

McDonough, Susan. "She Said, He Said, and They Said: Claims of Abuse and a Community's Response in Late Medieval Marseille." *Journal of Women's History* 19, no. 4 (2007): 35–58.
<https://doi.org/10.1353/jowh.2007.0064>

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SHE SAID, HE SAID, AND THEY SAID: CLAIMS OF ABUSE AND A COMMUNITY'S RESPONSE IN LATE
MEDIEVAL MARSEILLE

Susan McDonough

In May 1424, Silona Calverie sued her husband Johan for the restitution of her dowry and for a marriage separation,ⁱ alleging her husband Johan's fiscal and physical misdeeds. She claimed that Johan had usurped her rights in the property she had inherited from her father, that he beat her, and, in the climax of her story, that he had thrown her out of her house and then imprisoned her in a small room on bread and water. In contrast, Silona strategically offered an image of herself as a woman grounded in her community and worthy of judicial protection.ⁱⁱ

In support of her case, Silona presented a brief from her unnamed mother dated 16 May 1424 asking the judge to restore Silona's dowry. In her mother's words, "[Johan] severely beat [her daughter] without cause and without measure, but not without great peril [for Silona]."ⁱⁱⁱ Silona's mother could not, however, appear as a witness against her son-in-law. The testimony of mothers for or against their children was explicitly forbidden in Marseille's municipal statutes and in Romano-canonical procedural law.^{iv} While the judge could not consider the testimony of Silona's mother, her brief provides some additional information about Silona's family. In all likelihood, Silona was her parents' only surviving child: She was a dowered daughter and her father's heir, suggesting she had no surviving brothers to inherit her father's estate.^v

Legally constrained from relying on family to make her case and probably without brothers to lend support, Silona called neighbors as eyewitnesses to her husband's violence. Their testimony about fighting spouses indicated a desire to restore peace to their neighborhood in a city that had been the victim of dynastic warfare. In November 1423, King Alfonso of Aragon had attacked Marseille and left over half of its houses burned to the ground, its churches

ransacked, and its great chain meant to keep invaders from entering the port taken as a trophy.^{vi} Throughout the trial, Silona and her witnesses refer back to that event, showing the enormous impression of the attack on Marseille's citizens. As the battle between Silona and Johan spilled into the streets, Silona's witnesses from her neighborhood and the city's official hierarchy, who had endured enough violence in the wake of the Catalan attack, stepped in to limit the marital hostility in their midst.

We do not know how the judge ruled in Silona's case. In a quirk of the historical record, judgments from Marseille's palace court, or court of first instance, have not survived. Yet other sources suggest the judiciary could intervene to control spousal violence, including the city's records of collected fines. While Marseille's criminal court records from the fifteenth century are not extant, we gain a sense of the crimes for which people were found guilty from the financial records of the *clavarius*, or Angevin financial officer, which contain the fines people paid along with a brief, and often tantalizing, description of their crime.^{vii} The rope-maker Jacme Michaelis was fined sixty solidi because he went too far in beating his wife,^{viii} and, in a more violent example, the butcher Johan Porqueri paid thirty pounds because he beat his wife Alsatia until she bled.^{ix} Two other husbands were fined one hundred solidi each for hitting their wives either maliciously or without reason.^x Together, the testimony of Silona's witnesses and the corroborating evidence from treasury records suggest that when violence between spouses passed a certain point, neighbors and officials interceded.

Silona Calverie was not unique in turning to the courts to establish control over her dowry and her inheritance.^{xi} Like other women, she built her case both to respond to necessary legal points that justified her claim on her dowry and inheritance, but, equally importantly, to discredit her estranged husband as thoroughly as possible in their community. While she had no

guarantee she was going to regain her dowry or obtain a separation, Silona's decision to go to court assured that her husband's behavior would be broadcast and the community's judgment made manifest. From the city of Marseille, Silona collected a group of eyewitnesses: neighbors and notables such as the *vicarius*, the chief Angevin official charged with overseeing the administration of justice in medieval Marseille, as well as members of his entourage to support her claims against her husband. She exemplified Daniel Lord Smail's contention that, by the mid-fourteenth century, Marseille's citizens used the court to "harass or humiliate an adversary on a very public stage, a rough equivalent to the everyday insult or assault and perhaps more fashionable than malicious gossip."^{xii} In two separate cases, Silona decided to challenge her husband, and perhaps to humiliate him as she must have been humiliated while she was held prisoner in her own house, for all the neighbors to see.

As if he ignored community censure entirely, Silona's husband Johan denied her claims. He argued that the civil court had no jurisdiction over his marriage. He presented himself as a legally responsible husband who had the right to chastise his wife physically. While his argument that the court had no jurisdiction did not require him to call witnesses, Johan made other claims about Silona's bad behavior provoking his violence that would have been strengthened by the testimony of eyewitnesses. He called none.

After a brief description of Marseille's legal system, this article will examine Silona's suit, Johan's response, and the varying levels of support her story received from her neighbors and city officials to show that Silona's stated desire to end her marriage was not a goal her community was certain it approved. Silona's witnesses hesitated to endorse her story fully and her neighbors may have had goals different from her own. Certainly the passage of time and lack of corroborating documentation limits the inquiry into motivations of Marseille's medieval

citizens; however, the attack on the city which hovers in the background of Silona's suit coupled with comparative studies on marital violence and community involvement suggest Silona's witnesses saw their role as the keepers of the peace in their neighborhood. Citing cases of separation based on claims of domestic violence in early modern Venice, Joanne Ferraro saw community testimony protecting women from abusive husbands and supporting their request for a separation.^{xiii} In this case, Silona's community was more ambivalent about its support. As the story unfolded between Silona and Johan Calverie, narratives conflicted. A private matter became public, and, in its own best interest, a community attempted to calm a married pair. Following the example set by scholars like Thomas Kuehn, this essay will read the legal documents generated by Silona's appearance in court for a social history of one woman's attempt to restore her control over her inheritance.^{xiv}

Charles of Anjou's proclamation of the Chapters of the Peace in 1257 outlined the privileges of the city and the structure of justice that, with slight modifications, were in place in the early fifteenth century, providing the legal framework within which Silona, Johan and her witnesses operated. After 1257, the *vicarius* was charged with overseeing the administration of justice; he was assisted by the *subvicarius*. Judges and notaries were named by the count or his representative.^{xv} The Chapters of the Peace recognized certain important privileges concerning the exercise of justice, and established that a citizen of Marseille could not be called before a judge from another jurisdiction in a criminal or a civil case.^{xvi} As a result, Marseille housed jurisdictions responsible for civil and criminal justice, as well as a first and second court of appeals.

The laws in fifteenth-century Marseille were a mix of statutory and Romano-canonical law, which meant that litigants could draw upon Marseille's municipal statutes, Roman law

collections like the *Digest*, and canon law tomes like Gratian's *Decretum*.^{xvii} Judges not native to Marseille, always men trained in law and designated *iurisperitus*, *legumdoctor*, or *licentiatus in legibus* in the registers, presided over the palace court for one-year terms. They heard matters ranging from property disputes to marital separations to debt litigation.^{xviii} Silona turned to this court to pass a judgment on her marriage.

Silona Calverie came before the palace court twice in 1424. First, on 16 May, she introduced a summary case (*causa summaria*), a simplified or speedy proceeding, in which the judge was empowered to render a judgment with incomplete proof, reserving the right to return to the matter subsequently.^{xix} Silona returned to the palace court some time before 7 August 1424 for a more lengthy civil trial.^{xx} One possible explanation for the two different cases is chronology. In the summary case, Silona mentioned that Johan beat her (*el la batia*), but Johan did not imprison her until sometime in June. That action provided the catalyst for the second set of charges.

Taken together, these cases depicted Johan as a bad manager of Silona's dowry, a usurper of Silona's rights to her dead father's property and as an abusive husband who imprisoned his wife. Silona first brought her case before the court probably in search of a preliminary judgment to gain control over her property, knowing that she would have to return to court to press her suit for a marital separation.^{xxi} The temporary condition of the summary case might also explain why so much of that case was in Provençal, and not Latin, the official language of record.

Silona and Johan Calverie represented themselves before the judges. It is, however, unlikely that either of the estranged spouses alone had drafted the legal briefs (*cedula*) or list of articles containing Silona's case against her husband. The learned, legal vocabulary indicates that

both probably employed a legal expert (*advocatus*), although only Silona's lawyer is named in the court documents.

On 16 May 1424, Silona presented the judge with a list of articles (*tenor articulorum*) she would prove in the trial. Together, they told of her husband's usurpation and mistreatment: Johan had taken red and white wine from her dead father's estate, and had sold it for his own profit. Further, he had sold land that had been her father's, keeping the profits and not paying his debt to Silona. As Silona's story continued, Johan became a dangerous wife abuser who had knocked out her teeth when she asked him, rightfully, to repay her. In Silona's final grievance in the summary case, she invoked the horror of the Catalan invasion and painted her husband as a man who had overstepped his rights in her property to the extent that he had spent the one hundred florins she had managed to salvage after the destruction of the city. Johan "opened the coffer and used it for his own pleasure" (*li ubri la cayssa e lospres e los en portet e na fach e son plazer*).^{xxii} In this summary case, Silona carefully presented herself as a woman who desired that her husband have the rights to his goods, while she retained control over her own, "for the good of conjugal peace."^{xxiii} She asked the judge to give her the power to administer her own goods and property.

Three months later, on 14 August 1424, Silona appeared again before the palace court with a list of articles detailing her husband's violence and she asked for a martial separation. In the documents she presented to the judge, she argued the following:

Johan, her husband, badly and outrageously used her entire property (*substantia*) so that now he was manifestly and notoriously destitute. For a long time he treated Silona cruelly and severely, whipping her atrociously, and expelling her from her house (*domo sua*) at night.^{xxiv}

According to Silona, Johan's friends and neighbors criticized his actions. By depriving her of her freedom and even basic nutrients, he operated outside the margins of expected and acceptable behavior towards his wife:

Although his friends and his entire neighborhood assiduously censured him on this matter, Johan shut her in a room of the house with only one small piece of bread with water. He held her enclosed in that room for two days, during which she was not allowed to leave.^{xxv}

In her story, the outcry (*clamorem*) of Silona's mother and neighbors brought Jacme de Vilamira, the lieutenant of the *vicarius*, to Silona's door. He found her locked in a room in a bad state (*malo statu*), and he ordered her husband to free her. Despite the official's promise of a formidable punishment, Johan at first refused to comply with the order. Only after hearing that Jacme was prepared to knock down the door did Johan unlock it to release his wife. The official found her in very dire straits indeed; she claimed, in fact, to have been "half dead" (*semi mortua*). Even after seeing her condition, Johan continued to threaten her in the presence of the official.^{xxvi}

Silona accused Johan of crimes against her property and her person. The story of physical abuse and coercion might seem the core of her self-presentation today; however, Silona was equally, if not more, concerned with Johan as the plunderer of her property. Silona's brief referenced those jurists who argued that women had the right to sue for the restitution of their dowry when their husbands risked insolvency. That a husband had squandered his wife's dowry and had become destitute was a standard position for women suing to regain control over their dowries to develop. Julius Kirshner studied the practice of dowry restitution in fourteenth-century Florence, when wives used legal measures to regain control over their dowries from

bankrupt husbands. He found that jurists universally affirmed a wife's right to challenge her husband in court with the aim of recovering her dowry and that women did not hesitate to use the law to their full advantage.^{xxvii} By calling witnesses to support her claims, Silona satisfied the legal demand that a husband's financial status be established by public opinion. However, Andrée Courtemanche notes that a restitution of dowry did not necessarily mean the judge granted a marital separation or even that the husband and wife would live in separate households. Her research in Manosque, a village not far from Marseille, revealed couples who stayed together in the same home even after the wife's dowry was restored to her control.^{xxviii} This comparison suggests the possibility that Silona's main goal was a legal declaration assuring her control over her dowry and inheritance, whether or not the judge granted a separation.

While suing to regain control over one's dowry was not always connected with a suit to end a marriage, it was a necessary positioning for women seeking to separate from their husbands. In her study of two hundred cases of marital separation in early modern Nantes, Julie Hardwick found that physical abuse alone did not provide sufficient grounds for marital separation. An abusive husband's profligacy was an important aspect of the rare successful separations. She writes, "For spouses, the community, and lawyers, a man's aptitude for husbanding property... was the critical indicator of his standing and discretion."^{xxix} Silona's case for separation rested on her ability to prove her husband had squandered her dowry and usurped her inheritance, though her articles did mention that Johan beat her (*el la batia*).^{xxx} To prove these charges, she called thirteen witnesses.

On 17 May 1424, Silona called eight witnesses to address the charges which focused on Johan's misuse of her property, and on 23 August, five additional witnesses testified about Johan's violence. Each set of witnesses had its own logic; together, they formed a coherent

strategy to paint Silona as a woman deserving of judicial intervention to restore her dowry and end her abusive marriage. Unlike women in early modern Piedmont who relied on a network of other women to shelter them from abuse and testify on their behalf, Silona relied on men and women from her neighborhood and the city's official hierarchy to support her claims.^{xxx}

Her witnesses were notaries, cutlerers, sailors, apothecaries, surgeons and their wives. The *subvicarius* and members of his entourage explained their intervention to free her, occasioned by her husband's violence.^{xxxii} The range of occupations and marital status reveals aspects of Silona's witness strategy. A woman in the process of asking the court to sanction a separation from her husband, Silona chose two couples to testify on her behalf. Their joint testimony, suggesting spouses in accord rather than feuding, provided a contrast between their united front and Silona's failing marriage. Having such couples as allies established Silona as aware of the positive relationship possible between spouses and as an aspirant to such a relationship. Silona presented herself not as someone challenging the idea of marriage and dowry, but as the victim of a domestic tyrant whose circumstances forced her to seek a legal remedy.

The court notary governed the testimony of each witness. Litigants would submit a list of witnesses to the judge, who would send a court messenger (*nuncius*) to notify them of their obligation to appear for a deposition.^{xxxiii} In the presence of the court notary and the opposing party or her representative, the witnesses swore, with one hand on the Gospels, "to say and depose the truth about, and on, that which they would be questioned."^{xxxiv} The notary explained that the witness "is read and made to understand [the article on which he is to testify] in the vernacular, by me, the undersigned notary."^{xxxv} The notary then reversed the process and recorded in Latin the witness' words, spoken in the vernacular, a dialect of Provençal. Although

the witnesses' answers often lengthy, they always stayed close to the subject as defined in the articles. Legal manuals on which the judges relied for courtroom procedure specified that, "Witnesses should answer according to the question, and not on another matter."^{xxxvi}

Even if witnesses could respond only to the articles Silona presented to the judge, their testimony provides a valuable gauge of the reception Silona's case had within her neighborhood. Silona chose witnesses whose position in life would reflect well upon her and underscore Silona's place in the hierarchy of Marseille's urban community, including two notaries. Notaries had symbolic value. They represented a well-to-do, urban class, a social class shared by Silona, a merchant's wife, and some of her other witnesses like the apothecary Gabriel Maurelli.^{xxxvii} Along with their symbolism, notaries had important knowledge of the particulars of Silona's case. A notary was present to make Silona's dowry contract official, and with that dowry now in question, Silona called the notary who had drawn up her dotal contract.

The notary Aventuranus Rodeti had kept the official record of Silona's dowry agreement. At the trial, he recalled that he had notarized the assignment of Silona's dowry (*assignatio dotis*) in her father's home. In his recollection, the dowry was worth 124 florins, a sum that Johan had acknowledged while his father-in-law was alive, and that he had received from his wife after his father-in-law's death.^{xxxviii} Unfortunately, as Rodeti went on to say, his record of the dowry was burned by the "damned Catalans" (*per ... dampnatos Cathalanos*) when they attacked the city in November 1423. Rodeti did not remember the date of the transaction, but he recalled that Silona's mother, Johan Maximini, Raymundus Altrani, and Gabriel Maurelli had witnessed it. Although he did not have the written proof, Rodeti supported her claims that Johan had received a dowry, and that she was her father's heir. Two other witnesses confirm Rodeti's account of

Silona's dowry negotiations. Both Gabriel Maurelli and Raymundus Altrani affirmed their presence at Silona's father's house, and Maurelli had counted the money with his own hands.^{xxxix}

Other witness narratives showed Johan misusing both the dowry and the estate, displacing Silona from her father's home. They presented Johan as living in his father-in-law's house and using it as if he were lord and master (*ut dominus et magister*).^{xl} As *dominus* is a technical legal term, meaning owner as opposed to possessor, this phrase indicates that Johan usurped his father-in-law's property as his own. The witnesses' narratives supported Silona's presentation that Johan's lordship/ownership was inappropriate. The property belonged to his wife, or at least to her family.

In a representative statement, corroborated by others, Johan Boreti added details to the picture of Johan's proprietary behavior:

He saw with his own eyes and heard it said of this husband and wife that Johan remained in his father-in-law's house, collected the rents, and both administered all the other goods and sold a rope, iron, nails and other merchandise of iron, and that he harvested the red and white wine that year...He said that he heard it said that Johan Calverie took a piece of one coat to make a shroud for his father-in-law; however, he does not know if Silona or Johan paid for this.^{xli}

Boreti's narrative established that Johan assumed his father-in-law's place as the proprietor of house and property, made financial decisions, and reaped the rewards. Boreti went on to say that Johan, "collected his father-in-law's debts and compelled his debtors to pay him (Johan) and he brought them to court and took something as security."^{xlii} In another account, witness Silona Beriaque portrayed Johan as continually using his father-in-law's home and collecting the annual

harvests. She presented Silona Calverie's view on Johan's actions: "The said Silona said daily that Johan did not return or wish to return an accounting or a bill to her."^{xliv}

The witness narratives described Johan performing the role of lord and master in his father-in-law's stead. They also established Johan as using his father-in-law's house for a new purpose: either to sell wine to taverns or to run a tavern from his father-in-law's house.

According to Rissendis Boreti's narrative and corroborated by her husband's, "She saw [Johan] making a tavern of red and white wine and afterwards using [the tavern] as lord and master up until the capture of the city."^{xliv}

However, had Silona given her permission for Johan's actions? On this, her witnesses claimed ignorance. The witnesses suggested they had limited knowledge concerning Silona's willingness to participate in Johan's activities, yet all of these narratives privileged Silona's consent (*voluntas*). Gabriel Maurelli affirmed the "many times" he saw Johan living in his father-in-law's house and selling wine, yet his narrative finished with, "He says he does not know if this was done according to Silona's will or not."^{xliv} Antonius Beriaqui also affirmed that Johan remained in his father-in-law's house: "Nevertheless, if he took the household goods and the vessels of wine *de facto* or with Silona's consent (*de voluntate*), he did not know."^{xlvi} Rissendis Boreti said that she did not know if Johan Calverie's took money from his father-in-law's house with his wife's permission (*de voluntate dicte Silone*). Her husband Johan admitted he did not know whether any of Johan Calverie's actions had had his wife's consent.^{xlvi}

Legally, Silona's *voluntas* mattered because some contemporary legal authorities argued that Johan had the right to use or administer her non-dotal property only with her consent.^{xlvi} Yet the testimony on Silona's consent is ambiguous: none of the witnesses state definitively that Johan acted without Silona's *voluntas*, and thus they do not entirely support her legal position

that Johan was usurping her rights in the inherited property. Instead, the witnesses reserved their judgment and said they did not know if Johan considered Silona's *voluntas*.

Despite the witnesses' reservations about Silona's consent, their testimony suggests reasons why Silona was able to gather thirteen witnesses and her husband none. Johan's decision to open a tavern, a notorious haven for undesirable behavior such as sexual promiscuity, violence, gambling, and petty criminality, could have alarmed his neighbors. About English taverns Barbara Hanawalt writes,

Taverns and inns were among the most complex institutions of medieval social life and social regulation because they occupied contradictory roles both in reality and in the mentality of the age. Their very interior spaces were ambiguous territories. On the one hand, guests were invited to share domestic and primarily female space... On the other hand, men and women who congregated in breweries, ale houses and inns were held in general suspicion as potentially disorderly.^{xlix}

Could it be that even if Silona's witnesses were unsure about whether Johan had consulted his wife about his decisions for disposing her inheritance they were certainly unhappy about his decision to open a tavern? Closer to Marseille in medieval Lyon, Nicole Gonthier has found that medieval taverns were "great places of delinquency," harboring robbers, drinkers, gamblers, and agitators for popular uprisings.¹ Marseille's municipal statutes recognized the danger taverns posed to civic order and regulated them to limit potential transgressions. Two honest men per district were appointed to keep tavern keepers from selling false measurements of wine. The tavern keepers were warned that only they or their wives were permitted to sell their wine. Their right to advertise was also controlled; tavern keepers could hang only certain types of signage.^{li} In the witness narratives, Johan became allied with municipal transgressions.

By transforming a private residence (*domus*) into a tavern, Johan was bringing a potentially destructive element into the neighborhood. Was he perhaps jeopardizing his neighborhood's reputation? If so, this might explain in part the wide array of witnesses Silona was able to call to support her claims against her husband's misuse of her property.

Silona's witnesses of good standing questioned her husband's fiscal management, providing further information that he jeopardized Silona's inheritance. Alasatia, the wife of the day laborer Laurencius Masselli, said Johan was a gambler, behavior that ecclesiastical moralists emphasized as a danger to the Christian soul.^{lii} She gave evidence that:

she heard from...[her] husband ...that during the current year, not long ago, the said Johan Calverie...played dice for money with some others whose names she does not remember at present.^{liii}

Careful not to implicate her own husband as one of the gamblers, Alasatia condemned Johan. If the municipal statutes were ambivalent on the question of taverns, there is no doubt that the authorities in Marseille frowned upon gambling. The statutes prohibited gambling and threatened anyone who played at dice, chess, or any other game, with a fine of twelve denarii.^{liv} In practice, gamblers often received higher fines, suggesting that the city took convictions for gambling seriously. In 1407, the unlucky Antoni Raymbaudi was fined fifteen solidi when associates of the *subvicarius* discovered him gambling. He then compounded his trouble and accrued more fines when he accused the officials of robbing him of his ill-gotten gains. Nicholas de Sexfurniis was fined one hundred solidi for playing at dice, although the sum was reduced to fifty solidi because he was a cleric. Two years later Antonieta Salvesiri was fined one hundred solidi, while her gaming companions were each docked sixty solidi.^{lv} Alsatia's testimony allowed Silona to connect her husband to a criminalized behavior that potentially endangered

both her dowry and her inheritance. This was a useful piece of evidence to bolster Silona's charge that Johan mismanaged her dowry.

Silona's witnesses represented her immediate community and Marseille at large. From her neighborhood, Silona called Catherine, the wife of the furrier Johan Gobelli, and Alasatia Masselli. Nicholas Bonabelli, the *subvicarius*, his associate Johan Gaii, and Raymundus Bidaudi, the notary from the court of inquisitions, were present as representatives of Marseille's legal establishment. Together, the neighbors (female) and the public officials (male) presented a damning critique of Johan's actions towards his wife.

Nicholas Bonabelli's testimony established that a crowd had gathered at Silona's house and that her situation was the subject of gossip. About two months before, he had arrived at Silona Calverie's house with an entourage of city officials, including a notary from the criminal court, the *vicarius*'s lieutenant and others he could not remember, "to release Silona and take her out of the room, within which the said Johan Calverie had enclosed and put his wife, with a tiny bit of bread and a glass of water."^{lvi} Bonabelli supported her story that her husband imprisoned her with only meager provisions and that Johan thwarted civil authority. He buttressed Silona's claim that Johan ignored the threat of punishment from Jacme Vilamaris and testified to Johan's resistance to releasing Silona. Though ultimately forced to release his wife, Johan continued to hurl threats in her direction.^{lvii}

The narrative of Johan Gaii, a member of the entourage, agreed with Bonabelli's. He had accompanied the group of notables to Silona's house and had been present when the lord lieutenant imposed a punishment on Johan Calverie before removing Silona from the locked room.^{lviii} Collectively the men presented narratives about a women imprisoned, a posse of city

officials arriving to her rescue, and a husband who defied the law by refusing to release her despite the threat of a fine. They peopled their narratives with a neighborhood all agog.

The officials commented specifically on Silona's imprisonment; her neighbors established the pattern of a disintegrating marriage. The notary Raymundus Bidaudi provided a bridge between these two worlds. His narrative established him as present at Silona's release from her imprisonment because of his official duties as the notary of Marseille's criminal court (*curia inquisitionis*). He had also been in Silona's neighborhood to hear her neighbors talking about the night Johan had thrown her out of the house.^{lix} His narrative added to the picture of Johan as a violent man who threw Silona out of her home and who had unsuccessfully resorted to physical restraint.

Catherine Gobelle testified that many had witnessed Johan tossing Silona out of her house more than once. She mentioned one couple by name and noted, "There were many others whose names she does not recall."^{lx} She said Silona's imprisonment was the talk of the neighborhood. When the notary asked how she knew about Johan's treatment of Silona, she replied that she heard about it "from the neighbors" (*a vicinis*) or "from the neighborhood" (*a vicinatu*). When she was pressed about the dates, she replied that it was "at the time of the city's capture," (*a tempore captionis dicte civitate*) that is 22-24 November, 1423.^{lxi} Alasatia Masselli's narrative presented Silona's entire neighborhood as aware of the drama unfolding between the spouses: "She saw [Johan shutting Silona up in a room]... and was present along with others from the neighborhood" when it occurred.^{lxii} Perhaps one of these neighbors had called the officials to witness Silona's distress, as historians have found to be the case elsewhere. In her studies of early modern England, Susan Dwyer Amussen argued that domestic violence was limited by the willingness of neighbors to intervene when the violence surpassed acceptable

limits. When violence affected the balance of the neighborhood, the community decided to intervene. That communal intervention occasionally took the form of moderating extralegal attempts at reconciliation. If that failed, neighbors would also testify in court on behalf of the victimized wife.^{lxiii}

The narratives of Alasatia and Catherine suggest such a neighborhood intervention. This pattern of neighborhood involvement has parallels in near-by Manosque, as Steven Bednarski has found evidence of the court prosecuting male violence within the family precisely when the violence became disruptive to Manosquin society. Concerned community members were often involved as witnesses.^{lxiv} Rather than intervene and place themselves in a potentially explosive situation, the neighbors called upon the official hierarchy to reestablish order in their corner of Marseille.

There was some disagreement about Silona's state upon her release from confinement. Overall, the narratives reported "facts" rather than entering the realm of the subjective. It was one thing to say that Johan threw Silona out of the house at night or locked her in a room; it was another to speculate about whether this treatment left her "half-dead."^{lxv} Nicholas Bonabelli's narrative described Johan's refusal to bow to the official demand that he release his wife and Silona's rescue at the hands of the lieutenant. He recounted that Silona was held captive, yet added, "Nevertheless, she was not half dead" when she emerged from the room.^{lxvi} Raymund testified that "he couldn't really say if she was in dire straits or not" upon her rescue.^{lxvii} Catherine Gobelle spoke for the neighborhood when she testified that "she heard it said Silona was neither half dead, nor in a desperate way when she was lead out."^{lxviii}

Silona's witnesses did not support her story that she was half dead when she emerged from the locked room.^{lxix} They supported some of Silona's charges about her husband and her

public attempt to shame him, but their support was not complete. Perhaps Silona's story exaggerated her condition after two days on bread and water; the theater of the court demanded a bit of drama.^{lxx} Her witnesses' reluctance to play along might have indicated they did not share her flair for the dramatic. It did indicate the independence of the witnesses and illustrated a community's capability to make up its collective mind about Silona's condition. As community members, the witnesses had the neighborhood's equilibrium as a primary objective; they did not necessarily care how that calm was achieved. After surviving the attack on Marseille the previous November, an invasion that cost Aventuro Rodeti all of his notarial notebooks and many inhabitants of the city their homes and belongings, Silona's neighbors wanted peace. Perhaps they hoped Silona, having vented her anger at her estranged husband, would return, purged, to her home and her marriage. They simply may have wanted the late-night fighting, the descent of a posse of officials, and the drunken gambling to stop.

If Silona had succeeded in receiving her separation, she might have been just as much of a danger to the community's tranquility as her combative marriage had been. Singlewomen, whether never-married, widowed or, most rarely, legally separated, were suspect in a society where most women married or pledged themselves to God. In medieval lore, "the singlewoman" was potentially just as disruptive as the tavern.^{lxxi} An unmarried woman in medieval culture risked being considered an uncontrollable sexual entity or a drain on society's resources.^{lxxii} Silona's witnesses would have wanted to be assured that propping up her financial well-being did not become a neighborhood project or her personal morality an affront to community standards. Though she was an heiress suing to establish her control over her inheritance, Silona's witnesses had no opportunity to suggest whether they thought she was capable of managing the property without her husband. Presumably without brothers with whom she might live and who

might exert some patriarchal, familial control over her, a newly-separated Silona could have changed the atmosphere in her neighborhood. Despite the dangers of the charged ion of a singlewoman apparent to her neighbors, their narratives supported her self-presentation as the victim of a violent usurper. The witness narratives conflicted with Silona's story when she claimed to have been almost killed by Johan's mistreatment, a charge the neighborhood seemed to have judged extreme. Her witnesses' tempered testimony on the most serious of the charges may have reflected their uneasiness about the results of a judgment in Silona's favor.

If the witness testimony reflects a neighborhood's anxiety about the possible repercussions of a legally separated Silona Calverie, there is no such ambivalence in her husband's response. Johan Calverie fought the separation and he, or more likely his lawyer, asked the judge to dismiss all of Silona's arguments and challenged her witnesses. To reject all of Silona's demands for the restitution of her dowry and the dissolution of her marriage, which had been based on the charges of physical abuse, he told a new story.

Johan presented himself as an upholder of the legal principle of marriage. His brief argued Silona was only obscuring the main issue of marital permanence with her request for the restitution of her dowry.^{lxxiii} It stated no separation was possible once a relationship had been consummated, and if there had been no separation, he was under no obligation to return Silona's dowry.^{lxxiv} About the dowry, Johan argued Silona could reclaim it only if their marriage were dissolved. Since, in Johan's formulation, marriages could not be dissolved, there could be no question of restoring the dowry. He depicted himself as a good Christian who believed in the durability of marriage. Losing the case would have meant losing access to Silona's substantial inheritance and thus it was in Johan's interest to stop the court from investigating.

Johan's response characterized the idea of a separation as "silly" (*fatuus*).^{lxxv} He challenged the palace court's jurisdiction over marriage, reminding the court that neither the bishop of Marseille nor the pope had the ability to separate those whom God had joined and who had already claimed the marital debt.^{lxxvi} According to Johan, the secular court was not competent to end a marriage if the pope could not.^{lxxvii}

Perhaps exploiting tensions between the palace and the ecclesiastical courts, Johan affected concern for the principle of justice and legal competence. The palace court judge, Augustin Peleti, however, allowed Silona to press her case. Certain of Silona's claims, like that for the restitution of her dowry, fell definitively within the palace court's purview. Moreover, secular palace court judges in Marseille did not hesitate to involve themselves in cases pertaining to marriage. Francine Michaud writes, "In fact, the legal practice attests to the overlapping of ecclesiastic and civil competence in marital material."^{lxxviii} Following that tradition, Peleti allowed Silona's case to continue.

Johan did not rest his challenge to the court's competency over his marriage only on his claim that his wife's arguments had no legal merits. After questioning the secular court's jurisdiction, he challenged the relevance of Silona's accusations of physical abuse, stating "that [Silona's] articles ... should be in no way admitted, and in the case that they are admitted, they have no relevance."^{lxxix} For Johan did not deny that he punished his wife. According to him, decisions about spousal chastisement were the husband's responsibility.^{lxxx} He told the court that a husband had the right to castigate his wife: "He is a silly man who neglects honestly to chastise his wife" whether with "nonmellifluous" words, or with a stick (*cum baculo*).^{lxxxi} Johan argued his wife was a woman who deserved punishment, and who brought it upon herself because she

was guilty of the sin of anger. If she had not been so querulous (*querelosa*) and prone to anger (*iracunda*), Johan claimed, he would have treated her better.

Without accepting Silona's claim that theirs was a violent marriage, he shifted the responsibility: "If there was tension between the spouses, Silona, not her husband, was the cause."^{lxxxii} Johan's presentation drew on a tradition that chastised angry women. According to Proverbs 21:19, for example, "It is better to live in the desert than with a quarrelsome and angry woman." Johan painted a picture for the court of his own concern for the proper hierarchy of civil and ecclesiastical jurisdiction and for correct behavior within marriage. Challenging Silona's portrayal of him as a violent usurper, Johan presented an image of Silona as an angry wife, a woman in need of a husband's control.

Johan's strategy argued he was man concerned with abstract principles of the law: the competence of the court and his rights as a husband. Her story, according to him, challenged her husband's rights and attempted to waste the palace court's time over an issue outside of its jurisdiction. As a logical conclusion of his presentation, then, Johan dismissed all of Silona's accusations and asked that the court dismiss them as well.^{lxxxiii} In Johan's tale, his wife became an angry, nagging woman ignorant of the law's jurisdiction, ignorant of the basic principles of the institution of marriage, and ignorant of a husband's rights over the person and goods of his wife. In so depicting Silona, Johan outlined the behavior that his own actions sought to control. Johan, then, presented himself as a man harnessing chaos.

Yet this presentation, grounded in a supposed concern for jurisdiction, was based in erroneous conclusions about Roman and statutory law. As the case records from Marseille and other medieval cities dependent on Roman law reveal, women did have right to sue both for restitutions of their dowries and for legal separations.^{lxxxiv} Johan's faulty application of the law,

coupled with the fact that he brought no witnesses to support his contention that Silona was the instigator of their marital discord, suggest that his was the weaker case.

The most graphic narratives about Johan as a usurper and a domestic tyrant came from Silona and her mother; they wanted control over the property and goods they presented as rightfully theirs. Perhaps they also wanted to humiliate him by presenting his ill deeds to the public. Johan had no desire to lose Silona's dowry or his control over her father's property, and he presented himself as the victim of an irrepressible nag whose case had no legal basis. Johan Calverie did not call a single witness; perhaps because, as he argued, he thought Silona's case was silly and without merit, he did not want to expend any energy in cultivating witnesses. Or perhaps, he was unable to find men and women willing to lend him their name and status. Silona portrayed him as a violent usurper, whose neighborhood had seen him defy the city officials who had arrived to release his wife from her captivity; her witnesses supported this portrayal. Johan's lack of witnesses suggests that his neighborhood and the city's hierarchy were not willing to back his story that Silona had instigated the violence in their marriage.

We are left to reflect on the community's judgment as mirrored in their testimony, since we have none from the judge. Silona and Johan Calverie's neighbors agreed that he had crossed certain boundaries when he threw his wife out on the street or locked his wife in a room with only bread and water. The couple's disruptive fight was a public one; Silona's exile from her house brought the quarrel to the streets, her dramatic release at the hands of the city officials generated a crowd, and the witness narratives indicate that everyone in the neighborhood was talking about the conflict.

Silona and Johan Calverie's marriage injected instability and violence into their neighborhood, and the neighbors responded by calling in the authorities and supporting many of

Silona's claims in court. Along with Silona, her neighbors condemned the middle-of-the-night expulsions and the imprisonment. Perhaps they did not want a tavern in the middle of their quarter, and their testimony suggests an expectation that Silona should be consulted about business transactions involving either her dowry or her father's estate. The witnesses' agreement that a marital separation was the best solution to their problem of the fighting couple is less clear. Medieval anxieties about disruptive single women warred with anxieties about disruptive households. Especially after surviving the violent sack of Marseille, these neighborhood witnesses wanted peace restored to their quarter, and the officials desired a peaceful city. The thirteen men and women who testified on Silona Calverie's behalf were not certain that her separation would guarantee that calm. Though constrained by language and the law, their testimony reflects this concern.

ⁱ In the prologue to her list of articles, Silona Calverie argued that Johan's behavior was so notorious that it became the cause of her request that he be separated from her. See Archives Départementales des Bouches de Rhône (ADBdR) 3B157 fol. 4r. Silona was asking to be separated from her husband and for an end to their partnership (*consortium*) and cohabitation. This separation did not carry the right to remarry. On the different options available to couples seeking to end their marriages, see James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 509-15. As we see below, Johan challenged Silona's ability to sue for separation in a civil court. For a comparative case, see Frederik Pedersen, "'Romeo and Juliet of Stonegate': A Medieval Marriage in Crisis," *Bothwick Papers*, no. 87 (1995): 1-31. In this close examination of a divorce case before the archbishop of York in 1345, Agnes Huntington sued her husband for divorce, claiming severe physical abuse after she refused to consent to her husband's sale of land that she had inherited from her father.

The case provides a close parallel in that the wife challenged her husband's management of property in her name and alleged physical mistreatment. Pedersen concludes that Agnes used the court to protect her land and possessions from an increasingly violent husband. For a brief overview of marital violence in thirteenth-century Marseille, see Francine Michaud, "Qui aime bien, châtie bien? Violence domestique et *affectio maritalis* dans les actes de juridiction civile marseillaise (fin XIIIe siècle)," in *Marseillaises. Les femmes et la ville (Des origines à nos jours)*, ed. Yvonne Knibiehler, et al. (Paris: Côté-femmes, 1993), 76-84.

ⁱⁱ For the importance of strategies of presentation in cases of women accused of killing their husbands, see Trevor Dean, "Domestic violence in late-medieval Bologna," *Renaissance Quarterly* 18, no. 4 (2004): esp. 539.

ⁱⁱⁱ ADBdR 3B157, fol. 329r: "... Car el me dis tot iorii gravis vilanias et gravis iniurias que non devria dire ... e la bat bot asperamens senso causa e senso misura e non pas senso grant perilli de la dicha ma filha..."

^{iv} Régine Pernoud, *Les statuts municipaux de Marseille* (Paris and Monaco: Librairie Auguste Picard, 1949), 89.

^v For the argument that dowry served as a pre-mortem disinheritance of daughters, see Diane Owen Hughes, "From Brideprice to dowry in Mediterranean Europe," *Journal of Family History*, 3, no. 3 (1978): 262-296. Francine Michaud, however, makes the point that demographic realities often ensured that dowered women would be their parents' only surviving child, and thus their heir. For this argument, see Francine Michaud, *Un signe des temps: Accroissement des crise familiales autour du patrimoine à Marseille à la fin du XIIIe siècle* (Toronto: Pontifical Institute of Mediaeval Studies, 1994), 38. Her argument is based in part on

Marseille's municipal statutes which specify that, in the absence of male children, dowered daughters can be their parents' heirs. See Pernoud, *Statuts municipaux*, 122.

^{vi} ADBdR 22F85 (Fonds Roberty) contains a detailed tally of the destruction of Marseille's mostly-wooden houses and the damage inflicted by the invading forces. Roberty estimated that 4,000 houses (out of a total of 7,000 in the city) were burned or destroyed during the attack. See also Édouard Baratier and Félix Reynaud, *De 1291 à 1480*, ed. Gaston Rambert, 4 vols., vol. 2, *Histoire du commerce de Marseille* (Paris: Librairie Plon, 1951), 320-21, Raoul Busquet, *Histoire de Marseille*, New ed. (Paris: Éditions Robert Laffont/Éditions Jeanne Laffitte, 1998), 141-45.

^{vii} These records are ADBdR B1943-1945 and B1947-1950.

^{viii} ADBdR B1943 fol. 236r. The standard currency was the pound of twenty *solidi*; each *solidi* was worth twelve *denarii*. See H. Rolland, *Monnaies des Comptes de Provence XIIIe –Xve siècles* (Paris: A.J. Picard, 1956), 81.

^{ix} ADBdR B1947 fol. 23v.

^x ADBdR B1944 fol. 315r and 340v.

^{xi} ADBdR 3B53 fol. 50r-52v is another example of a woman suing her husband for the return of her dowry. On 17 October 1353 Stephana Longa claimed her husband had completely mismanaged her dowry and was verging on destitution as a result. In a case of disputed inheritance, Jacmona Elie challenged her cousin Berengar's claims on her dead father's estate. For the case see 3B136 fol. 151r-240v; a fuller treatment of this case is in Susan McDonough, "Judging Your Neighbor: Litigants' Strategies and the Importance of Witness Narratives in Medieval Marseille, 1400-1430" (PhD diss., Yale University, 2005), chap. 2.

^{xii} Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity and Legal Culture in Marseille, 1264-1423* (New York: Cornell University Press, 2003), 87.

^{xiii} Joanne M. Ferraro, "The Power to Decide: Battered Wives in Early Modern Venice,"

Renaissance Quarterly 48, no. 3 (1995): 492-512.

^{xiv} Thomas Kuehn, *Law, Family, and Women: Towards a Legal Anthropology of Renaissance Italy* (Chicago: The University of Chicago Press, 1991).

^{xv} Pernoud, *Statuts municipaux*, xxvi. Marie of Blois, acting as regent for her son Louis III of Anjou, modified the system of appointments to municipal office when she entered the city in August of 1385. To the detriment of the *vicarius*' power, municipal officers were chosen by lot from a pool of eligible candidates, replacing the older system of appointment by the *vicarius*. See Busquet, *Histoire de Marseille*, 136-37.

^{xvi} A discussion of the history of Marseille's rights and privileges is in Mireille Zarb, *Les privilèges de la ville de Marseille du Xe siècle à la Révolution* (Paris: A. et J. Picard, 1961), 166-71. See also Victor-Louis Bourrilly, *Essai sur l'histoire politique de la commune de Marseille dès origines à la victoire de Charles d'Anjou (1264)* (Aix-en-Provence: A. Dragon, 1925), 185.

^{xvii} A summary of the development of Romano-canonical law and its foundational texts in is Arthur Engelmann, *A History of Continental Civil Procedure*, trans. Robert Wyness Millar, vol. 7, *The Continental Legal History Series* (Boston: Little, Brown, and Company, 1927), 438-47.

For an introduction to the various law codes in use in medieval Europe, see Manlio Bellomo, *The Common Legal Past of Europe, 1000-1800*, trans. Lydia G. Cochrane (Washington, D.C.: The Catholic University of America Press, 1995).

^{xviii} The municipal statutes specify that the palace judge be a foreigner (*non tamen civem Massilie*) and states that he will preside over "all business in which a judge is required on the law or the statutes of Marseille" (... [O]mnium negotiorum in quibus iure aut statutis Massilie iudex requiritur seu est adeundus). Pernoud, *Statuts municipaux*, 13.

^{xix} Leopold Wenger, *Institutes of the Roman Law of Civil Procedure*, trans. Otis Harrison Fisk, Revised ed. (New York: The Liberal Arts Press, 1955), 324-25. See n.32 in particular.

^{xx} The first two folia of the later trial are torn; the first legible date is 7 August 1424.

^{xxi} Wenger, *Institutes of Roman Law*, 325.

^{xxii} For the Provençal text, see ADBdR 3B157 fol. 314r-315r.

^{xxiii} ADBdR 3B 157 fol. 313r: "...pro bonis pacis coniugui ipsorum."

^{xxiv} ADBdR 3B157, fol. 4r. It is difficult to ascertain exactly from which house Silona was expelled: her father's or her own, that is, the house she shared with Johan as a married couple. The Latin (*domo sua*) is unclear.

^{xxv} Ibid.

^{xxvi} ADBdR 3B157, fol. 4r-5r.

^{xxvii} Julius Kirshner, "Wives' Claims Against Insolvent Husbands in Late Medieval Italy," in *Women of the Medieval World: Essays in Honor of John H. Mundy*, ed. Julius Kirshner and Suzanne Fonay Wemple (Oxford: Basil Blackwell, 1985), 266-70. For comparative examples of women who sued their husbands for a restitution of their dowry in Manosque, see Andrée Courtemanche, *La richesse des femmes: Patrimoines et gestion à Manosque au XIVe siècle* (Montreal: Bellarmin, 1993), 123-27.

^{xxviii} See , Courtemanche, *La richesse des femmes*, 126.

^{xxix} Julie Hardwick, "Seeking Separations: Gender, Marriages, and Household Economies in Early Modern France," *French Historical Studies* 21, no. 1 (1998): 166.

^{xxx} ADBdR 3B157, fol. 314v.

^{xxxi} Cf. Sandra Cavallo and Simona Cerutti, "Female Honor and the Social Control of Reproduction in Piedmont between 1600 and 1800," in *Sex and Gender in Historical*

Perspective, ed. Edward Muir and Guido Ruggiero (Baltimore: The Johns Hopkins University Press, 1990), esp. 88-89.

^{xxxii} The *subvicarius* was a royal appointee who assisted the palace court judge in calling sessions of the criminal court (*curia inquisitionis*). The vicar or subvicar, with an informal posse of city notables, would often come to the scene of a fight and thus be able to initiate a judicial investigation immediately; they were usually summoned by neighbors. See Daniel Lord Smail, "Common Violence: Vengeance and Inquisition in Fourteenth-Century Marseille," *Past and Present* 151 (1996). Unfortunately, there are no extant records of the *curia inquisitionis* for 1424, so we do not know if any criminal charges arose from Johan's imprisonment of Silona.

^{xxxiii} The municipal statutes mandated the process for notifying witnesses. See Pernoud, *Statuts municipaux*, 87.

^{xxxiv} "Iuraverunt unus post alium super sancta dei evangelia dicere et deponere veritatem de et super de quibus fuerunt interrogati." See Guillaume Durand, *Speculum iudiciale*, I:4, *De teste* § De testium iuramento for his discussion of the witnesses' oath.

^{xxxv} For one such example, see ADBdR 3B157 fol. 26r: "Qui testus interrogatus et diligenter examinatus primo super primo articulo articulorum pro parte dicte Silonete productorum ipsorum vero primo articulum eidem testi prius lecto et dato intelligi in vulgari per me notarium subscriptum..."

^{xxxvi} Durand, *Speculum iudiciale*, I:4, *De teste* § Quae possunt contra testes opponi, no. 64:

"Testis enim debet iuxta interrogata respondet, et non super alio."

^{xxxvii} In a quantitative study of dowry contracts in Aix, 1400-1450, Noël Coulet described the notaries and merchants as members of the dominant social class. See Noël Coulet, "Dots et sociétés en Provence au XVe siècle. Une approche quantitative," in *Sources of Social History*:

Private Acts of the Late Middle Ages, ed. Paulo Brezzi and Egmont Lee, *Papers in Medieval Studies* (Toronto: Pontifical Institute of Mediaeval Studies, 1984), 105-29.

^{xxxviii} For Rodeti's testimony, see ADBdR 3B157, fol. 326r. Silona's dowry was a "dos aestimata," that is, a dowry for which a particular value (in this case 124 florins) was assigned. See *Digest* 23.3.10, *De iure dotium* and W. W. Buckland, *A Manual of Roman Private Law* (Cambridge: Cambridge University Press, 1939), 65. For extant copies of Rodeti's notebooks covering this general period, see ADBdR 351E 222-231, 351E 693-699.

^{xxxix} ADBdR 3B157, fol. 321r. For Raymundus Altrani's testimony on this, see fol. 322v.

^{xl} ADBdR 3B157, fol. 21r: Johan Boreti's response to the second of the Provençal titles reads "...[P]ost mortem patris dicte Silone dictus Johan Calverie posuit se in possessiones domus dicti soceri sui et in eadem continue habitavit et ususfuit ut dominus et magister, faciens taverna vini albi et rube et administratens bona alia."

^{xli} ADBdR 3B157, fol. 325r.

^{xlii} Ibid.

^{xliii} ADBdR 3B157, fol. 322r.

^{xliv} ADBdR 3B157, fol. 16r.

^{xlvi} ADBdR 3B157, fol. 10r.

^{xlvi} For testimony on the sale of wine, see ADBdR 3B157, fol. 323r; for Johan and Rissendis Boreti's testimony on the establishment of a taverns, see ADBdR 3B157, 324r-v.

^{xlvi} For Rissendis' testimony, see ADBdR 3B157, fol. 324r and for Johan Boreti's see ADBdR 3B157, fol. 324v.

^{xlvi} In a legal opinion (*consilium*) written between 1358-64, the Florentine jurist Francesco di Bici degli Albergotti argued that a husband was obligated to return to his wife the fruits (whether

natural or investments) of any non-dotal goods or property that he had expended if it was proven that he used or invested them against her will (*contra voluntatem uxoris*). See Julius Kirshner and Jacques Pluss, "Two Fourteenth-Century Opinions on Dowries, Paraphernalia, and Non-Dotal Goods," *Bulletin of Medieval Canon Law* 9, no. New Series (1979): 69. For the law governing fruits of non-dotal property (*paraphernalia*), see *Digest* 23.3.9.

^{xlix}Barbara Hanawalt, "The Host, the Law and the Ambiguous Space of Medieval London Taverns," in *Medieval Crime and Social Control*, ed. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1999), 205. For a discussion of the semantic blending of tavern, inn and brothel in High Medieval poetry, see Andrew Cowell, *At Play in the Middle Ages: Signs, Coins and Bodies in the Middle Ages* (Ann Arbor: University of Michigan Press, 1999).

^l Nicole Gonthier, *Délinquance, justice et société dans le Lyonnais médiéval de la fin du XIIIe siècle au début du XVIe siècle*. (Paris: Editions Arguments, 1993), 98-102. See p. 98 for taverns as "haut lieu de la délinquance."

^{li} See Pernoud, *Statuts municipaux*, 65, 212. For a survey of the social origins of tavern-keepers and their clients, see Noël Coulet, "Propriétaires et exploitants d'auberges dans la France du Midi au bas moyen âge," in *Gastfreundschaft, Taverne und Gasthaus im Mittelalter*, ed. Hans Conrad Peyer and Elisabeth Müller-Luckner (Munich: R. Oldenbourg, 1983), 119-36.

^{lii} James A. Brundage, *Medieval Canon Law* (London: Longman, 1995), 84.

^{liii} ADBdR 3B157, fol. 29v.

^{liv} Pernoud, *Statuts municipaux*, 170. The prohibition against gambling was one the Marseillais took seriously. When asked to define the term *infamis*, a witness from 1317 simply stated, "One who drinks, plays in taverns and swears." For this quotation, see Joseph Shatzmiller, *Shylock*

Reconsidered: Jews, Moneylending, and Medieval Society (Berkeley: University of California Press, 1990), 41. The Castillian King Alfonso X (1221-1284) considered gambling a subject serious enough to warrant its own body of law. In the *Libro de las tahureræias*, gamblers are sanctioned with fines and physical punishment for blaspheming God. See Robert A. MacDonald, ed., *Libro de las tahurerías: A Special Code of Law, Concerning Gambling, Drawn Up by Maestro Roldán at the Command of Alfonso X of Castile*, vol. 19, *Legal Series* (Madison, WI: Hispanic Seminary of Medieval Studies, 1995).

^{lv} For Antoni Raymbaudi, see ADBdR B1943, fol. 221r-v, for Nicholas de Sexfurniis, see ADBdR B1943, fol. 238r, and for Antonieta Salvesiri, see ADBdR B1944, fol. 323r. Together, these two registers of the *clavarius*’ accounts show that thirty-two people were fined between fifteen and one hundred solidi for gambling with dice in 1407 and 1409.

^{lvi} ADBdR 3B157, fol. 26r.

^{lvii} ADBdR 3B157, fol. 26v.

^{lviii} ADBdR 3B157, fol. 28v.

^{lix} ADBdR 3B157, fol. 27r.

^{lx} See 3B157, fol. 29r.

^{lxi} ADBdR 3B157, fol. 29r-v.

^{lxii} ADBdR 3B157, fol. 30r.

^{lxiii} Susan Dwyer Amussen, "'Being Stirred to Much Unquietness': Violence and Domestic Violence in Early Modern England," *Journal of Women's History* 6, no. 2 (1994): 77-82. Barbara Hanawalt cautions medievalists against borrowing too heavily from early modern studies of violence in the family because of the political and religious changes which reflected back onto the family and especially the elevated power of the patriarch. However, she too has found in

medieval England evidence of community and family intervention in situations of escalating domestic violence. See Barbara Hanawalt, "Violence in the Domestic Milieu of Late Medieval England," in *Violence in Medieval Society*, ed. Richard W. Kaeuper (Woodbridge, Suffolk: Boydell Press, 2000), 202, 05.

^{lxiv} Steven Bednarski, "Crime, Justice and Social Regulation in Manosque, 1340-1403" (Ph.D. diss., Université de Montréal à Québec, 2002), 315. He sees the court's interference in domestic violence cases as a suggestion of "an ability to regulate truly personal matters." When abuse takes place on a neighborhood street, however, as was the case with Silona, this traditional division of public/private or societal/personal seems too rigid. For a recent critique of the imposition of modern notions of "private" onto medieval marriage and gender relations, see Shannon McSheffrey, "Place, Space and Situation: Public and Private in the Making of Marriage in Late-Medieval London," *Speculum* 79, no. 4 (2004): 960-90.

^{lxv} The witnesses here are put in a position reminiscent of the judges at an ordeal; deciding whether or not Silona was "half-dead" is similar to determining if a hand is healing after holding a burning iron rod. On the ordeal see, for example, Robert Bartlett, *Trial by Fire and Water* (Oxford: Clarendon Press, 1986), Rebecca Colman, "Reason and Unreason in Early Medieval Law," *Journal of Interdisciplinary History* 4, no. 4 (1974): 571-91.

^{lxvi} ADBdR 3B157, fol. 26v.

^{lxvii} ADBdR 3B157, fol. 28v.

^{lxviii} ADBdR 3B157, fol. 29v.

^{lxix} Hardwick notes that proof of a husband's murder attempt was one of the few grounds for a separation of property and person in early modern Nantes. See Hardwick, "Seeking Separations," 160.

^{lxx} Bednarski makes the point that criminal procedures in fourteenth-century Manosque were ritualized and used a theatrical metaphor to describe them: “Inquests were not secret, hidden events; rather they were spectacular.” See Bednarski, “Crime, Justice and Social Control”, 311. Esther Cohen devotes a great deal of attention to the ritual and drama of the courtroom in Northern France in her *Crossroads of Justice: Law and Culture in Late Medieval France*. (Leiden: E.J. Brill, 1993), passim.

^{lxxi} For the term, see Judith M. Bennet and Amy M. Froide, eds., *Singlewomen of the European Past, 1250-1800* (Philadelphia: University of Pennsylvania, 1999).

^{lxxii} For the semantic elision of sexually active single women and prostitutes, see Ruth Mazo Karras, “Sex and the Singlewoman,” in *Singlewomen of the European Past, 1250-1800*, ed. Judith M. Bennett and Amy M. Froide (Philadelphia: University of Pennsylvania Press, 1999), 127-45. On the exclusion of Parisian singlewomen from charitable institutions, see Sharon Farmer, “‘It is not good that [Wo]man Should Be Alone’: Elite Responses to Singlewomen in High Medieval Paris,” in *Singlewomen in the European Past, 1250-1800*, ed. Judith M. Bennett and Amy M. Froide (Philadelphia: University of Pennsylvania Press, 1999), 82-105.

^{lxxiii} For Johan’s first cedula, see ADBdR 3B157, fol. 6r-7r. His comments on the cementing power of sexual relations are: “E si ipsa Siloneta corpus suum dedit et comendavit viro quod est principale multo fortius et dotem quod est accessarium nunc habeat locum nisi ille qui talia exprimis ostendat in p...nto iuris et tunc clarissime respondetur suis questionibus sub quodam vellamene.”

^{lxxiv} In his reliance upon sexual intercourse as the foundation of marriage, Johan’s lawyer drew on the fact that canon law considered marriages that had been consummated to be impossible in principle to dissolve. See James A. Brundage, *Sex, Law and Marriage in the Middle Ages*

(Aldershot: Variorum, 1993), 407-09. See also Brundage, *Law, Sex and Christian Society in Medieval Europe*, 236-37.

^{lxxv} ADBdR 3B157 fol 6r-v.

^{lxxvi} On the concept the marital debt, a mutual sexual obligation between husband and wife, see James A. Brundage, "Sexual Equality in Medieval Canon Law," in *Medieval Women and the Sources of Medieval History*, ed. Joel T. Rosenthal (Athens, GA: University of Georgia Press, 1990), 69. See also Brundage, *Law, Sex and Christian Society in Medieval Europe*, 358-59.

^{lxxvii} ADBdR 3B157 fol. 6v. His comment on the competency of the court is as follows:

“...[R]atio quia quod deus coniunxit nemo separet ymo quo ad si separare contingetur devenire questio separationis propter iuramentum et matrimonii sollemnisationem eddictum in sacre sancte matris ecclesie potius pertinetur ad iudicem ecclesiasticum cum omnia reverencia quod ad iudicem layicum nec creditur quod dominus Massilensis episcopus seu summus pontiffex posset ipsos separare in vita una parte, quia una pars potest aliam partem reclamare quo ad reddendum debitum coniugale sicut una pars aliter hoc tenetur facere prout iura sunt in apperto.” On the “exclusive competence” of the Church over marriage, separation and adultery, see R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974).

^{lxxviii} Michaud, “Qui aime bien, châtie bien?,” 77. She writes, ““De fait, la pratique juridique attest du dédoublement des compétences ecclésiastiques et civiles en matière matrimoniale.” See also Brundage, *Medieval Canon Law*, 72.

^{lxxix} ADBdR 3B157, fol. 6r.

^{lxxx} Simon Muncton similarly justified his attack on his wife in 1345; he castigated her only as was his right to, according to the law, and, in any case, she provoked him with her irreverent

tongue. See Pedersen, "'Romeo and Juliet of Stonegate': A Medieval Marriage in Crisis," 12.

Compare to the husbands of the Venetian women Biancafiore and Madalena who admitted that they beat their wives too severely after their wives sued for a separation on the grounds of cruelty (*saevitia*); in Linda Guzzetti, "Separations and separated couples in fourteenth-century Venice," in *Marriage in Italy, 1300-1650*, ed. Trevor Dean and Kate Lowe (Cambridge: Cambridge University Press, 1998), 265. In general, medieval legal authorities agreed that husbands had the right to beat their wives, although they limited the extent of the punishment. For a consideration of various legal positions, see James A. Brundage, "Domestic Violence in Medieval Canon Law," in *Violence in Medieval Society*, ed. Richard W. Kraeuper (Woodbridge, Suffolk: Boydell Press, 2000), 183-95, and Giovanni Minnucci, "'An mulier verbarare possit.' Una 'quaestio disputata' de argomento matrimioniale," in *Coniugi nemici: La separazione in Italia dal XII al XVIII secolo*, ed. Silvana Seidel Menci and Diego Quaglione (Bologna: Società editrice il Mulino, 2000), 491-99.

^{lxxxix} ADBdR 3B157, fol. 7r.

^{lxxxii} Ibid.

^{lxxxiii} Ibid.

^{lxxxiv} For dowry restitution cases in Valencia, for example, see Dana Justina Wessel, "Family Interests? Women's Power: the absense of family in dowry restitution cases in fifteenth-century Valencia." *Women's History Review* 14 (4), September 2006, pp. 511-200. For the debate among canonists about whether or not the pope had the right to dissolve consummated marriages, see James Brundage *Law, Sex and Christian Society in Medieval Europe*, 510.