

Women on Trial: Piecing Together Women's Intellectual Worlds from Courtroom Testimony

Patricia Turning

WHEN I FIRST began my research in the archives of southern France, I soon came upon several medieval registers that contained criminal trial transcripts. At first glance, these are very masculine works. Male judges and lawyers presided over the affairs; a notary recorded the depositions and testimonies; and the majority of the cases involved men bashing in the brains of other men, brawling about drunk in taverns or in the city streets, or committing acts of theft in dark alleys. Beyond these central male figures, however, I discovered that these criminal records also tell us quite a bit about the lives of women in the urban realm. Many historians who use these sorts of documents as the basis of their research invariably mention women, but overwhelmingly they depict them as either the victims of violent crime or as monolithic perpetrators such as prostitutes and adulteresses.¹ In this respect, scholars set up two seemingly simplistic categories of women (the weak prey or sexual offender) and fail to pursue *what else*. Although men shaped and constructed the narrative of these registers, what else can the records tell us about women's social networks in the city? What else can we learn about the ways in which women worked through municipal courts systems to achieve particular goals? This, then, is the purpose of my paper: to follow Dr. Joan Cadden's insistence that we must use sources beyond those written by women to try and piece together the medieval woman's perspective on the world around her.

To tease out these issues, I would like to offer an analysis of a specific set of criminal records from the city of Toulouse in the later Middle Ages.² In recent years, many scholars have attempted to gain access to the lives of women in medieval Languedoc. Some studies draw on evidence relating to the Cathar heresy, such as thirteenth-century inquisition

documents, that suggest networks of families and kin groups.³ From the late fourteenth and early fifteenth centuries, notarial registers provide dowry and marriage contracts, which have been examined in order to reconstruct both patterns of property exchange and the dominant family lineages of Languedoc.⁴ Economic records indicate that women could join five craft guilds by the fourteenth century: the weavers, finishers, candlemakers, merchants of wax, and dealers in petty merchandise. Unfortunately, the guild registers do not identify women's names or particular privileges.⁵ Prescriptive legal codes from the thirteenth and fourteenth centuries also mention women, but only extensively in a section that describes the severe customary punishments for adulteresses.⁶ None of these documents provide an ample opportunity for the historian to explore the woman's experience of living in a medieval city. The criminal records, although not perfect, do contain clues about the day-to-day concerns of women and the strategies that they employed as they fought for power and placement within the social hierarchy of Toulouse. Women were active participants in both the city's judicial system and urban affairs. What we find is that some women knew how to navigate through the municipal courts and to negotiate with public officials in order to protect their own interests, their families, and their sense of community.

Collectively, the criminal records of Toulouse do not tell us much about the seedy underworld of transients or bandits. Instead, the trials involved resident citizens who had experienced very public incidents witnessed by neighbors, family members, and colleagues. The victims of the alleged crimes treated the municipal judicial system as a public affair as well. The courtroom became a forum in which restitution was debated between competing parties, and justice played out in the city streets in the form of punitive spectacles.⁷ Just like men, women demanded that their municipal officials right their perceived wrongs. A slander case from 1287 provides some sense of how neighborhood disputes carried over into the courtroom setting. In November of that year, a woman named Guillelma, the wife of a merchant, complained to the municipal judicial officials that a young neighborhood man named Bernardus de Martel insulted her in a public street by calling her a "false, mean, stinking piece of nothing," and he wished that he could have pushed and rolled her in

the mud.⁸ So far, these are fairly common elements of a slander case: a woman insulted and threatened with violence demanded financial retribution. But what is significant about this incident for the purposes of this paper is that after the notary recorded the initial deposition, numerous other women from the neighborhood came forward to support Guillelma's accusation in the municipal courtroom. These female witnesses expressed their own grievances about Bernardus de Martel, who they considered a rude chauvinist, to the official audience. One wife argued that Bernardus was a "hostile and quarrelsome man who is not good with his neighbors, as he never speaks to them."⁹ Another woman "heard it said in the neighborhood" that Bernardus de Martel had a troublesome home life and a tumultuous relationship with his wife. She testified that he had thrown his wife out of their conjugal home after only one year of marriage because he thought she was poisoning him.¹⁰ Bernardus de Martel delayed his day in court as long as possible and tried various legal maneuvers through his attorneys to avoid the charges. But after he had exhausted all of his appeals, he told the *capitouls* (the city's highest ranking officers) that the neighbors could not have seen any incriminating interaction between himself and Guillelma as they were all in their homes on the day in question.¹¹ Besides, he continued, they were "liars, gamblers, and drunks, who for a small bit of wine will say anything."¹² The capitouls' verdict is missing from the archives, but the importance of this trial resides in the fact that many of the neighborhood's female residents eagerly became involved in the case in order to establish their particular standards of social conduct within their community, and they knew that this could be accomplished by bringing their complaints to the public milieu of the judicial system.

Beyond cases of slander or neighborly disputes, even women accused of crimes knew how to work through the judicial system to advance a particular agenda. In 1332, the officials of Toulouse arrested, tried, and convicted a woman named Johaneta de Santolo of prostitution. The court records indicate that while she was in prison, she befriended the municipal jailer, who helped facilitate her contact and correspondence with the municipal judicial officials. On July 19, before her punitive sentence was carried out, the capitouls granted her audience in their courtroom. Johaneta made the most of the occasion and accused a municipal

sergeant, Arnaldus Franciscus, of forcing her into a life of prostitution.¹³ According to her testimony, Arnaldus discovered that Johaneta was very rich when the two first met, and he quickly invited her to come and live with him. Shortly after she moved into his house, Johaneta continued, he locked her up for over four months, and he began to extort her money. In fact, many of her precious possessions became gifts for his wife and daughter. Once he had squandered her wealth, he pressured her to turn to prostitution. He argued that many men had been asking for her and that it was an opportunity to make good money. He sold and traded her body to many clerks and men, both in his house and in other parts of the city; he frequently slept with her himself, and beat her if she did not comply.¹⁴ Eventually, Johaneta reported, Arnaldus began to get paranoid that his role as pimp would be discovered by his employers, the capitouls, so he made a deal with a brothel owner, to buy Johaneta for the equivalent of a few dollars. In her testimonial narrative, she accused him of imprisonment, extortion, physical abuse, rape, adultery, and of being a pimp. It is impossible to know for certain whether or not her account was truthful; but the capitouls did take her claims seriously enough to record her testimony and to open up an investigation into Arnaldus Franciscus's conduct. By offering these inflammatory allegations against the sergeant, Johaneta de Santolo reclaimed and defended her own personal honor as she defamed an official of the city.

Not surprisingly, women also came to court to testify on the behalf of their husbands and loved ones accused of crimes. They presented alibis or provided excuses so that family members could delay court appearances. Beyond a verbal defense, the court records reveal that women demonstrated an active role in protecting their husbands' or their families' honor in the city streets, and they were not averse to using violence to make their point. For example, in 1261, a young miller named Petrus de Monthel filed charges in the city court against another miller and his wife G ralde seeking a large financial compensation for a physical attack. Petrus stated that one day, as he passed before their home, the married couple suddenly assaulted him with both their feet and fists.¹⁵ After a while, they dragged him by his clothing and hair into their house where they continued to hit him in the face and body and trampled him under their feet until a neighbor, hearing the screams, came to his aid.

Because the two men worked in the same profession, it is likely that the rivalry started because of business competition. Cases like these suggest that both husband and wife could resolve to make a spectacle of their ill feelings towards an enemy like Petrus and to exert their united dominance over him by beating him into submission.

The female subjects of these trials did not just stand beside their husbands when conflicts or tensions arose. The criminal records reveal that they plotted and conspired to resolve their own personal quarrels that exploded in their neighborhoods as well. On one occasion, a tavern owner in Toulouse named Guillelmus Amusse was busy selling wine to his many clients when Bernarda, the wife of a fellow tavern owner from the same neighborhood, entered his establishment. Bernarda wanted to return a dish she had purchased previously from Guillelmus's wife, but the proprietor refused to issue a refund. Bernarda perceived this as an insult, as the transaction occurred in front of several witnesses, and she became furious and started screaming, threatening "bad things would come to your body."¹⁶ Bernarda stormed out of the tavern only to return a short while later with a dagger concealed beneath her clothes. After confronting Guillelmus, she drew out the dagger and stabbed him in the chest until he fell back to the floor. This, however, did not satisfy Bernarda, because the next day she recruited several "corrupt" men to assist her plan. She instructed the men to go to Guillelmus's house in the middle of the night and bang on the door, shouting that they wanted to buy some wine. When Guillelmus opened the door to greet his customers, the armed men attacked him, wounding him in the head. Bernarda was an angry woman, but not irrational. She took the time to secure male accomplices to complete her vengeance and fulfill her desire to see Guillelmus suffer. She also realized that Guillelmus would not allow her back into his tavern, and so she had to find a sneaky way to gain access to him at his most vulnerable. Bernarda believed that Guillelmus and his wife humiliated her by dismissing her business transaction. She converted her anger into revenge, striving to reestablish her pride by fooling and injuring her foil.

It was through the encouragement and guidance of Dr. Cadden (who served as my dissertation advisor at the University of California, Davis), that I started to think about what these criminal cases could tell us

about women's agency in the urban realm. To me, the documents suggest that women actively protected their own honor both through the judicial system and in their neighborhoods. I recognize that medieval trial records do have their limitations: frequently they do not provide a verdict or resolution to a dispute, and it is often impossible to find any cross-references or further information about the people involved. But Dr. Cadden has taught me that even though they provide more questions than answers, they should not be dismissed or ignored by scholars looking for ways to find access to the lives and mentalities of women. The stories recorded in these registers provide remarkable insight into the world of women and add new layers to what we can assess about the way women thought in the Middle Ages.

Arizona State University

∞ END NOTES

1. See, for example, Jacques Chiffolleau, *Les Justices du pape: délinquance et criminalité dans la région d'Avignon au quatorzième siècle* (Paris: Publications de la Sorbonne, 1984), 175–95. His only chapter to discuss women extensively is entitled “Passions” and addresses rape, adultery, and prostitution. See also Walter Prevenier, “Violence against Women in Fifteenth-Century France and the Burgundian State,” in *Medieval Crime and Social Control*, ed. Barbara A. Hanawalt and David Wallace, Medieval Cultures, 16 (Minneapolis: University of Minnesota Press, 1999), 186–203 and Nicole Gonthier, *Delinquance, justice et société dans le Lyonnais medieval de la fin du XIIIe siècle au debut du XVIe siècle* (Paris: Éditions Arguments, 1993), 114–35.

2. The bulk of my information comes from the Archives municipales de Toulouse, hereafter identified as AMT. The primary registers that I reference are catalogued under the FF series.

3. John Hine Mundy, *Men and Women at Toulouse in the Age of the Cathars* (Toronto: Pontifical Institute of Mediaeval Studies, 1990).

4. Geneviève Larivière, “Le mariage à Toulouse aux XIVe et XVe siècles,” *Annales de Toulouse* 79 (1967), 335–58.

5. Sister Mary Ambrose Mulholland, ed., *Early Gild Records of Toulouse* (New York: Columbia University Press, 1941).

6. The criminalization of adultery was, in fact, one of the earliest decisions the city's capitouls made in 1176. AMT-AA 1: 33 (March 1176). The

capitouls decided that a cheating wife lost all claims to her own and her husband's property. The prescriptive punishment for adultery was "currant nudi," which involved the adulterous pair running through the streets of the town naked. In the customary law, it was described as "nam pluries vidi quod currebant villam nudus cum nuda et erant iudicati per sententiam ad perdendum bona." Henri Gilles, ed., *Les coutumes de Toulouse (1286) et leur premier commentaire (1296)* (Toulouse: Académie de législation, 1969), 256–57.

7. Antoine Garapon, *Bien juger: Essai sur le rituel judiciaire* (Paris: Odile Jacob, 1997). Andrée Courtemanche divides one trial into literary categories such as "protagonists" and the "plot" in "The Judge, The Doctor, and the Prisoner: Medical Expertise in Manosquin: Judicial Rituals at the End of the Fourteenth Century," in *Medieval and Early Modern Ritual: Formalized Behavior in Europe, China, and Japan*, ed. Joëlle Rollo-Koster (Boston: Brill, 2002), 105–23. See also Daniel Lord Smail, "Telling Tales in Angevin Courts," *French Historical Studies* 20 (Spring, 1997): 183–215 and Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford, CA: Stanford University Press, 1987).

8. The case is written upon a large roll of eighteen smaller sheets of parchment, sewn poorly together, and both numbered and lettered by an unidentified archivist. The overlapping numbers and letters make it difficult to designate accurate folio citations. The dates for the case are November 19, 1287 to March 1, 1288. AMT, layette series II, 92/4: "carrerria publica . . . vocando ispan actricem, mendigam malvadam, pudentam, venguda de nore." Henri Gilles examines this case and offers some transcriptions in "Une cause d'injures à Toulouse à la fin du XIIIe siècle," *Annales de la faculté de droit et des sciences économiques de Toulouse* 17 (1969): 121–44.

9. Ibid., "Idem Bernardus est homo iniquus et rixosus et non est bene cum vicinis suis ut aparet in tantum quod non loquitur eis." Cited in Gilles, "Une cause," 122.

10. Ibid., "Audivit dici a quibusdam de carraria quod dictus Bernardus de Martello denunciaverat contra uxorem suam quod ipsum pocionaverat." Cited in Gilles, "Une cause," 123.

11. Ibid., "Item, intendit probare quod de domo Ramonde uxoris Ramondi de Alanhaco non potest homo videre intra operatorium Bernadi de Martello cum predicta domus sit ex latere et mediate." Gilles, "Une cause," 144.

12. Ibid., "Guillelmus Maurelli testis est et erat tabernarius tempore lati testimonii, vilis persona, lusor qui ludit ad talos, potator qui sepe inebriat se et homo qui pro una denariata vini diceret omne malum."

13. AMT-FF 57, p. 161.

14. Ibid., p. 156: “pluribus clericis et hominibus ut cognoscetrus carnaliter.”

15. AMT, layettes, II 60.1.

16. AMT-FF 57, p. 151: “Ex hus mota ira incepit rixari . . . et dicendo pro malium infortunium eveniret eis.”