

**Domestic Cruelty: *Saevitia* and Separation  
in Medieval France**

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*This article examines the role cruelty played in marriage separation cases in fourteenth-century Paris. Cruelty was an effective and relatively successful means for women to initiate separation litigation. The archdeacon's court regularly cited saevitia as a reason for its decision to legally separate marriages. Marital cruelty, however was a complicated issue and what constituted cruelty was not defined within the text. Through an examination of the use of saevitia in the legal cases, in conjunction with contemporary exempla of abusive marriages, such as the vita of Godelieve of Gistel, the author finds that it was a complicated term representing a variety of marital abuses: physical, mental and emotional. Ultimately, this discussion of marital cruelty indicates a general expectation of good behavior within marriages.*

On September 23, 1385 the Archidiaconal court of Paris separated the marriage of Jeanne and Girard Vane because of Girard's cruelty—"sevetiam viri"—similarly, the court separated Alipida and Pierre Martin on March 13, 1387, due to bitterness—"austeritatem,"—Pierre's cruelty—"sevitium viri,"—and profligacy—"dilapidationem bonorum".<sup>1</sup> These two cases, and many others within the archidiaconal court register, indicate the prevalence of cruelty as a reason for female litigants to bring separation cases to court in late medieval Paris, and for the court to rule in favor of such separation. Although it was a common reason for both the initiation of, and justification for separation cases, what is not explained in the court records is what actions constituted marital cruelty—*saevitia*—in the minds of those who pleaded in front of the court, and those who heard their cases. Through an examination of separation cases from the fourteenth-century Archidiaconal Court of Paris, along

<sup>1</sup> In my discussions of litigants, I list the plaintiff of the case first and the defendant second where known.

with contemporary literature, this paper seeks to understand what the legal system, and fourteenth-century society, considered “cruel” within a marriage. I argue that the legal term *saevitia* incorporated many types of abuse, both physical and mental, and was a critical legal mechanism for women to remove themselves from unwanted and sometimes abusive marriages.

Although legal separations were rare in the Middle Ages, they were not unheard of, and when they occurred they were granted by the ecclesiastical court. The separation cases in this study come from a register from the archidiaconal court of Paris, 1384-1387.<sup>2</sup> For this study, I examined a total of 376 marriage cases contained in the register including 91 separation cases and 285 contract disputes. Within the separation cases, *saevitia* was the most common reason litigants brought cases to court, as well as the most common reason for the court to grant separations. The court cited *saevitia* as one of several reasons for legally separating 29 marriages, and as the sole reason for the separation decision in six; it was the most commonly used reason for separation litigation in this register.

A legal separation in fourteenth-century Paris was, in some ways, similar to a modern separation as the marriage was not fully ended and neither party could remarry. Yet in medieval Paris there were two kinds of legal separations that differed in one key respect: how they dealt with the concept of conjugal debt. A separation of goods—“*quoad bona*”—legally separated the household, including goods and income, but retained a requirement for payment of the conjugal debt upon request. In other words, both husband and wife had a duty to perform sexually at the request of their spouse. This less strict separation was the most common in Paris and included all of the separations the court granted due to *saevitia*. For example, Jeanne and Girard Vane, mentioned above, were granted a separation of goods due to Girard’s cruelty.<sup>3</sup> Alternatively, a separation

2 These cases are found in a bound register in the Archives Nationales de France, Series Z<sup>10</sup> 26. Transcriptions verified in Joseph Petit, *Registre des Causes Civiles*. Translations are my own unless otherwise noted.

3 “Hodie separavimus quoad bona Girardum Vane et Johannam, eius uxorem... propter sevitiam viri,” AN Z<sup>10</sup>26, fol. 111r.

of bed—“*quoad thorum*”—divided the couple’s household goods and also removed the sexual requirement. In the fourteenth century Parisian court, this type of separation usually was granted to husbands and wives who brought their respective partners to court for adultery.<sup>4</sup>

Although there were an equal number of husbands and wives who brought adultery cases to the court, in the ten cases for which the outcome exists, the success rate of the litigants was not equally divided. The court granted all four men for whom the result of the case exists a separation *quoad thorum*. For the women, however, the court attempted a reconciliation in two cases, granted two separations *quoad bona*, and two *quoad thorum*. In addition, whereas the men won their cases due to complaints of adultery alone, the female plaintiffs all presented secondary reasons in order to bolster their cases, including two complaints of cruelty. The court granted Jeanne la Barrotte a separation *quoad bona* from her husband, Jean Clerici, on September 11, 1385 because of his adultery, harshness, and cruelty.<sup>5</sup> In a similar case, the court approved Marianne Vicentius’s separation *quoad thorum* from her husband, Guillaume, on May 29, 1386 due to his adultery, mismanagement of goods, and cruelty.<sup>6</sup> Alternately, these cases, in addition to the Vanes’ separation *quoad bona*, followed the Parisian court’s pattern for granting separations of goods for the majority of marital issues and reserving separations of bed for adultery. Indeed, in the Vanes’ case, the court specifically stated that the separation was “*salvo jure thori*”—“saving the right of bed”—thus both were explicitly required to render the conjugal debt if requested.<sup>7</sup>

4 A total of fifteen adultery cases appear in the register: seven brought by men, seven by women, and one brought by a third party.

5 “Hodie Johannes Clerici et Johanna la Barrote fuerunt separati quoad bona propter austeritatem et sevitiā viri, et quia pecaverunt (sic) hincinde in legem matrimonii fuit adulterium compensatum, etc., et fuit inhibitum dicto viro sub pena excommunicationis ex XL l. ne ipse maletractet aut verberet dictam uxorem suam ultra modum conjugalem; mulier III d.” AN Z<sup>10</sup> 26, fol. 109r.

6 “Hodie Guillelmus Vicentii et Mariona, eius uxor, fuerunt separati quoad bona et quoad thorum propter sevitiā et malum regimen viri et quia confessus fuit se peccasse in legem matrimonii, etc.” AN Z<sup>10</sup> 26, fol. 185r.

7 AN Z<sup>10</sup> 26 fol. 111r. The official included this phrase in his ruling in sixteen total cases, seven of which had *saevitia* as one of the reasons for the decision.

It is possible that the women used an accusation of cruelty to bolster their adultery cases, especially as Marianne Vicentius's separation *quoad thorum* was one of only two granted to a wife in the register; the other case was also an adultery case where the court granted Jeanne Byart a separation *quoad bona et thorum* from her husband, André because of his adultery, neglect and profligacy.<sup>8</sup> A complication to this particular case that is absent from the Vicentius case was that André was supporting a child with his mistress, Laurentia la Dyllerée, which may have had an effect on the court's decision for Jeanne; perhaps the court feared significant neglect due to the extra obligations, and chose to more fully protect Jeanne from André's poor decisions.

A discussion of marital cruelty is, in fact, a discussion of domestic abuse, an unfortunately common occurrence medieval world, and it is evident that the court accepted *saevitia* as a reasonable accusation against husbands. According to Emma Hawkes in her discussion of domestic violence in medieval England, "From around 1300, *saevitia*, or cruelty, had been accepted ground for separation under canon law, and, despite the difficulties some petitioners had in convincing the judges that they should be separated, this was a fairly common means of gaining divorces *a mensa et thoro*."<sup>9</sup> The Parisian cases differed from those in England, however, and the court granted no separations of bed for *saevitia* alone. However, as indicated above, the court commonly granted a separation of goods to plaintiffs due to cruelty. In fact, these separations were even more common in Paris than in England, perhaps because of the relatively mildness of a separation *quoad bona* versus *quoad thorum*.

It is possible that the plaintiffs' success in cruelty cases was due to the different types of separation available to the Parisian court. As Charles Donahue points out in his comparison of marriage cases in

8 "Hodie Andreas Byart et Johanna, eius uxor, fuerunt separati quoad bona et thorum propter adulterum commissum per virum cum Laurentia la Dyllerée, prole suscepta, ac pro malo regimine dicti viri et dissipatione bonorum," AN Z<sup>10</sup> 26, fol. 276r.

9 Hawkes, "The 'Reasonable' Laws of Domestic Violence," 63. "a mensa et thoro"—of board and bed—is equivalent to the separations *quoad thorum* within the current study.

England and Continental Europe, the separation of goods was singular to Paris, and when he compared the cruelty cases in Paris to those in England, he found that a separation was less likely to be granted in England than in Paris.<sup>10</sup> P. J. P. Goldberg, in his examination of the York consistory records, also found that the court in England was not favorable to cases of cruelty or domestic violence, which he lumps together, “the courts appear to have applied the canon law as rigorously and impartially as could reasonably be expected, but that the law in respect of proof created hurdles that could be prejudicial to women in suits for divorce *a mensa et a thoro* (from bed and board) on grounds of cruelty, that is judicial separation.”<sup>11</sup> Reasons for separation and the success rate of those reasons were not the purpose of his study, and so he does not discuss the successful conclusions of separations of good only. Despite this lack of discussion, the type of separation available to the courts seemed to have had an effect on the success rate of this type of cruelty case: when a separation *quoad bona* option was available to the court, the burden of proof was not as stringent as when the only available method of separation was *quoad thorum*.

The record for marriage separation cases within this fourteenth-century court register is, unfortunately, incomplete. Donahue found that the notary of the archidiaconal court, Jean de Villmaden, did not record all of the cases that he heard, and sometimes he completely skipped the appearances of couples. Donahue claims that there may have been a fee for recording the results of a session in the register, and if the fee was not paid, the case was not recorded. Donahue notes, “This impression is confirmed by the fact that cases appear that have clearly had some unrecorded past. Sometimes cases disappear and then reappear some months later, having reached a different stage.”<sup>12</sup> Thus there appear numerous cases, such as the separation Alipida and Pierre Martin, where only the court’s reason for the

10 Donahue, *Law, Marriage, and Society*, 558.

11 Goldberg, “Gender and Matrimonial Litigation,” 54.

12 Donahue, *Law, Marriage, and Society*, 303.

separation exists. In the Martins' case above, the notary recorded the separation *quoad bona* due to harshness and cruelty, but did not record the initial complaint.

In other cases both the initial reason for the case and the court's decision appear in the register, but the reasons did not match: the court provided a different justification for the separation than appeared in the plaintiff's initial complaint. An example of this is when Jeanne Trubert brought her husband, Jean, to court throughout the Autumn of 1385 and Spring of 1386 requesting a legal separation from her husband due to "*sevitium*" and his tendency to squander their goods. Jean did not disagree with her claim, but he did justify his cruelty by pointing out that Jeanne was bitter—"*austeritatem*"—and disobedient—"*inobedientiam*."<sup>13</sup> The court eventually granted her a separation of goods on July 31, 1386. On December 3 of the same year Marguerite Messagier requested a separation of goods from her husband Philippe due to his cruelty and bitterness—"*sevitia et austeritatem*."<sup>14</sup> The court granted this request nine days later.<sup>15</sup> Although both women complained about their husbands' cruelty, the court's stated reason for the separation was not cruelty. The Truberts were separated because of enmity, rancor, and hatred—*inimicitia*, *rancor*, and *odium*—whereas the Messagiers were separated due to Philippe's harshness—*austeritatem viri*. These two cases indicate that *saevitia* was a useful accusation for women to use in order to initiate a court case, but it was not always sufficient to win a separation case.

A final case that illustrates the importance of cruelty as a reason for marital separation was the conflict between Jeanette and Simon Chevrier, who first appeared in court on May 21, 1386.<sup>16</sup> The most

13 AN Z<sup>10</sup> 26, fol. 180r.

14 AN Z<sup>10</sup> 26, fol. 237v.

15 AN Z<sup>10</sup> 26, fol. 241r.

16 "De Johanneta, uxore Symonis Chevrier, morbo lepre infecti, actrice in causa separationis quoad bona, ad veneris audiendum ordinationem nostram utrum separentur quoad bona propter morbum lepre, etc.," AN Z<sup>10</sup> 26, fol. 183r.

unusual aspect of this separation case was that Simon was a leper. Unfortunately, the initial reason for the case does not exist, but in their first appearance within the record the court official could not decide whether Simon's disease was sufficient cause for a separation. On that day the court sent the couple away without a decision. Four days later the court recalled the couple and decided to separate the couple "*propter sevitiā viri*"—"because the cruelty of the husband"—and Jeanette was to receive her portion of the communal goods.<sup>17</sup> Despite Simon's leprosy, the couple was granted a separation of goods only, not of bed, and the court made a point of ordering Simon to find a safe location where the couple could render the conjugal debt when requested.<sup>18</sup> The official's uncertainty in the first entry indicates that Jeanette included leprosy in her complaint, but the decision suggests Simon's cruelty was also a factor in her unhappiness. Significantly, they were not separated because of the disease, which one would assume would have been sufficient cause; rather, the official specifically listed "*sevitiā*" as the reason for the separation. According to the ruling, the disease was not even sufficient cause for Jeanette to refuse the conjugal debt, and specific rules concerning where and when the couple should render the conjugal debt were included in the ruling; an unusual occurrence in these documents. Perhaps the court realized that Jeanette would have refused to have sexual intercourse with her husband otherwise, and so made it explicit.

Through this brief examination of a sample of separation cases, it is evident that cruelty was a significant factor in the successful separation of marriages in medieval Paris. Accusations of cruelty were important legal mechanisms through which women could remove themselves from unhappy, and sometimes dangerous, marital situations, or at least these accusations allowed them to initiate separation proceedings. Despite the prevalence of the term "cruelty" within the

17 "Hodie Symon Chevrier, morbo lepre infectus, et Johanna, eius uxor, fuerunt separati quoad bona propter sevitiā viri, attenta informatione etc.," AN Z<sup>10</sup> 26, fol. 184r.

18 "ad martis ad jurandum ex parte viri et eligendum locum ubi potuerunt tute cohabitare insimul pro jure thori reddendo etc., cum muliere et Jo. Ardoin pro viro etc., munitis hincinde consiliis etc.; reus VIII," AN Z<sup>10</sup> 26, fol. 184r.

records, however, there is minimal indication of what constituted marital cruelty in the minds of the court officials and society as a whole. Cruelty was a common theme in contemporary religious and literary sources, and the Bible in particular presents an important clue in the search for a working definition of *saevitia*. Although it does not appear in the context of marriage, the use of the term *saevitia* in the Bible provides some evidence of a cultural understanding of the term. Forms of *saevus* and *saevire* found in biblical texts often indicated wild animals or demonic possession. For example in Matthew 8:28, Christ was attacked by two men who were possessed by devils and were exceedingly savage (“*saevi nimis*”).<sup>19</sup> In the Book of Judges, Samson fought a lion who was described as “young and fierce,” (“*leonis saevus*”).<sup>20</sup> These inhuman and demonic creatures were animalistic, and filled with anger, violence, and irrationality.

When compared to the court cases, the use of *saevus* in these biblical stories illustrates the importance of rational feelings in the medieval household. Daniel Lord Smail argues that, “The moral climate of the fourteenth century was decidedly hostile to excessive emotions. It did not take fourteenth-century litigants and defendants long to figure out and exploit this moral condemnation of excessive emotions, and they used it to undercut the legal standing of their adversaries and their arguments.”<sup>21</sup> Through the introduction of *saevitia* in the court cases, the plaintiff was pointing out the irrationality of her opponent. Irrational anger was animalistic and demonic and thus had no part in a well-run household. Indeed, Emma Hawkes argues that it was the presence or absence of rationality that decided whether violence was excessively cruel or merely reasonable chastisement.<sup>22</sup> Hawkes presents the idea of the “constant man” as the

19 “Et cum venisset trans fretum in regionem Gerasenorum, occurrerunt ei duo habentes daemonia, de monumentis exeuntes, saevi nimis, ita ut nemo posset transire per viam illam,” Matthew 8:28.

20 “apparuit catulus leonis saevus,” Judges 14:5.

21 Smail, *The Consumption of Justice*, 92.

22 Hawkes, “The ‘Reasonable’ Laws of Domestic Violence,” 58.

standard by which actions were judged (the precursor to the reasonable person standard used in modern courts), which disadvantaged women in the court system and reinforced their irrationality.<sup>23</sup> The most common form that irrationality could take in a marriage was physical violence, usually against the wife.

Despite the lack of a clear explanation within the sources, these cases do indicate the presence of physical abuse within the marriage. In many cases involving *saevitia* the court prohibited the husband from beating and mistreating his wife—*verberare et maletractare*—under penalty of a large fine, usually somewhere between twenty and one hundred *livres*, and excommunication. In the case of Margaret and Philip Messagier, Philip was prohibited from beating and mistreating his wife or squandering their communal goods.<sup>24</sup> Similarly, in the Vanes' case the court prohibited Girard from beating Jeanne under penalty of excommunication and forty *livres* until they could make a decision in the case.<sup>25</sup> Physical abuse, however, was not, in and of itself an actionable offense in canon law. Husbands were expected to physically chastise their wives to maintain social order. As Hawkes points out, if it was irrational violence, meaning that it was done due to an excess of emotion and not for proper reasons, only then could the violence become a problem.

As domestic violence was not enough of a problem to bring a separation case to court, there were no cases within this register in which the litigants presented *verberare*—beatings—as the initial reason for the suit. In fact, only one case appeared in which the court specifically named *verberare* as the reason for the separation: the court separated Marianne and Thomas Boudart on July 6, 1385 “*propter odia, rancores, et verberationes*,”—“because [of] hatred,

23 Hawkes, “The ‘Reasonable’ Laws of Domestic Violence,” 62.

24 “*Inhibitum est Philippoto le Messaiger ne ipse, sub pena excommunicationis et XX l. verberet aut maletractet uxorem suam aut bona inter ipsos communia dissipet.*” AN Z<sup>10</sup> 26, fol. 231v. In addition, Margaret is ordered to obey her husband, “*obediat predicto marito suo,*” in the same ruling.

25 “*fuit inhibitum viro ne ipse sub pena excommunicationis et XL l. dictam uxorem suam verberet aut bona communia inter ipsos dissipet.*” AN Z<sup>10</sup> 26 fol. 106v.

rancor, and beatings.”<sup>26</sup> Its use in this case may indicate well-known, outrageous domestic abuse perpetrated by the husband, which the notary or official chose to highlight. Unfortunately there is no more information about this couple’s relationship, and verification of this assumption is not possible. In the end, the line between abuse and chastisement was ill-defined, but the court attempted to refine the discussion in some cases with the phrase, “*ultra modum conjugalem*,” —“above the marital norm/way”— indicating a line between rational chastisement and irrational abuse. In the case of Egidia and Pierre de Belvaco, the court attempted a reconciliation and prohibited Pierre from beating Egidia “above the marital norm” under penalty of 100 *livres*, at the same time forcing Egidia to obey her husband under threat of the same penalty.<sup>27</sup> The inclusion of wifely obedience in the court’s decision indicates that disobedience was an appropriate reason for cruelty, as evinced in the Truberts’ case discussed above. When the husband had a clear reason for his physical abuse, the court accepted it as rational.

Although not common in the court cases, the idea of a normal level of chastisement was present throughout the register. In addition to the Boudarts’ case, nine other husbands were warned against exceeding the appropriate level of marital violence, including in the separation of Jeanne la Barrote and Jean Clerici discussed above. Based on the evidence from the biblical uses of *saevitia*, meaning irrational and animalistic, there was a concept of inappropriate abuse within a marriage. In addition, there is evidence within the court records that excessive, and irrational beatings were an important aspect of cruelty. As mentioned above, domestic violence, no matter how irrational, was not a legally actionable offense, which indicates that cruelty meant more than beatings. This expanded view of cruelty is further indicated in the court’s prohibition against *verberare* and *maletractare*—beating and mistreating—thus shifting the question to the meaning of *maletractare* in particular rather than *saevitia* in general.

26 AN<sup>10</sup> 26, fol. 85r. Although the entry does not explicitly state which party brought the case to court, there is evidence to suggest Thomas was the abuser, as he was specifically prohibited from beating or mistreating his wife.

27 AN Z<sup>10</sup> 26, fol. 202v.

Despite a form of *maletreatare*—mistreating—appearing in nineteen separation cases, the scribe was silent on what events and actions constituted this particular marital problem; the definition of *maletreatare*, too, is complicated by a lack of court evidence. In order to discover a possible meaning behind this legal term, a comparison with contemporary narrative sources is necessary. The *vita* of St. Godeliève, the patron saint of both difficult marriages and spousal abuse, provides an obvious case of mistreatment. Godeliève was born in northern France, in the eleventh century to well-born parents, and the future saint was beautiful and courted by many worthy men. Her parents eventually betrothed her to a castellan named Bertolf despite her desire to remain a virgin. Unfortunately for Godeliève, on the day he took her home, Bertolf's mind was assaulted by the devil and he began to hate her and regret the betrothal.<sup>28</sup> Drogo of Sint-Winoksbergen, the author of this *vita*, illustrated that this was an act of the devil by describing Bertolf's occasional regret of his hatred. Unfortunately for Godelieve, the regret was short-lived and the hatred was further increased by Bertolf's mother, who was angry he had chosen a wife from outside their area. With these demonic and maternal forces at work, Godeliève was destined to lack the loving relationship she had hoped for. She eventually fled her husband's cruelty, but the count of Flanders and the local bishop forced her to return to Bertolf's home, and in the end her husband had her murdered.

Bertolf's cruelty manifested itself in several ways. First, he abandoned Godelieve in his mother's house, even having his mother stand in as his proxy for the wedding. His refusal to be a part of his own marriage ceremony, while not invalidating the marriage, certainly indicated that it was cursed. Drogo stated, "There is a popular saying in that part of the world, that all mothers-in-law hate their daughters-in-law."<sup>29</sup> This saying feeds into a common trope of the evil mother, but it also describes a neglectful relationship. The

28 Drogo, "Life of St. Godeliève," 364.

29 Drogo, "Life of St. Godelieve," 364.

medieval audience would have recognized this type of neglect as a significant failing on Bertolf's part; he was not fulfilling his duty of supporting the physical needs of his wife. Second, Bertolf severely restricted Godelieve's access to food. In order to torment her, he allotted Godelieve one loaf of bread per day as a food ration, half of which she gave to the poor. When her husband found out about the charity, he cut the amount of bread in half. She, of course, still gave part of her remaining bread to the poor. Finally, Bertolf was determined to "destroy her mind," which is quite indicative of verbal, or emotional abuse. At one point in the text Drogo broke the fourth wall of the text and lamented Godelieve's suffering, "Your spouse curses you; you bless him. He grows envious of you; you reconcile him to God with prayers and determination... He even hopes for your death and threatens it; you, as long as you live, always pray to god." This particular paragraph describes classic signs of abuse: cursing, control, threats, and isolation. Although in the Latin version of the life from the *Acta Sanctorum*, the author did not use *maletractare* in the description of Bertolf's actions, he did use various forms of *maledicere*, indicating verbal abuse, and slander within the relationship.

Although Godelieve's life contained more extreme suffering than the average woman, the stories must have resonated with the public to have any value. This is particularly the case with how the *vita* dealt with the issue of Godelieve and food. Female saints often restricted their food as a way to be more holy, often relying solely on the Eucharist to sustain them, as Caroline Walker Bynum discussed in her book, *Holy Feast, Holy Fast*.<sup>30</sup> This description of lack of food could be Drogo's way of connecting Godelieve to this tradition. However, unlike the saints whom Bynum described, Godelieve did not actually go hungry. Drogo briefly mentioned that her supporters brought her food, specifically bread, meat, and fish, which she ate. Therefore in reality, she did not restrict her eating, although it was Drogo's focus in this section of the text. Instead, what this

30 See, Bynum, *Holy Feast, Holy Fast*.

indicates is that failure to provide for a wife's physical needs, especially food, which was often tied to marriage in the medieval mind, constituted an aspect of *maletractare*, and perhaps reflected real life marital issues.

The cultural connection between food and marriage was established in several ways in the Middle Ages. First, the exchange of food was an important part of the medieval marriage ritual. Daniel Lord Smail argues that the "sharing of food and wine was commonly used to mark certain liminal moments or punctuate the categorization of relationships," and that the sharing of food "could later be used to prove the existence of a strong affectionate bond."<sup>31</sup> Within the Parisian court register there appears one case involving an exchange of food to indicate a marriage contract. On August 27, 1386, Étienne Derot took Laurencia Chippon to court to enforce a marriage contract that he claimed to have made with her. Laurencia replied that they had walked to her godmother's house and she had given him a *gastellus* (a small cake, or loaf of bread) from which he took a piece, and then gave it back to her. She then gave the piece back to the plaintiff, ending the food ritual.<sup>32</sup> Étienne insisted that this exchange of food indicated a marriage contract, whereas Laurencia claimed that it did not, and further she had no intention of marrying him.<sup>33</sup> The second entry for this couple reads like the more formulaic cases in the register, and the court absolved her of Étienne's petition.<sup>34</sup>

Second, apart from rituals, food has long been viewed as a partner to sexual desires.<sup>35</sup> April Harper especially sees this connection

31 Smail, *The Consumption of Justice*, 108.

32 "rea confessa fuit quod ipsa ivit ad domum... matrine sue, in qua domo dicta... tradidit ipsi actori unum gastellum, de quo gastello idem actor tradidit eidem ree unam peciam quam recepit et regraciata fuit dicto actori," AN Z<sup>10</sup> 26 fol. 211r.

33 "et postea idem actor dixit quod nomine matrimonii tradiderat dictam peciam panis dicte ree," AN Z<sup>10</sup> 26 fol. 211r.

34 AN Z<sup>10</sup> 26 fol. 213r.

35 Harper, "The Food of Love," 83.

in many medieval *fabliaux*, in particular with illicit sex.<sup>36</sup> She states, “Not only are food and sex often paired activities, they are occasionally viewed as being comparable and interchangeable.”<sup>37</sup> The exchange of food was a sign of a marital relationship in particular, as Tiffany Vann Sprecher found in her research on priests and their sexual partners. “Theoretical links among sex, eating, and drinking associated all three with marital life... eating with a man was one aspect of a spousal relationship.”<sup>38</sup> And according to D.L. D’Avray, the marriage feast was a symbol of the Eucharist and signified the sacramental nature of marriage.<sup>39</sup> In essence, Bertolf was symbolically turning his back on his marriage by restricting Godelieve’s food. Although not spelled out in the court register, it is possible that lack of physical necessities, especially food, was a part of *maletRACTARE* and, therefore, *saevitia*.

The second aspect of Godelieve’s abuse was cursing, that is the verbal and emotional abuse found in Drogo’s lament. In other contemporary texts, it is clear that medieval authors viewed this type of abuse as common within marriages. In Christine de Pizan’s 1405 book, *The Treasure of the City of Ladies*, Christine responded to an expected objection from the reader, who was presumably female:

It is well known that there are some husbands who behave very distantly towards their wives and give no sign of love or very little... Suppose that a husband, of whatever class he may be, has extremely perverse and rude behavior. Suppose he is unloving toward his wife or strays into a love affair with another woman. If the wife cannot remedy the situation, she must put up with all this.<sup>40</sup>

It seems that it was common knowledge that men could behave very badly indeed, behavior that can be connected to Bertolf’s *maledicere*

36 Harper, “The Food of Love,” 86-87.

37 Harper, “The Food of Love,” 86.

38 Vann Sprecher, “Power in the Parish,” 148-149.

39 D’Avray, *Medieval Marriage*, 60.

40 Christine de Pizan, *Treasure*, 63.

above, and the *maletractare* within the court cases. The anonymous 1393 book, *Le Ménagier de Paris*, also discussed abusive husbands in the story of Griselda, a well-known medieval story about a woman who might have superseded Godelieve as patron saint of spousal abuse had she been a real person.<sup>41</sup>

Griselda's story revolves around years of emotional and psychological abuse perpetrated by her noble husband; Griselda came from peasant stock. On two occasions he took their children, convincing Griselda that he had killed them, in order to test her obedience to him. Then, after twelve years of marriage, he sent her back to her father's house, and convinced her that he was going to remarry a young noblewoman, who it turns out was actually his daughter. Griselda passed the tests and all was revealed for an apparently happy ending.<sup>42</sup> Obviously pretending to murder one's children is excessive emotional abuse, and even the author of *le Menagier* pointed out that he would not abuse his wife, who was the intended recipient of the text, in this way. The author did point out, however, that the story of Griselda was an example of the importance of wifely obedience, one of the central themes of the text.<sup>43</sup> Griselda's story indicates a cultural perception that wives were expected to put up with abusive husbands, as Christine de Pizan pointed out, and that the women who brought their husbands to court for cruelty must have been living in untenable situations.

A literary source that discusses both abuse and neglect, although from a more comedic perspective, is John Lydgate's *Disguising at Hertford Castle*, an early fifteenth-century play. Although this text is from England, it is a useful because illustrates the fears of abusive women and turns the view of domestic cruelty on its head. In this play a group of husbands petition the king to save them from

41 This exempla can be found in Chaucer's *The Clerk's Tale* and Boccaccio's *Decameron*. Petrarch created a Latin version of Boccaccio's tale which was widely copied. According to Greco and Rose, at least eight versions of the story were circulating in the fourteenth century, Greco and Rose, "Introduction," 29, n. 43.

42 *Good Wife's Guide*, 113.

43 *Good Wife's Guide*, 119

their abusive wives. This text turns the tables on the medieval reality, and places women in a position of abusive control. In this play the men complained about various types of mistreatment similar to what appeared in the court cases and in the other literary sources. The two main themes within this play are physical abuse, often with an implement of the wives' household work, and the wives' neglect of their husbands' food, which was a critical symbol of marriage as discussed above. The Reeve's wife, for example, regularly beat him with her staff and fed him only gruel and pottage. In addition to her physical abuse and neglect, the Reeve's wife also was a drunk who spent her days sitting in ale-houses. Similarly, the Cobbler's wife beat him with her distaff and spent all of his money in taverns, even getting drunk on Sundays. Finally, the Butcher's wife beat him with her ladle, and, rather than feed him only gruel as the Reeve's wife did, she purposely overcooked all his food to make it inedible.<sup>44</sup>

The wives took pride in the abuse of their husbands and did not deny the charges levelled against them. They responded to the allegations by pointing to the Wife of Bath, who buried multiple husbands, and Griselda, mentioned above, who was emotionally tortured by her husband. The wives then claimed that they were just in their reactions to their husbands thanks to precedent and all of the work they do. While Lydgate's *Disguising at Hertford* certainly shows the beatings, it also brings up the food and includes reference to excessive drinking. Although uncommon, the fear of female drunkenness appeared in one case in the Parisian court register. On May 10, 1385, having been told of his cruelty, the court prohibited Laurence Sampson from beating and mistreating his wife, *ultra modum conjugalem*. In addition, the court accused Guillemeta Sampson of being a drunk—"ebriosa"—and attempted to reconcile the couple.<sup>45</sup> Presumably a drunk wife, in addition to the disobedient wives above, was cause a for husbandly anger, and could justify domestic cruelty.

<sup>44</sup> Lydgate, *Lydgate's Disguising at Hertford Castle*.

<sup>45</sup> AN Z<sup>10</sup> 26, fol. 63r.

Similar to the cases of Godeliève, but unlike Lydgate, the perpetrators of the cruelties in the court register were male. In every case of cruelty within the register, the husband performed the cruel actions, and by extension the wife was the plaintiff. There was one case that included a prohibition of violence against a husband, but it was secondary to the prohibition against the husband. Thomassetta Durandi brought her husband, Alan, to court on April 26, 1387, to separate her marriage due to cruelty.<sup>46</sup> The court then prohibited Alan under penalty of excommunication and a fifty *livres* fine from beating or mistreating his wife, but then added in a similar prohibition against Thomassetta, warning her against beating her husband and disobedience.<sup>47</sup> There are several cases where the only entry we have is the court's decision, and so neither party is named as the plaintiff. In these cases, however, the prohibition is on the husband to stop mistreating his wife so we can assume that it was the wife who brought the case to court. This evidence does not suggest that women were never cruel to their husbands in medieval Paris. What it does show, however, is that society viewed reasonable violence by a superior to his/her inferior "as both an instrument and a sign of good social order."<sup>48</sup> It was much more likely that a husband's physical correction would shift into cruelty, than a woman of lower legal and social standing would begin abusing her husband, as in Lydgate's story of the henpecked husbands. Subordinates taking violent action against their superiors was less likely to be justified and more likely to be severely punished.<sup>49</sup> "The direct rebellion of subordinate members—that reversal of order in which wife beat husband, or servant attacked master or mistress—was an open and unacceptable challenge to good domestic rule."<sup>50</sup> A more extreme example of this phenomenon was the punishment when a husband killed his wife versus when a wife killed her husband: the murder of a wife was a felony whereas the murder of a husband was treason. Thus the final recourse for women to remove themselves from abusive and cruel marriages was the court system.

46 "De Thomassetta, uxore Alani Durandi, actrice, contra dictm maritum suum, actrix proposuit sevitiā etc.," AN Z<sup>10</sup> 26, fol. 280v.

47 "et fuit inhibitum dicto viro sub pena excommunicationis et l. l. ne dictam uxorem suam verberet aut maletractet etc., et eidem uxori similiter ne verberet dictum maritum et quod obediat sibi prout decet, etc.," AN Z<sup>10</sup> 26, fol. 280v.

48 Maddern, "Interpreting Silence," 38.

49 Maddern, "Interpreting Silence," 39.

50 Maddern, "Interpreting Silence," 49.

*Saevitia* was a complicated legal concept not clearly defined in the court documents of fourteenth-century Paris. Although hints of bad behavior found their way into the court register in the description of husbands beating and mistreating their wives—*verberare* and *maletractare*—in order to create a more nuanced picture of cruelty it is important to look to contemporary narrative sources in conjunction with the legal ones. Together, the court cases and narrative sources indicate a cultural view of cruelty that included irrational physical violence, emotional abuse, and neglect. Godelieve of Gistel and Griselda both exemplified ideal wives who accepted their husbands' neglect and abuse with equanimity. The wives in Hertford Castle turned the tables on ineffective husbands, illustrating marital disputes through comedy. In the end the picture that emerges is one of women using the court to legally separate from husbands who beat them, neglected their physical needs, squandered their communal property, cursed them, and generally made them miserable. The court official's willingness to grant the plaintiffs' legal separations from their husbands due to *saevitia* indicates an expectation of relatively good treatment within marriages, and also provided legal support when husbands did not meet it.

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