum rationem*, but a desire *cum ratione* that participates in rationality (*S. th.*, I-II, q. 58, a. 4, ad 3)."³⁹

37 THOMAS DE AQUINO 1952–1956, I, 98, 2, resp.: "Manifestum est autem quod homini, secundum animale vitam, quam etiam ante peccatum habebat, ut supra dictum est, naturale est generare per coitum, sicut et ceteris animalibus perfectis. Et hoc declarant naturalia membra ad hunc usum deputata. Et ideo non est dicendum quod usus horum membrorum naturalium non fuisset ante peccatum, sicut et ceterorum membrorum."

38 THOMAS DE AQUINO 1952–1956, I, 98, 2, resp.: "Aliud autem quod considerari potest, est quaedam deformitas immoderatae concupiscentiae. Quae in statu innocentiae non fuisset quando inferiores vires omnino rationi subdebantur [...]. Ad tertium dicendum quod bestiae carent ratione. Unde secundum hoc homo in coitu bestialis efficitur, quod delectationem coitus et fervorem concupiscentiae ratione moderari non potest. Sed in statu innocentiae nihil huiusmodi fuisset quod ratione non moderaretur, non quia esset minor delectatio secundum sensum, ut quidam dicunt (fuisset enim tanto maior delectatio sensibilis, quanto esset purior natura, et corpus magis sensibile); sed quia vis concupiscibilis non ita inordinate se effudisset super huiusmodi delectatione, regulata per rationem, ad quam non pertinet ut sit minor delectatio in sensu, sed ut vis concupiscibilis non immoderate delectationi inhaereat; et dico immoderate, praeter mensuram rationis [...]. Et ideo continentia in statu innocentiae non fuisset laudabilis, quae in tempore isto laudatur non propter defectum fecunditatis, sed propter remotionem inordinatae libidinis. Tunc autem fuisset fecunditas absque libidine."

39 "[...] il desiderio sessuale diventa un desiderio non solo *secundum rationem*, ma un desiderio *cum ratione* che partecipa alla razionalità (*S. th.*, I-II, q. 58, a. 4, ad 3)," NORIEGA

It should therefore be noted that according to Augustine and Thomas the ethical implications are not linked to sexual pleasure itself but to the disorder of reason that derives from pleasure, which characterizes sexual intercourse in the fallen state. The fact that pleasure dominates reason during sexual intercourse is not a moral evil in and of itself but is a direct consequence of moral evil since it stems from the sin of the first parents.⁴⁰

4. Durand on the Virginity in Marriage

4.1 *Virginitas*: Virtue or Vice?

Durand distances himself from both Augustine's and Thomas' positions on virginity in marriage, particularly concerning the idea that in the state of innocence (in the Earthly Paradise), women would have conceived and given birth in a natural way, preserving the integrity of their flesh and soul (Augustine), or at least the integrity of the soul (Thomas). In opposition to these views, Durand argues that conceiving and giving birth in a natural way and still preserving *virginitas* is a privilege which only Mary has and which cannot be passed onto any other woman.⁴¹ Furthermore, it would not be possible for a virgin to naturally conceive and give birth, given that virginity is definable as the inexperience of sexual intercourse, whereas conceiving according to nature is only possible thanks to the experience of coition: it would be therefore a contradiction to say that a virgin conceives naturally.⁴² Durand

2019, 107. See also MELINA 1987.

40 See PAYER 1993, 19.

41 DURANDUS 1571, II, 20, 2, sed contra 2, f. 164rb: "Item uirginem concipere et parere uideatur fuisse priuilegium Marie; set illud non debuit alteri communicari, ut uideatur; ergo etc." According to Flandrin, the marriage between Mary and Joseph, which was long regarded as the ideal Christian marriage, does not imply sexual relations. Mary's virginity has traditionally been emphasized: paradoxically, virginity was considered to be the Christian way to fertility. See FLANDRIN 1981.

42 DURANDUS 1571, II, 20, 2, resp., f. 164va: "Et iterum dato quod fuisset licita, non fuisset possibile uirginem concipere aut parere secundum cursum nature, quia uirginitas est

disagrees with the view of some theologians (*quidam*), such as Thomas Aquinas, on the relationship *virginitas-dignitas nature*. He argues that they do not admit the loss of virginity in the state of innocence, because, according to them, what pertains to the dignity of human nature, namely virginity, a praiseworthy and special virtue, cannot be lacking here.⁴³ According to Durand, *virginitas* has nothing to do with the dignity of human nature and does not need to characterize the state of innocence since the deprivation of a good that is useful to nature is unacceptable *secundum se*, otherwise, nature would tend towards evil. In fact, sexual intercourse is favorable because it promotes a greater good, namely the fecundity and conservation of the species. On the other hand, virginity coincides with the deprivation of the generative act that nature needs in order to preserve the species.⁴⁴ Durand argues that, whether or not conception and childbirth involve a painful fracture, they would still bring forth a lesser pain than the one brought by the defect in nature represented by the preservation of virginity, which needs to be lost in favor of fertility.⁴⁵

inexperientia delectationum uenerearum; set conceptus secundum uiam nature non est nisi cum experientia eorum; ergo contradictionem implicat uirginem concipere modo nature."

43 It is worth noting that in this specific case Durand seems to have misunderstood Thomas' thought as the latter does not say that virginity belongs to the dignity of nature. According to Thomas, virginity would have been lost also in Eden, as far as the integrity of the flesh is concerned (THOMAS DE AQUINO 1929-1947, II, 20, 1, 2, ad 1: "in omni concubitu solvitur virginitas quantum ad integritatem carnis etiam in primo statu"). See also THOMAS DE AQUINO 1952-1956, II-II, 152, 3, resp.; for other objections against Durand, see DIONYSIUS CARTUSIANUS 1903, II, 20, 1, resp., 203-205. Cf. also IOHANNES CAPREOLUS 1900-1907, volume 4, II, d. 20, q. 1, a. 2, 174-175 and a. 3, 176-177.

44 DURANDUS 1571, II, 20, 2, resp., f. 164va: "Quod enim primo dicitur, quod uirginitas pertinet ad dignitatem nature, absolute forte non est uerum, quia nulla priuatio boni conuenientis nature est bona secundum se, et alioquin naturalis inclinatio esset ad malum, cum illud sit malum cuius priuatio est bona; contingit autem eam esse bonam propter aliud in quantum promouet ad maius bonum quam sit illud quod priuat; uirginitas autem est priuatio actus generationis, qui est conueniens nature et intentus ab ea ad conseruationem speciei."

45 DURANDUS 1571, II, 20, 2, resp., f. 164va: "Siue enim conceptus et partus fuisset per so- lam dilatationem membrorum non interueniente aliqua fractione, siue fuisset interue-

At this point, it seems adequate to reflect on the moral connotation of *virginitas*: does Durand see it as a vice or as a virtue?⁴⁶ Durand would seem to consider virginity as a *peccatum/vitium contra naturam*. He supports the view of the theological primacy of the nature of the species on the nature of the individual, just as Aristotle, who gave great importance to the notion of ‘natural family’. On the one hand, there is the need to procreate (nature), and on the other, that of educating (culture). According to Aristotle, in fact, *virginitas* can be considered a vice *contra naturam*, as it prevents the continuation of the species, which is the fundament of any domestic and political community. In his *Politics*, Aristotle insists on the necessary nature of procreation, while in the *Nicomachean Ethics*, he even opens to a moderate use of sex for mere hedonistic ends.⁴⁷

4.2 *Virginitas formaliter/materialiter*

Durand’s main argument against the positions of Thomas and particularly that of Augustine, revolves around their improper conception of virginity, both in the formal and in the material sense.⁴⁸ Durand attempts to provide a definition of *virginitas*: in its formal sense, virginity consists in the unwavering purpose of abstinence from sexual intercourse, whereas in its material

niente aliqua dolorosa fractione, quia magis fuisset deffectus nature quam pena ex quo fuisset ibi experientia delectationis uenerae, simpliciter perdita fuisset uirginitas, cui preponderasset fecunditas.”

46 On Durand’s opinion about the moral nature of virginity and marriage, see DURANDUS 2021, 3–251. With regard to the articles on virginity condemned by Étienne Tempier, see PICHÉ, LAFLEUR 1999, 130–135; HISSETTE 1977, 297–300.

47 See PAYER 1993, 168. Gauthier provides some evidence about how the philosophical conclusion that virginity was a vice can be traced back to the 13th century. He quotes a text from Bonaventure, which refers to the doctor of Frederick II, who considered Aristotle’s doctrine of insensitivity as a condemnation of virginity. See GAUTHIER 1947, in particular 298. With regard to the reference to Bonaventure (*Collationes in Hexaemeron* 5.5 [5.355]), see GAUTHIER, JOLIF 1970.

48 On material and formal virginity, see COLE 1966, 77–80.

sense, it consists in the immunity or inexperience of such act. Durand believes that virginity is not preserved in the sexual union in marriage, neither *formaliter* nor *materialiter*.⁴⁹ In particular, he strays away from Thomas' idea that *virginitas*, intended as the integrity of the soul, formally consists in the persistence of reason in conjugal sexual relations. For Thomas, in fact, a virtue is such if it conforms to the right reason (*recta ratio*).⁵⁰ Durand, instead, argues that a similar form of virginity – i.e. the Thomistic *virtus* in which reason subjugates sexual pleasure (*sexual continentia*) – would be lost in conjugal coition: in the sexual act (leading to the loss of virginity), there is no lack of judgment of reason, which is lost uniquely during sleep or illness.⁵¹ When a woman mates, she freely wants to do so; therefore she cannot keep her *virginitas*. In such a perspective, will, not reason, plays a primary role: the sexual act is an act of free will. On this point, Durand seems to have misunderstood the position of Thomas, who, in fact, does not exclude the fundamental role of the will in his formal definition of virginity.⁵²

49 DURANDUS 1571, II, 20, 2, resp., f. 164rb: “Quod autem dicunt quod in uirginitate sunt duo, integritas mentis et carnis, quorum utrumque saluatum fuisset in statu innocentie, dicendum quod neutrum, quia integritas mentis, que requiritur ad uirginitatem, est firmum propositum abstinendi a delectatione que consistit in uenereis, et hec integritas se habet formaliter in uirginitate; ipsa autem immunitas uel inexperientia talium delectationum se habet in uirginitate materialiter. Neutrum autem horum potuit saluari cum actu matrimonii.”

50 THOMAS DE AQUINO 1929–1947, IV, 33, 3, 1, ad 2: “Ad secundum dicendum, quod quamvis actus moralis virtutis in voluntate perficiatur, tamen ratio formam virtutis in ea ponit, ut dicitur in 6 Ethicorum.” It is worth noting that, the *virginitas*, according to Thomas, doesn't fall into the definition of *insensibilitas* or *continentia* in general, because the virgin abstains only from sexual pleasures (and not from all pleasures) in accordance with the right reason.

51 DURANDUS 1571, II, 20, 2, resp., f. 164rb: “Vnde male accipiunt integritatem mentis pro persistentia rationis in actu suo. Absorbetur enim iudicium rationis in sompno et in multis egritudinibus, ratione quorum nichil deperit uirginitati.”

52 In this regard, see DURANDELLUS 2003, II, 33: *In II Sent.*, d. 20, art. 1 (568,145–152), who writes: “Ad aliud quod dicit, quod Doctor male accipit formale virginitatis, dicendum quod immo Ipse infideliter reprobatur in hoc Doctorem, quia, ut probatum est et ostensum ex dictis Doctoris, formale in uirginitate est firmum propositum nunquam experiendi delectationem ueneream. Unde, cum dicit in Scripto quod persistentia rationis in suo actu est formale in uirginitate, hoc non dicit praecidendo et excludendo volunta-

Moreover, Augustine's conception of *virginitas* in the material sense is also incorrect, according to Durand. The *integritas carnis* is not equivalent to the integrity of the parts of the body, as claimed by Augustine since this would concern virginity only *per accidens*. In fact – Durand adds – if any organ of the female body were to be injured, e.g. the hands or feet, this would not affect virginity. Therefore, virginity does not pertain to bodily integrity if not *per accidens*, especially if one considers (the reference here is to Augustine⁵³) that losing virginity does not require any corporal violence,⁵⁴ i.e. the female genitals would only be dilated, without any painful fracture. For Thomas, too, the matter of the moral virtues (including virginity) does not consist in the integrity of the body, but in the *passio rationis* (or *mentis*) of which he speaks in the Sentences Commentary (IV, 33, 3, 1, resp.): it is the submission of reason to the pleasure of the senses experienced in coitus. Then Thomas specifies (showing here that he is not far from Durand's position) that a virtue or vice is such if it involves the consent or dissent of reason (in the case of virginity, the consent or dissent with respect to the sexual act): this is the *actus mentis* (or *forma virtutis*).⁵⁵

tem et propositum non experiendi delectationem veneream, sed magis includendo. Unde persistentia rationis in suo actu conservans ne voluntas umquam feratur in delectationem veneream, est formale in virginitate.”

53 AUGUSTINUS 1955, XIV, 26, 449,23–28: “Quando illas corporis partes non ageret turbidus calor, sed spontanea potestas, sicut opus esset, adhiberet, ita tunc potuisse utero coniugis salua integritate feminei genitalis uirile semen inmitti, sicut nunc potest eadem integritate salua ex utero uirginis fluxus menstrui cruoris emitti.”

54 DURANDUS 1571, II, 20, 2, resp., f. 164va: “Male etiam accipitur illud quod est materiale in uirginitate; non enim hoc est integritas corporalis membri, immo omnino per accidens se habet ad uirginitatem. [...] Propter quod, si absque delectatione uenerea in muliere uiolentur signaculum corporalis membri aliquo casu, non magis preiudicat uirginitati, quam si ledatur manus aut pes. Igitur materia uirginitatis non consistit <in> integritate membri corporalis nisi per accidens, precipue cum contingat uirum sicut mulierem uirginitatem amittere in quo tamen non est necesse aliquam uiolentiam alicuius membri corporalis fieri.”

55 THOMAS DE AQUINO 1929–1947, IV, 33, 3, 1, resp.: “Respondeo dicendum, quod uirginitas, ut ex dictis Ambrosii patet, integritas quaedam est; unde per privationem corruptionis dicitur, quae in actu generationis accidit; ubi triplex corruptio est. Una corporalis

Durand agrees with Thomas in pointing out that moral virtues, including *virginitas*, pertain to the passions of the soul and not of the body.⁵⁶ The soul is bound to (and suffers from) the natural desire for pleasure and moves the body to experience sexual pleasure (*passio mentis*). The formal aspect (*actus mentis*) of virginity is comprised of the lack of consent and deliberation (will) that the soul realizes with regard to such impulse or passion.⁵⁷ Virginity conforms to the inexperience of sexual intercourse, which consists in the lack of dispersion of the semen, coming from the purpose of the soul (*ex mentis proposito*).

As Foucault comments, the *libido/delectatio* dynamic “was defined by the movement that linked the *aphrodisia* to the pleasure that was associated with

tantum, in hoc quod claustra pudoris franguntur. Alia spiritualis et corporalis simul, ex hoc quod per decisionem et motum seminis, in sensu delectatio generatur. Tertia est spiritualis tantum, ex hoc quod ratio huic delectationi se subicit, in qua integritatem perdit quantum ad actum: quia impossibile est aliquid intelligere in ipsa, ut Philosophus dicit in libro 7 Ethicor.; unde ipsa rationis absorptio corruptio dicitur. Haec autem tertia corruptio non est rationis actus, sed quaedam passio, per accidens ei conveniens ex passione inferioris partis, sicut per somnum vel phrenesim et alias passiones corporales contingit rationis actum impediri per accidens. Cum ergo virtus et vitium in actu rationis consentientis et dissentientis perficiatur; in omnibus praedictis corruptionibus non invenitur sufficiens ratio vitii aut virtutis; sed oportet addere rationis consensum vel dissensum. [...] Prima ergo corruptio, quae est corporalis tantum, non est materia virtutis vel vitii, nisi per accidens mediante aliqua animae passione; unde si per aliquam incisionem claustra pudoris rumpantur, non majus detrimentum virginitati inerit quam si pes aut manus gladio incideretur. Sed secunda et tertia corruptio sunt materia virginitatis et oppositi ejus, sicut et aliae passiones animae sunt materia virtutum moralium et oppositorum vitiorum.” Cf. also THOMAS DE AQUINO 1952–1956, II-II, q. 152, a. 1.

56 DURANDUS 1571, II, 20, 2, resp., f. 164va: “Materia enim uirtutum moralium est aliqua passio anime et non illud quod pure pertinet ad naturam corporis [...] Propria ergo materia uirginitatis est inexperientia delectationis que consistit in seminis resolutione que, si fiat ex mentis proposito per concubitum siue absque concubito, soluit uirginitatem. Patet ergo quod in actu matrimoniali in quolibet statu soluitur simpliciter uirginitas.”

57 Foucault’s analysis of *consensus* is particularly interesting here: “When the subject consents, it doesn’t open the gates to a desired object, it constitutes itself and confirms itself as a desiring subject: at that moment the movements of its concupiscence become imputable to it. Consent – and this is the reason for the central role it plays in Augustine and will play later – makes it possible to designate the subject of concupiscence as a subject of law,” FOUCAULT 2021, 311–312.

them and to the desire to which they gave rise. The attraction exerted by pleasure and the force of the desire that was directed toward it constituted, together with the action of the *aphrodisia* itself, a solid unity.”⁵⁸ Foucault then specifies that “for the Greeks, the object of moral reflection does not consist in the act in itself, nor in desire or pleasure, but rather in the dynamics that joined all three in a circular fashion (the desire that leads to the act, the act that is linked to pleasure, and the pleasure that occasions desire). It was this dynamic relationship that constituted what might be called the texture of the ethical experience of the *aphrodisia*.”⁵⁹

5. Conclusions

Based on the analysis of the Sentences Commentary (*Super Sent.*, II, dist. 20, q. 2), one could conclude that for Durand, virginity, understood in both its formal and material sense, cannot be preserved in the sexual act in any state, not even in the Earthly Paradise, contrary to what Augustine and Thomas claimed. According to Augustine, virginity, in terms of the integrity of the flesh and soul, could be preserved only in the original state of innocence, and not in the *post peccatum* one. According to Thomas, on the other hand, virgin-

58 FOUCAULT 1985, 42. See also 43 and 49: “[...] the appetite, Plato explains in the *Philebus*, can be aroused only by the representation, the image or the memory of the thing that gives pleasure; he concludes that there can be no desire except in the soul, for while the body is affected by privation, it is the soul and only the soul that can, through memory, make present the thing that is to be desired and thereby arouse the *epithumia* [...]. The dissociation – or partial dissociation at least – of this ensemble would later become one of the basic features of the ethics of the flesh and the notion of sexuality. This dissociation was to be marked, on the one hand, by a certain elision of pleasure (a moral devaluation through the injunction given in the preaching by the Christian clergy against the pursuit of sensual pleasure as a goal of sexual practice); [...] it [*the dissociation*] would also be marked by an increasingly intense problematization of desire (in which the primordial sign of a fallen nature or the structure characteristic of the human condition would be visible).”

59 FOUCAULT 1985, 50.

ity as the integrity of the flesh is lost both in the prelapsarian and in the postlapsarian state, whereas virginity understood as the integrity of the soul could be preserved in the state of innocence but lost after the Fall. Durand strays diametrically from these positions by affirming that virginity, intended as the integrity of the flesh and the soul, is lost in both states (i.e. before and after the Fall).

As previously noted, Durand's positions received criticism from the Dominican Order (as the *Irrtumslisten* show) and from some Thomist authors such as Dionysius Cartusianus and Johannes Capreolus. His views somewhat contrast with the condemnations issued by Tempier in 1277, if one consider, for example, that he does not judge the loss of virginity in a negative way, as this is necessary for the multiplication of the species and the constitution of the family. He disapproves of Augustine and Thomas' views by affirming that they erroneously appraised the formal (Thomas) and material (Augustine) definition of *virginitas*, especially concerning the original state of innocence. He goes on to argue that it is necessary to also consider the role of will and desire, unlike Thomas, who only took into account the role of reason (which, according to Durand, can never be absent from the sexual act). Even Augustine would seem to fall into contradiction when he claims that in Paradise, sexual relations take place thanks to an act of will. According to Durand, in fact, the act of will that Augustine deems as devoid of the *voluptas corporis* cannot under any circumstances disregard desire and lustful pleasure.

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