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## Captured at Home: Gender, Family, and the Burden of Captivity

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Carlona waited. A new mother, she was lucky that her husband Guilhem Avioni, a merchant sailor and son of a wealthy ship owner, had been home while she labored and birthed their son Lazaret, but the lure of the sea and the wealth it promised soon demanded his absence.<sup>1</sup> Though gone for long periods, Guilhem provided for her in grand style. While he sailed the Mediterranean, she paraded through Marseille fashionably dressed, showing off the evidence of her husband's success with her beribboned cloak and elaborate pearl jewelry.<sup>2</sup> This financial well-being was hard won, as her husband and his father had quarreled, and the son had been ejected from the paternal home at the point of a sword. Yet if living well was the best revenge, Carlona and Guilhem, Jr got theirs: the young husband "lived openly and publicly outside his father's house in another home, with Carlona at his side, buying and selling and commanding a ship, and renting it out and doing all the things a *paterfamilias* is able to do."<sup>3</sup> Despite the disagreement between father and son, the new nuclear household attested to the young couple's financial strength and social standing. There was every reason to think this story would have a happy ending.

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<sup>1</sup> Archives départementales des Bouches-du-Rhône (ADBdR) 3B 97. Case began 7 June 1381 on fol. 63<sup>r</sup>.

<sup>2</sup> ADBdR 3B97; testimony of Peire Vicenti fol. 100v and Luquesia, widow of Loys Boqueri fol. 100<sup>r</sup>.

<sup>3</sup> ADBdR 3B97 fol. 82<sup>r</sup>.; This is Bernart Boeri's testimony: 'quod dominus Guilelmus iunior stetit suorum a storsum a patre suo et extra eius domum in alia domo palam et publice habitavit cum dicta Carlona eius uxore, emendo venendo, promizando lignum suum et ipsum locando et omnia alia faciendo quo quilibet paterfamilias facere potuit.'

Except for one thing. Guilhem, Jr, just like his father, made his living from the sea. And in the late fourteenth century, that made him a target. Rival port cities like Barcelona and Genoa waged war on Marseille's merchant ships and Marseille's armed galley's returned the favor. But Guilhem Jr's fate did not lie in the hands of other Christians. Instead, as Carlona and Lazaret patiently attended his safe return, he died at the hands of Muslims, somewhere on the Barbary coast, *in partibus Saracenis*. So though Carlona waited, her husband never returned from his last voyage. As a widow rather than a wife, Carlona had to negotiate a new life for herself and her son, with hostile in-laws and drastically reduced financial circumstances. The pirates might as well have attacked her directly.

This paper is about Marseille's Carlonas, the women and men left behind when their family members were captured and killed by Barbary pirates. Thanks to the extraordinary explosion of research in the last few decades, we know a great deal about the Guilhems, or those taken captive. Here, the focus will be on those who endured a different kind of captivity, who were captured safely at home by circumstances and gendered expectations for their behavior. Three vignettes that emerged from Marseille's late medieval civil and criminal courts allow an exploration of the families left behind as their kin suffered as a captive in Muslim lands. Together, they reveal the vulnerability of the late medieval family and show how the performance of gender was inextricably bound with the performance of family.<sup>4</sup> The person taken captive was not the only victim of Barbary piracy; her entire family was captured and fractured. This essay is the story of those families, remote casualties of piracy.

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<sup>4</sup> I use performance here advisedly, building on the long tradition of scholarship that recognizes participation in legal trials as a kind of performance. See Sally Humphreys, 'Social Relations on Stage: Witnesses in Classical Athens.'

I will explore the strategies of husbands and wives, sons and daughters whose families became the casualties of “Saracens” from “Barbary Lands,” roughly the landmass corresponding to today’s Morocco, Algeria, Tunisia, and Libya. The captivity or death of a relative revealed the thin line separating a stable and a splintered family unit. There was no off-the-shelf approach for coping with captivity, as the women and men who remained at home in Marseille had to negotiate not only on behalf of the missing kin, but to navigate a new landscape of a world in which they would likely not see that person again. Some family members dedicated their social capital and economic reserves to bring their loved ones home, but others decided, perhaps more practically, to rebuild their lives in the absence of the captive and to move on without them. Though the legal and civic records remaining from the fourteenth century are frustratingly laconic, the three vignettes explored in this paper suggest that although the port city of Marseille and its medieval hostage problem has captured little historical attention, the problem of how life should continue while dealing with a family member’s captivity was not an uncommon one. It was also a problem that had many possible solutions. This paper will use the multiple strategies families employed to bring their members home safely home to think about how familial responsibility was constructed and publicly performed. How were family members expected to address this problem? What happened when their solutions conflicted with other sets of obligations, to neighbors, business partners and the city itself? How did the gender of the captive and, importantly, of the family members constrain the choices available?

From the explosion in the study of captivity in the early modern period, we know a lot about captivity and the toll it took on captives.<sup>5</sup> While medievalists have focused less on this

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<sup>5</sup> For a sense of the field, see Linda Colley, *Captives: Britain, Empire, and the World 1600-1850*; Robert Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500-1800*; Daniel Hershenzon, “Early Modern Spain and the

phenomenon, the bibliography remains impressive. From this body of scholarship we know about the mechanism of capture, the role of the Mercedarian and Trinitarian orders in ransoming those captured, and increasingly, how medieval people experienced captivity.<sup>6</sup> It seems that captivity had ramifications beyond those for the individuals captured and their families; rather it was a fundamental aspect of medieval foreign policy.<sup>7</sup> There is little work on this phenomenon in the medieval port city of Marseille, though Baratier points out that relations between Marseille and the Alegerian port of Béjaïa (Bougie in the Middle Ages) deteriorated dramatically in the late fourteenth century. He attributed this to the leadership of the admiral Muhammad ben Abi Mahdi and his support of pirates' attacks on the shores of the Western Mediterranean.<sup>8</sup> Perhaps, as Kaiser has argued, because Marseille had abdicated its role as a major maritime force to Barcelona and other Mediterranean ports by the late Middle Ages, her citizens were less attractive as bait in the ongoing skirmishes between Christian and Muslim whose lands skirted the Great Sea.<sup>9</sup> Certainly, in comparison with the lively commerce in ransoming captives in the Iberian peninsula, the Provençal inhabitants were much less likely to need such services.<sup>10</sup>

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*Creation of the Mediterranean: Captivity, Commerce, and Knowledge,*" Gillian Weiss, *Captives and Corsairs, France and Slavery in the Early Modern Mediterranean*.

<sup>6</sup> See especially, Brodman, *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier*, Blumenthal, *Enemies and Familiars*, and Rodriguez, *Captives and their Saviors*; As this brief survey suggests, scholars of the Iberian peninsula have led the great effort to understand the phenomenon of medieval captivity.

<sup>7</sup> See Rodriguez, 'Captivity and Diplomacy in the Late Medieval Crown of Aragon,' p. 107-117 and Themudo Barata, 'Le rachat de captifs. Une affaire d'état au Portugal au XVe siècle' p. 109-122.

<sup>8</sup> Baratier, *Histoire de Commerce de Marseille*, 104; For the redemptive role of the Trinitarians and Mercederians in Marseille, see Cipollone, *La casa della Santa Trinità de Marsiglia (1202-1547)*, p. 105-135. Also see Le Blévec, 'Le context Parisien et Provençal de la Règle des Trinitaires,' p. 119-129.

<sup>9</sup> Kaiser, 'Les "hommes de credit" dans les rachats de captifs provençaux (XIVe-XVII siècles),' p. 293.

<sup>10</sup> Le Blévec, 'Le rachat des Provençaux captifs au XIV<sup>e</sup> siècle. La commerce et la religion.'

Yet even if historians have not seen Marseille's medieval captives as particularly noteworthy, it's likely that the Phoenician city's late medieval inhabitants were not quite as sanguine about the threat posed from the Barbary coast. Because the danger of capture was real, as all inhabitants of the medieval Mediterranean would have known. A side effect of the tensions between Christian municipalities of the Western and Northern shores and Muslim powers on the Southern shores of the Mediterranean, captivity could be the result of clashes between armed galleys from rival cities, cross-border and coastal raiding, or simply the detention of merchants who had been going about their business in previously friendly markets. While this paper focuses on the families of Christians taken captive or killed by Muslims, let me be clear that this was a multidirectional strategy. Muslims were equally the victims of Christian raids and warfare, and their families equally bereft.

The records from Marseille permit a new focus on these families. A glance through the pages of the late fourteenth-century municipal deliberations reveals frequent petitions for help in ransoming or rescuing captured Christians. Unlike the *fueros* of the Iberian peninsula, Marseille's municipal statutes did not directly address the communal responsibility for ransom, but the frequent discussion among the city's elected officials about the ransoming of Marseille's citizens certainly that families appealed to the *prud'hommes* to intervene when they were able.<sup>11</sup> In both Islam and Christianity, ransoming those held by a rival faith was a religious responsibility.<sup>12</sup>

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<sup>11</sup> For a discussion of Iberian foral law on captivity and ransom, see Brodman, 'Community, Identity and the Redemption of Captives.'

<sup>12</sup> In Islam, the ransoming of a captive was one avenue for Muslims to seek God's forgiveness for their sins. Unlike in Christianity, it was an individual act of charity rather than a communal one. See Guemara, 'La liberation et le rachat des captifs. Une lecture musulmane,' p. 333-344. In contrast, papal declarations emphasized Christian corporate responsibility to ransom. As part of his overall concern with apostasy, Innocent III approved the foundation of orders like the

In February of 1378, for example, the municipal council designated an ambassador with two tasks: first to act as a messenger delivering letters from captive Christians to the highest royal official, the seneschal of Provence, and second to plead for increased security for Christian souls against the perpetual threat of violence and capture emanating from the Barbary coast. He was particularly tasked with pointing out how well equipped the Barbary enemies were, with their six *galiote* and two galleys primed and pointed at the North Mediterranean coast. An additional quartet of officials were charged with investigating how best to liberate one particular captive named Gabriel de Fos as well as his unnamed co-citizens.<sup>13</sup> While diplomacy and negotiation was one possible strategy, so too was direct engagement. Alongside the designations of ambassadors and liaisons, the municipal council permitted captains to pursue and engage the Saracen foe.<sup>14</sup> They did not neglect the practicalities of such a venture, and provided a special tax to pay the sailors who filled the galleys sent to engage the enemy. Representing Marseille, these men looked for communal solutions to the challenge of captivity.

Even outside the elite ruling class, there is no question that Marseille's residents understood the ransoming of captives as a burden the entire population shared. Twelve boats of the city's fisherman sought, and were granted, permission to fish on the occasional Sunday and feast days, with the promise that the proceeds from the sale of that catch would go towards the ransoming of Barbary captives.<sup>15</sup> Likely they had a particular stake in assuring captives would be

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Trinitarians and Mercedarians during his pontificate. Importantly, his 1213 bull *Quia maior* called for the liberation of Iberia and the Holy Land also stressed the necessity of freeing all those 'many thousands of Christians [who] are being held in slavery and imprisonment in their hands, tortured by countless torments.' For an analysis of Innocent III's emphasis on the Christian duty to free captives, see Bolton, 'Perhaps you did not know?: Innocent III's approach to the release of captives,' p. 457-463.

<sup>13</sup> Archives de la Ville de Marseille (AM) BB 27 fol. 267<sup>r</sup>-268<sup>r</sup>, 16 February 1378/9.

<sup>14</sup> AM BB 27 fol. 239<sup>r</sup>, 12 August 1378; and fol. 270<sup>r</sup>, 19 February 1378/9.

<sup>15</sup> AM BB 28 fol. 81<sup>r-v</sup>, 28 November 1381.

ransomed, given the particular danger in which their profession placed them. As Rodriguez has argued and common sense bears out, sailors, fishermen and those dependent on the sea to sustain them and their families were at particular risk of capture.<sup>16</sup> Tucked among the many proclamations of the city council were prohibitions against fisherman fishing at night, since the Muslims patrolling Marseille's seas could be aided by the lights, enabling them to "more easily capture Christians, whom they carry away into captivity with their armed boats."<sup>17</sup> Because small and swift Muslim vessels rarely attacked well-armed ships, but could navigate the uneven and poorly protected Provençal littoral with skill, shepherds, peasants and travellers following unpopulated routes were the other groups likely to fall into captivity.<sup>18</sup> Thus, all levels of society were engaged in the effort to limit the number of captives and to ransom home those captured.

Because captivity disordered everyone's lives, not simply those of the captive and her family. Not only was the municipal council preoccupied with raising funds for ransoms and negotiating with the seneschal for more effective protections of Marseille's littoral, but also a sudden and unexpected removal from society disrupted all sorts of quotidian encounters in the city. Lawsuits lingered unnecessarily, or came to abrupt and unsatisfactory conclusions when one party or another was captured.<sup>19</sup> Uncertainty surrounded who would pay laborers when their patrons were out of commission. Flocks were untended and fields whose laborers were taken lay fallow. And families had to refocus their attention from their own affairs to figure out how best

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<sup>16</sup> Rodriguez, *Captives and their Saviors*, p.13.

<sup>17</sup> AM BB 28 fol. 195<sup>r</sup> 17 juin 1382, fol.199<sup>r</sup>: 'Et quia nonnulli piscatores piscarunt de sero cum lumine cuius rei cum de facili Sarasseni venire possuit capturantes Christianos cum galeis armatis.'

<sup>18</sup> Le Blevet, 'Le rachat des Provençaux captifs au XIV<sup>e</sup> siècle. La commerce et la religion.' 159-160.

<sup>19</sup> AM BB 28 fol. 59 et 60; deliberations of 5 September 1381.



to rescue their members from the clutches of the infidel. As we shall see, turning to the deeply entrenched legal system in place in Marseille was one option available to them.

For despite the medieval Christian ethos demanding and despite evidence of a communal responsibility for the ransoming of captives, it is fair to say that the families of those captured surely suffered the most. Not only the emotional disturbance of uncertainty and fear for a blood kin, but also the practical fallout of having someone unable to participate in the daily economy and whose captivity cost money and time, both in short supply. Marseille lacked institutional support for ransoming; families were on their own in ways that Iberian families were not. Rather than relying on a system of official ransomers, they engaged merchant intermediaries familiar with North Africa to negotiate their kin's releases.<sup>20</sup> Families faced a double obligation: first as Christians, they were obligated to do their best to ensure a Christian soul was not endangered through possible conversion to Islam. This explains municipal action on behalf of captives, the reclaiming of Christian souls from the threat of damnation. But family members shared more than faith with their kin, they shared the ties of blood and duty not only to the captive, but also to all the other members of their families. Especially for the families of the poorest of the captives, it was not always possible to raise the money. This led to some complicated agreements with wealthier merchants, who would negotiate to sell merchandise on behalf of the family to raise the ransom money, with the understanding that he could keep any profits over and above the price of the ransom.<sup>21</sup> Ransoming a relative often left the families fiscally and emotionally indebted, without a perfect guarantee of their kin's safe return. In fact, historians concur that the likely fate

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<sup>20</sup> Le Blevec, 'Le rachat des Provençaux captifs au XIV<sup>e</sup> siècle', p. 161-2. For the Iberian system, see Brodman, *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier*; For the importance of understanding ransoming as a reciprocal system between Muslim and Christian intermediaries, see Miller, 'Reflections on Reciprocity. A Late-Medieval Islamic Perspective on Christian-Muslim Commitment to Captive Exchange,' p. 131-149.

<sup>21</sup> Le Blevec, 'Le rachat des Provençaux captifs au XIV<sup>e</sup> siècle,' p.164.

of a Christian captive in Muslim lands was a life as a slave rather than redemption by ransom.<sup>22</sup> The decision to ransom a captive family member was unlikely to yield the hoped for result and revealed an ever-shifting hierarchy of commitment that placed the family left in Marseille in tricky spots.

One case before the palace court from 1395 illustrates the complex matrix of obligations that family members had to navigate. Marshaling resources to free a mother, a sister, a husband or a child necessarily visited conflicting demands upon the person raising the money, as Jacme Albanea found out to his dismay. When his mother Dulcia fell into captivity in Tunis, he, with the permission of a judge from Marseille's court of first instance, sold a vineyard in one of Marseille's suburbs to so that he might 'have the necessary funds to bring back the lady Dulcia from the captivity in which she is currently held'.<sup>23</sup> When the vineyard was sold, he gave the proceeds to one Gaufrid Raymon of Tholonet, whose son Antonet shared Dulcia's captivity. Gaufrid was to take the money to negotiate both Antonet and Dulcia's freedom.

So far, so good. A son takes stock of the resources available to him and, as he is able, raises the money for his mother's ransom. Filial responsibility meets fiscal opportunity.<sup>24</sup> But this transaction wound up in court precisely because it wasn't quite that simple. At its core, this case was a conflict between Jacme's responsibilities as a son and those as a husband. For it was Hugueta Provensala, Jacme's wife, who contested the sale of the vineyard, claiming it was her dotal property and not property belonging to her mother-in-law. As such, Jacme would have

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<sup>22</sup> James Brodman, 'Captives or Prisoners: Society and Obligation in Medieval Iberia,' p. 219.

<sup>23</sup> ADBdR 3B124. Case begins on 23 December 1395, fol. 302r: '*pro habendo financiam necessario ad redividendum dictam dominam Dulciam de dicta captivitate in qua nunc presentaliter detinetur.*'

<sup>24</sup> See Rodriguez, *Captives and their Saviors in the Medieval Crown of Aragon*, p. 101-118 for the comparable options available to Aragonese families hoping to ransom their kin.

been prohibited from selling the land.<sup>25</sup> According to Hugueta's suit, the judge who authorized the sale allowed Jacme to improperly prioritize his filial role over his marital one and she was not willing to accept that. While Jacme's witnesses were consistent in their insistence that the land was Dulcia's (they testified to her peaceful and calm (*pacifice et quiete*) harvesting of the land before her captivity), we do not know how the judge ruled. I can only speculate on the difficult conversations over meals in Jacme and Hugueta's home as the trial unfolded or the troubled relationship between the mother and daughter-in-law that might have precipitated Hugueta's decision to contest Jacme's sale of the vineyard.<sup>26</sup> The case highlights the terrific potential for conflict that faced the families of captives. Even those with the resources and intentions to pay the ransom that might free their kin had other obligations that the captivity of a relative did not dissolve.

Captives' kin were members of a specialized club, one that no one chose to join, and with a membership difficult to cancel. Their lives and actions were marked by a captivity not their own or of their own making. Jacme wasn't just a son; he was the son of a woman in captivity. The cultural resonance of that label is significant and surely influenced his choice to use his mother's captivity as a justification for selling the vineyard. Despite the consistent testimony identifying the vineyard as Dulcia's, we have no way of knowing if Jacme's claim was legally correct. Perhaps the land really was his wife's dotal property. Either way, whether as a straightforward explanation of his actions or an attempt to win judicial sympathy that would

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<sup>25</sup> For a primer on dotal law and limitations on a husband's ability to alienate his wife's property, see Kirshner, 'Wives' Claims against Insolvent Husbands in Late Medieval Italy', p. 256-303. See too Kelleher, 'Hers by Right: Gendered Legal Assumptions and Women's Property Rights in the Medieval Crown of Aragon', p. 55.

<sup>26</sup> I've written elsewhere about the challenges but also the freedom of working with court records whose decisions are not extant. See McDonough, *Witnesses, Neighbors, and Community in Late Medieval Marseille*, p. 152.

persuade a judge to overlook an illegal sale, Jacme's claim of a sale to raise ransom for his mother marked him with a particular identity: the son of a captive mother. He claimed the identity as a way of justifying sale of land, ostensibly for ransom. But the struggle to provide ransom was only one in a number of problems that captivity tossed at the families of those captured. The conundrum of captivity, and the decision to address or ignore it flavored familial relationships. The captive's kin had choices to make that affected their community standing and well being just as much as that of the captive.

When he sold land to subsidize his mother's ransom, Jacme cast himself as his mother's potential savior, even at the cost of undermining his wife's financial stability. In this vignette, we see a woman's rescue engineered by a man, which reaffirmed the accepted gender hierarchy. Jacme likely had difficult choices to make in deciding how best to raise the money for his mother's ransom, and if his wife's claim had merit, the choices were not limitless. He also had to contend with the troubling double peril of a woman in captivity. Not only was his mother Dulcia in danger of forced conversion or death in captivity, but she was also at risk of sexual attack. Indeed, as Friedman has argued, "sexual abuse of female captives was more or less taken for granted."<sup>27</sup> Ransoming his mother was not only protecting her life and religious identity, but her sexual honor and thus his family's good name.<sup>28</sup> Although the very fact of his mother's capture

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<sup>27</sup> Friedman, *Encounter Between Enemies: Captivity and Ransom in the Latin Kingdom of Jerusalem*, 169. On the likelihood of rape as a female captive, see also Rodriguez, *Captives and their Saviors*, 27. As Tucker points out, however, women were not the only rape victims in captivity. For the spectre of male rape while in captivity, see Judith Tucker, 'She would rather perish,' p. 17-18.

<sup>28</sup> The bibliography on gendered notions of honor and the medieval emphasis on women's chastity is vast. See for example Elizabeth S. Cohen, 'Honor and Gender in the Streets of Early Modern Rome,' *Journal of Interdisciplinary History* 22, no. 4 (1992): 597-612; Jesus Angel Solorzano Telechea, 'Fama publica, Infamy and Defamation: Judicial Violence and Social Control of Violence Against Sexual Morals in Medieval Castile,' *Journal of Medieval History* 33, no. 4 (2007): 398-413 and Scott Taylor, *Honor and Violence in Golden*

destabilized his claim to proper masculine triumphalism (after all, what was he doing while she was captured?), his efforts to protect her through the provision of ransom cast him in the role of dutiful son, the potential savior. In every way, Jacme's actions were an effort to reestablish how things ought to be, although he knew personally that this ideal was not reflected in his own experience. Even as he potentially violated his fiduciary responsibility to his wife, Jacme acted as a proper son, pushing the boundaries of the law to protect his mother.

We can see how gender works differently in another case brought before Marseille's criminal court in 1380.<sup>29</sup> Caterina Sanarde had, according to Marseille's *sousviguier*, the official who brought the case forward *ex officio*, a wildly inappropriate way of dealing with the captivity of her husband Antoni Sanardi: she abandoned him to his captivity and married someone else. Not only does this case lay out a brief "how to" guide for ransoming a captive, but it foregrounds the often difficult choices family members were faced at the moment of their kin's capture. The enticing combination of captivity and bigamy is particularly useful in teasing out the implications for gendered behavior, especially when compared to Jacme's claim above. According to the *sousviguier*, Caterina had violated two sets of norms. First, Caterina abdicated her uxoral responsibility when she did not properly investigate her first husband Antoni's death. Marseille's municipal statutes had a mechanism for establishing the death of a relative or spouse, in the event of their disappearance.<sup>30</sup> While the statute dealt directly with inheritance, it is useful for understanding the mechanism for ascertaining proof of someone's death, if they died away from Marseille, while traveling on sea or land. According to the statute, a relative's death could be established, 'If the rumor of the death of the person has been among the neighbors and

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*Age Spain.*

<sup>29</sup> ADBdR 3B96 fol. 79r.

<sup>30</sup> *Les Statuts municipaux de Marseille*, ed. by Pernoud, p.183.

acquaintances for five years, the person's death is assumed, especially if the death was mourned by his wife, or conversely by her husband, or by the relatives and agnatic and cognatic kin of the dead'.<sup>31</sup> In other words, at least five years had to pass before someone could be presumed dead, leaving a spouse free to remarry. The charge against Caterina doesn't make clear how much time had elapsed between her husband's captivity and her remarriage, but we can infer it was less than the proscribed five years.

Caterina was not only charged with an illegal marriage, she was also accused of not acting properly to bring her first husband back home. When her husband did not return home as expected, especially when there was the possibility of Barbary captivity, Caterina ought to have sent letters to the "Jews of Morocco," and charged them with the task of seeing if Antoni was alive.<sup>32</sup> When they found out he was, it was then her responsibility to redeem him from captivity. Caterina did neither. Instead, and against community norms, she abandoned her first husband to captivity and married a second, without the dissolution of the bonds of that initial marriage. This was in direct contravention of Marseille's municipal statutes, which state plainly, 'No man shall have two wives, nor woman two husbands'.<sup>33</sup> Even if Caterina hadn't memorized the city's statutes, she surely knew that taking a second husband while the fate of her first was uncertain was neither a legally or socially acceptable move. So why take the risk? Just as the captured were changed by their captivity, so too were their families. For some, like Caterina, perhaps the waiting proved too much. She chose to move on and form a new familial unit rather than focus

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<sup>31</sup> *Statuts municipaux*, p. 183: 'si fama publica est vel fuerit inter notos et vicinos de morte illius persone per quinquennium, presumatur semper de morte illius, maxime si ab uxore illius, vel converso, vel a parentibus et agnatis et cognatis defuncti vel defuncte fuerit factus plantus.'

<sup>32</sup> For the role of Catalan and North African Jews as brokers and investigators for Christian families of captives, see Baratier, *Histoire de Commerce*, p. 108.

<sup>33</sup> *Statuts municipaux*, p. 115: 'Quod nemo habeat duas uxores, vel mulier duos viros.'

the time and energy on rescuing the old. That's not to suggest her decision to remarry was an easy or lightly made decision, but perhaps a practical one.

We know nothing about Caterina besides the terse mention in the criminal court records. We don't know how her bigamous marriage came to the court's attention. Did her husband Antoni defy the odds and make it home to denounce her? This is unlikely, as surely even the laconic record would have mentioned that spectacularly unusual occurrence. Perhaps a neighbor whispered suspicions to the *sousviguier* when Caterina married suspiciously soon after her husband didn't return as expected. Perhaps she and Bocri had long engaged in an extramarital affairs and her husband's captivity was just the excuse she needed. But perhaps her decision was more clearheaded and practical. Most captives did not return from captivity. And while scholars have convincingly documented the potential legal advantages of medieval widowhood, a woman whose husband was in captivity lived in a strange sort of limbo.<sup>34</sup> Not a widow and not marriageable, she had little space in which to maneuver. So could her decision to remarry rather than attempt to ransom her husband have been a practical move, analogous to the bigamous marriages McDougall has documented in Champagne during times of war and unrest?<sup>35</sup>

A husband in captivity was only a burden, both economically and temporally. Finding money for ransom was not a given, and it took a great deal of time.<sup>36</sup> And if she did not have the resources

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<sup>34</sup> For a classic articulation of the legal and cultural ambiguities that marked medieval widows' experiences as they contended with medieval assumptions of women's frailty, Louise Mirrer, "Introduction" *Upon My Husband's Death* edited by Louise Mirrer, 1-15.

<sup>35</sup> McDougal argues that "medieval society may well have preferred to see a woman enter into a potentially bigamous marriage rather than remain free, unattached, a likely candidate for prostitution, for concubinage with a parish priest, or at any event for sexual license and general license to act outside the circle of family rights and obligations." See *Bigamy and Christian Identity in Late Medieval Champagne*, p. 74.

<sup>36</sup> Rodriguez, *Captives and their Saviors*, p. 118.

to ransom her husband herself, then she had to begin negotiations with the municipal council to raise the money on her behalf, which could involve petitions in person or by letter.

This was the strategy another woman, the captive chandler Philip Colradi's wife, followed, when she addressed herself directly to the city council in 1381 to bemoan her husband's long captivity in Barbary and to request their aid in bringing it to an end.<sup>37</sup> Her petition came only a year after Caterina was charged with bigamy; it is not impossible that the two women whose husbands shared similar fates knew each other. Even if they did, their mutual circumstances became the platforms for a very different set of choices.

There is no indication that Caterina had petitioned the city's elders, and while she perhaps contemplated it, in the meantime, she was alone, without her husband's income, support, or legal protection. So Caterina likely assessed the options available to her and decided to risk remarriage, assuming, with some good reason, that her husband would not survive his captivity.<sup>38</sup> His death would end her bigamous lifestyle. Since we know about Caterina's second marriage, and, more importantly, the municipal authorities found out about it, her plan to minimize the damage of her husband's captivity did not unfold as she intended; we only know she denied the charges levied against her by the municipal authorities, but not the outcome of her trial. But we can also infer that her choice to marry Loys Bocri was an effort to salvage some small measure of the life she had planned for herself. Despite the evidence that capture was a potent danger in late medieval Marseille, no one planned to be the victim of a Muslim attack, whether as a captive or the relative of one. And in unplanned circumstances, Caterina assessed

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<sup>37</sup> ACM BB 28 fol. 60r; deliberations of 28 August 1381. Interestingly, her husband was among the minority of captives who returned home. Upon his return, Philip Colradi, following in his wife's footsteps, went before the municipal council and blamed the captain of his ship for his capture. He also demanded monetary restitution for his time in captivity. See ACM BB 30 fol. 90<sup>r-v</sup>; deliberations of 28 November 1384.

<sup>38</sup> Rodriguez, *Captives and their Saviors*, p. 118.



her options and decided that bigamy, despite the spiritual and temporal penalties it might bear, was better suited to her own plans than the effort to ransom and return her first husband.

Let us return for a moment to the vignette that opened this paper, that of Carlona Avione whose husband was killed by Saracen infidels while he sailed the Mediterranean. She waited, and he never returned. In those circumstances, Caterina Sanarde had decided to marry, even if bigamously, and move on with her life. Carlona coped in a different way. Left without her husband's financial support to care for their infant son, Carlona decided to sue her husband's family for *alimenta*, or support. Her father-in-law was dead and his heir was his daughter (Carlona's sister-in-law) Nicholava Rostagne. Together with her mother Bertrande Raymunde acting as her legal guardian since Carlona had yet to reach the age of legal majority, Carlona argued that Nicholava had failed to return Carlona's dowry, was withholding the legacy left to Lazaret after the death of his father and grandfather, and had not provided *alimenta* from the deceased Guilhem's estate. Her case chronicles her change in status. Witness after witness recounted the circumstances of her marriage and betrothal, her father-in-law's ejection from his home of Carlona and her husband at the point of a sword, the circumstances of her son's birth, and finally her mourning of her slain husband. Except for the dramatic scene at sword point, the witness testimony in this case is rather typical, especially in a case pitting two members of a marital family against one another when inheritance was at stake. Yet when Carlona's husband died in Barbary lands at the hands of the impious Saracens, she was catapulted into a world different than the one she had imagined for herself and one which only a select group of Marseille's inhabitants experienced. When her husband's death ended their marriage, it also gave her a new identity: widow of a Muslim victim.

It is worth thinking about why Carlona and her mother decided to include the details of Guilhem Junior's death in the documents of their court case. It was not a given that death at Muslim hands would play on the court's sympathy. Unlike those valorous heroes who died at war, captives enjoyed a much less lofty place in the medieval imaginary. Captives were weak and vulnerable; they challenged a narrative of Christian triumphalism when they allowed themselves to be captured by members of an enemy faith, rather than dying in defense of their own.<sup>39</sup> Captives inverted the expected Christian hierarchy, for to be captured placed one in the position of the enslaved, and to a rival, inferior faith. The life of a medieval slave was ignominious.<sup>40</sup> As Blumenthal has recently argued, the lives of Muslim slaves in Christian Iberia were harsh and difficult.<sup>41</sup> And the stories of Christians returned from captivity reinforced an understanding of that life as one of starvation, grueling labor, poor accommodations and meager clothing, ill health with little recourse to medical care, and the ever-present threat of physical chastisement.<sup>42</sup> It wasn't always clear that a ransomed captive would be welcomed back to their former life, as suspicions about their allegiances and religious identity lingered.<sup>43</sup> Coming into contact with Muslim swords was not a guaranteed path to Christian glory.

The widowed Carlona and the bigamist Catherina not only had to contend with husbands in captivity, but also with the emasculation of the men they married. Their husbands allowed themselves to be captured and in one case killed by Muslims and so destabilized the assumption

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<sup>39</sup> Friedman, *Encounter Between Enemies*, p. 216.

<sup>40</sup> For the semantic elision of captive and slave, see Fontenay, 'Escalves et/ou captifs. Préciser les concepts', p. 15-24.

<sup>41</sup> Blumenthal, *Enemies and Familiars*, p. 3, 116-117, 267-269.

<sup>42</sup> Rodriguez, *Captives and their Saviors*, pp. 45-64.

<sup>43</sup> For the challenges reintegrating after freedom from captivity, see Claire S. Schen, 'Breaching "Community" in Britain: Captives, Renegades and the Redeemed,' p. 229-246. Scholars of captivity narratives in early America also note this phenomenon. See Demos, *The Unredeemed Captive*, p. 76.

of their ability to protect and provide for their families. Without a husband to protect or provide for them, the women had to use the resources available to them to recoup some of the loss of status their husbands's captivities bestowed upon them. So in framing her court case around her husband's death *in partibus Saracenis*, Carlona made a choice. She turned to the court to provide the protection he no longer could, and thus the invocation of his death at the hands of the infidel had power. In emphasizing the manner of his death, Carlona tapped into this subtext: The city had abdicated its responsibility to protect its citizens, God had abandoned Guilhem to a sinister fate, and only the judge of the palace court could possibly set things aright for the wife and child of the dead man. Carlona was captive of her circumstance and absent the protection and financial security her husband should have provided for her, she moved quickly within a constricted set of margins to re-establish her own well being by having the court step in as her protector or perhaps even, might I go so far as to suggest, as a surrogate spouse.

The thread connecting these three cases, two civil, one criminal, is the toll of captivity and death at the hands of the infidel Muslims. One son and two wives contended with the captivity and, in one case death, of their mother and husbands and made a series of choices that reflected competing obligations to other family members and to themselves. Their choices also reflect the unique dilemma of captivity: the families left behind were also captured, locked within a narrow set of social expectations that limited their choices either to ransom or forget their captive kin. A captured woman was there to be saved by her faithful son yet a captive man is a humiliated one, and so his widow also carries that shame. Whether through marriage or the courts, she had to maneuver to reposition herself in her new reality.

In all three of these cases, men and women in Marseille faced a series of difficult and potentially humiliating choices, which does not even begin to touch on the fear they surely

experienced when they first learned of their kins' fates. The future for their mothers and sons, husbands and wives depended on their gender, as did the coping strategies of those left behind. And while their choices may not have withstood the strict scrutiny of contemporary moralists or legal authorities, the reality of living as the family member of a captured Christian meant weighing the best options for those left behind. Certainly there were some potential benefits to broadcasting the fact of captivity. Likely Carlona and Bertrande would not have emphasized the cause of Guilhem Junior's death if he'd simply died at sea. While the substance of his case was different, Jacme relied on a similar emotional pull: even if he had violated his responsibilities as a husband by selling his wife's dotal property, what better cause could there be than a son's effort to rescue his mother from sexual and religious degradation and shame? In defending his choice in court, Jacme placed the onus on the judge to rule that dotal law superseded filial and Christian obligations. When they invoked the spectre of their captured mother or husband, Marseille's residents reminded the public of two things: the dangers that lurked at the sea's edge, so close to their own lives and also of the city's sporadic capacity to protect its citizens of that danger. The lives of the captives' families were a reminder to all of the instability of life in a port town. Captivity did not capture one individual and destroy her life, but fractured families and left them to make decisions for the surviving members within increasingly narrowed parameters. While the likelihood of the captive's return was dismally low, so too were the odds of the family recovering its strength and vitality.

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