

CAROLINA

The most important authority in the legal order in the early modern history was *Carolina*, the Criminal Code of Karl V (1532). It defined rape as an act of involuntary dishonouring of an honourable virgin, a married woman or a widow. It was not possible to rape unmarried women who were no longer virgins. Nor could rape exist in marriage relationships, except in cases where men demanded sexual acts in an unacceptable way, such as anal intercourse or deplorable positions. European courts examined the issue of rape in detail. The slightest suspicion of the woman's "flirtatiousness" pushed aside the rape allegation. In the early modern history, the prevailing view was that a single man would not be able to force a woman into a sexual relationship with physical force. Thus, the rape was often the fault of a woman who did not use enough force to prevent it. It was even more difficult for single mothers to bring rape before a court, for the medical understanding at that time presumed that both male and female orgasms were required for fertilisation. If a woman had been raped, she would have wanted it; if she had become pregnant, she would have even enjoyed it.