

Jus Primae Noctis

by Big Billie

Note from Dr. Hamish Kemp, Senior Lecturer in Archaeology, Peebles University. The recent emergence of important new documentary evidence has revolutionised our knowledge of the early history of feudalism in southern central Scotland. By the ninth century a fortified settlement had been established to the north west of Selkirk, in the area that to this day is still known as Traquair. From 809 to 854 AD Robert, known as “the Just,” was the Thane of Traquair, and he ruled his domain with a wisdom and foresight that, in a period which until recently was misguidedly referred to as the “Dark Ages,” was remarkable.

For some twenty years now I have led the archaeological team that is excavating the remains of the old Traquair settlement. Some fifteen years ago two of my colleagues discovered, deep underground, in the cellar of the ancient castle, a large metal trunk, battered, and with its iron hinges rusted away. Inside were a number of artefacts and several manuscript scrolls. The MSS were brittle, on the point of decomposition, and quite impossible to unravel.

Fortunately, however, digital technologies recently developed at Cambridge University and elsewhere have begun to open up the MSS’s secrets. Some MSS are in early Church Latin. Others, more difficult to decipher, are in primitive Lowland Scots. An academic edition, complete with facsimile images and translations into modern English, will be published in due course.

A major finding is that Robert the Just strictly and rigidly enforced his *droit de seigneur*, and the *jus primae noctis*, within his lands. Exactly what that meant is explained and illustrated in the following narrative. The story is fictitious, and Robert speaks to us, not as a ninth century Scottish thane, but in the voice of the twenty-first century. But his account is based upon the currently available MSS evidence.

In the year of our Lord 809 my father died and, at the age of 17, I succeeded to his estate.

When I was 8 I had been sent away, for 9 months of every year, to serve, and to be educated by, fugitive monks who, to avoid the Danes, had recently moved from Lindisfarne to Chester-le-Street in County Durham.

The monks looked after me, and educated me well. Then, during the other three months of the year, my father saw to it that I was taught the arts of war, and how to fight on horseback as an armed knight.

I realised, however, that I could not order and rule my lands unaided. I needed ministers, and I needed to develop financial and administrative institutions and practices.

My Chaplain and my Steward came to me from Durham. My Treasurer and my Marshal I inherited from my father. For between 3 and 5 years I worked with these and other servants to strengthen and secure my thanedom during dangerous and tempestuous times.

For my wife I took Margaret of Lauder. The damsel was 4 years younger than me, beautiful and fair. Our marriage strengthened my friendship and alliance with Kenneth, her father, the Thane of Lauder and my near neighbour.

As the new thane of Traquair I inherited my father's numerous bondswomen. Many were nubile, tempting and desirable. All young bonded damsels belonged to me. They were my property, and I could do whatever I wished with them. I seduced and bedded girls and young women at will, and got many a lass big bellied with child.

Soon I regularised my depredations. I learnt of the "droit de seigneur" ("lord's right") and the "jus primae noctis" ("law of the first night") from my Latin studies, and I decided to implement both practices in the lands under my control.

This is what happened if all went well.

A wedding was celebrated on the Sabbath. When the service was over the bride was taken from her husband at the altar and escorted to my private chambers in the castle. My wife's handmaidens received her. They plied her

with dainty foods and drinks. They bathed her. They combed and coiffured her hair. They anointed her naked body with sweet smelling oils, unguents and perfumes. They adorned her with jewellery: gold, silver, and precious gems. They dressed her in costly diaphanous silks. They put her into a large, ornately carved four-poster bed, and pulled the curtains around her.

Later my wife and I entered the bedchamber. Margaret removed the bedclothes from the bride. She raised her night attire. Her fingers probed, and her eyes scrutinised, the bride's pudenda. My wife then declared the bride's maidenhead (her hymen) to be intact, and retired to a large sofa.

I took the bride to my bed. When the first coupling was completed I summoned Margaret. With a white linen cloth she mopped up the hymeneal blood and handed me the cloth as proof of the bride's deflowered virginity. Next my wife sponged me and the bride clean, dried us, and left.

The bride and I then returned to bed and resumed our couplings. On the Monday morning my wife's handmaids collected the bride, took from her the jewellery and silken finery, bathed her, dressed her in her peasant's raiment, and moved her to chambers in the palace where her husband awaited her. For 3 days husband and wife were invited to stay at the castle and consummate their union. During this time they were exempt from bondage labour, and were fed and housed free of charge.

So that was what happened if the bride was a virtuous maiden, a *virgo intacta*. But, of course, this was not always so, as the case of my young serving wench Elizabeth ("Lizzie") demonstrates.

Lizzie was a victim of the Viking raids in northern England. Her mother was widowed, and she was orphaned, when the raiders killed her father in a military skirmish. She arrived at Traquair castle with her mother when she was 9 years old. My father granted food and shelter out of Christian charity, and set the refugees to work. Lizzie's mother was engaged as a cook and Lizzie, as she grew older, was trained up to serve at our family table.

After I inherited my father's domain and title I established a schoolroom. Most of the pupils were freeborn boys, and there were also a few freeborn girls. Bonded children were barred. But Lizzie had been schooled by nuns in her early years. Her mother pleaded that her education be continued; and my father granted her plea.

Now, however, all of that was behind her and Lizzie was betrothed to marry Davie, one of the stable boys.

The wedding was held on Whit Sunday. Then Lizzie was taken from the altar to my chambers and prepared for bed. Upon inspection, however, my wife Margaret could find no sign of a hymen and she declared that my bondswoman was not *virgo intacta* (an intact virgin). Nevertheless, beguiled by the girl's beauty, and by her winsome ways, I took her to my bed and coupled with her. After our first coupling I summoned Margaret who mopped at Lizzie's sex with a linen cloth. There was no sign of blood but, inflamed by the girl, I again took her to my bed and coupled with her until dawn.

I had already established the procedures to be followed, and the penalties to be paid, in cases such as this. The next morning Davie and Lizzie were taken to the Family Courtroom. The session was held in private. The Chaplain presided and Margaret and I attended and bore witness. The Chaplain asked me to state the charge against Lizzie and Davie and, if the charge was proved, how I intended to punish the malefactors.

The charge was *sponsa iam rupta*: literally, "the bride already broken."

Under interrogation the accused couple confessed that they had consummated their union before their wedding. They were therefore pronounced guilty as charged of *sponsa iam rupta*. Their liege lord had been robbed of his privilege under the *jus primae noctis*. He had the right to couple with the bride on her wedding night from sunset to sunrise; and during that coupling he had the right to take her maidenhead. In turn the bride had the duty to preserve her virginity until her wedding night, and then to surrender it to her liege lord. This she had failed to do because she and her husband had committed illicit fornication, and the penalties were as follows.

The groom was sentenced to 4 extra days of bonded labour.

The bride was sentenced to 3 extra nights of subjection to her liege lord under the *jus primae noctis*, and, after that, to 39 cuts across her naked rump with a rod of birch twigs.

The legal basis of these punishments was explained to the newly-weds. The Jewish *Torah* and Roman law both endorsed a fourfold repayment to

atone for theft. A bondswoman's virginity was the property of her liege lord and to take it from him was theft. Thus a total of 4 night's subjection to the *jus primae noctis* for the bride, and of 4 days of bonded labour for the groom, were appropriate penalties.

As to the cuts from the birch rod, these were retributive and reformatory rather than restitutional. They were to punish the bride for her illicit pre-nuptial fornication, and to reform her so that she mended her ways. The number of cuts, 40 minus 1, like the restitution to be made for theft, was stipulated both in the *Torah* and in Roman law.

The Chaplain then adjourned the court. Davie was told to report to the Marshal to begin his bonded labour. For the next 4 days he would toil from dawn until dusk in the gang that was strengthening the castle earthworks against future attacks.

Lizzie was instructed to resume her duties until dusk. She was then to return to my bedchamber where maid servants would again prepare her for my bed.

When I studied with the monks at Chester-le-Street I came across a Latin text in their library. It was entitled *De Periculis Mulierum* or 'On the Dangers of Women.' It was addressed to young monks and celibates and it urged them not to succumb to the temptations of female flesh. It described a typical she-devil, a woman to drag you down to hell. She was dark, fiery, hot, intense and passionate; and she might have been Lizzie.

Lizzie was of below average height, and of a slim build. She was slight of body, but she crackled and sizzled with a fierce, raw sexuality. This was the bondswoman with whom I spent the next 3 nights in violent, tempestuous coitus. The prospect of her forthcoming birching enraged her, and it inflamed her to the most egregious excesses. I was her liege lord, but she cared not a fig for that. She was furious and, in her anger, she screamed foul-mouthed curses against the birchen discipline and against me, her liege lord, for putting her to it. She rained down blows. She kicked. She fought. She wrestled. She spat. But then, when once I was inside her, she exploded into the most violent orgasms, one after another in a long, passionate sequence until finally, gasping and sweating profusely, her stiff, enraged body collapsed and melted into softness and compliance, and she wept bitterly into her pillow.

For all or any of this I could have had the girl flogged, mutilated, branded, imprisoned or killed. But I liked her. So instead I took her in my arms and comforted her until she was hit by another wave of anger and our love games started all over again.

In the afternoon before our final night of passion Lizzie was ordered to report to Adam, the castle gardener. The old man told her that, under his direction, she must make a rod of birch twigs, and that the rod must meet the specifications stipulated by her liege lord. He gave Lizzie a staff that was as long as a man's arm and said that all of the twigs must be the same length as the staff. He then showed her a pair of scales and two weights. The finished rod, he explained, must be no lighter than the smaller weight and no heavier than the larger weight. It must also consist of at least 24 twigs.

Adam is a kindly man. He liked Lizzie. She reminded him of his own daughters, and he tried to help her. He told her to cut 30 of the straightest, thinnest and supplest twigs that she could find. She should strip them of their leaves with her fingers and of their side shoots with his shears. She should take care, he added, to cut off the side shoots flush and smooth with the main branch so that there were no protrusions to cut into her flesh.

It took more than two hours for Lizzie to complete this task but eventually she presented Adam with 30 straight, thin, supple birch twigs. Adam weighed the twigs and pronounced them satisfactory. He bound them up with twine, tightly, beginning at their thick ends and extending up their length for one and a half hand breadths. He then gave the completed rod to Lizzie and ordered her to present it to me.

That evening I used the birch rod as a prelude to our coitus. I bent Lizzie across the bed and administered 6 sharp cuts across her naked rump. This took the best part of a minute since I left several seconds between each cut to give it time to sting, tingle and smart.

I did not strike all that hard. I intended the cuts to be playful rather than disciplinary. I was having a bit of fun.

Lizzie, however, did not see the joke. By cut number 6 she was incandescent with rage. She rose to her feet and launched herself at me, pummeling, kicking, spitting, fighting and screaming defiance.

This was what I had hoped for. Soon we were locked into a wrestling match that escalated into passionate embraces, enforced kisses, and violent, contested coitus. Lizzie climaxed once, twice, three times; and then I came inside her.

Lizzie took more “love cuts” from the birch during the first part of the night, and every time it infuriated her, and excited her to violent sexual frenzy. By the early hours of the morning we were both exhausted. I told Lizzie to get some sleep. She needed, I added archly, to be fresh and alert for her “Biblical” the following morning. At this Lizzie’s anger seethed and boiled over yet again. She cursed me violently and beat her fists against my breast. But she was by then very sleepy and she soon dozed off in my arms.

Early next morning the chamber maids came for Lizzie. They gave her food and drink, bathed her, and dressed her in a short white linen shift. They took her to the Court Room and sat her in the dock, where she was joined by her husband, Davie. Then the Chaplain arrived to preside over the proceedings. Finally I entered, accompanied by Margaret bearing the birch rod.

The Chaplain announced that Lizzie had now completed her 3 extra nights of subjection to her liege lord under the *jus primae noctis*. Margaret, daughter of Kenneth, Thane of Lauder, and wife of Robert, Thane of Traquair, acting for and on behalf of the Domestic Court as the Designated Matron of Discipline for Women and Girls, would now inflict 39 cuts across her naked rump with a rod of birch twigs.

My intention was that Lizzie’s birching should be firm but not cruel. I wanted her to take the full 39 cuts as an example and an incentive to other young virgins to retain their maidenheads. I felt aggrieved that this succulent and desirable young maiden had given her virginity to another when I wished to take it for myself, and I wanted to discourage others from doing the same thing. I also wanted to slap the sauciness, the tempestuous ill temper, and the uncontrolled rage out of Lizzie. I wanted to make her a virtuous and well governed young lady, an obedient and submissive wife, and a good example to other young females. But I liked Lizzie, and I told Margaret not be too hard on the girl.

Margaret, however, pursued her own course. She herself had preserved her pre-nuptial chastity for her husband and she saw no reason why Lizzie should not have done the same. She also resented the 4 nights that Lizzie

had spent in my bed while she, Margaret, had been forced to sleep elsewhere. She viewed my couplings with other women as illicit. She considered me an adulterer. Worst of all, Margaret resented that I liked Lizzie, and that I had enjoyed my couplings with her.

Hera, the wife of Zeus, was angry at his seductions and his infidelities. She could not control her husband so she took out her anger on his lovers: Danae, Leda, Europa and the rest. Thus, too, does Margaret take out *her* anger on my lovers, and on the brides to whom I apply the *ius primae noctis*. She is particularly vindictive towards naughty brides from whom I exact 4 nights of coupling under the *jus primae noctis*. So Margaret was angry at Lizzie and she birched her hard.

Two of my wife's handmaids removed Lizzie's short white shift. This presented an excellent frontal view of her, totally naked. She was of less than average height and slight and slim of frame. Her waist was thin. Her belly was trim and neat. Her breasts were small, firm and high. Her complexion was dark and the hair on her underarms and crotch was jet black.

The handmaids turned Lizzie to display a rear view. They stretched and bent her over a padded bench. They tied her wrists and ankles to iron rings fixed into the stone floor. The damsel's rump was small but plump and meaty. It presented to Margaret a succulent and inviting target for the stinging, tinging, smarting cuts of the birch rod.

Margaret drew back her right arm and the birchen discipline began. The rod scythed through the air with an audible swish and landed with a sharp crack across the undercarriage of Lizzie's naked rump, just above her thighs. Then, after about 10 seconds, Margaret inflicted the second cut just above the first, then the third just above that.

Thus the birching continued with cut after cut across the entire area of Lizzie's shapely rump. After 20 cuts the girl's buttocks were red raw and she was howling. Adam the gardener, however, had advised her well. She had chosen green tipped, supple birch twigs and had cut them neat and smooth. Thus, except for a few glistening drops of gore, her skin was thus far unbloodied.

This could not last, however. For the second half of the discipline Margaret moved to Lizzie's right hand side and inflicted the cuts with the rod grasped into her left hand. By now Lizzie was screaming at every stroke, and after stroke 25 she began to sob uncontrollably. By the end of her ordeal Lizzie's rump was indented all over with deep livid cuts that were oozing blood and already beginning to turn blue. The sting, the tingle, and the smart must have been almost unbearable. Lizzie had received condign punishment for her unchaste and reckless pre-marital fornication, and she had had all of the sauciness, all of the insubordination, and all of the violent rage slapped out of her.

After her ordeal Lizzie, as instructed, kissed the birch rod and thanked Margaret for birching her. She was then ordered to report to the kitchens and resume her duties. As for the birch rod, that was presented to Davie, with the instruction that he was to discipline his wife with it if she ever gave him reason to do so.

That night I coupled in bed with my beautiful wife and afterwards, as we lay entwined, my thoughts turned to Davie and Lizzie. That evening Davie had completed his fourth and final day of extra bond labour. He would have returned home physically exhausted but able, at last, to enjoy his first couplings with his wife as a married man. Lizzie is a beauteous daughter of Eve and he must have been eager for the fray. But Lizzie's delectable rump was in no condition to enjoy the sport. For several days at least every thrust, every little intimacy, would be agony for her. There would be no unbridled passion for him for some time. He would either make love very carefully, or not at all. That would teach him, I mused, not to take what was mine and not his, namely the maidenhead of his betrothed. Then, inflamed by my lascivious thoughts, I coupled with Margaret again; and that night, I firmly believe, she conceived our first child, our daughter Agnes.

My wife's handmaids, who had witnessed Lizzie's birching, spread the news and soon it was widely known. A sexual *frisson* ran through the land and the topic was hotly debated.

Lizzie was the first, but by no means the last, bondswoman that I have had birched for illicit pre-marital coupling. Within my thanedom I have now, for this several years, strictly enforced the *droit de seigneur* and the *jus primae noctis*. Young blood runs hot, the deflowered damsels are many, and all of

them, between their wedding ceremony and their first coupling with their husbands, receive from Margaret "the Biblical," 39 cuts from a birch rod across their naked rumps.

A bare-bottomed birching is not a permanent mutilation such as the cutting off of ears. The victim usually recovers from it, with little or no lasting damage, after a week or two. The injuries are almost always merely temporary. Many folk thus make light of it. It is saucy and amusing, especially when the victim is a nubile young girl, as most brides are. I have indeed received reports of young men who deliberately seduce young girls to ensure that they receive "the Biblical" as an unwanted wedding present. These same young men then openly boast of their conquests thus exposing the girls to shame and mockery.

A birching, however, is not funny at all if it is you that gets birched. Young girls who are known to have lost their maidenheads get teased mercilessly about what is about to hit them. Then if maidens thought to be chaste fail the virginity test it generates a delicious schadenfreude. Little Miss Virginity has been naughty and must get her naked rump birched. Her mother, perhaps, is an old prude, quick to condemn immorality in others when she should have addressed her strictures closer to home. Wow! How embarrassing! Physician, heal thyself!

To their tormentors the sharp comeuppance of these non-virgins is one big joke. But to the fallen maidens it is no joke at all. They are in a serious quandary, a disturbing predicament, a worrying dilemma. They live in a constant state of embarrassment, apprehension, resentment, outrage and horror. Their buttocks shudder in fearful anticipation, sometimes for years on end. They want to get married. They must get married. They long to enjoy the delights of the marriage bed, to be a wife, to be a mother. But before that can happen they must take the birch. They protest that it is wrong to birch them! They hotly declare that, even if they do deserve it, 1, or perhaps 2 or 3 cuts, would be more than adequate, and 4 cuts would be excessive. But 39 cuts? Outrageous, they cry! Blatantly unfair!

Before their deflowering these damsels were naïve, innocent, as pure as the driven snow. But then, perhaps at the age of 12 or 13, they experimented in casual sex; perhaps the antics of that older, more experienced boy went a bit too far. At the time they had wondered what the blood was all about.

Yes. He had taken advantage of them. But surely, they protest, it was no big deal?

No, my gullible damsels, you are wrong. For you it is a big deal, a very big deal. You are safe for the time being but this one is a slow burner. Years from now, when you are no longer little girls but adult, mature, grown up, fully developed women there will be a price to pay, and a punishment to take. You will be hauled up before the Family Court. Sentence will be passed. You will be stripped naked and secured across a bench. And your naked rumps will take 39 tingling, stinging, smarting cuts from a birch rod, briskly and vigorously delivered by your Thane's wife, the Matron of Discipline for Women and Girls, the lady you hold in dread and awe, the famed, the notorious Margaret, known as "The Bum Brusher." Afterwards, for a week or more, your rump will be too sore for sex, and too sore to sit on. People will be amused. They will think your birching is saucy and funny. They will laugh and smile at you behind your back, and they will tease and torment you to your face. You will never live it down.