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Curia

A Social History of a Provençal Criminal
Court in the Fourteenth Century

« Histoire et sociétés »

Directeur de collection

Daniel LE BLÉVEC

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Collection « Histoire et sociétés »

Curia

A Social History of a Provençal Criminal
Court in the Fourteenth Century

by

Steven BEDNARSKI

St. Jerome's University *in the* University of Waterloo

PRESSES UNIVERSITAIRES DE LA MÉDITERRANÉE

Key words : Medieval, Social history, Provence (France), Manosque, Crime, Courts.

The cover image depicts the adulterers' gauntlet from the thirteenth-century Livre de statuts et coutumes de la ville d'Agen, sometimes called the Livre juratoire. The image is courtesy of the Médiathèque municipale d'Agen (formerly the Bibliothèque municipale d'Agen).

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Finally, my father did not survive to read this book. But he lived well and instilled in his sons a love of teaching and learning. *Curia* is infused with his cheeky spirit and written, I hope, in such a way that even a Math teacher who purported not to enjoy 'artsy stuff' may have picked it up and grinned.

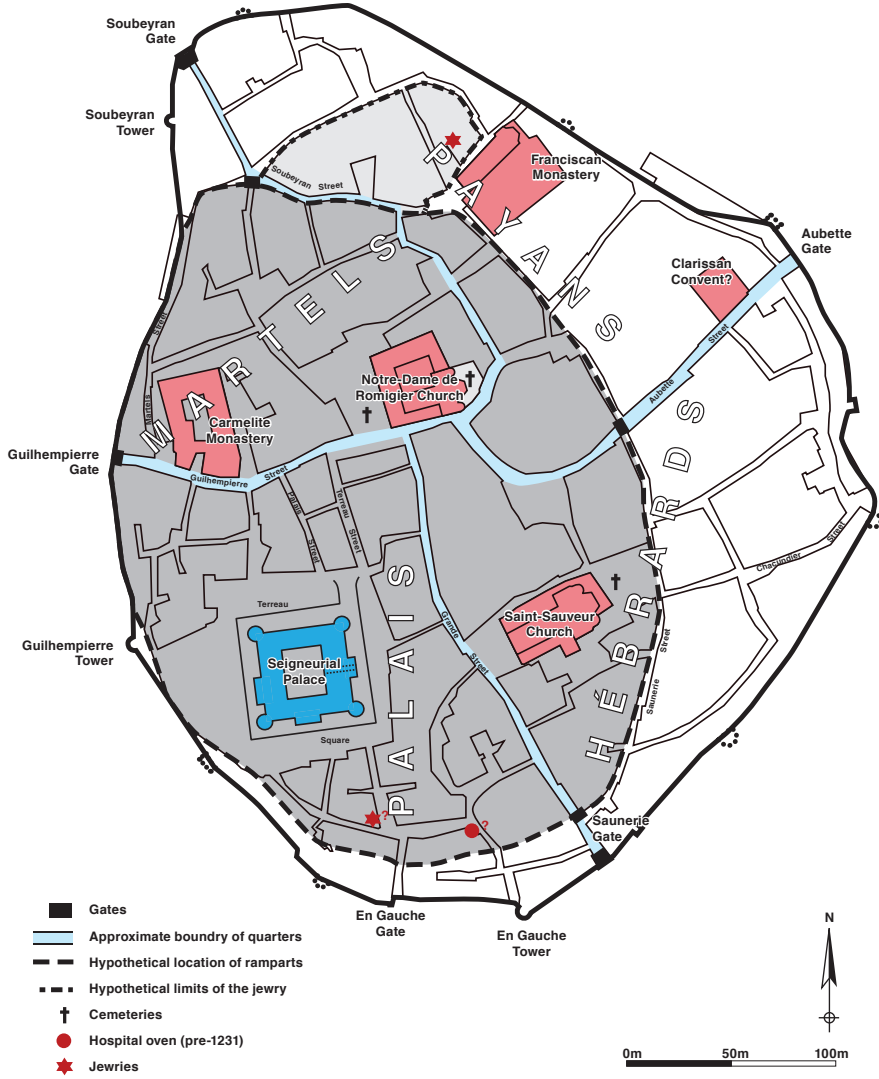


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Plan of Late Medieval Manosque



Prologue

Poison in the Archives

The air outside was thick with the threat of torture. Margarita the poisoner could hear the trumpet peal beyond the walls of the convent where, on an autumn day in 1394, she hid in terror. Her brother, a deacon of the Holy Roman Church, had arranged for her to hide within the safety of the cloister. Another relative, a nun, had smuggled her in. Outside the security of the sacred stone walls, a powerful knight, a learned jurist, a Jewish physician, and a hostile notary negotiated her fate. Margarita knew she could not remain hidden forever, but, in her case, timing was everything. She dared not step beyond the safety of the convent until she received word it was safe. After all, Margarita, who was severely epileptic, was already frail.

Margarita was an ordinary woman, not nobly born, who had immigrated to the bustling Provençal town of Manosque to begin a new life with a new husband. There they lived together as man and wife. During the day, he left their home to sow and reap the fields. She stayed behind to cook, sew, and keep his house. Her husband a good man, she had been happy in her marriage. Except for her illness, which troubled her, life was good. She claimed her seizures began when she first moved to Manosque. So, within the first few months of marriage, she broke with custom and returned to her natal home. Her husband Johan, an understanding man, allowed her to return home so her brothers could watch over her. While she was with them she was less fearful of falling into the hearth or of having her skirts catch fire.

Margarita's situation would never have merited the intervention of a criminal court had Johan not, in mid-October, while on the fields, complained of chest pains. He made his way back to the town but collapsed and died soon after. In a heartbeat, Margarita's world changed. Soon after, she found herself a stranger in a strange land, vulnerable, and the object of an elaborate criminal inquisition.

The charges eventually enumerated against Margarita were especially vicious. Their main thrust was that 'she handed her husband, to whom she stands forth espoused through the matrimonial knot, on account of a false and harmful suggestion

from her damnable soul, over to the defeat of death suddenly, and, moreover, [that she did this] through the use of sorcery or venom, since venom is more painful to slay with than the sword.¹

Margarita was, by this charge, a murderess, a wicked woman who first fought, and then abandoned, her husband. After marrying him, she fled back to her hometown of Bellemont. She had, in truth, only just returned from that place when he died under suspicious circumstances. The court record notes that in Bellemont scandalous things were commonplace. Upon learning of her husband's death, it states, Margarita fled to ecclesiastical sanctuary. First, she hid herself within the cloister of the convent, then she burrowed deeper into sacrosanct space, into a consecrated chapel. She did not even bother to visit her dead husband's house to view the corpse. When he was finally buried, she remained locked away inside the chapel and did not attend the funeral. Certainly she did not shed a tear for him, nor did she behave as any respectable woman should. In fact, she acted as if she had never met him. Finally, the court went on to state, as to Margarita's guilt, within the town there was universal agreement. The public rumour beat upon the ears of the court so loudly that its judge immediately moved *ex officio* against her.

All was not as it appeared. Despite the flowery rhetoric of the accusations, the court, in fact, was prompted neither by a 'number of hostile cries' nor by public rumour. Rather, a friend of the court, a notary, a man trained in the law, and sworn to uphold it, was the source of the accusations. He was also half-brother to the deceased: Margarita's brother-in-law, Raymundo.

As if the charges brought by the court were not enough, a few days later, Raymundo amplified them. To the judge he delivered a list of written complaints. Margarita blasphemed, said the complaints, and cursed those who had arranged her marriage. Moreover she was depressed whenever her husband was around, and had publicly and routinely called him a sad whiner.² She boasted to everyone that she

1. The transcript containing Margarita's criminal inquest dates from 16 October 1394 and is located in the Archives Départementales des Bouches-du-Rhône (henceforth ADDBDR), Series 56H 1001 ff 32–60. The translated passage is from the first folio and reads, '... et insuper eius maritum, cui per thorum matrimoniale sponsata extiterat, propter falsam et dolosam subgestionem, in eius anima dampnabile, detrimentum morti tradere repentine et insuper propter facturas sive venena, cum plus sit veneno st[r]ingere quam gladio perhimeret.' I have kept the old style dates throughout this book. This decision affects the start of every new year. In some parts of late medieval Europe, the new calendar year was tied to Easter. In Provence, beginning in the thirteenth century, 25 March was usually the start of the new calendar year. For simplicity, I report whatever year is written in the document. This means that events that took place in January, February, or most of March, by our reckoning, took place one year later than what I report. See M. Z. ISNARD *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), ix.

2. 'Item eciam dicta Margarita quanda videbat dictum suum maritum de visione ipsius mariti sui tristabatur dicendo quod ipse erat plorator et tristis homo et semper dicebat malum de dicto marito suo.' 56H 1001 f^o 35v.

would abandon him and return to Bellemont. When her family had attempted to prevent this, she threatened to act shamefully. The brother-in-law insinuated that she was a thief, and had removed her wedding dress and jewels from her husband's house without his permission. Finally, Raymundo's list claimed, Margarita had prepared breakfast the day Johan had died, even though she seldom cooked for him nor ate with him. What had killed Johan, Raymundo insisted, was that treacherous meal. The severity of these crimes, Raymundo reminded the judge, warranted the death penalty. And so the angry notary asked the court that Margarita be shackled in iron chains. Let her stay in the church, his argument went; just chain her like an animal.

As a notary, Margarita's brother-in-law knew perfectly well that, had he made a formal judicial denunciation, rather than merely submitting a list of complaints, his legal options would have been limited. For one, Roman law barred denouncers from giving testimony since their bias was a matter of record. So instead he chose to play a legal game. He exerted influence and got the court to proceed without any denunciation, *ex officio*. He then submitted his suspicions and indictments as a sort of evidence. From the outset, then, this was not a case of a woman pursued by a proactive judge, but of a judge led by an angry relative. This was a family matter; family feuds often played out in courts of law.

After the court scribe entered the formal charges and indictments into the record, the judge began his inquest. In courts of Roman law, inquests were investigations leading to juridical conclusions. Judges, by the rules of the *inquisitio*, had only two possible ways to produce a guilty verdict: the accused had to confess freely or the court had to gather testimonies from at least two irreproachable eye witnesses.¹ Since, in this case, there were no witnesses to the alleged crime, the judge summoned Margarita to appear before him in the hopes that she might confess, or at least let something slip.

Margarita steadfastly refused to appear in court. The first time she was summoned by the *nuncio*, the court messenger, she ignored him. The second time, the judge sent out the *praeco*, the town crier, armed with his trumpet. Again she ignored the summons. The judge declared her contumacious and indicated that within eighteen days she would be subject to a fine of 100 silver marks if she did not appear before him.

In the narrative of the document Margarita appears defiant. Whether her defiance was motivated by inner-strength or terror is impossible to guess. Either way, to modern eyes, she makes an attractive pathetic heroine since she also made claim to qualities we typically associate with victims. Later in the trial, when she eventually

1. On the qualifications of witnesses, see Bernard SCHNAPPER, 'Testes inhabiles. Les témoins reprochables dans l'ancien droit pénal,' *Revue d'histoire du droit* 33, fasc. 4 (1965): 576–616.

did depose, she staked out typically feminine explanations to resound with medieval masculine sympathies: 'I was scared! I was sick! I didn't know what else to do!' So, when the judge asked her why she had left her husband's house and fled to the church, she blamed her brother-in-law, who was making her miserable. She said he had screamed at her: 'Get out! Out! You murdered my brother!' She also said she fled because she was sick and kept having seizures and didn't feel safe in her husband's house.

Despite the temptation, it is wrong to paint Margarita as a defiant woman, or even as a scared and powerless victim. To begin with, it is impossible to say for certain whether she was truly terrified or weak. What is clear is that the semblance of terror and weakness were an important aspect of her defence.

The situation was nuanced, her agency limited. As a woman of the fourteenth century, the ability to think, act, and move was still subject to the impulses of her male keepers. Her brother, the deacon, had a heavy hand in her actions following her husband's death and leading up to the trial. When pressed as to why she had gone to the church, she said that 'her brother the deacon wished it.'¹ When pressed as to why she had ignored the two summonses to appear in court, she said 'her brother did not wish it.'² In this tale then, in point of fact, Margarita emerges more the pawn than its tragic heroine.

Despite the *prima facie* appearance of the case, the legal and familial struggle that ensued was less about the accused woman than about the struggle between two men to sway the court. On the one side was the hostile notary, her former brother-in-law. On the other was her brother. Although Margarita's family hired a lawyer to help prepare her defence, it was her brother who appeared time and again before the judge to plead for her. For the historian, the temptation to write a narrative about a wilful female victim, one stricken by epilepsy, must be tempered by her ability to navigate as an independent social agent. As often in fourteenth-century court records, individual's agency is strongly informed, and hemmed in, by broader group dynamics.

As the inquest progressed, various townsmen and women appeared before the court. The local midwife, Billa Fossate, made a lengthy deposition. She and other women spoke of Margarita's epilepsy. The dead man's servant appeared. He said that Margarita and Johan had behaved as any other ordinary couple: sometimes they argued, sometimes they joked, sometimes they laughed. The servant also described

1. '*Super iiii indicio interrogata, sicut medio eius juramento verum esse ivisse ad monasterium dominarum monialium Sancta Clare usque ad januam tantum; et post modum ivit ad cameram fratris sui que erat infra claustram Beate Marie . . . Et eius frater dyaconus voluit quod ipsa iret ad suam cameram ubi morabatur ad claustrum Nostre Domine et cum eodem recessit ad cameram predictam.*' 56H 1001 f^o 46.

2. '*Item fuit interrogate super vii indicio, que eius juramento dixit verum esse se non ivisse ad dictam curiam licet citata exitisset quia eius frater hoc noluit . . .*' 56H 1001 f^o 46.

a piece of ginger that his master had carried in his pocket to ward off chest pains. The servant testified that, contrary to Raymundo's claims, Margarita always ate with her husband and took pains to sit with him at the table. None of these testimonies moved the court closer to a condemnation.

The greatest blow to the case against Margarita came in the form of an expert testimony on the state of the corpse. Jewish participation in the court of Manosque was routine and Vivas Josep is not the only Jewish doctor in the records. His testimony, though, is abnormally lengthy and formal.¹ He appeared before the court thanks to a formal legal request made by Margarita's brother. Of poison, the doctor found no evidence whatsoever. He cited passages and verses from dominant medieval medical authorities such as Galen, Avicenna, Albucasis, Matthew Platearius, and Isaac Israeli. The physician concluded that the cause of Margarita's husband's death was a heart attack, which he called *syncopus*, literally a failure of the heart.²

The medical cause for the heart attack provided by the physician exonerates but also condemns. The doctor concluded that the dead man's syncope was the result of sexual frustration. Though Johan had married the virgin Margarita two months prior, he had been unable to have sex with her. Margarita herself had already testified to the lack of conjugal intimacy in her marriage bed. Even before the doctor appeared in court, the judge asked her whether she had known her husband carnally. She had responded negatively since, 'when they were with each other in bed she had trembled so vigorously that she was neither able to get near him nor have him.'³ So the court already knew that Margarita had never slept with her husband. Vivas Josep determined that 'on account of that, Johan was extremely worked up by his passions. And this generated in him an evil melancholy because he was unable to have his way with her.'⁴ All this pent up melancholy, the doctor asserted, rendered Johan's body cooler and cooler. This coolness in turn interacted with the heat of his desire and singed him. An unhealthy humour twisted around his heart and changed its complexion. Hence, syncope, leading to death.

1. That aspect of the transcript has been studied in detail in Andrée COURTEMANCHE, 'The Judge, the Doctor, and the Poisoner: Medical Expertise in Manosquin Judicial Rituals at the End of the Fourteenth Century,' in Joëlle ROLLO-KOSTER, ed., *Medieval and Early Modern Ritual: Formalized Behavior in Europe, China and Japan* (Leiden: Brill, 2002), 105–123.

2. 'Item eciam ad corroborandum predicta dixit dictus medicus quod ipse invenit de allis infirmitatibus de quibus multociens gentes illas habentes subito moriuntur prout est quidem morbus vocatus syncopus ut dicit Galianus in tercio decimo capitulo De Tecerop Pentit [De Therapeuticorum] quia quando venit dictus morbus syncopus est plus quam periculosum et est plus socius mortis et cum ea ingintur et sunt consocii ut supra.' 56H 1001 f^o 52v.

3. 'Interrogata si eam dictus Johannes eius maritus eam carnaliter cognovit, dixit suo juramento quod non quia quando erat juxta ipsam in lecto multum fortiter tremebat taliter quod cum ipsa apropinquare nec habitare poterat illa de causa.' 56H 1001 f^o 45v.

4. '... quod dictus Johannes uxorem virginem duo menses sunt elapsi vel circa duxerat cum qua nullo modo carnaliteringere potuit seu copulare et pro eo multociens illo ardore se inflamavit et sibi ipsi generavit mala enconia quia non poterat complere eius volutatem cum eadem.' 56H 1001 ff 52v.-53.

A careful reading of the medical evidence thus reveals that the doctor exonerated Margaria legally but condemned her socially. She may not have been a poisoner, but, in the eyes of a male medical practitioner, her inability to have sex with her husband frustrated nature and provoked the fatal heart attack. It is, of course, impossible to know how Margarita, a young virgin whose husband of two months had died and who then found herself the target of personal attacks from his brother, to say nothing of a protracted legal battle, felt when she learned that her epilepsy had killed her husband. There is one clue, at least, that this knowledge weighed heavily upon her. She stated in public, and again before the judge, that on account of her illness, she thought she was born 'at an evil hour.' Margarita believed she was cursed.¹

Margarita's brother managed to coordinate a convincing defence but did not act in isolation. He received support from an unlikely source: Margarita's remaining in-laws. Kinship does not, of course, guarantee unanimity. In this case, Margarita's former brother-in-law seems to have acted without the support of his entire family. The dead man's sister was summoned to appear in court along with several of her relatives. They 'unanimously and in agreement' refused to participate in the trial against Margarita. Indeed, they all thought she was a 'good, decent, true and honest woman.'²

Despite this apparent lack of support from within his own family, Margarita's brother-in-law had friends, or at least sympathizers, in the highest places. The lord of Manosque, preceptor of the Knights Hospitaller and the town's seigneur, felt compelled to interfere in the trial. His interference is unique in all the court records. The secular court of Manosque normally operated at arm's length from its ecclesiastical masters. In this instance, though, the preceptor meddled. He sent a transcript of the entire inquest to the erudite jurists in the royal capitol, Aix-en-Provence. He attached a note asking, since Margarita refused to confess, whether he could put her to torture.

In late medieval French and Provençal courts, torture was extremely rare. In the 1,453 Manosquin trials analyzed for this book, plus another 200 I have studied elsewhere, it appears only four times.³ According to the strict rules of Roman law, only

1. *'Que eius juramento dixit se nil aliud dixisse nisi quod de mala hora ipsa fuisset nata.'* 56H 1001 f° 46v.

2. *'Quiquidem supra nominati omnis unanimiter et condorditer responderunt dicto domino iudici se nullam partem facere vollentes in dicta causa nec fecerunt nec aliqua producere intendunt vel producerunt contra eandem nec ipsam in aliquo accusant seu intendunt accusare ymo eam habuerunt et habunt pro bona et desenti et honesta muliere et proba.'* 56H 1001 f° 55v.

3. Although one noted historian of crime and justice wrote, '[t]he problem is that trial records often omit any mention of torture, even when its use alone can explain a sudden change in a suspect's readiness to talk.' Trevor DEAN, *Crime in Medieval Europe, 1200–1550* (New York: Longman, 2001), 16. Another expert on medieval law noted, '... we have little evidence of how often and when torture was used in thirteenth- and fourteenth-century courts. Until the surviving records of those courts

men and women of ill-repute could be subjected to its rigours. Although the procedure of this court was called inquisitorial, it was no ecclesiastical Inquisition, replete with secret denunciations and more frequent torture. Virtually no one in Manosque suffered judicial torture. That the preceptor interfered with the normal course of justice and made such a bizarre request speaks volumes about the influence of Margarita's notarial adversary.

The response from the Aixois jurists was negative. Margarita could not legally be put to torture. All the evidence indicated she was an honest woman from good lineage. The man who penned the response went one step further and admonished his Manosquin counterpart. He wrote that she should be absolved without 'any conditions or oppositions obstructing this made by anybody or even the friends of the husband.'¹ This legal decision undercut the attack against Margarita. The result was, at last, an end to the court's lengthy inquest against her.

Margarita's trial began on Friday, 16 October 1394, and ended on Wednesday, 17 March 1395. For a court and judge accustomed to same-day or same-week resolutions, the interval of time is remarkable. It is a testament, no doubt, to the tenacity of Margarita's adversary and his faith in his ability to influence the judicial outcome. On the last day of the criminal inquiry into the death of her husband, the judge, Peyre Rebolli, summarized the events of the preceding five months. He then stated for the record that there was insufficient evidence to determine guilt. He also noted that he had taken her good fame and reputation into account. Finally, he ended the official transcript with these words before signing his name in the margin beside them:

By the Holy Cross, in the name of the father, son, and holy ghost amen. Concerning the accused Margarita, from the merits of this trial and each and every thing contained in it against her, we absolve her with our definitive sentence and we declare this absolute in these writings in our time, in the form of our decree described in the margin of our trial in our own hand. The tenor of which is thus: the cause is neither confessed nor [proven] through trustworthy witnesses, it is not certain in any way

are studied, especially in the archives of Italy, we cannot say much about how theory corresponded to practice. Theory severely limited the use of torture in most cases. Only a thorough examination of actual courtroom practice will give us some idea of whether the limitations were respected in practice.' Kenneth PENNINGTON, *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, CA: University of California Press, 1993), 158. Despite these reservations, the consensus remains among those who have studied large samples of data that medieval courts used torture far less frequently than their early modern descendants. Certainly, a careful reading of the Manosquin corpus substantiates that belief.

1. ' . . . et eiam et aliis aparentibus per processum et de iure procedentibus ipsa Margarita est absolvenda non obstantibus quibuscumque conditionibus et opposicionibus per aliquem seu aliquos affines mariti factis.'

through the present trial and of all charges against her, I absolve her, declaring her innocent.

Peyre Rebolli, ordering the trial from the cartulary of the court in which it is described to be cancelled and deleted.¹

With those words, the judge ordered the court scribe to draw diagonal lines through the transcript to indicate that the case had been cancelled. Mercifully, this light-handed cancellation left it legible. The text that records the events, words, and deeds surrounding Johan Domponcii's fatal heart attack had served its purpose. Although it was preserved in the criminal series, barring an appeal, this document could do no further harm to Margarita. Still, Margarita was a shrewd woman with shrewd advisors. The risk of continued attacks was not lost on them. Just to be safe, she asked for a copy of everything. Margarita's faction, after all, understood intuitively the importance of court records.

1. *'Sancte Cruce dicendo in nomine patris et filii et Spiritus Sancti amen. Supra memoratam Margaritam delatam a meritis dicte inquisitionis et omnibus et singulis in ea contentis contra eandem per nostram diffinitivam sententiam absolvimus et absolutam in hiis scriptis hore proprio pronunciamus per formam nostri decreti in margine dicte nostre inquisitionis propria manu nostra descripti. Cuius tenor talis est causa non confiteatur nec per testes fidedignos in aliquo non convincatur merito a presenti inquisitione et ab omnibus intitulis contra eandem tanquam innocens merito absolvatur. Pe. Re. jubentes dictam inquisitionem de cartulario curie in quo descripta est cancellari et penitus aboleri.'* 56H 1001 f^o 59v.

Chapter 1

Introduction

I The Argument and its Historiographical Context

The extraordinary tale of Margarita the poisoner lay buried and forgotten in the criminal registers of the Provençal town of Manosque for six hundred years. It dates from October 1394 and is one of the longest trial records preserved from the town. It stands out, in part, because of the richness of its depositions, especially that of Vivas Josep, the Jewish physician. The narrative's subject matter also marks it as inherently fascinating. It details the struggle of a woman wrongly accused of using sorcery or poison to murder her husband. The document is important because, through her deposition, Margarita sheds light on the world of an ordinary woman at the end of the fourteenth century. She tells about her family relations, her epilepsy, her homesickness, and her anxieties. Through her admissions and omissions, Margarita teaches about her world's gender expectations. The cultural and legal strategies hidden between the lines of the inquest allow a glimpse into the internal dissent within her extended family and point to influence on the impartiality of courts. They allow us, moreover, to draw tentative, albeit anecdotal, conclusions about the immigrant experience and problems of integration. Yet for all of this seemingly extraordinary historical information, aside from its length, Margarita's transcript is typical of the other documents contained in the series. Between 1340 and 1403, the Manosquin criminal registers contain 1,543 legible trial transcripts. Many of them invite similar lines of inquiry and present data that corroborate the types of conclusions suggested by Margarita's case. While legal documents are imperfect lenses through which to view the past, under the right conditions, they provide glimpses.

This book is, first and foremost, a work of social history. It uses the records preserved from Manosque to write 'history from below' and ask how ordinary people

manoeuvred in late medieval society. Its trial transcripts highlight the strategies people developed as they oriented themselves and navigated social currents. The book does not purport to be a work of legal scholarship, though it draws on the work of legal historians and is mindful of their warnings to social historians. Instead, the book contributes to the field of criminal history: it fits the social regulation of crime into some sort of past context.¹ In doing this, the sources from Manosque inform certain inescapable arguments about the nature of late medieval justice and the multiple social functions of the criminal court.

The book argues that, just as individuals attempted to use the court for their own ends, they were, in turn, drawn in and exploited by court owners and operators. When this happened, those same individuals who sometimes rushed to the municipal judge for justice balked. Despite this resistance, the records show that the fourteenth-century court was an effective regulator of personal and group behaviours. This bifocal way of seeing courts is novel in so far as it draws upon and unites two divergent, largely oppositional, lines of historical inquiry and resultant methodologies.

First, there has since the 1970s been a trend among historians of pre-modern crime to use criminal records to reconstruct social dynamics.² In this respect, the book offers nothing novel in terms of approach. Other historians have written social histories using detailed case studies or so-called microhistories.³ Margarita the poisoner's trial and the many other case studies contained in this book take steps in the direction of that type of exposé.

Social historians typically adopt the methodological tools of sister disciplines like sociology and anthropology and this book continues that tradition. For example, its questions about Margarita's ability to manoeuvre, about her skill as a social actor, about her agency, and about her social instincts and meagre moral and social capital, are strongly informed by Pierre Bourdieu's reflexive sociological theory of practice. When the book considers the historical use of torture and the

1. I draw a broad distinction between legal history, which is largely interested in proscriptive matters, and criminal history, which looks at actual practice.

2. For the medieval era, this trend began in large part thanks to Emmanuel Le Roy Ladurie's groundbreaking analysis of Jacques Fournier's inquisitorial register from the Pyrenean village of Montatillou. Le Roy Ladurie wove a complex, although at times problematic, depiction of life in the last Cathar heretical village thanks to the record of the juridical inquest. Emmanuel LE ROY LADURIE, *Montatillou, village occitan de 1294 à 1324* (Paris: Gallimard, 1975).

3. Some of the foundational microhistorical works are: Carlo GINZBURG, *The Cheese and the Worms: the Cosmos of a Sixteenth-Century Miller*, trans. John and Anne Tedeschi (Baltimore: Johns Hopkins University Press, 1980); Natalie ZEMON DAVIS, *The Return of Martin Guerre* (Cambridge, Mass: Harvard University Press, 1983); Emmanuel LE ROY LADURIE, *Montatillou*; and *Microhistory and the Lost Peoples of Europe*, ed. Guido RUGGIERO and Carlo GINZBURG, trans. Erin Branch (Baltimore: Johns Hopkins, 1991).

juridical control of bodies, it owes an obvious debt to Michel Foucault.¹ Its notions of kin structure, endogamy, and exogamy, and the problems they entail, come from Emile Durkheim, Claude Levi-Strauss, and their modern heirs.² In all these respects, this book follows the standard conventions of social history. It proposes a modified approach, however, through its treatment of the primary Manosquin criminal sources.

Though more traditional criminological and juridical approaches, histories of laws and institutions, remain in use to help read historical trials, the increasing emphasis, among English-speaking scholars anyway, is to study courts from the bottom up. Most current historians approach the question of historical crime from the point of view of the users of the court. This approach helps uncover how ordinary people manoeuvred and to discern the forces that buffeted them. It emphasizes that law and justice are organic and negotiated, not static or imposed. It also opens up areas of research previously inaccessible to historians.³ Thanks largely to this anthropologically-inspired approach, the entire understanding of disorder and social structure in the absence of modern institutions has evolved. Historians, taking their cue from anthropologists, now appreciate the multiple ways in which societies without modern judiciaries operated to resolve conflict and settle disputes.⁴ And, those who study societies where institutionalized justice was still juxtaposed with less official options have come to recognize that the two systems were not, by any means, mutually exclusive. Medieval townsmen with recourse to law courts still entertained other strategies, sometimes simultaneously with court proceedings, to promote agendas and achieve goals. Historians of late medieval crime now appreciate that courts did not replace more traditional, often bloody, mechanisms to resolve conflict but instead co-existed with them. In the thirteenth and fourteenth centuries, as Mediterranean towns developed courts of Roman law, people began to use these institutions to play out their enmities, to enact honour conflicts, and to assert power over others while simultaneously pursuing more traditional, often bloody, routes. The approaches offered historians of crime by anthropology and sociology are particularly attractive because they allow us to use the courtroom

1. For an overview, see: Pierre BOURDIEU and Loïc WACQUANT, *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992); Pierre BOURDIEU, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 2000); Michel FOUCAULT, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995).

2. See, for example: Emile DURKHEIM and Albert ELLIS, *Incest: the Nature and Origin of the Taboo*, trans. Edward Sagarin (New York: Lyle Stuart, 1963); and Claude LEVI-STRAUSS, *The Elementary Structures of Kinship*, trans. James Harle Bell (Boston: Beacon Press, 1969).

3. Such as, for example, the history of the social role of hatred. See Daniel Lord SMAIL, 'Hatred as a Social Institution in Late Medieval Society,' *Speculum* 76 (2001): 90–126.

4. As in Willian Ian MILLER, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago: University of Chicago Press, 1990).

process to bring to light less visible social relationships and sentiments. Chapter 5 of this book, therefore, looks closely at prosecutions of wife assault and surveys the implications of such trials for historians seeking to understand normative power structures within late medieval families. The fourteenth-century testimonies of battered wives and beating men provide evidence unavailable through more traditional sources. They reveal the complex links that stretched beyond the confines of the *domus*, connected, and indebted, married couples not only to extended kin groups but also to their communities at large. This debt network confirms the reality hitherto only partially suggested by economic historians.¹ Medieval trials against wife beaters, ironically, hint at the boundaries of outrage, collective responsibility, and affection. The book also details the case study of a female cat burglar, adulteress, and sometime prostitute who, to explain her situation, told convoluted lies in court. She was ultimately tortured and condemned to have her left foot amputated. During her trial, she also attempted suicide three times. When asked why she was attempting to take her own life, she offered a telling insight into the psychological mindset of an accused person: she explained to the judge that the prison guards were terrifying her about her fate. Thus, through its workings, the court evoked and captured very real sentiments of despair. The cat burglar resonates sympathetically with another liar, in Chapter 4, a woman whose new husband accused her of adultery. After marrying her, the plaintiff realized that his new wife was several months pregnant and that her child was not his. Initially that accused woman claimed she had been raped, a story to which she clung despite mounting evidence of her sexual relationship, in widowhood, with her first husband's brother. By the time she broke down and confessed, the judge determined that many townswomen had known about her liaison and had collaborated to help her find a new husband quickly. Like the tale of the female cat burglar, this case of incestuous adultery reveals the social pressures that moved historical actors to lie under oath. It highlights a particular type of female desperation derived from an illicit union and unwanted reproduction. It also reaffirms gendered solidarity and that 'shrewd realism' sometimes ascribed to pre-modern peasant women in the face of the constraints imposed by their sex.²

Generally speaking, the poisoner, the cat burglar, the adulteress, the abusive husbands, and the hundreds of other inquest tales from the criminal series, do shed light on how late medieval people related to one another. These records also reveal

1. See Stanley CHOJNACKI, 'Dowries and Kinsmen in Early Renaissance Venice,' in Susan MOSHER STUARD, ed., *Women in Medieval Society* (Philadelphia: University of Pennsylvania Press, 1976), 173–198. Chojnacki demonstrates that husbands were monitored by fathers-in-law and other male affines to verify responsible use of wives' dowries. Although the economic evidence attests that women remained connected to their natal families, and husbands accountable to them, it cannot demonstrate other types of community monitoring.

2. DAVIS, *Martin Guerre*, 28.

how those relationships sometimes played out in court. They teach lessons about the complex social dynamics that bound and divided. In part, then, this book's argument fits into the prevalent modern trend to use court records to shine light on social realities. There is, however, substantial room to criticize the exclusive use of such an approach.

An unfortunate and lamentable by-product of social history is that its practitioners tend to cast aside lines of inquiry rooted in older priorities. The newer way of viewing late medieval courts often comes at the expense of lessons available through more traditional questions. Social historians sometimes gloss over courts as interpreters of law codes, trials as extensions of law makers, and justice as a preoccupation of the developing European state. Four decades ago Joseph Strayer claimed that centralized criminal courts are one of the three essential 'pillars' of the modern state. The traditionalist narrative, which Strayer synthesized sympathetically, went something like this: as governments moved to assert more uniform control over their subjects, they implemented courts to repress subjects' actions and freedoms.¹ Several decades of subsequent scholarship by politically-minded historians challenges and nuances these assertions. Recent scholarship, for example, acknowledges that state lawmakers drew substantial inspiration from local systems of justice.² The end result either way, though, is the same: a field of research that considers how and why early states asserted control over people's lives.³ The starting point remains the state, the crown, the law, etc. This top-down logic of social control facilitates implicit or explicit discussion about the role of centralized judiciaries and state power. This discussion remains pertinent.

Social historians and proponents of the anthropologically-minded approach make clear their distaste with any statist, top-down approach. By focusing on governments and institutions, political historians neglect users, treating them as pawns in a greater system of major social forces. These same political historians also inflate the role of governments and states in shaping and imposing institutions upon subjects. For all these reasons, the recent generations of anthropologically-minded historians prefer to view criminal trials from the perspective of court-users or -participants. Anthropological historians of crime have also tended to abandon traditional approaches out of a pervasive sense that they may be too ethnocentric or

1. Joseph R. STRAYER, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970).

2. Philip GODDING, 'Les ordonnances des autorités urbaines au Moyen Âge. Leur rapport à la technique législative' in J.-M. DUVOSQUEL and E. THOEN (eds.), *Peasants and Townsmen in Medieval Europe. Studia in honorem Adriaan Verbulst* (Gent: Snoeck-Ducaju & Zoon, 1995): 185–202.

3. For a delicate modern treatment, see Marc BOONE, *À la recherche d'une modernité civique. La société urbaine des anciens Pays-Bas au bas Moyen Âge*. Bruxelles: éditions de l'Université de Bruxelles, 2010, especially his third chapter, 'Contrôle social, contrôle du comportement.'

institutionally biased, or too teleological, and, in a way, too unhistorical: looking forward to the rise of modern institutions. It was not so long ago that a great, though methodologically conservative, scholar of medieval law, for example, concluded that '[w]hat is most striking about the methods of proof of this "First Middle Age" is their irrational character' and then later, in contrast, that '[t]he late Middle Ages are characterized by the ascendancy of rational methods of proof . . . the crumbling of the old system caused men to seek alternatives.'¹ Among anthropological historians, this assumption, that men of the early Middle Ages were inherently irrational in their approach to justice, but that they strove (nobly) for reason, sits poorly. Anthropological historians prefer to view those societies with less formal legal networks as engaging in alternative techniques for dispute settlement. The work carried out on early Icelandic law, for example, reveals intricate rituals of conflict resolution rooted in notions of reciprocity.² Far from being irrational, these rituals derived from a type of reason different from that of written codes of law. Often, these rituals resorted to unofficial acts of violence by individuals or their kin groups, techniques that are easily derided. After all, in a feud or vendetta it is not the wisest argument or more telling evidence that carries that day but the biggest club! Increasingly, though, historians, like anthropologists, have come to realize that forceful acts sometimes serve complex, ultimately beneficial, social purposes.³

Scholars who remain devoted to states, governance, and social control, in response and not without reason, lament the dominant role accorded to narrative in the new history. It comes, they allege, at the expense of rigidly constrained philological textual analysis, in the writings of the anthropologist-historians. As soon as Natalie Zemon Davis released *The Return of Martin Guerre*, Robert Finlay famously launched a scathing rebuttal. He accused her of reading too much into the published summary of the trial left by the presiding judge.⁴ Davis smoothly responded that her rich narrative was intended to provoke questions: 'I see complexities and ambivalences everywhere; I am willing to settle . . . for conjectural knowledge and possible truth . . . Robert Finlay sees things in clean, simple lines; he wants absolute truth, established with no ambiguity by literal and explicit words . . .'⁵ More

1. R. C. VAN CAENEGEM, *Legal History: A European Perspective* (London: The Hambledon Press, 1991), 73, 94.

2. MILLER, *Bloodtaking and Peacemaking*.

3. See, for example, David NIRENBURG, *Communities of Violence* (Princeton: Princeton University Press, 1996).

4. 'In sum, Davis presents a scenario in which the principal participants in a trial—the plaintiff, the defendant, and the judges—harbored secret designs and motivations that, by their very nature, cannot be substantiated by the sources.' Robert FINLAY, 'The Refashioning of Martin Guerre,' *The American Historical Review* 93, No. 3. (June 1988): 561.

5. Natalie ZEMON DAVIS, 'On the Lame' *The American Historical Review*, Vol. 93, No. 3. (June 1988): 574.

scathingly, Finlay asserted, Davis's work bordered on fiction: 'If historical records can be bypassed so thoroughly in the service of an inventive blend of intuition and assertion, it is difficult to see what distinguishes the writing of history from that of fiction.'¹ Davis replied, 'I am . . . engaging in the historian's common practice of conjecturing from evidence on the basis of assumptions about psychological process.'

Legally-minded historians who know well the complexities of pre-modern court systems object not only to the non-legal, interpretive, reading of court documents by narrative-driven historians, but also to the elevation and examination of a single case above, and, possibly, to the detriment of, all others. They rightly complain that the study of one noteworthy case to the exclusion of all others can lead to a distortion of past realities. After Gene Brucker published his highly narrative interpretation of a trial based on a scorned lover, Thomas Kuehn was, therefore, sharp in his critique. Brucker's tale is of Lusanna, a beautiful but jilted woman who sued Giovanni, her former lover and possible fiancé, when he married another.² Kuehn wrote that microhistorians extract the typical from documents that, by their very nature, record the atypical. He claimed microhistorians neglect the double discourse that connects our understanding of criminal records to the technical texts which encoded them. The root of the problem, for Kuehn, lies in the 'lack of appreciation of the formative role of legal rules and procedures on [the] texts and on the acts they purport to disclose.'³ Kuehn complained that, in Brucker's text, 'Lussana emerges as an American heroine.'⁴ He reported, rightly, that Brucker's reading of the trial transcript failed to consider the 'filter of legal rules and terms' that 'transfix social realities and subtly restructure them.'⁵

The dialogue between Davis and Finlay, or Kuehn's critique of Brucker, epitomizes a still unresolved methodological polarization among pre-modern historians who interpret or exploit criminal records for the purpose of understanding social organization.⁶ Traditionally-minded historians focus on the impact of law on court process. They attempt to fit court actions into the process of broader socio-political evolution. They complain that social historians elevate protagonists to the status of hero or victim to tell a more alluring tale, while, at the same time, touting overblown claims that their protagonists shed light on their world. This approach, tradition-

1. FINLAY, 'The Refashioning of Martin Guerre,' 569.

2. GENE BRUCKER, *Giovanni and Lusanna: Love and Marriage in Renaissance Florence* (Berkeley, CA: University of California Press, 1988).

3. KUEHN, 'Reading Microhistory,' 516.

4. KUEHN, 'Reading Microhistory,' 514.

5. KUEHN, 'Reading Microhistory,' 515.

6. Critics' voices have rung so loudly and for so long that even very recent works must take time to spell out their concerns. See the eloquent summary, for example, in Michael GOODICH (ed.), *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials* (New York: Palgrave MacMillan, 2006) 3.

alists claim, comes at the expense of more precise legal readings of texts. Politically, legally, and even sometimes methodologically conservative social historians claim that the narrative-enamoured anthropological historians read too much into documents ill-suited for such purposes. Defenders of anthropological approaches maintain that God is in the details, though his face is sometimes murky.

The study of late medieval and early modern courts and crime remains, thus, contested. Though some historians may wish to deny that tensions still exist, others are more frank. According to Jeremy Hayhoe, 'French legal historians have devoted much more time to understanding legal doctrine than daily practice, while social historians have analyzed criminal justice in some detail but have left civil justice . . . almost untouched. . . there remains much more to be done on . . . the ways in which ordinary people and village communities interacted with the judicial apparatus of the state.'¹

The guiding argument of this book re-orientes the study of late medieval crime to achieve a balance between these two distinct historiographical approaches. First, it embraces and exploits anthropologically-minded methods, while recognizing that they alone cannot accurately depict the relationship between criminal courts, justice, and society at large. Certainly, anthropology reveals a fascinating and rather rich aspect of the documentation. When taken in isolation, however, it does so at the expense of other important facets. Second, the book works from the premise that the study of history is ill-served by completely setting aside a top-down approach. Simply put, medieval courts sometimes did control, regulate, and repress. Third, the book approaches court records mindful of the critiques levelled by legal scholars that social historians frequently ignore formative legal frameworks and draw assumptions without adequate context. The book never goes so far as to present a complete microhistory. Instead, it begins by providing a detailed context for social relations. It weaves rich examples, told through a narrative voice, into raw statistical evidence. It places the anecdotal in relation to the statistical. When it assumes, it does so based on extensive reading of a large body of legal records.

This book attempts to reconcile different historical approaches to crime, courts, law, and governance. It argues that justice in fourteenth-century Provence transcended mere social control and political attempts to circumscribe individual agency. The enactment of justice, rather, created courts, physical and symbolic *fora* for social action. These *fora* facilitated and balanced discourses of collective need against the priorities of the nascent Angevine state and, through legal innovation and cooperative seigneurial/communal justice, had twin aspects. Courts were physical spaces, *loci* where burghers aired complaints, sought redress, or were

1. Jeremy HAYHOE, *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy* (New York: University of Rochester Press, 2008) x.

prosecuted; but these same courts were simultaneously symbolic spaces where local, regional, and national politics intersected, interacted, and competed.

To achieve a more balanced interpretation of the data preserved in late medieval criminal records, I have attempted to frame my approach neither uniquely in terms of the users of the court, nor in terms of the political or legal systems which governed it. Instead, I conceive of the court as a nexus, a focal point, for multiple forces. I use it as a lens through which to see individuals, their struggles, and their triumphs. Through it, I observe how people enforced, negotiated, improvised, and even bypassed the law. After all, the documents that survive were produced by the court for its own consumption. It seems logical, therefore, to interpret the texts in relation to the *curia*, the court, the institution that created the documents. This book is, then, an attempt to write the history of a single court to see how it related to law and justice and how it helps us to understand common, non-elite, people and their world.

The need to write the history of a criminal *curia* is underscored by the fact that no school of thought has, to date, adequately addressed the central question of this book: why were people in the late Middle Ages increasingly drawn into criminal matters? No study has looked at why people used courts and whether, how, and to what extent, the operators of the court benefited. An important recent book by Daniel Lord Smail does argue that the appetite for justice in late medieval Marseille increased as people began to adopt courts as venues for revenge seeking.¹ Smail contends that courts allowed people to broadcast their enmities in order to negotiate social standing. He sees courts, therefore, as a reactive siphon and transmitter for emotions, one that facilitated social manoeuvring. Smail's argument is convincing. His book is not intended, however, to address the question in its entirety. First, it looks primarily to civil law suits which, by their nature, highlight interpersonal conflict. Criminal trials may indeed be prompted by interpersonal conflicts, as Margarita the poisoner's transcript suggests. They may also, however, be motivated by broader social, institutional, or governmental concerns. Second, the study of the Marseillaise court does not consider how, precisely, the owners and operators of courts benefited, or failed to benefit, from institutionalized justice.

The users of late medieval courts undeniably consumed justice to pursue grudges and assert power. From the users' perspective, there were distinct advantages to drawing an enemy into an embarrassing, costly, and highly public legal struggle. And even if success were far from guaranteed, there was a satisfaction in forcing a social opponent to air his or her dirty laundry, in trotting out one's own supporters, and in hearing one's allegations trumpeted throughout the town. The institutional

1. Daniel Lord SMAIL, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca: Cornell University Press, 2003).

profitability of such trials, that is to say the significance of the income generated by such courts for their owners, is, however, greatly questionable. No historian has adequately addressed this issue.

In Manosque, though the criminal court likely failed to generate much revenue for its seigneur, it remained open to petty quarrels. It encouraged townspeople to make use of its criminal magistrate to settle their grudges, even though the incomes generated from such trials were very likely minimal. What was the advantage of such a service for the town's governor? Only by rebalancing the story, by adding the perspective of the court's operators, can we begin to answer this question. In order to do so, this book analyzes trials that exemplify the repressive, regulatory, or normative character of criminal courts.

Chapter 5 takes up the issue of repression and argues that in Manosque the local governor permitted and encouraged citizens to use his criminal court to hone one of his most potent administrative weapons: the sword of justice. In short, the seigneur and his king used the late fourteenth-century court to tame their subjects. The extant court records contain many good examples of this but the best come from an intense period of civil war. They show how and why the court worked to prosecute traitors and demonstrate that even a typical seigneurial court could, at times, be elevated to national importance. When that happened, the court shifted its focus away from dispute settlement and conflict resolution and became a repressive tool of the nascent state. The beginning of Chapter 6 argues that the court was able to make this shift precisely because it opened its process up to private squabbles. Whenever people turned to the court for justice, they validated its influence over their lives. Court operators knew this, perhaps consciously, perhaps intuitively. They worked hard to attract business so that when repression was needed, their authority was unassailable. This was effective strategy. It was also a common feature of the evolving polity in late medieval kingdoms. 'For legislating and administration . . . it has become evident [to scholars] how indispensable the active consent of "local society" (commune) was.'¹ B. Chevalier, in his study of the relationship between fifteenth-century French towns, studied thousands of documents collected in the French *Ordonnances des Roys de France*. He found that towns, not the crown, initiated just under a quarter of all royal acts. This led Chevalier to conclude that towns found it useful to draw on evolving institutions. He wrote that 'Urban communities had good reason to turn to the king and his council.'² At the

1. Peter BLICKLE, 'Concepts and Approaches in Recent Scholarship on Statebuilding—A Critical Review,' in *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900*, ed. Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEW. London: Ashgate, 2009, xvii.

2. Bernard CHEVALIER, 'The *bonnes villes* and the King's Council in Fifteenth-Century France' in *The Crown and Local Communities in England and France in the Fifteenth Century*, ed. J. R. L. HIGHFIELD and Robin JEFFS (Gloucester, England: Alan Sutton Publishing Ltd., 1981) 111.

municipal level, the same logic held true for individuals who increasingly turned to local governance institutions.

The Manosquin trial records are sufficiently rich in detail that the characters they mention appear as real people with discernable objectives. This is rare in medieval court records, which, in other parts of Europe, often listed names, charges, verdicts, and little else. The people named in the Manosquin series are sufficiently well fleshed out that we see their wants and needs. At the same time, the mechanism of the court did not exist simply to serve. It was a tool, a seigneurial prerogative of the lord of the town. In Manosque, in the fourteenth century, the seigneur was not an individual but a religious order: the knights of the Hospital of St. John of Jerusalem. The Hospitallers inherited the court, along with the town, from the last count of Forcalquier. Along with their feudal lordship over Manosque came the right to dispense secular justice, high, middle, and low. The court, therefore, was an important organ for secular municipal administration. Like all bureaucratic tools, it generated a good deal of paper.

2 The Manosquin Criminal Series

Twenty-five Manosquin registers or cartularies (*cartularia*), bound books made up of original paper records, and numerous loose sheets, survive from between 1340 and 1403. All told, this amounts to well over 2,500 folios, written *recto-verso*, or over 5,000 handwritten pages. The total number of salvageable records in this sample set, that is, legible records that are not too badly torn, faded, or otherwise damaged, is 1,543. Between 1340 and 1403, the series is relatively unbroken, though holes do exist.¹ In general, for a medieval series, this one is quite complete. The losses are due to the usual causes: human carelessness, fire, water, worms, and warfare. During the French Revolution, stubborn local administrators in Manosque refused to burn the records of the *ancien régime*. So, unlike many other French towns, Manosque is fortunate to have preserved its fourteenth-century papers. The homogeneity of the series, and its sheer volume, allows for fairly reliable statistical analysis.

In order to derive statistical data, I compiled all 1,543 useable criminal records into a fully searchable computerized database. The database tracked basic cataloguing information, such as register or folio number and date, as well as anecdotal information such as individual names, sex, place of origin, marital status, faith, and profession. It also tracked legal and criminological information such as the juridical role an individual played in a court process (*i.e.*, witness, suspect, accuser, or surety), the nature of the charges, and, if known, the ultimate verdict and sentence. In addition to the database, I transcribed full or partial records of particular interest into a

1. There are no complete cartularies for the years 1344, 1365, 1371–1390, 1393, 1396, 1398, and 1399.

word processor. The file containing these transcriptions is over 800 pages long and also fully searchable.

These documents were handwritten in Latin, by a court notary, to record the workings of medieval criminal inquests (*inquisitiones*) or trials. I apply both terms interchangeably throughout the book. In Roman legal tradition, criminal inquests were judicial investigations into alleged offences that led to verdicts. Each record, therefore, begins with a title, which specified who was charged in a particular case. The records then proceed to recount the accusations, which were often multiple. The documents then tell how the court officers proceeded to investigate, normally by interviewing witnesses, and almost always contain *verbatim* deposition of the accused. Most contain some sort of notation as to verdict, and some contain the judge's sentence. The court kept these records for judges to review prior to rendering verdicts, and in case interested parties wished to have copies made for their own records. The records were also proof that judges' verdicts adhered to the penalties negotiated between the community and seigneur in 1235 in a binding instrument, the *Instrumentum compositionis super maleficiis*.¹ The Marseillaise archive which today preserves the criminal inquests lists them simply as *informations criminelles*, but French scholars refer to them more precisely as *procès verbaux*. There is no direct English equivalent for this term but the closest approximation is something like 'minutes.' This conveys, at least, the records' original purpose.

The documents that survive in the Marseillaise archive were likely copied by a court scribe from his rough notes and entered into his register, the ultimate repository for all his records.² Since there was no official municipal archive in the fourteenth century, individual notaries kept copies of all their written acts, including those produced for courts. When a notary died, he passed on his cartularies to his heir, to his apprentice, or to some other colleague. The documents' nearly perfect legal formulae, their rhetorical and repetitive introductions, and their usually crisp, elegant hand lead me to believe that they were not redacted on the fly.³ They were probably good copies made from earlier drafts, although traces of last-minute editing remain. On some, the original writer, or one of his original readers, likely the court judge, has cancelled or inserted words or phrases. Sometimes these editions are in the same hand and ink as the original text. Others differ. Either way, this was

1. An edited copy of the *Instrumentum* is available in the *Livre des privilèges de Manosque* edited by ISNARD, *op. cit.* A medieval copy of the *Livre des privilèges* is kept in the municipal archive of Manosque.

2. A few rough copies have also survived that seem to support the notion that the rest have been revised and reworked. See, for example, 56 H 997 f^o 132. Register 997 contains other such examples.

3. One register, ADDBDR 56H 997, is full of rough versions of trial records. For some reason, these briefer texts were never recopied in full and the originals were instead stored in the register.

normal for notarial cartularies.¹ Finally, these rich but functional documents are typically bereft of embellishment or ornamentation, with a few pretty and notable exceptions.²

3 Reading the Manosquin Criminal Records

Almost all of the criminal records preserved from Manosque have a common central element: they preserve the words and deeds of ordinary men and women living at the end of the Middle Ages. A scribe wrote the records, in Latin, and judges used them to prepare verdicts. Their original purpose as criminal records was to track deviancy. In Clio's mirror, though, they also reflect back what was normal. Through the errors of the criminal we see the norms of the innocent. And even criminals did not behave criminally all of the time, so we also learn much about their routine lives. Much of what they said and did sheds light on the mundane and the ordinary; even liars have lessons to teach. 'Naturally, some witnesses lied or stretched the truth, but this does not diminish the value of evidence their testimony provides; in many ways the plausible lie—that is, a story calculated to strike its medieval audience as credible, even if it had little relationship to what “really” happened—is one of the most revealing kinds of sources we have about the expectations and practices of the past.'³

Still, historians must read trial records critically lest they fall prey to naïve literalism. There is a method appropriate to this task. It draws on good philology and a solid sense of terminology supported by the customs, language, and rules of evidence of late medieval law. The Manosquin records, when read critically, reveal not only how things were, but how people wanted them to be . . . or at least to appear. They highlight norms of behaviour and contrast them with actual practice. The notary, through his outrage at Margarita's departure from his brother's house, therefore, points to the proper place for a married woman. His dead brother, having granted Margarita permission to leave, signals that a wife's place was negotiable. The usefulness of these records to social, cultural, and gender historians is imme-

1. Armando Petrucci remarked that notarial documents were 'progressive.' They permitted the scribe the freedom to intervene, add, and correct. See the collection of essays by Armando PETRUCCI, *Writers and Readers in Medieval Italy*, trans. Charles M. Radding (New Haven: Yale University Press, 1995) 155.

2. Which I take up in detail in Steven BEDNARSKI, 'En marge de la justice: les marges décorées des registres de justice provençaux du XIV^e siècle.' *Provence historique*, t. 59, fasc. 235 (mars-avril 2009): 3–25.

3. Shannon MCSHEFFREY, *Marriage, Sex, and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006) 12.

diately apparent. For an era with few direct personal written reflections, the trials allow us to observe personal and collective expectations, exceptions, even feelings.

The rich records left by the criminal court of Manosque between 1340 and 1403 provide especially fertile soil in which to test a hybrid approach to the social history of legal practice. Aside from the fullness of its archive, the town presents something of a medieval ideal. It housed a good-sized population, several thousand Christians and some two hundred Jews. Its size allowed for a decent urban economy, if one still tied to the surrounding agricultural zone. The town was well connected, situated along the major trade route between Avignon, the papal capitol in this period, and Rome, the ancestral home of the papacy and its eventual destination. In the fourteenth century, travel and business bustled between Avignon and Italy, and Manosque profited. By that time, Manosque had a typical northern Mediterranean urban government: a seigneur who operated in conjunction with a municipal council. While no study has centred wholly on the court or its relation to society, scholars have already explored the town from many angles—laying out its sociology, geography, economy, and institutions.¹ This court-based book, then, cultivates well mulched historical ground. By hemming off the trials between 1340 and 1403, a decision partly motivated by the documentation itself, we are also able to observe a late medieval community in transition. The period begins with the last few relatively tranquil years of the fourteenth century, continues through the first decades of plague, and ends with the comparative stability of the early fifteenth century. Throughout this entire span of time, the consumption of justice, to borrow Daniel Lord Smail's term, increased markedly.² So too did its execution. By looking at a society in crisis and transition, we see strained relations, norms, and ideals, as well as a world moving ever closer to modernity. One striking feature of this modernity was a transformation of criminal justice through the firmer implantation of courts.

The documentation produced by the local court is the product of multiple filters and must be read with careful eyes. First, society and culture played their parts in shaping the texts. Provence was the birthplace and land of the troubadours. The individuals who appeared in court told tales as much as spoke truth. And yet the people named in the records were alive and not fictional. They were complex, and had real agendas, alliances, enmities, and secrets. They belonged to networks of

1. Although there is no comprehensive study of the criminal court in relation to society there is a recent legal study that looks at the evolution of the procedure of the court in the thirteenth century. During that time, Manosque, like other Mediterranean towns abandoned the so-called accusatorial procedure and adopted the inquisitorial system. That study is, however, centred primarily on shifts in legal systems. These procedural matters were well resolved by the fourteenth century. See Patricia MACCAUGHAN, *La justice à Manosque au XIII^e siècle: Évolution et représentation* (Paris: Honoré Champion, 2005).

2. Daniel Lord SMAIL, *The Consumption of Justice*.

agents, which influenced them, but also possessed a degree of autonomy. They acted with private and collective strategies and were guided by an imbued cultural logic. In the example presented in the Prologue, Margarita's brother-in-law, the notary, constructed a logic informed as much by his knowledge of the law and his connections with the legal community as by his sense of family, justice, and masculinity. As for Margarita, whom he accused of fatally poisoning his brother, her logic was informed by fraternal and legal counsel, masculine guidance and protection, and by a lifetime of feminine experience as a daughter, sister, wife, and sister-in-law.

Second, as one prominent historian remarked, legal procedure moulds the approaches of both sides in any court dispute.¹ Margarita's notarial adversary moved in a certain way, and framed his attack based on Roman legal process. Although he sought to prove murder, many of his attacks defamed Margarita's character. This was not accidental, rhetorical, or emotional. He needed her to be perceived as a bad woman, if only to open up the possibility of torture. The Roman legal principle of *fama publica*, a conflation of public rumour and an individual's reputation, could shift court procedures.² People with poor *fama* were liable for torture. Margarita, for her part, needed to be perceived as helpless and weak, honest and devout, in order to avoid torment. Evidence of all this is squeezed between the lines. The protagonists' words, deeds, and motivations cannot, therefore, be taken at face value. The same goes for the rhetoric of the court, which was, to a large extent, formulaic and peppered with legal phrases. The text itself, like the original witnesses, calls out for interrogation. In that sense, the stories contained in these court records should be treated by historians not simply as pieces of evidence of the past, but as six-hundred year old hostile witnesses. The historian who uses them becomes not merely the chronicler of past events, but also, to paraphrase Natalie Zemon Davis, a delicate sleuth of archival fictions.³

Third, we 'see' historical trial records, already filtered in the distant past, through modern lenses. These filters and lenses are a constant challenge to historical clarity; they obscure people and events. For the Manosquin texts, the first major filter was linguistic. The written language of the document is predominantly medieval Latin, but the spoken words that prompted the writing were vernacular: Occitan or Provençal. The court scribe made short-hand notes as witnesses and suspects spoke.

1. Thomas KUEHN, 'Reading Microhistory: The Example of Giovanni and Lusanna,' *Journal of Modern History* 61 (1989): 519.

2. On the use of *fama* in criminal prosecutions, see Jesus Angel SOLORZANO TELECHEA, '*Fama publica*, infamy and defamation: judicial violence and social control of crimes against sexual morals in late medieval Castile,' *Journal of Medieval History*, 33 (2007): 398–413.

3. Natalie ZEMON DAVIS, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987). On the methodology of historical sleuthing see Shannon MCSHEFFREY, 'Detective Fictions in the Archives: Court Records and the Uses of Law in Late Medieval England,' *History Workshop Journal*, 65 (2008): 65–78.

He then transcribed his notes, translated them when necessary, and, at a later point produced the final draft preserved today in the archive. The modern reader must remain attentive to linguistic problems that colour understanding. Is the word on the page the original speaker's or the notary's rough Latin equivalent? How faithful was the notary when he substituted a certain Latin term for a Provençal one? Did he always make the same substitutions? What happened if he did not know the exact Latin equivalent for a word? And so on. Second, the seductively smooth flow of the testimonies and depositions on paper makes it easy to forget that conversations were directed. Witnesses and suspects responded to specific questions. This direction did not prevent them from deviating; many did. But it hemmed in their tales and speakers' ability to direct conversation was limited. Third, as Margarita's trial demonstrates, judicial episodes fit into larger struggles whose related elements are today lost. The legal attack on Margarita by her brother-in-law was surely the product of a troubled history. Did it revolve around personalities? Money? Inheritance? Class? Who knows! Equally frustrating: once the trials end, so does our ability to observe the participants. Did Margarita go on to lead a happy life? In some future attack, did her brother-in-law finally ruin her? Did she leave Manosque or remain? Did she eventually remarry? Could she? Again: who knows! Fourth, we moderns are the heirs to an entire set of preconceptions that hamper our ability to access past realities. It is all too easy to feel sympathy for the protagonists or to romanticize the past. We project back on them, rightly or wrongly, our own assumptions about self, gender, and class. Fifth, the documents that survive are the children of temporal whimsy and many of their siblings are lost. Even within a relatively complete series such as this, bound volumes have disappeared, pages are missing, and others are illegible. This problem of internal *lacunae* in the sample set is, frustratingly, compounded by external holes. Although many of the secular criminal trials from Manosque have survived, their episcopal counterparts have not. So we cannot know how the local bishop's court reacted to similar problems. We know that the townspeople liked to shop around for justice, but we see the results from only one outlet. Finally, the conclusions we can draw from this court's records are, in the final analysis, limited by the fact that the records from the appellate courts no longer exist. The picture that survives, especially when seen through verdicts and sentences, is, therefore, a snapshot in time. It is justice at first blush. A higher court may have overturned the verdict in Margarita's trial. As unlikely as this seems given the evidence, it is impossible to confirm that it did not occur. Ultimately, all these issues act as barriers to our appreciation of the past as represented in court records. Given all of this, it is no surprise that scholars continue to challenge the use of late medieval and early modern criminal records.

Chapter 2

Landscapes

I Provence

This rest of this book is a work of social history focused, for the most part, on the currents and motives that drive ordinary people, and on their responses. Social history aims to project the bright tales of everyday players onto the darkened canvas of their societies. One must therefore take pains to measure out the canvas. After all, the stories of dead townsmen and their court need placing in their larger world. Although we may not always know the map of dead men's streets, the rules they followed when they played dice, the colour of their bed sheets, or even what made them laugh, we do know quite a lot about the rhythms and patterns of their world. The distinctive culture and society of medieval Provence was the product of a complex ethnic and political evolution that began in prehistory and ended with integration into the kingdom of France. Much of this storied past is well documented.

For many English readers, though, medieval Provence is something of an enigma.¹ Books set in England or France require little introduction. Most scholarly readers understand the broad narratives of those two kingdoms. The same cannot be said of Provence. Yet, throughout the Middle Ages, Provence made important contributions to the development of European religion, politics, warfare, economics,

1. There is no comprehensive scholarly study of Provence in the Middle Ages in English. For a quick English introduction to the subject see Eugene L. COX, 'Provence' in Joseph R. STRAYER, ed., *Dictionary of the Middle Ages*, Vol. 10, (New York: Charles Scribner's Sons, 1989), 185–89. The most thorough treatment of this subject remains Édouard BARATIER ed., *Histoire de la Provence* (Toulouse: Édouard Privat, 1969). For a quick but thorough introduction, however, readers may wish to consult the French *Que sais-je?* series. See Maurice AGULHON and Noël COULET, *Histoire de la Provence, Que sais-je?* No. 149 (Paris: Presses universitaires de France, 1996). Those interested in visualizing the historical evolution of Provence should consult the excellent collection of historical maps in the *Atlas historique: Provence, Comtat, Orange, Nice, Monaco*, ed. Édouard BARATIER, Georges DUBY, and Ernest HILDESHEIMER (Paris: Librairie Armand Colin, 1969).

language, and law. Because it has no direct heir, no successor, no modern sovereign state, it makes a feeble claim for modern readership than its contributions merit.

Provence's religious importance for western development began early. It was at Marseille that John Cassian, the oft-acclaimed father of western monasticism, founded the model for western monasteries: the abbey of St-Victor. Provence remained a hotbed for religious innovation, as well as controversy, throughout the Middle Ages. In the twelfth and thirteenth centuries its proximity to Toulouse and Albi implicated it in the rise and fall of Catharism. In the fourteenth, Provence's fortunes were tied to a great extent to those of the displaced and fractured papacy.

Politically, the region attained the status of kingdom and its Angevin sovereigns laid claim, symbolic if not always actual, to the crowns of Jerusalem, Naples, and Sicily. Although the king-counts of Provence had distinct ambitions, they shared common blood with the greatest European dynasties, a fact that sometimes worked in their favour and sometimes against. The global currents of medieval politics facilitated the plots, plans, and ploys of Provençal rulers.

Militarily, Provence had important links to Jerusalem. Two of the major military crusading orders, the Hospitallers and the Templars, figure prominently in the Provençal narrative, although only one is central to the theme of this book. Much wealth amassed by the Knights of the Temple and of the Hospital lay, quite literally, in Provençal soil. When, moreover, in 1314, the French King Philip the Fair burned alive Jacques de Molay, the last Grand Master of the Temple, and, with the help of the pope, suppressed the Templar order, the ensuing redistribution of wealth had a significant and lasting impact on Provence.

The end of the Templars is just one example of how politics agitated the fourteenth-century economy. When, in 1309, the papacy fled from Rome for what Petrarcha called the second Babylonian Captivity, it landed upon the banks of the Rhône River. Although Avignon was not technically within Provence it lay adjacent, and that county was greatly enriched by the proximity and commerce of the Holy See. Conversely, when insurgents rose up against the papacy, Provençal merchants paid in blood. Later in the book, I tell how Queen Marie of Provence took steps to repress rebel sympathizers in Manosque. Some of its local men and women were collaborating with the enemy forces who sought to disrupt trade and threaten papal and royal interests. Warfare and economy also collided in Provence during the series of Anglo-Franco conflicts known as the Hundred Years War (1337–1453). For dynastic reasons, the lords of Provence supported the French war effort with manpower and coin. This northward flow of resources had a real impact on lives and economies. Although the economic history of medieval Provence remains unwritten, its effect on western society was tangible.

In language and law, Provence also made important contributions. Troubadours, chivalry, and courtly love all testify to the impact of Occitan and Occitanian culture

upon the noble courts of medieval Europe.¹ Meanwhile, Provence, like Italy and Spain, was an active participant in the redeployment of Roman legal procedure. After the twelfth century, Provençal jurists, lawyers, and notaries abounded. They contributed to a pan-European dialogue on law and justice and to the revitalization of Roman legal procedure.

Historically, Provence's rich past is entwined with human origins. Early humans settled there around 900,000 though the first *homo sapiens* only arrived around 37,000 BCE.² Successive waves of prehistoric peoples, Castelnovian hunters, Chaseen farmers, and Central European Ligurians each left their mark on the land. Megalithic Celto-Ligurian stone dolmens, the largest of which stands at Draguignan, and the ruins of their fortified towns, which Julius Caesar called *oppida*, still pepper the Provençal countryside. The Celto-Ligurian Salyens or Salluviens, who built the great *oppidum* at Entremont between 175 and 100 BCE, were connected to other Mediterranean people through trade and commerce. Greek merchants from Rhodes established the first trading colonies along the central river of Provence around the seventh century BCE. It still bears their name: the Rhône. Around 600 BCE, Ionian Greeks from Phocaea, sandwiched within modern day Foça in Turkey, founded *Massalia*, a wildly successful trading colony at the mouth of the river. Later in antiquity, Provence drew the attention of the Romans. The nascent empire needed Provence to protect, bolster, and enrich Italy and Roman aggression against Provence's non-Greek peoples was motivated by a desire to carve out an administrative district that stretched from Iberia to Italy. Over time, Roman military expeditions crushed native resistance and led to important Italian settlements like *Aquae Sextia*, Aix-en-Provence, and Roman *Arelate*, Arles, and infrastructure, like the first road outside of Italy the *Via Domitia*, the Domitian Way.³

1. The Latin adjective *occitanus*, as in *lingua occitanus*, to describe the language spoken in Provence, appeared as early as 1302. Around the same time, the Old French *oc*, as in the *langue d'oc*, was also in use. Both terms may have derived from the Latin *Aquitanus*, Aquitanian. The Latin proper noun *Occitania* also appeared in writing in the fourteenth century. Although I use Occitanian and Provençal interchangeably, as do many writers to describe the language, I have avoided calling Provence, as some old English writers once did, Occitania. See 'Occitan' and 'Occitanian' in the *Oxford English Dictionary*, *Second Edition*, ed. J. A. SIMPSON and E. S. WEINER, Vol. 10 (Oxford: Clarendon Press, 1989).

2. For more see BARATIER's *Histoire de la Provence*. Baratier dates the first pre-human tools, from the Vallonet grotto, to the transitional period between the tertiary period (65 million to 1.8 million years ago) and the quaternary period (1.8 million years ago to today). Max Escalon DE FONTON, however, writing under Baratier's direction in the *Atlas historique*, dates them to 900,000 BCE. BARATIER, *Atlas historique*, 28. Agulhon and Coulet, also date the tools from that grotto to about 950,000 BCE. AGULHON and COULET, *Histoire de la Provence*, 5.

3. Strabo tells of the foundation of Aix-en-Provence in Book IV Chapter 1 of his *Geography*. See *The Geography of Strabo*, Vol. II Loeb Classical Library edition (Cambridge, MA: Harvard University Press, 1923), 177. *Arelate*, Arles, was originally the ancient city of Theline, founded in the sixth century BCE by the Greeks and conquered and renamed by the Saluvii. The Romans took it in 123 BCE.

Along that path, the Romans founded their first non-Italian colony, *Narbo Martius*: today's Narbonne. Because of this new colony, the entire district after 118 BCE was officially *Gallia Narbonensis*. Italians, though, remembered that this was a region acquired through force. So they gave it a pet name, from the Latin words 'for conquest,' *pro vincia*. Many called it *provincia nostra*, our province, and, eventually, *provincia*: the province. A hundred years before the birth of Christ, Rome had given birth to Provence.

In the third century, the Romans truly laid the territorial foundations for medieval Provence when they bisected *Gallia Narbonensis* along the Rhône.¹ From the end of antiquity and throughout the Middle Ages, the designation Provence referred only to the Mediterranean region east of the Rhône and west of the Maritime Alps. To the north, medieval Provence bordered the independent principality of the Dauphiné.

Medieval civilization grew up nestled in the physical ruins and ephemeral polity of Roman Provence. Medieval Provençals were surrounded by crumbling dolmans, arches, arenas, and aqueducts. They were also linked to their ancient Roman ancestors by language. Occitan was the first, and closest, offshoot of Latin. It was the literate language of poetry and love. Learned medieval scribes in Provence did not hesitate to insert Occitan words or phrases into their Latin documents. By the late Middle Ages, Roman law was the foundational system of justice supported by jurists and notaries whose professions had ancient origins. In the context of this book, even the fourteenth-century court of Manosque owed an obvious debt to ancient politics.

With the fall of the Roman Empire in the fifth century, Provence became a desirable territory passed back and forth between greater neighbouring powers. A network of noble vassalage developed under Merovingian, Burgundian, Iberian, and Tolosan patronage. In the mid-tenth century, the count of Arles, dubbed Guillaume the Liberator, acquired the titles of marquis and count of Provence. He severed the

When the victorious Caesar needed to repay his troops he gave them holdings in Provence. Arles, which had sided with Caesar against Pompey, became a veterans' colony for the soldiers of the sixth legion and an important artistic and commercial centre.

1. Throughout the third and fourth centuries, beginning with Constantine and Diocletian, the Romans reorganized the administrative map of southern Gaul. First, they enlarged the *Alpes Maritimes* to include Digne and Embrun, with Embrun replacing Cimiez as the capital. Second, the massive provinces of *Aquitania* and *Gallia Narbonensis* were partitioned into smaller units. For our purposes, *Aquitania* is of no interest (it was cut into *Aquitania Prima*, *Aquitania Secunda*, and the Pyrenean region of *Novempopulana*). *Gallia Narbonensis* was severed along the Rhône, with the western portion becoming *Narbonensis Prima*. The strip to the east of the Rhône became *Viennensis*, named for its capital, *Vienna*, today's Vienne. Around 375, *Viennensis* itself was carved in half, with the portion closest to the Rhône retaining the name, and the land closer to the *Alpes Maritimes* becoming *Narbonensis Secunda*. AGULHON and COULET, *Histoire de la Provence*, 16.

lower portion of what had been the kingdom of Burgundy and laid the political foundation for the marquisate of Provence.¹ In the eleventh century, his heirs faced a series of succession crises that joined their lineages to those of noble foreigners and established medieval fiefdoms. Through a series of marriages, Toulouse, Catalan Urgell, and Barcelona all gained stakes in the region. In the first quarter of the twelfth century, Toulouse had the marquisate, the north-western portion of Provence, and Barcelona the county, the core region between the Rhône, the Durance, the Alps, and the Mediterranean.² In the late thirteenth century, in the fallout from the Albigensian Crusade, the county of Toulouse, including the marquisate of Provence, was subsumed into the Capetian crown of France. This absorption of the marquisate of Provence into the French crown foreshadowed the county of Provence's destiny. Still, what marks the medieval county is not its eventual absorption into France but, rather, the significant length of time it retained independence. This independence had important consequences. One was a sharpening of local pride in language, traditions, and a redefinition of what it meant to be Provençal. In 1245, Beatrix of Provence married Charles I of Anjou, brother to King Louis IX of France, and this began the first of two Angevin dynasties in Provence.³ By the last centuries of the Middle Ages, Angevin rulers had developed an efficient and manageable administration. Although, as in times of civil war, elites resisted Angevin dominance, overall, governance endured. When the various fourteenth-century crises struck—famine, pestilence, and war—Provençal bureaucracy and regional cohesion persisted. The linchpin to the success of this bureaucracy was, in many ways, the growth of towns and cities. To a large extent, major urban centres dictated the county's fortunes. In the case of Manosque, a minor player on the national scene, national politics produced something of an ideal situation. The town benefited from political patronage and capitalized on its traditional privileges. This made for awkward seigneurial relations, but Manosque was strategically and economically important.

1. BARATIER, *Histoire de la Provence*, 111. Rudolf III (993–1032), sometimes derisively named *le Fainéant*, Do-Nothing, was the last king of an independent Burgundy. At his death, Provence passed into the hands of the emperor Conrad II. Although Provence was, therefore, technically still an imperial holding through to the eleventh century, real power remained with Guillaume the Liberator's heirs.

2. AGULHON and COULET, *Histoire de la Provence*, 30–31. The counts of Barcelona-Provence were most effective as rulers in western Provence. There they ruled through local seigneurs. To the east, however, distance made control more difficult and they only ever attained nominal rule. Thus the seigneurs of Les Baux, encouraged by the counts of Toulouse, famously rebelled. BARATIER, *Histoire de la Provence*, 137.

3. The first Angevin dynasty lasted between 1245 to 1382, the second from 1382 to 1481.

2 Urban Life in Late Medieval Provence

Late medieval towns were as vital to the evolution of the Angevin neo-state as they were to other developing European nations.¹ Many scholars see this type of dependence as symptomatic of what they call ‘statebuilding from below.’ Modern historians, political theorists, and sociologists have elaborated this concept based on principles first put forward by Alexis de Tocqueville and Otto von Guericke. In this bottom-up statebuilding process, which emphasizes a diffusion of political power, rather than a concentration, Giorgio Chittolini notes that ‘the recognized function of the prince [was to take] cognizance of the weight of the forces involved, to arbitrate in disputes [and] to guarantee equilibrium.’ Chittolini is quick to note, however, that such functions did not impede princes from affirming their prerogatives.² In fact, though ‘The emergency of both local communities and representative institutions can be seen as a reaction against the development of the monarchical state . . . it can also be seen as a response to the stimuli given by kings themselves as and when these brought to light new problems.’³ In general, scholars who ascribe to the statebuilding-from-below model, see the process as materializing through ‘legislative activity with the participation of the citizens and with the goal of promoting the *bonus commune* [the common good].’⁴ Certainly that echoes the process at play in the power-sharing world of fourteenth-century Angevin Provence, where old communes, cities, and towns held varying degrees of diffused political power.⁵

1. I use the term neo-state very loosely and for lack of a better medieval term. I conceive of states in the broad sense proposed by Joseph Strayer and Charles Tilly. See STRAYER, *op. cit.*, and Charles TILLY (ed.) ‘Western-State Making and Theories of Political Transformation’ in *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), 601–686. I see states as centralized, differentiated organisms hemmed in by defined territorial boundaries, and with effective means of physical enforcement. I subscribe, moreover, to the notion that states have dual aspects. In the words of Peter Blickle, a (political) state ‘means both the territory . . . itself . . . and it means the corporate parliamentary institutions as contrasted with the prince and his personal regime . . .’ Peter BLICKLE, *Obedient Germans? A Rebuttal. A New View of German History*, trans. Thomas A. Brady Jr. (Charlottesville, University of Virginia Press, 1981), 39. Finally, given these parameters, I am sensitive to the fact that no fully-fledged ‘state’ existed in the later Middle Ages. In the case of Angevin Provence, though, it is difficult, given the lack of vocabulary, not to use a term that relates the medieval polity to what would eventually develop over time in its place.

2. Giorgio CHITTOLINI, ‘Models of Government “from Below” in Fifteenth-Century Lombardy. The “Capitoli di Dedizione” to Francesco Sforza, 1447–1450,’ in *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900*, Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEW, eds. (London: Ashgate, 2009) xxi.

3. J.-P. GENET, ‘Political Theory and Local Communities in Later Medieval England and France,’ in *The Crown and Local Communities in England and France in the Fifteenth Century*, ed. J. R. L. HIGHFIELD and Robin JEFFS. Gloucester, England: Alan Sutton Publishing Ltd., 1981: 20.

4. BLICKLE, ‘Concepts and Approaches’ 293.

5. Not all historians subscribe to the statebuilding-from-below model. See Wolfgang REINHARD, ‘No Statebuilding from Below! A Critical Commentary’ in *Empowering Interactions: Political*

Throughout the Angevin state-building process, political rulers in Provence came to rely increasingly on the support of urban centres. The construction and rise of Aix-en-Provence as royal capital is well documented.¹ In the fourteenth century, towns organized themselves into a union against the second Angevin dynasty centred on Aix. Marseille likewise played a pivotal role in bolstering monarchical support against the fourteenth-century rebel Arnaud de Cervole. All of this points to the growing ability of European cities to shape national fortunes. Everywhere on the continent towns played a growing role in the production and distribution of wealth, resources, and goods. An older narrative cast the rise of towns against the decline of feudalism. But this term is too slippery to be of much use; its range is too wide.² Still, to set aside feudalism is not to set aside one of the great trends that older writers identified as marking the beginnings of modernity: the rise of towns and the establishment of a new burgher class. By the late Middle Ages, almost everywhere in Europe, towns and townsmen played an increasingly important role. Nowhere was this truer than in Italy and Provence.

In Provence, during the first forty years of the thirteenth century, a good many towns and cities worked to liberate themselves from their seigneurs and to become, after the Italian fashion, consulates or communes. Towns with this status elected officers who oversaw local administration. Those councillors, often numbering about one hundred, came from the leading burgher families and were usually

Cultures and the Emergence of the State in Europe, 1300–1900, Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEW, eds. (London: Ashgate, 2009), 299–304. Reinhard is quick to point out that ‘the basic concept of statebuilding from below is empirically weak and therefore leads us perhaps not in a completely wrong direction, but at least not in the most promising one’ Reinhard 300. He critiques the proponents of statebuilding from below for not being sufficiently radical in their conclusions. He sees their model as overly Hegelian, fulfilling a ‘dialectic of world history where every antagonistic activity inevitably leads to the goal of history, the rise of the modern state.’ Reinhard 301. He argues that statebuilding from below was neither within reach of, nor desirable to, commoners. Instead of seeking evidence of statebuilding from below, Reinhard argues, historians should look to recreate ‘the conceptual mythology of a polity without a state.’ Reinhard 303. Still other political historians adhere to a more traditional narrative which favours the struggle between local and national governments. Thus, Thomas A. Brady Jr. characterizes P. Blicke’s German research as a ‘... story of [the] struggle between two socially differentiated forces. The first is noble authoritarianism . . . The second . . . is popular communalism.’ Brady calls Blicke’s research ‘a fascinating story of the struggle between rulers and subjects over the material basis, functional division, and ethical justification for the expansion of the state. The story proceeded on two different but related political levels, one of “positive integration” on the local level of the commune . . . and on the territorial level of the parliamentary assembly, and the other as “negative integration” in the form of revolts . . .’ See P. BLICKE, *Obedient Germans*, xii and 10.

1. Noël COULET, *Aix en Provence, espace et relations d'une capitale (milieu XIV^e s.-milieu XV^e s.)* (Aix-en-Provence: Université de Provence, 1988) and Núria NIN, Jean GUYON, Lucien RIVET, *et alii*, eds., *Aix-en-Provence: document d'évaluation du patrimoine archéologique urbain* (Paris: Association pour les fouilles archéologiques nationales, 1994).

2. Elizabeth A. R. BROWN, ‘The Tyranny of a Construct: Feudalism and Historians of Medieval Europe.’ *American Historical Review* 79 (1974): 1063–1088.

prominent merchants and artisans. The Provençal consular movement was propelled by changes in the levels and distribution of wealth, and, to a large extent, by a popular anti-clerical sentiment no doubt fostered by the Albigenian crusade and by the campaign of the inquisition against heretics. Naturally, consulates went against the interests of the count and traditional elites.¹ Towns run by consuls were able to negotiate municipal statutes and special privileges. Most of these were related to taxation but many were also concerned with the administration of justice, with governance, and with individual and collective freedoms of movement, action, and interaction.

Not surprisingly, the consular movement was short lived. Almost everywhere, by the mid-thirteenth century, the count successfully suppressed the consulates and reinstated a municipal overseer, although most municipalities retained some aspects of their former statutes and liberties. Still, the proverbial genie was out of the bottle. In the fourteenth century municipalities and their representatives played an increasing role in local and comital governance. This trend had an important and lasting consequence for Manosque. It shaped the way that Manosquins interacted with their seigneur and dictated how local justice played out.

3 Manosque

Manosque is a charming town perched on the western bank of the Durance River, the left tributary of the mighty Rhône. The town is nestled in the foothills of the Alps and has a ham-shaped belt of trees that shadows its now missing ramparts. Today it is an important city in the French *département* of the Alpes-de-Haute-Provence. Its modern population is fixed at about twenty thousand and, each summer, this number swells with tourists who seek its remaining medieval monuments or who wish to visit the birthplace of the novelist and poet Jean Giono.²

Local Manosquin writers of the seventeenth through nineteenth centuries were fascinated by, and proud of, their history. A Jesuit priest wrote the first published study of the town in 1658. Research motivated largely by regional curiosity continued until the early twentieth century.³ Only in the Second World War did the town

1. BARATIER, *Histoire de la Provence*, 149.

2. Giono is Manosque's most famous native son. He lived between 1895 and 1970 and wrote works famous for their naturalist and pacifist themes.

3. Jean Columbi's book, *Manuasce urbis libri tres* first appeared in 1658 and was reprinted in 1662 and 1668. I have seen references to a later French version of 1799 printed in 1808: Fr. Jean COLOMBI, *Histoire de Manosque, écrit en latin par Jean Colombi*, trans. Henry Pellicot (Apt: Joseph Trémollière, 1808). In the eighteenth century, a jurist named Eyssautier documented the town's religious development. His *Histoire ecclésiastique*, which only ever existed in manuscript form, was lost by the early nineteenth century. By that time, a doctor named Bouteille began to write articles on his native town.

receive its first real scholarly study.¹ Manosque then remained largely unstudied until the 1970s when a team of French Canadian graduate students began to mine the archives for the newly defined purposes of social history.² This research stimulated a number of published French Canadian works on Manosquin women, sexuality, the social impact of forced military service, taxation, and the immigrant experience.³

He shared his sources with a priest named Barrière, whose own unpublished manuscript fell into the hands of the Abbé Féraud. FÉRAUD's *Histoire civile, politique, religieuse et biographique de Manosque* (Marseille: Lafitte Reprints, 1973) was the earliest secondary source used to prepare this book. It remains very much a product of its time. While the author makes some effort to cite sources, his bias is apparent and his book is problematic. The section on the expulsion of the Jews from the town is, for example, offensive. The mid-nineteenth century saw a flurry of works published using archival sources, among them texts by M. Damase Arbaud and Camille Arnaud. Camille ARNAUD, *Histoire de la viguerie de Forcalquier*, 2 vol. (Marseille: Étienne Camoin, 1874). I have not consulted any of Arbaud's works. By the late nineteenth century, M. Z. Isnard published editions of important municipal documents. See M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894).

1. Félix REYNAUD, *La commanderie de Saint-Jean de Jérusalem de Rhodes et de Malte à Manosque (XIII^e siècle–1789)* (Gap: Société d'Études des Hautes-Alpes, 1981). The work is subject to inherent flaws as its author seems either to have relied upon sources that are no longer available, or to have drawn some questionable conclusions. While it treats its subject matter thoroughly, Reynaud's research contains statements that cannot today be substantiated.

2. At the Université Laval Professor Rodrigue Lavoie's graduate students led the charge to reinvestigate Manosque. The vast majority of this research was not published. One student looked at three criminal registers from the thirteenth century. See Ronald GOSSELIN, 'Justice, criminalité et société à Manosque au milieu du XIII^e siècle (1240–1260),' (Masters Thesis, Laval University, 1984). Another studied insults using the criminal records. See Christian VACHON, 'Les violences verbales à Manosque au tournant du XIV^e siècle (1284–1330),' (Masters Thesis, Laval University, 1989). As a preface to her later publications, Andrée Courtemanche wrote a Master's thesis on feminine crime and a doctoral dissertation on female inheritance. See Andrée COURTEMANCHE, 'Regards sur la femme médiévale: la délinquance féminine à Manosque au tournant du XIV^e siècle,' (Masters Thesis, Laval University, 1981); 'La condition des femmes dans la société manosquine 1290–1369,' (PhD Thesis, Laval University, 1987); the author converted the latter to a book. See *La richesse des femmes: patrimoines et gestion à Manosque au XIV^e siècle* (Montreal: Bellarmin, 1993). Francine Michaud, for her own MA, also mined the Manosquin font for evidence on women who lent money. See Francine MICHAUD, 'Crédit, endettement et patrimoine féminin à Manosque au milieu du XIII^e siècle,' (Masters Thesis, Laval University, 1984). Claire Michaud studied how the town's *syndics*, municipal administrators, increased their authority at the expense of their seigneur even as the Hospital worked to extract as much tax revenue as possible from the town. See Claire MICHAUD, 'Communautés d'habitants et pouvoir seigneurial au Moyen Âge: l'exemple de Manosque aux XIII^e et XIV^e siècles,' (Masters Thesis, Laval University, 1986). Finally, Maryse Guénette looked at the awkward place of vagabond women in fourteenth-century society. See Maryse GUÉNETTE, 'Femmes, solitude et société à Manosque au XIV^e siècle (1314–1358),' (Masters Thesis, Laval University, 1987).

3. Lavoie himself published on sexual mores in medieval Manosque. See Rodrigue LAVOIE, 'La délinquance sexuelle à Manosque (1240–1430): Schéma général et singularités juives,' *Provence historique* 37, fasc. 150 (Oct.-Nov. 1987): 571–87; 'Délinquance sexuelle, justice et sanction sociale: les tribulations judiciaires de Mathilde Payan,' *Provence historique* 66, fasc. 184 (Avr.-Mai-Juin 1996): 160–85. Lavoie also spelled out the problems associated with using Manosquin criminal registers.

The town's medieval Jewish population also received significant attention.¹

Manosque's earliest history is soaked in myth and legend. There was certainly indigenous inhabitation in and around the site long before its Roman settlement. Around the year 900 the town was very likely sacked by Spanish Saracens, its survivors dispersed among neighbouring settlements. Around Manosque proper these dependent and connected communities grew up and expanded: in a nearby castle on the summit of the Mont-d'Or; in the hilly hamlet of Saint-Maxime behind the Mont-d'Or; in the village of Saint-Pierre; in the hilltop castle or village of Toutes-Aures; and in the hilltop hamlet of Montagut. By the late tenth century, around the time Guillaume I of Arles expelled the Saracens from Provence, the actual town of Manosque had begun to recover. The earliest surviving written records from *Manoasca* come from then.²

Governance of Manosque and the power to enforce justice was, from the start, a shared and contested endeavour. In the first quarter of the eleventh century, the

See Rodrigue LAVOIE, 'Les statistiques criminelles et le visage du justicier: justice royale et justice seigneuriale en Provence au Moyen Âge,' *Provence historique* 29, fasc. 115 (1979): 3–20. Michel Hébert has published on the regulation of urban life, the burden of forced military service, and immigration. See Michel HÉBERT 'Une population en armes: Manosque au XIV^e siècle,' in *Le combattant au Moyen Âge* (Saint-Herblain: C.I.D., 1991), 215–226; 'Autour de la cavalcade: les relations entre le comte de Provence, les Hospitaliers et la communauté de Manosque (XIII^e-XIV^e siècles),' in *Vie privée et ordre public à la fin du Moyen Âge. Études sur Manosque, la Provence et le Piémont (1250-1450)* (Aix: Publications de l'Université de Provence, 1987), 141–58; 'Le système fiscal des villes de Provence (XIV^e-XV^e siècles)' in *La fiscalité des villes au Moyen Âge (Occident méditerranéen). Les systèmes fiscaux (2)* (Toulouse: Privat, 1999), 57–81; 'Les étrangers à Manosque aux XIII^e et XIV^e siècles: intégration ou exclusion?' in *Forestieri e stranieri nelle città basso-medievali* (Florence: Salimbeni, 1988), 97–114; and 'Travail et vie urbaine: Manosque à la fin du Moyen Âge,' in *Travail et travailleurs en Europe au Moyen Âge et au début des temps modernes* (Toronto: PIMS, 1991), 147–72. On immigration see also Andrée COURTEMANCHE, 'De Bayons à Manosque: Une expérience migratoire en Provence à la fin du Moyen Âge' in Andrée COURTEMANCHE and Martin PÂQUET, ed., *Prendre la route: l'expérience migratoire en Europe et en Amérique du Nord du XIV^e au XX^e siècle* (Hull: Vent d'Ouest, 2000): 55–80.

1. Joseph SHATZMILLER, *Recherches sur la communauté juive de Manosque au Moyen Âge, 1241–1329* (Paris: Mouton, 1973). See also the other works by that author in the bibliography. Shatzmiller is not the only scholar to have studied the Jewish presence in the criminal registers. For the period immediately following that of this study, consult Danielle IANCOU-AGOU, 'Les juifs et la justice en Provence médiévale: Un procès survenu à Manosque en 1410,' *Provence historique* 27, fasc. 115 (Jan.–Fév. 1979): 21–45. The trial used in this article pitted the town's Christian community against its Jewish one. The Christians of the town complained that the Jews owned one-eighth of the town's land but failed to pay taxes on it. The Jewish community produced a royal letter dated 1409 exempting them from the *tailles* because its members paid the much higher *talia judeorum*. The trial concluded by noting that the law should not lean more to the left than to the right (*non declinantes plus ad dextram quam ad sinistram*) and ruled in favour of the Jews. See also the article written by Andrée COURTEMANCHE, 'Les femmes juives et le crédit à Manosque au tournant du XIV^e siècle,' *Provence historique* 37, fasc. 150 (Oct.–Nov.–Dec. 1987): 539–58.

2. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 19 quotes Manteyer as saying that the oldest document dates from around 970. See Georges DE MANTEYER, *La Provence du 1^{er} au XII^e siècle: études d'histoire et de géographie politique*, t. 1 (Paris: Picard, 1908), 232.

great abbey of Saint-Victor in Marseille sent brethren to shepherd the Manosquin flock. Those monkish emissaries derived their authority not from ecclesiastical benefices but from donations made by the counts of Provence and Toulouse and by the viscounts of Marseille.¹ The monks proved enduring rivals for local secular lords. Aside from them, the dominant ecclesiastical influence in Manosque came from the bishop of Sisteron and from the chapters of Sisteron and Forcalquier, though the late medieval town also supported Franciscan and Carmelite communities. By the turn of the twelfth century, secular authority over Manosque was re-configured with the creation of the newly formed Urgel county of Forcalquier.² For many years a number of lords, among them the viscounts of Avignon and Marseille and the counts of Toulouse shared feudal rights in the town and competed with ecclesiastical agents. The competition between secular and ecclesiastical powers for dominance of Manosque peaked in the first decades of the twelfth century. By then two brothers shared the title Count of Forcalquier. The first, Bertrand, produced two heirs, Guillaume II, named for his paternal grandfather, and a namesake, Bertrand II. The second brother, Guigues, had no heirs. Initially, Bertrand controlled the lion's share of Forcalquier, but Guigues held Manosque and a few other notable areas. By the middle of the twelfth century, Bertrand was dead and Guigues the solitary count. Guigues was well disposed to the Hospital of Saint John of Jerusalem, a new neighbour whose influence in the area began in the 1120s.³ When he made his will in 1149, Guigues left Manosque, its castle, the *castrum* of Toutes Aures, and all their dependencies to the knights. His donation made the Hospital the seigneur of Manosque and, as such, the vassal of the count of Provence. It included full seigneurial rights over the surrounding region, its mills, its ovens, and, importantly, all feudal rights including taxation and justice, high and low.⁴

Guigues made his generous gift to the Hospital without the support of his family which, ultimately, hindered the Hospital from assuming full control. But Guigues

1. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 20. He notes, commenting on the rivalry between the monks and the lords of Manosque, that, '*Les moines devaient être longtemps de redoutables adversaires pour les commandeurs.*'

2. The Urgel counts of the Haute-Provence originally resided in Avignon. They were chased out by their rivals, the counts of Toulouse, and, in the late eleventh century, settled in Forcalquier.

3. There is a lovely two-volume book on late medieval charity, which Georges Duby notes is one of the last of the so-called *thèse d'états*, those magisterial works once required to establish a scholar within the upper echelons of the French academy, that touches extensively upon the Hospital. See Chapter 2 of Daniel LE BLÉVEC, *La part du pauvre: l'assistance dans les pays du Bas-Rhône du XII^e siècle au milieu du XV^e siècle*, 2 vol. (Paris: École française de Rome, 2000) 68–120. Though Le Blévec's book focuses on 250 parishes centred on the *Bas-Rhône* between the twelfth and fifteenth centuries, and not, strictly speaking, on Provence proper, he provides extensive information on the Hospital of St. Jean of Jerusalem's *commanderies* in that part of the world. On page 75, he situates the Hospital's arrival in Manosque in terms of its general implantation across what is today southern France.

4. Testament preserved today in ADBDR 56H 4626 and dated 1 June 1149. See REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 22–23 for further details.

was no fool: his donation of 1149 anticipated the resistance of his two nephews. Although it gave Manosque to the Hospital, it stipulated that the town of Pertuis and various other holdings should revert to his aged mother. Upon her death, they would pass to the nephews. There was one condition. Guillaume II and Bertrand II would only inherit if the brothers agreed to preserve and protect the Hospital's interests. At his death, Guigues no doubt thought he had staved off family resistance. He underestimated the lengths to which his sister-in-law, Jaucerande, would go to protect her sons' legacy. When Guigues died, and was buried in the Hospital's church outside Manosque, the countess Jaucerande began acrimonious negotiations to derail the order's inheritance; the town was too bright a gem to let slip from her sons' grasp. The Hospital sought recourse from the bishop, then the pope. Ultimately, it reached a compromise. After Jaucerande's death, her mother-in-law, Garsende, negotiated an agreement in 1152 that saw Manosque and its holdings co-administered.¹ The young counts, in exchange for retaining half their uncle's domain on the Durance, agreed at last to protect the Hospital. If, however, the young Counts Guillaume II and Bertrand II, who shared their title, or their sister, Alixe, should die without issue, then the Hospital would assume full control of Manosque.

The transaction of 1152 left a bitter taste in Guillaume II's mouth and compounded his family's complex relationship with the local knights.² Tensions mounted and the Hospital continued to seek papal support for its cause. In 1180, a papal legate forced Guillaume to abase himself before the Hospital and to relinquish his partial claim to Manosque. This ceremony, which took place in Aix, seems not to have had any lasting impact.³ Despite his concession to the Hospital, Guillaume continued to operate in Manosque as co-seigneur.⁴ And he never forgot his humiliation.

In February 1207, Guillaume II made an unusual political move that set the stage for prolonged civic strife after his death. He issued two formal privileges that undercut the Hospital's rights by granting liberties to their common subjects. Until

1. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 25. The papal bull of Eugenius III confirming the conditions imposed on the sharing of power between the Hospital and the counts is in ADBDR 56H 4675 dated 23 October 1152. Two years later, the Hospital requested and received papal confirmation of its rights. That confirmation exists today in ADBDR 56H 4626.

2. Reynaud notes that Bertrand II, Guillaume's younger brother, borrowed money from the order and was, therefore, more susceptible to its agenda. He also points out that in 1168 the two counts of Forcalquier gave themselves, their horses, and their arms to the order that they may be buried in its cemetery. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 28.

3. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 30.

4. A not unheard of practice at this time. The Hospital shared coseigneurial dominion of Orange with the house of les Baux between 1215 and 1307. Puimoisson was also a joint holding of the Hospital prior to 1233. LE BLÉVEC 83.

1207, the inhabitants of Manosque had lived as little more than feudal tenants. They were typical medieval serfs with few property rights and subject to the usual impositions on economy, mobility, and politics. Guillaume's privileges changed all that. In some part, the count must have been moved by the consular spirit that gripped early thirteenth-century Provence. He may also have been motivated by spite.

The charter given by Guillaume to the denizens of Manosque on 5 February 1207 liberated them economically. It gave Manosquins tremendous freedom to buy, sell, own, and transmit goods and property. A second charter of 12 February 1207 gave them formidable political powers of assembly, representation, and oversight, among others. It stated that the seigneur of Manosque had to swear annually to uphold the new freedoms of the town. Shortly after granting his privileges, Guillaume also finally conceded the terms of the 1149 donation. He followed the example set by his brother Bertrand II in 1168 and acknowledged his uncle Guigues' gift to the Hospital. Having liberated its inhabitants, Guillaume surrendered stewardship of Manosque to the Hospital. But his was a poisoned gift. It laid the groundwork for a lengthy civic struggle between the inhabitants of Manosque and the Hospitallers.

Upon Guillaume's death in 1209, the Hospital moved to contest the Manosquin privileges even as the townspeople manoeuvred to preserve them. The first goal of the Hospital was to abolish the consular model established by Guillaume. At the same time, the Hospital was forced to concede many of the freedoms granted to the community. The community leaders, *probi homines*, continued to push for ever greater concessions from the knights. These they obtained in a series of legally binding transactions in 1234, 1293, and 1316. By 1334, the community had become strong enough to re-establish its consuls.¹

Already by the late thirteenth century, the promise of greater civil freedoms prompted the residents of the smaller neighbouring communities around Manosque to migrate there. As a result, several of the related settlements were depopulated to Manosque's benefit. The early thirteenth-century enfranchisement of its citizenry and the late thirteenth-century integration of people from surrounding communities greatly enhanced Manosque's composition and status.² From that point on, Manosque maintained a significant and diverse population.

Although Manosque left no census records, historians have a fairly good idea about its population density thanks to research carried out by Édouard Baratier. For most places in Provence, Baratier studied records left from two forms royal taxation: the *quista generalis* and the *focagium minus*.³ Both taxed hearths but, since

1. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 9.

2. FÉRAUD, *Histoire civile, politique, religieuse*, 18–19.

3. Baratier looked first for records of a form of tallage called the *quista generalis*. To collect the tallage, the counts relied upon royal officers within their *baillies*. As these tax collectors circulated throughout their jurisdictions, they compiled lists of names of heads of households to represent all

the numbers never matched and to standardize his calculations, Baratier developed a formula to convert the numbers of *focagium* hearths into an equivalent number of *quista* hearths. Now, some important municipalities, Manosque included, were exempt from the comital *quista generalis*. In those cases, Baratier was forced to corroborate the *focagium* records with data from other sources.¹ For Manosque, Baratier relied on a single document from 1335 that mentions 741 people who attended a gathering.² He assumed that these 741 men represented heads of households. He estimated, therefore, that in the first half of the fourteenth century there were about 700 households in Manosque that corresponded to the profile of the *quista*-paying hearths he observed elsewhere. The equivalent of 700 *quista*-paying hearths ranks Manosque below the greatest urban centres in Provence: Marseille had about 3,000 such hearths, Arles had 2,000, and Aix had 1,500. At the same time, it suggests that the town was far larger, and richer, than most others.³ In her

taxable hearths. These lists provide an important insight into the numbers of households eligible to pay the *quista*. So, Baratier counted *quista* hearths to measure Provençal demographics. He knew that the fourteenth-century monarchs of Provence collected the *quista generalis* in a fairly regular fashion. It was one of the great feudal rights derived through the comital suzerainty (*maius dominium*) and extended even to the subjects of comital vassals. French authors simply refer to the *quista generalis* as *la queste* and note that it theoretically applied to every community within the counties of Provence and Forcalquier. In reality, though, some ecclesiastical communities and those protected by powerful seigneurs were exempt. In general, the poor also avoided the *quista generalis*. So, the *quista* records are imperfect tools. See Édouard BARATIER, *La démographie provençale du XIII^e au XVI^e siècle: avec chiffres de comparaison pour le XVIII^e siècle*, *Démographie et sociétés* (Paris: SEVPEN, 1961), 13–22 and 35 for details.

Baratier also studied records from the second great Provençal tax, the *focagium minus*, the lesser hearth tax. This tax, fixed at one *sou*, had its origin in a suzerain's right to free lodging from his vassals. Although they are revealing for the fourteenth century, the *quista generalis* and the *focagium minus*, called in French the *albergue*, later became increasingly less significant. As their fixed values decreased in worth, the administration of their collection became less profitable. By the fourteenth century, or earlier, the *focagium minus* had mutated into a fixed financial payment calculated on the number of eligible dwellings in each place that paid. For more information see BARATIER, *La démographie*, 22–24.

1. Baratier's preference was to look at records from the third and last of the great Provençal feudal taxes, the *cavalcate*. The Provençal *cavalcate*, rendered in French as *cavalcade*, constituted the third pillar of *maius dominium*. It was rooted in the count's right to summon his vassals to war. See Michael HÉBERT, 'Autour de la cavalcade: les relations entre le Comte de Provence, les Hospitaliers et la communauté de Manosque (XIII^e–XIV^e s.)', in *Vie privée et ordre public à la fin du Moyen Âge. Études sur Manosque, la Provence et le Piémont (1250–1450)* (Aix-en-Provence: Publications de l'Université de Provence, 1987), 141–58; and also the author's 'Une population en armes: Manosque au XIV^e siècle', in *Le combattant au Moyen Âge*, Société des Historiens Médiévistes de l'Enseignement Supérieur Public (Paris: Publications de la Sorbonne, 1995), 215–26.

2. Probably the same document preserved today in the Archives municipales de Manosque, Ba7. It records an event at which the commander of the Hospital of Manosque confirmed the municipal privileges.

3. In her detailed analysis of Manosquin families, Andrée Courtemanche points out potential dangers in Baratier's assessment but ultimately concurs with his findings. She notes that Baratier

study of Manosquin population, Andrée Courtmanche suggested that 700 *quista* hearths, adjusted to include non-*quista* households, such as those of Jews, clerks, secular and regular clergy, and nobles, brings the real number of hearths up to about 1,000. Since Baratier proposed a coefficient of 5.5 people per hearth, she concluded the total pre-plague population of Manosque was about 5,500.¹

After the arrival of the Black Death in 1347, the population must have been reduced to about half or two-thirds of its former size. But the town recovered swiftly; by the middle of the fifteenth century, shortly after the period studied for this book, it seems that the population had again climbed, and then surpassed, its thirteenth-century figures. Survey records indicate a population of more than 8,000 people. The increase in population between the thirteenth and fifteenth centuries was thanks to a constant flow of immigration.² By 1497, Manosque was among the most important urban centres permitted to send deputies to the estates of Provence.³

Manosque was important not only for the size of its population but for its demographic and cultural composition. By the late Middle Ages, the town was divided into four distinct quarters: Payans, Martels, Palace, and Hébrards. Within those neighbourhoods lived Jews as well as Christians. Manosque's two hundred or so Jewish inhabitants lived inside the walls and were subjects of the Hospital. They were also protected by their own set of privileges, now lost. They maintained their

overlooked three other lists of citizens recorded during important gatherings. Two of those lists, from 1286 and 1317, also record the presence of townsmen during confirmation of privilege ceremonies. See Archives municipales de Manosque Ba1 and Bb7. The list of 1286 contains 355 names and that of 1317 contains 984 names. A fourth list of names, however, also survives from 1312. It contains a suspiciously high 1,548 names. This fourth list is problematic since it is five times greater than the list of 1286, half again as large as the list of 1317, and twice as large as the list of 1335. Did the population of Manosque swell between 1286 and 1312 only to crash five years later in 1317? Courtmanche thinks not. She concludes that the lists of 1286, 1317, and 1335 represent heads of households, and, therefore, correspond roughly to Baratier's *quista*-paying hearths, while the much denser list of 1312 represents all '*hommes majeurs*', all males over the age of fourteen, present at that gathering. See COURTEMANCHE, *La richesse des femmes*, 35–38.

1. The author suggests the average coefficient varied depending upon ethnicity, region, and era. He observed further variations between urban and rural settings but suggests that the coefficient to indicate the number of people living in a single hearth fluctuated between 4.3 and 5.9. BARATIER, *La démographie*, 61. The total population of fourteenth-century Provence was somewhere between 350,000 and 400,000. BARATIER, *La démographie*, 67.

2. Andrée COURTEMANCHE, 'De l'Italie à Manosque: Aspects des migrations italiennes en Provence à la fin du Moyen Âge.' *European Review of History* 5 (1998): 127–150; Andrée COURTEMANCHE, 'Women, Family, and Immigration in Fifteenth-Century Manosque: The Case of the Dodi Family of Barcelonnette,' in Kathryn L. RYERSON and J. DRENDEL, eds., *Urban and Rural Communities in Medieval France* (Boston: Brill, 1998), 101–127; Michel HÉBERT, 'Les étrangers à Manosque aux XIII^e et XIV^e siècles: intégration ou exclusion?', in *Forestieri e stranieri nelle città basso-medievali* (Florence: Salimbeni, 1988), 97–114.

3. FÉRAUD, *Histoire civile, politique, religieuse*, 20–21. Isnard notes that there were 262 hearths in 1471.

own butchers and, because of Mosaic dietary restrictions, had the right to separate butchers' tables at the market.¹ They kept two synagogues for education and prayer and a cemetery.² The Jews of Manosque were vital to the economic life of the town and the county. They provided much needed credit, on a large and small scale, to their Christian neighbours. Of course, not all of the town's 200 Jewish inhabitants worked as moneylenders, pawn brokers, or jewellers. In Provence, unlike in some other parts of medieval Europe, Jews were also land owners. The best physicians in Manosque were Jewish, as seen by the expert medical testimonies in the criminal trial records. There we also find Jews gambling and drinking alongside Christians, gossiping and plotting with them, and, as one case suggests, even loving them. The Jews initiated trials against Christians and were frequently the objects of criminal and civil inquests. They made full, frequent, and fair use of the town's courts. The criminal records suggest that, at times, the normally benign relationship between Christians and Jews gave way to deeper tensions. The assault on Jews and their property in the wake of the Black Death was the exception, not the rule, in the fourteenth century. The fifteenth century was another story.³

The best insights we have into the composition of the Christian population in Manosque come from the *Livre des privilèges*. In 1315, the notables of Manosque bound together, in a single bilingual cartulary, Latin and Provençal, all the charters, transactions, and statutes that benefited the town.⁴ The cartulary reveals that around the time of Guillaume II's donations, Manosque was divided into elites and non-elites. At the very highest level was the local aristocracy: nobles, knights, jurists, and the wealthiest notaries. These men were exempt from certain forms of taxation and did not owe direct military support (*cavalcate*) to the count of Provence. They were instead obliged to provide military support directly to the count's vassal, the Hospital. Women who lived a noble lifestyle received an additional benefit: they were excused from appearing in court. To preserve their modesty judges travelled to them. With noble prerogative, though, came obligation. M. Z. Isnard points out that the statutes of Forcalquier, which held sway in Manosque when local law was mute, stated that nobles who failed to heed the summons of a judge paid double the

1. *Item quod habeant duas tabulas ad carnes suas faciendas in macello in summitate macelli*. ISNARD, *Livre des privilèges*, 68.

2. ISNARD, *Livre des privilèges*, xvii.

3. Isnard notes on page xviii of his introduction that by the end of the fifteenth century the Christian population, stirred up by the Carmelites and Franciscans, destroyed the Hebrew quarter and petitioned the Count of Provence to expel the Jews.

4. Some of the original charters are still preserved in the municipal archive, others are not. In 1293, the cartulary tells us, Audebert Gauzis, a notary, translated the Manosquin privileges into Provençal for the benefit of those who did not read Latin. Although his original Provençal translations are lost, much of the bound cartulary reproduces them. An edited version of the cartulary is available in ISNARD, *Livre des privilèges*, xviii.

fine for contumacy. Nobles who entered into a mechanical trade, such as commerce, also forfeited their rights.

Beneath the *crème de la crème* but above the masses were the most prominent burghers, the *probi homines*. Such men existed everywhere in Provence and acted as community representatives. In Manosque, when it existed, they directed the commune. At all times they administered civic affairs and surveyed judges' verdicts to ensure they fell within the constraints of custom and charter. The people they supposedly spoke for were the *meliores*, the social betters, as well as the *populares*, the commoners, the merchants, craftsmen, and farmers.¹

The vast majority of Manosquins lived in the lower ranks of society and worked the land. Although some practised crafts or trades, most were agrarian labourers. They went out, depending on the season, and worked in the surrounding fields. Some owned their own plots, others worked as tenants, and others still found work as day labourers or journeymen. The staple crops they grew were cereals, primarily wheat, but also barley, spelt, and oats. In the spring, they sowed the seeds and weeded the fields. Later in the growing season, they harvested it. Next came threshing, accomplished with a flail against a stone slab, or pressing, done by trampling the grain underfoot or hoof.² The Hospital operated the local mill and oven, seigneurial possessions both, and people paid a commission to grind grain and bake it. The fields around Manosque were also filled with vineyards for red and white wine. The Hospital regulated its sale, however, and this was a source of contention for wine producers and consumers alike. Olive trees were important commodities everywhere in Provence, their fruit and oil a dietary staple. There were fruit orchards, apples and pears, but also, because this was the Mediterranean, sweet figs. The almond, another delicacy, grew in abundance thanks to Mediterranean weather and soil conditions. All these vines and fruit-bearing trees were protected by local statute. It was an especially hateful crime to burn or cut them and those who did were forced to make restitution for the lost plant and for its potential fruit. Clipping grapevines was also a serious offence.

Farm animals were a regular part of life, even for city dwellers. Chickens and hens produced eggs and protein, pigs and goats provided some additional meat, sheep gave wool, and beasts of burden, mostly cows, bulls, oxen, and donkeys, ploughed and tilled. Cowherds appeared in court from time to time as did shepherds who tended flocks of transhumant sheep. These men, most often foreigners who worked for wealthy flock owners, produced cheese to sell at market. They were also unruly,

1. ISNARD, *Livre des privilèges*, x-xiii.

2. All this information on cereal production comes directly from Paul Louis MALAUSSENA, *La vie en Provence orientale aux XIV^e et XV^e siècles. Un exemple: Grasse à travers les actes notariés* (Paris: Librairie générale de droit et de jurisprudence, 1969), 82. Although Malaussena wrote about Grasse, in eastern Provence, the process was similar in Manosque.

a constant source of aggravation and regulation. Their flocks did serious damage to pastures. There were tight restrictions on where and when sheep could graze.

The people of Manosque, like all good medieval townsmen, were wary of strangers. This is visible, in part, thanks to notarial convention. Court notaries were always careful to distinguish whether an individual was a native (*de Manuase*), an immigrant (*habitor Manuase*), or a foreigner. The 'inhabitant' status, theoretically used to designate new arrivals, though, did not necessarily connote a recent arrival. It was more an indicator of how well a non-native had assimilated into the local community. Some people bore this status for many years. This mattered since society and the court treated native sons and daughters better than immigrants and foreigners. This was because respectability was tied to reputation.¹ The court, as a reflection of popular values, linked establishment and economic stability to honesty. Underlying this bias was the stark reality that Manosque, like every urban centre, attracted the poor or disenfranchised. Manosquins knew and feared this: not all new arrivals succeeded, some lapsed into crime.² Unfortunately, since Manosque was a major hub for immigration, this suspicion worked against every non-native, not merely the disenfranchised. The net result was that migrants had to work harder to integrate.

The denizens of Manosque were particularly well placed in the fourteenth-century. Their town was a significant urban centre not just because of the size and composition of its population but also because of its geographic location. It sat along the major trade routes between papal Avignon and Italy.³ It was also nestled in the foothills of the mountains of the Haute-Provence. This meant that the commerce that moved south from that region's towns and villages to Marseille passed

1. Daniel Lord Smail noted, 'the kinless, the foreigner, the immigrant were treated with greater severity than the well connected or the native.' He goes on '[h]aving kith and kin was a sign of respectability, which in turn was rewarded by more lenient treatment.' Daniel Lord SMAIL, 'Common Violence: Vengeance & Inquisition in Fourteenth-Century Marseille.' *Past and Present* 151 (1996): 50–1.

2. Certainly, Bronislaw Geremek saw an endemic link between marginality and criminality. Bronislaw GEREMEK, *Les marginaux parisiens aux XIV^e et XV^e siècles*, 'L'histoire vivante', ed. Denis RICHEL (Paris: Flammarion, 1976). Gauvard, however, questioned whether the elevated incidences of Parisian crime were actually the result of the high number of migrants to the city. She demonstrated that in fact the number of migrants accused of a crime was comparable to their presence amongst the non-criminal population. She concluded, '*Lier criminalité, migration et marginalité peut donc paraître contestable.*' Claude Gauvard, *De grâce especial: Crime, État et société en France à la fin du Moyen Âge*, 2 vol., (Paris: Publications de la Sorbonne, 1991), 270–272.

3. Good personal relations between elites enhanced Manosque's fortunate proximity to papal Avignon. Le Blévec notes that Manosque enjoyed particular prominence among the holdings of the Hospital under the stewardship of the Juan Fernández de Heredia (1377–1396), Prior of Saint-Gilles and a favourite of the Avignon popes. LE BLÉVEC 84. It also did not hurt that the fields of Manosque could provide good grain to hungry popes. This was the case during the pontificate of Clement V who, on several occasions, solicited the town directly. LE BLÉVEC 506.

first through, or at least beside, Manosque. The Durance River was an important fourteenth-century artery for shipping and transportation. It flowed powerfully to the east of the town. The Durance was the primary means of transportation for the lumber harvested from the Alps that was used to construct Provençal towns, fortifications, and ships. Italian, French, and Provençal merchants used the river to move goods. Until the nineteenth century, the bridge at Sisteron, north of Manosque, was its only fixed point of crossing. Manosquins relied on ferries or their own boats to move from bank to bank. Beginning in the sixteenth century experiments with dams, dikes, and canals tamed the river's volume and volatility. The Durance was diverted for crop irrigation and to provide potable water to Marseille. In the twentieth century, the French government harnessed the Durance to produce hydroelectricity. All this human activity greatly reduced the river's flow and visitors today have difficulty imagining the power of the medieval Durance or the significance of its lone medieval crossing.

Physically, late medieval Manosque resembled other northern Mediterranean towns: it had multi-storied stone buildings with windows, archways, red terra cotta roof tiles, open public spaces, and interior courtyards. It had fixed shops and boutiques filled with blacksmiths, tailors, cobblers, bakers, jewellers, craftsmen, and artisans. Many of these store owners lived above their shops with their families who contributed to their businesses. Manosque had fixed and impromptu taverns where locals gathered to drink, gossip, and play dice. The town also had the requisite palace that opened onto a square. In a pinch this open space worked as a meeting place, a market, and, importantly, the *locus* of the court. The town's ramparts enclosed its Christian and Jewish quarters and many of the homes inside the walls had small gardens for growing herbs and vegetables. There were religious houses for mendicants, and two Romanesque churches. Archaeological evidence indicates that elements of the church of Notre-Dame de Romigier date back as far as 980, although most of the extant medieval construction only goes back to the thirteenth century. Today the church houses one of the oldest Romanesque statues of the Virgin with child. Similar archaeological evidence also suggests that the church of St-Saveur, which local lore claims was razed by the Saracens, was in fact only constructed between the twelfth and the fifteenth centuries and consecrated in 1372. The town ramparts were enlarged and embellished, in the later Middle Ages, with two stone gates, called Saunerie and Soubeyran. Of these two impressive entrances, the latter was definitely built in the fourteenth century, although it owes its present appearance to nineteenth-century romantics.

Manosque provides an ideal case study for a social history. It was neither major metropolis nor sleepy hamlet, but somewhere in between. It was an average urban space filled with very average, if colourful, people and stories. Its population reflected evolving agrarian, mercantile, and professional classes and their interests.

This internal composition was typical of other late medieval towns in the north-western Mediterranean. Its people lived, worked, loved, and hated, as people across the south of Europe were wont to do. Manosque, moreover, developed durable institutions that produced abundant written records. Aside from individual notaries, the single greatest institution to transmit medieval documents to us is the town's court. Through the eyes of the court, we can recreate the social world of this late medieval town.

Chapter 3

The Spectacle of Justice

I Criminal Prosecution as Public Ritual

On an October day in 1362, the ferryman lay in bed; he would not transport travellers from bank to bank that day, nor would he do so again for quite some time. This skipper was in pain from his wounds but still had a tale to tell. His attackers, he claimed, were two foreigners, brothers from Volx. They had used swords and rocks to beat him and break his face. Martin Philiberti demanded from his sickbed that the court prosecute the siblings.¹ And so it did. The bailiff wrote letters to summon them. The court nuncio delivered the letters to the brothers in a nearby town. The town crier publicized their identities. The judge summoned expert doctors: two barber-surgeons and a father-son team of Jewish surgeons, the best in the land. As he listened his notary diligently recorded how the surgeons had extracted bone fragments and treated wounds. Eventually, the accused brothers returned to Manosque, were tried, and paid a fine. This case, and others, demonstrate that the officials of justice took seriously inquests initiated by victims or concerned parties.

Since any adult could initiate a criminal inquest, court officers, through their procedures, maintained a dynamic and complex relationship with the Manosquin public. They approached this public on two levels. First, they engaged individuals, one by one. This happened, for example, when the court summoned witnesses. On a purely structural level, the court's agents spoke to, worked with, and depended upon, individual members of the public. Second, the court's personnel were caught up in collective public engagement. This happened, objectively, when the court made proclamations in the town square, or when it prosecuted several people at once. It also happened subjectively because very few people in the Middle Ages were truly unattached. Courty conflicts naturally drew out networks of solidarity.

1. The inquest is located at 56H 986 ff 204–6 v and is dated 16 October 1362.

Accusations of guilt impugned not only suspects but all those tied to them. Individuals belonged to kin groups, professional or trade associations, neighbourhoods, and so forth. Even when court agents interviewed individuals, those people acted and responded, on some level, as members of larger collective groups.

The public, individuals and groups, responded in turn to court overtures passively and actively. First, people formed receptive audiences to courtly happenings. They listened to proclamations, witnessed sentences, and received news. There was an intrinsic social value simply to knowing what was happening in town. Criminal allegations were, therefore, causes for popular concern. They had symbolic worth and courtly news caught the interest of even the uninvolved. Second, because of the overtures made by the court's agents, people and groups were perpetually enthralled collaborators in justice. Their gossip fuelled, and was fuelled by, inquests. Members of the public spoke up, told what they knew, and denounced or supported one another in court. But the public also bought into the economy of justice in another way. People saw the court as a means to achieve their own ends. They, therefore, used court processes for their own purposes.

This chapter argues that, in late medieval Provence, the rituals and ceremonies of justice not only solemnized and commemorated but also engaged the public in a constant, sustained, and overt manner. The court's activity fostered an ongoing relationship with the people of Manosque. At every step of its process, its words, deeds, pomp, and ceremony projected justice beyond the *forum judiciale* and into the popular consciousness. Individuals and groups outside the court were, as a result, recurrently audience and collaborator. A direct consequence of this dynamic was that the court opened itself up to the strategies, negotiations, and manoeuvrings of Manosquin men and women. To demonstrate this, I begin with the assumption, inspired loosely by Richard Schechner and more concretely by Victor Turner, that performance itself is a type of social drama and a primary object of inquiry, ascribed with meaning and rich in cultural information.¹ All social drama and performance

1. According to Schechner, 'Performance is an inclusive term. Theatre is only one node on a continuum that reaches from the ritualization of animals (including humans) through performances in everyday life.' Richard SCHECHNER, *Performance Theory* (New York: Routledge, 2003) xvii. Schechner was inspired by anthropologist Victor Turner. See VICTOR TURNER and BRUNER, Edward M. (eds.), *The Anthropology of Experience* (Urbana, Illinois: University of Illinois Press, 1986). Schechner, drawing on Turner's concept of liminality, equates the subjunctive 'as if' mode of performance and play to an imperative 'it must be' statement about reality. To do this, Schechner proposes two models of performance, the fan and the web. The former model orders and links types of performance nodes along a spectrum (these performance nodes are rites and ceremonies, shamanism, eruption and resolution of crisis, performance in everyday life / sports / entertainment, play, art-making, and ritualization); the latter model presents a more dynamic system, with theatre as a hub, in which the nodes interact more directly. I propose nothing so complex here. I do give primacy to performance as an object of inquiry, an idea widely accepted by medievalists. In her recent book on the evolution and role of theatre in medieval France, Carol Symes reminds us that medieval culture was inherently grounded in performance. Symes treats 'all premodern texts as potential participants

creates and depends upon visible and hidden consequences. To expose them for the purpose of historical assessment, I recreate the rituals of fourteenth-century Manosquin justice using a deliberate theatrical allegory.¹

In my sketch of judicial procedure as public theatre, I rely on broad, admittedly interchangeable, definitions for the terms ritual and ceremony. For medieval men, of course, these terms had distinct meanings: clerical elites used rituals and ceremonies to communicate with god and the supernatural. Today, however, most anthropologists and sociologists use these terms differently. Most agree that ritual connotes a 'social activity that is repetitive, standardized, a model or a mirror.' Usually, experts also bundle these key notions of model and mirror with that of performance-based communication. They emphasize that rituals build, reaffirm, and reinforce social order.² Certainly these are the characteristics of rituals and ceremonies that best explain court process. Ritual is, therefore, a useful heuristic tool for the study of court records. It shows how court process modelled, mirrored, communicated, and constructed society.

2 Crime and Punishment as Performance

Theatre is a common, if too narrowly deployed, metaphor to structure the study of judicial ritual. To begin with, trial narratives are innately theatrical; they read like modern courtroom dramas. Scholars of late medieval courts make generous use of drama, theatre, and spectacle to scaffold their interpretations of the social purposes

in a culture of performance—some as the residue of performed actions, some as prompts for performance, some as the focal points of performance . . . ' She ' . . . juxtaposes plays with the variety of other activities alongside which they were produced and transmitted: the display of charters, crying of news, taking of legal testimony, exhibition of relics, celebration of liturgies, organization of ceremonies, preaching of doctrine, [and] telling of tales.' Carol SYMES, *A Common Stage: Theater and Public Life in Medieval Arras* (Ithaca: Cornell University Press, 2007) 2.

1. Medievalists have begun to explore ritual as a means of understanding medieval society in general. For references on this approach, consult the bibliography contained in *Riti e rituali nella società medievale*, ed. Jacques CHIFFOLEAU *et alii* (Spoleto: Centro ilatiano di studi sull'alto medioevo, 1994), vii-viii.

2. I draw heavily here on historian Edward Muir's work on rituals while remaining mindful of Philippe Buc's cautions: '*l'utilisation du concept de "rituel" implique des risques conséquents lorsqu'il s'agit de l'appliquer au Moyen Âge occidental . . . c'est pourquoi les pages qui suivent n'emploieront le terme qu'à des fins heuristiques, et de manière provisoire.*' Philippe BUC, *Dangereux rituel: de l'histoire médiévale aux sciences sociales* (Paris: Presses universitaires de France, 2001) 2. Edward Muir, *Ritual in Early Modern Europe* (Cambridge: Cambridge University Press, 1997), 6. So, like Buc, I use the term ritual heuristically and provisionally. Muir is more confident. In addition to the ritual qualities I count as meaningful in this chapter, he identifies several others. He sees the meaning of ritual as 'inherently ambiguous.' He notes that rituals emphasize forms of behaviour, create social solidarity, and form social identities. He points out that, in addition to being communicative, rituals also '[allow] people to tell stories about themselves.'

of justice.¹ They tend, however, to place inordinate emphasis on one class of rituals: those that punished. This comes at the cost of all other types of courtly ceremonies. Since these scholars focus on the instructive, communicative, or socially affirmative meanings behind spectacular punishment, they ignore summonses, arraignments, oaths, interrogations, depositions, and so on. Some claim this is because spectacular punishments are the only remaining ritual left for us to see. Evidence of other rituals has long since faded.² Others believe that ritualistic visibility evaporated in Europe with the abandonment of ordeals and duels.³ There is some truth to both claims, but this truth has more to do with an evolution in the sorts of rituals than in an obscuration or abandonment of ritual. Late medieval trial records contain many clues about other forms of judicial ritual.⁴ The records from Manosque, although far from ideal, allow us to glimpse many types of curial rituals, to gauge how they impacted the public, and to determine what they meant for society.

The Manosquin spectacle of justice, like any play, contained several acts and built to a climax. An audience witnessed it at various points. The actors who performed it followed a familiar script, dictated by repetitive and standardized court rituals. Like all good rituals, there was room for improvisation but, like all dependable theatre, the audience, on some level, knew what to expect. So, when judges called suspects to court, there was always a chance they might not appear. People were free to deviate from the court's expectation. If they did, however, there was a predictable response. The usefulness of court rituals depended, to a large extent, upon their predictability.

Since theatre is an audio-visual medium, court rituals depended upon speech and gesture. Court ceremonies drew in even the most unwilling players and struc-

1. There are many fine examples. Some good studies of theatricality in late medieval justice include: Claude GAUVARD, 'Pendre et dépendre à la fin du Moyen Âge: les exigences d'un rituel judiciaire,' *Histoire de la justice* 4 (1992): 5–24; Esther COHEN, 'To Die a Criminal for the Public Good: The Execution Ritual in Late Medieval Paris,' in *Law, Customs, and Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon* (Kalamazoo: Western Michigan University Press, 1990), 280–304; Nicole GONTHIER, *Le châtement du crime au Moyen Âge (XII^e–XVI^e siècles)* (Rennes: Presses universitaires de Rennes, 1998); Guido RUGGIERO, 'Constructing Civic Morality, Deconstructing the Body: Civic Rituals of Punishment in Renaissance Venice,' in Jacques CHIFFOLEAU *et alii*, eds., *Riti e rituali nella società medievale* (Spoleto: Centro italiano di studi sull'alto medioevo, 1994), 175–90. For the sixteenth century, Richard Van Dülmen's work on public displays of horror in German courts dominates. He looked at courts that used the *Carolina*, the 1532 legal system of the Emperor Charles V. Van Dülmen noted that they produced an 'unbelievably high number of executions' that make the Middle Ages appear 'humane.' See Richard VAN DÜLMAN, *Theatre of Horror: crime and punishment in early modern Germany*, trans. Elisabeth Neu (Cambridge: Polity Press, 1990).

2. '... rares sont celles qui ont laissé des témoignages, écrits ou figurés, en nombre suffisant pour que ces pratiques soient accessibles à l'historien.' Robert JACOB, *Images de la justice: essai sur l'iconographie judiciaire du Moyen Âge à l'âge classique* (Paris: Le Léopard d'Or, 1994), 17.

3. Esther COHEN, *The Crossroads of Justice: Law and Culture in Late Medieval France* (Leiden: Brill, 1993), 54–73.

4. As a few authors have indeed pointed out. See, for example, Antoine GARAPON, *Bien juger: Essai sur le rituel judiciaire* (Paris: Odile Jacob, 1997).

tured their words and deeds for a purpose. Rituals of interrogation, for example, produced meaningful narratives that influenced the outcome of the final scene. In the fourteenth century, ‘the spoken word came to replace the gesture. Speech formulae worked . . . as “audial gestures,” carrying the same efficacy as . . . visual acts.’¹ In the court of Manosque, repetitive formulae, spoken narratives, and physical movement all contributed to ritual. In order to interpret its meaning, I will reconstruct, in so far as I am able, the physical and symbolic space occupied by the court.

3 A Watched Spectacle?

A lack of archaeological evidence hinders reconstruction of the court’s physical space. There are simply no physical remains from the fourteenth-century court of Manosque.² This is because there was no fixed physical courthouse to discover. The court existed wherever its officers worked. Long before the construction of imposing judicial buildings, a court was an ideal backed up by law. In Manosque, the evidence suggests that the court did its business out of doors and in the public eye. This is certainly consistent with what we know about other late medieval places. In Marseille, for example, justice was carried out in the marketplace.³ In Avignon, the most serious suspects may have been interrogated in prison, possibly before their lawyers, but inquests, audiences, and verdicts always took place in public.⁴ In the Aurillac, likewise, justice happened outdoors. This tradition, in most of what is today France, at least, stretched back to St. Louis who dispensed royal justice beneath the oak at Vincennes.⁵

Although the criminal records of Manosque do not usually specify where inquests took place it is likely they happened in the town square. Nearly every trial record states that its events happened ‘in the court of Manosque’ (*in curia Manuasce*). Most, though, fall short of stipulating where that was. There are two exceptions. One inquest operated ‘on a merchant’s bench, where the court was held’ (*in banco mercati . . . ubi curia tenebatur*). Another, a very important and lengthy murder

1. E. COHEN, *The Crossroads of Justice*, 62.

2. Nor are there any pictorial representations that survive.

3. See Daniel Lord SMAIL, ‘Telling Tales in Angevin Courts,’ *French Historical Studies* 20, No. 2 (Spring 1997): 183–215.

4. ‘Si l’interrogatoire d’un prévenu, pour un crime assez grave, a lieu souvent dans la prison, en présence ou non de ses procureurs, les enquêtes, les audiences, la proclamation des sentences et, bien entendu, leurs exécutions se déroulent toujours dans des lieux publics, devant un public.’ Jacques CHIFFOLEAU, *Les justices du pape: délinquance et criminalité dans la région d’Avignon au quatorzième siècle* (Paris: Publications de la Sorbonne, 1984), 70.

5. The justice-tree link is not unique to medieval France. The ancients believed that a cosmic tree supported the heavens by its branches, its roots piercing the terrestrial orb, its trunk conveying the fruits of the wisdom of heaven down to earth. Jacob notes that the Celts and Scandinavians also equated the justice of the gods with a heavenly tree. See JACOB, *Images de la justice*, 39–40.

inquest, happened in the *terelbo*, the central plaza in front of the seigneurial palace, 'upon the rock where the tribunal sat' (*in terelbo supra lapidem ubi sedebat pro tribunali*). Both references were written on the same day by the same man.¹ Did every single inquest happen in the town square or were these instances noted because they were exceptional?

There is some reason to doubt whether the court always operated in the Terreau Square. By the time of the French Revolution it was inside, not in front of, the comital palace. A map from 1793 shows the judge's chambers, the courtroom, and the cells for temporary prisoner detainment.² Holding the court inside the former palace of the count, which in the fourteenth-century had become the Hospital's stronghold, would have reinforced the premodern belief that god chose the places of justice.³ It would also have resonated with the Hospital's concerns about governance. After all, the criminal court of Manosque was no mere municipal tribunal, but rather an old comital appendage. When the counts of Forcalquier still held Manosque, the court was a potent reminder of their princely authority. Although the Hospital inherited that authority, it remained insecure. The Order of St. John repeatedly had its rights to justice confirmed by ecclesiastical and secular princes.⁴ In light of all this, it seems safe to conclude that the court worked in the square in front of, and possibly sometimes inside of, the stronghold that was the physical reminder of old seigneurial *auctoritas*: the palace.

Regardless of whether inquests always happened in the town square, the townspeople knew or learned what happened in court. Like most Provençal towns, Manosque imposed elected municipal representatives in inquests.⁵ They facilitated

1. The palace is now a parking lot, but the Place des Terreau, as the *terelbo* is now known, remains. The references come from 56H 997 f° 124 dated 24 July 1369, and a few folios earlier.

2. Reproduced in Félix REYNAUD, *La commanderie de Saint-Jean de Jérusalem de Rhodes et de Malte à Manosque (XIII^e siècle–1789)* (Gap: Société d'Études des Hautes-Alpes, 1981), 143–4. The 1793 floor plan of the Hospital's palace in Manosque also reveals the tribunal chamber (*salle du tribunal*) and the judges' chamber (*salle pour les juges*). It is impossible to know whether these were modern additions or whether they had been transmitted to the eighteenth century court by its medieval ancestor.

3. '*L'endroit où la justice sera rendue n'est pas choisi par les hommes, mais désigné par les dieux.*' GARAPON, *Bien juger*, 25.

4. The Hospital's inherited right to all forms of justice was first confirmed by the papal legate Theodosius in 1211. In 1262, the Grand Priory of St-Gilles signed an agreement with Charles I of Anjou. The Hospital swore homage to the Count of Provence and agreed to provide him with troops during times of war, although the Count bore the responsibility of feeding them. In exchange Charles relinquished any claim he had to Manosque and its territories and invested the Order with full *suzeraineté* there. He further handed over his claim to feudal taxes to the Order and exempted it from the *gabelle* and other duties. Finally, he confirmed the Order's jurisdiction over all forms of justice, including royal, within the fief. Charles II reconfirmed these facts in 1306. Robert did so in 1323 and forbade the judge of Forcalquier from infringing upon the Hospital's jurisdiction. This information comes from ISNARD, *Livre des privilèges*, XLV–XLVI.

5. See ARNAUD, chapter III, headings 289 (Assistance des syndics aux jugements. Castellane.

and ensured community access to criminal news. The municipal council chose these two advisors to monitor all inquests and to advise judges. Their participation ensured judges respect the terms of the penal *Instrumentum* of 1235 (see Appendix). These two advisors probably also counselled judges on condemned men's and women's financial status; almost all criminal penalties were monetary and mutable. Thanks to the regular participation of judicial *probi homines*, the events of justice were, therefore, knowable . . . at least to the well-connected inhabitants of Manosque. The court also controlled its own message by communicating directly to the public. It did this routinely through court nuncios (*nuntii curie*), as in the case of the battered ferry captain. In addition, the court made very regular use of heralds or criers (*praecones*) to make proclamations (*praeconizationes*) and to disseminate information.¹ So, between the judicial *probi homines*, the nuncios, and the criers, ordinary citizens received regular updates on court matters.

4 Gathering the Cast

Who were the *gens de justice*, the real officials of the court?² Topping off the cast was the commander of the Hospital, the preceptor (*praeceptor*) of Manosque. As chief representative of that order, he was the embodiment of seigneurial authority. The Hospital leaders appointed preceptors to Manosque for sustained periods. Those local leaders, no doubt, had a lasting impact on urban life. Between 1340

Ubraye. Moustiers. Forcalquier) and heading 290 (Assistance des syndics à la torture des accusés. Arles. Forcalquier). The author determines that municipal participation was one of the general privileges of the county. On page 370, he wrote, '*Les syndics agissaient, alors en matière de simple police, mais ils jouissaient d'une plus haute prérogative. Ils étaient tenus d'assister à la taxe et à la publication des parlements, en d'autres termes, aux séances des tribunaux, pour guider le juge dans l'application des peines . . .*' Camille Arnaud, Vol. 2, 370–372, also states that it was normal for syndics to advise judges throughout the county. Camille ARNAUD, *Histoire de la viguerie de Forcalquier*, 2 vol. (Marseille: Etienne Camoin, 1874). In the north of France, Claude Gauvard noted the existence of *probi homines* 'peacemakers' as early as the twelfth century. She alludes to their role as arbitrators in disputes, but states cryptically: '*En revanche, leur rôle semble plus limité dans le Midi où règne, sous l'influence du droit romain . . . une justice publique coercitive qui se doit d'être terrible.*' See Claude GAUVARD, *De grâce especial: Crime, État et société en France à la fin du Moyen Âge*, 2 vol., (Paris: Publications de la Sorbonne, 1991), 19. I must note that my use of *probi homines* is more marked in meaning than the '*preude homme*' or *prodhomme* alluded to by Gauvard on pages 889 through 893 of her study. Finally, Yvonne Bongert discusses the role played by twelfth- and thirteenth-century *probi homines* in arbitration. Yvonne Bongert, *Recherches sur les cours laïques du X^e au XII^e siècle* (Paris: Éditions A. & J. Picard & C^{ie}, 1949) 163–175.

1. On this subject, consult Michel HÉBERT, '*Voce preconia: note sur les criées publiques en Provence à la fin du Moyen Âge*,' in *Milieus naturels, espaces sociaux. Études offertes à Robert Delort* (Paris: Publications de la Sorbonne, 1997), 689–701.

2. The expression belongs to Bernard GUENÉE, *Tribunaux et gens de justice dans le bailliage de Senlis à la fin du Moyen Âge*, Publications de la Faculté des Lettres de l'Université de Strasbourg 144 (Paris: Société d'Éditions 'Les Belles Lettres', 1963).

and 1403, there were eight preceptors whose hold over the town evolved.¹ The preceptor was the most powerful man in late medieval Manosque. His power manifested itself in many places, but nowhere more strongly than the Hospital's court. Thanks to the donation of 1149, he held the right to prosecute all forms of criminal offence, including those elsewhere deemed royal: homicide, rape, treason, sacrilege, forgery, and threats to the public safety or to the officers of justice.² Preceptors had the power, along with the municipal councillors, to issue legally binding statutes and to police orders throughout the fiefdom. When absent from Manosque, the preceptor named a lieutenant (*locumtenens*). These lieutenants or deputies figure prominently in the criminal inquest records.

Directly responsible for policing crime, overseeing justice, and enforcing sentences was the town bailiff (*bajulus*). The preceptor nominated him to protect the Hospital's local rights and to oversee tax collection. He was invariably a knight of the Hospital, but without any legal education. The bailiff had a subvicar (*subvicarius*), a sort of sheriff, to help him police.

The judge (*judex ordinarius*) of the criminal court was a trained expert who presided over a court of first instance. He was better trained than the other officials of justice, but the criminal documents often gloss over his exact qualifications. At times, criminal judges, answerable to the precept and bailiff, also heard civil cases. Judges worked for one year terms and were, in theory, expected to vacate their office afterward. The judges mentioned in the criminal transcripts presided over the lowest level of justice. In 1315, at the behest of the populace, the Hospital reputedly created a second magistrate, tasked with hearing first appeals. It is uncertain whether the appellate judge ever arrived in Manosque, or whether he worked in the town on a full-time, or occasional, basis. Like the ordinary judge, he was supposed to be a foreigner and was required to reside inside the town.³ The criminal series

1. The first preceptor from this era, Francisco de Puy-Agut, came to his post thanks to a papal bull of 1330 and remained for 15 years. He made the locals pay him homage and consolidated his hold over certain tracts of land. See Isnard, *Livre des privilèges*, LIII. The last preceptor from this time, Jehan de Venterol, was simultaneously commander of les Omergues, Aix, and Manosque. He ruled from 1399 until his death in 1432. In 1410, he conceded a privilege to the townspeople, exempting them from several forms of taxation. See M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), LIV-LV.

2. ISNARD, *Livre des privilèges*, XLVII.

3. 'Item conquerebantur dicti sindici, quod dicta domus Hospitalis seu preceptor ejusdem non tenebat ibi judicem appellationum . . . quod dictus preceptor ordinet et statuatur, ordinare et statuere debeat judicem primarium appellationum, qui in dicto loco audiat appellationum causas et ibi judicet cum fuerit opportunum; et ille sit extraneus, ut supra in proximo precedenti capitulo de ordinario dictum est et expressum . . .' ISNARD, *Livre des privilèges*, 165. Reynayd dates the existence of an appellate judge even earlier than does Isnard. Reynaud writes 'Au-dessus du juge ordinaire, Manosque avait un juge seigneurial des premières appellations. La première mention que nous trouvions de son activité figure dans l'accord passé en 1258 avec Notre-Dame-de-Romiguiers, où il est dit que les hommes du prieur ressortaient au tribunal de l'Ordre, tant en première instance qu'en appel. Sa juridiction s'étendait d'une façon générale sur toutes les possessions de la commanderie, mais il ne semble pas qu'elle ait suffi à occuper tout

contains virtually no evidence of the appellate court. A single record, from an inquest against Crescan the Jew, a physician accused of committing adultery with his Christian patient, indicates the defendant's intent to appeal the verdict.¹ Crescan was sentenced to have his penis amputated and was unusually motivated to pursue even the remotest legal options. Outside of the criminal registers, there is some indirect evidence for the ongoing presence of appellate judges. Documents contained in the Communal Archives of Manosque commemorate their appointments. The Communal Archives also, however, contain records of various instances when the community turned to the judge of nearby Forcalquier to appeal rulings made by the Manosquin ordinary judge.² None of the appeals registers survive. In theory, aside from the ordinary judge and the judge of first appeals, Manosquins had access to a court of second appeals. Second appeals were made directly to the court of the count of Provence in Aix. We cannot know how or how often condemned men and women appealed to the comital court. Not only are there no Manosquin appellate registers, there is only one extant Aixois register of appeals. As a result of the pervasive loss of data, the judicial rituals I can observe only illuminate justice at first blush. Still, even the first level of justice contains important clues.

Ordinary judges answered to the preceptor and bailiff but judges were also accountable, to some extent, to the two judicial *probi homines*. Actual references to the judicial *probi homines* in the criminal registers are frustratingly scarce. In 1342 some *probi homines* were summoned to give evidence about improper weights in the market.³ Those men were, however, merely some local notables. They probably did not have any enduring relationship with the court. The same is true of the *probi homines* who, in 1362, along with a court notary, investigated a claim of clerical privilege.⁴ A single direct mention of *probi homines* linked to the court appears in

son temps: il devait avoir en même temps d'autres occupations, car il ne résidait pas en permanence et, en avril et octobre 1312, les procureurs de la communauté protestaient contre l'absence de Raymond Char-dosse, nommé depuis mars à ce poste; de plus, la transaction de 1316 imposa au commandeur de nommer et d'entretenir un juge des premiers appeaux. D'ailleurs, son traitement n'était en 1338 que de dix livres par an, soit le tiers du juge ordinaire.' REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 168–9.

1. A notation in the trial, which runs between 56H 986 ff 73 through 76, indicates Crescan's intent to appeal.

2. For the nomination of two appellate judges, see series Fb No. 15 dating from 1311. A document dating from 1377 contains the results of a trial initiated by the community against the Commander of Manosque who had been imposing harsh policing conditions upon the citizenry. It was heard by a judge of first appeals and may be found at Ff No. 13. For the slightly later period, No. 44 in that same series contains the sentences of the Manosquin judge made against a man who refused to hand over the key to the archives to the town's syndics. A judge of second appeals confirmed the ruling. Now, whether these appellate judges were the same officers as existed in the earlier period remains to be demonstrated. These documents have yet to be studied. Finally, for two examples of the community appealing to the judge of Forcalquier to appeal a decision made by the Manosquin ordinary judge, see series Ff nos. 5 and 7 dating from June of 1314 and May of 1333 respectively.

3. 56H 986 f° 178 v. from 27 August 1342.

4. 56H 994 f° 8–8 v. from 23 May 1362. Since the court did not have jurisdiction over ordained

a murder inquest.¹ Since the actual legal function of the judicial *probi homines* was passive, they monitored sentences, court notaries did not feel the need to record their participation in inquests. When judicial overseers did offer advice to a judge, it was informal and happened outside the official court mechanism. Court notaries were also not concerned if and when *probi homines* communicated what they knew to outsiders. So, aside from that single inquest reference, the judicial *probi homines* left no mark in the registers.

Beneath the preceptor, the bailiff, the subvicar, and the judge, toiled the subordinate officers of justice. The most visible of these are the court notaries (*notarii curie*) who produced the criminal registers. Most notaries were prominent members of the Manosquin community. Provençal public notaries made important intellectual contributions wherever they lived; many, for example, had top-notch libraries or art collections.² Manosque, however, had some wealthy notaries and some not-so-wealthy notaries. None of them were as well trained as the full-fledged jurists (*jurisperiti*) or lawyers (*advocati*) who sometimes appeared in court. Those men tended to work as defense lawyers, although the local statutes barred them from working for a foreigner against the interests of an inhabitant or the seigneur.

5 Mobilizing the Players

A criminal prosecution was just as likely to begin because of a formal denunciation (*ad denuntiationem*) as it was because the court wanted an inquest (*ex officio*). When the court acted *ex officio* it had usually heard a rumour (*rumor, fama publica*) or received a tip.³ Prior to the fourteenth century, the old accusatorial procedure required an outside denunciation. This pitted accuser directly against ac-

clerics of any rank or order, accused men sometimes made claim to *privilegium clericali*. When this happened, the court investigated to determine whether the accused should be relaxed to episcopal justice.

1. 56H 997 f^o 197 from 17 October 1369 mentions five local *probi homines* and the two *probi homines* attached to the court. ‘*Demum prefatus dominus locumtenens et bajulus una cum nobili Bertrando de Torrieves, Guillelmo Textoris, Michaelae Raynerii, Jacobo Symonis, Hugone de Sancto Johanne probis hominibus de Manasca et non nullis aliis probis hominibus dicte curie accesserunt cum una entorta cerea accensa ad feraginem dicti Petri Valencie in qua invenerunt in terra feraginis predicta quendam corpus sive cadaver mortuum . . .*’

2. Roger AUBENAS. *Étude sur le notariat Provençal au Moyen Âge et sous l'ancien régime* (Aix-en-Provence: Éditions du feu, 1931), 104.

3. Laura Ikins Stern makes a further distinction. She specifies that in medieval Florence, the court initiated inquests in one of four ways: as the result of a private accusation (denunciation), *ex officio*, as the result of public fame, or at the denunciation of a public official. While these categories are precise, it seems more important to maintain that there were basically two ways for trials to begin: first, as the result of an outside denunciation, and, second, when the court or one of its officers determined that a trial was warranted. See chapter two, ‘Inquisition Procedure . . .’ of Laura Ikins STERN, *The Criminal Law System of Medieval and Renaissance Florence* (Baltimore: The Johns Hopkins University Press, 1994).

cused and reflected a more private ideal of justice, one where the court acted to reconcile conflicted parties. With the revival of inquisitional process, however, this was no longer true. Inquests gave the court, or its officers, free reign to denounce. Both scenarios happened regularly. In about 10 % of all trial records (138 out of 1,543) specific agents of the court made denunciations. In another 40 % the court simply began *ex officio*. The remaining 50 % of case records name private persons as denouncers. Members of the public, therefore, frequently collaborated with the court to initiate inquests against their enemies. They whispered in the ear of court officials, spread strategic rumours, and came forth to denounce. Even so, judges also actively initiated inquests on their own. This trend developed, in part, because of the growth of formal theories of governance among the owners of courts.¹ Along with this new development in criminal procedure came a blossoming concept that crime not only harmed victims, it offended the public good. In short, 'the inquisitorial mode allowed for a more active court, one more willing to view law-breaking as a crime against the state, than had hitherto been the case.'² Before inquisitorial process, judges had acted as arbitrators, as 'umpires of personal combat.'³ This was no longer true of inquisitorial judges who actively disseminated justice. This shift toward the inquisitorial procedure moved the official emphasis away from self-help and stressed that the broader community, which some identify as the state, had a stake in things.⁴ Crime, at least from the court's perspective, became a public concern rather than a private matter. But this is not the whole story.

Hidden behind noble juridical concern about the well being of the *res publica* was the ulterior desire to create material and symbolic economies out of justice.

1. The classic argument was put forth by Joseph STRAYER, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970). Strayer argued that as states developed rulers felt increasing pressure to judge. He, therefore, identified the judiciary, along with the exchequer, as one of the pillars of the modern state.

2. Daniel Lord SMALL, 'Common Violence: Vengeance and Inquisition in Fourteenth-Century Marseille,' *Past and Present*, 151 (May 1996): 34.

3. Adhémar ESMEIN, *A History of Continental Criminal Procedure, with Special Reference to France*, trans. John Simpson (New York: Augustus M. Kelley, 1968), 2.

4. For a more detailed, although somewhat deterministic view, of the two systems, consult the classic work by ESMEIN, *A History of Continental Criminal Procedure*. The author outlines the transition in Europe from the accusatorial procedure to the inquisitorial and beyond. In attempting to demonstrate a positive evolution, his analysis and value judgements are dated. His general emphasis on the secrecy of inquisition trials and the predominant use of torture is not at all in keeping with what we now know about late medieval courts. Various authors, Claude Gauvard among them, believe that the shift from negotiated justice to imposed justice corresponds with the evolution of the modern state. Jacob wrote '*À la suite de la réforme grégorienne et de son succès confirmé, la morale de l'Église romaine et son droit canonique atteignirent alors un état presque achevé. En même temps émergeaient les premières formations préfigurant l'État moderne: les grandes monarchies de l'Europe de l'Ouest et de multiples principautés, nanties de ressources et de pouvoirs d'une ampleur jusque-là inconnue. Établie en leur nom, l'institution judiciaire se trouva soudain investie d'une force sans rapport avec celle des mécanismes de régulation des conflits qui l'avaient précédée. Avec la montée de la puissance étatique, la justice d'autorité supplantait de manière irréversible la justice de négociation.*' JACOB, 18–19.

Court owners and operators, whether deliberately or intuitively, acted on this desire. On a material level, courts generated revenues for their owners.¹ Owners and operators manoeuvred to draw members of the public into lucrative judicial commerce. Court personnel worked to obtain public ‘buy-in’ to justice, to encourage people to ascribe symbolic value to curial process, to become its consumers, and to want to participate in the new exchange of judicial currency.² But this economy, on a symbolic level, was also a two-way street. Users profited from curial arbitration. Through it they restored, protected, and seized honour from others. In the end, this symbolic exchange benefited courts. It allowed judges to become increasingly active. All of this demonstrates the symbiotic relationship between ruler and ruled. Whereas one historian noted that the old accusatorial system was ‘a sham fight between two combatants, to which the judge puts an end by deciding against one or other of the parties,’ and that the inquisitorial system was ‘better adapted to the needs of social repression,’ the reality was more complex.³ The former system represented an early awareness that the state should facilitate the regulation of disputes. Over time, the latter developed, not out of a desire to repress, but out of a sophisticated awareness that the state had a greater imperative than simple facilitation. It was responding to a demand, both from on high and down low, for more active prosecution.⁴ This transformation occurred in Manosque at the same time as it did elsewhere.⁵

1. Rodrigue LAVOIE, ‘Les statistiques criminelles et le visage du justicier: justice royale et justice seigneuriale en Provence au Moyen Âge,’ *Provence historique* 29, fasc. 115 (1979).

2. This is one of the basic arguments in SMAIL, *The Consumption of Justice*.

3. ESMEIN, *A History of Continental Criminal Procedure*, 3 and 8 respectively. Also Patricia MacCaughan, *La justice à Manosque au XIII^e siècle: Évolution et représentation* (Paris: Honoré Champion, 2005).

4. This sense of obligation is neatly summed up in a formula which remarks on the importance of justice not being frustrated. It comes from 56H 1001 f^o 32, dated 16 October 1394. It reads: ‘*Quoniam si nocentes condigna pena non flecteret prostrata subcumberet justicia et malorum perversitas turbato ordine bonorum paciencia subiugaret suadet et enim ratio ob maleficia penas solui quia non frustra institute sunt potestates Regis jus cognitionis virgule carnificis arma militis disciplina dominantis pariterque severitas boni patris ymo ipsorum singula suos habe[n]t modos, causas, rationes et utilitates apertas non transgressorum exemplaris ulcio fit ceteris indictio delinquendi quia alii eorum exemplati correctione pretereta et si non virtutis amore saltem pene formidine prosilire ad similia merito pertimescunt pena enim delinquentium oculos rationis aperit quos culpe cessitas clauserat et ipsius pene metu machinantes transgredi alapsu revocate pietatis.*’

5. Gonthier, for example, describes how tribunals gained great latitude through renewed inquisitorial procedures. ‘*Progressivement s’établit donc en Lyonnais l’usage d’une procédure donnant plus grande latitude au tribunal. Cette pratique inquisitoire, qui s’est répandue plus tôt dans les cours d’Église qu’au sein des juridictions laïques suppose la saisine du juge sur “commune renommée.” La rumeur publique suffit à dénoncer un prévenu auprès des tribunaux et à justifier l’ouverture d’une enquête. Nombre d’audiences commencent par ces quelques mots: “ad aures curie pervenit quod . . .” ou “vehementi fama laborante contra . . . X.”*’ Nicole GONTHIER, *Délinquance, justice et société dans le Lyonnais médiéval, de la fin du XIII^e siècle au début du XVI^e siècle* (Paris: Éditions Arguments, 1993), 200–1.

Once the court had cause to begin an inquest (*inquisitio*) it rounded up suspects and gathered witnesses. Accused persons were either arrested, if they were not already in custody, or summoned, depending upon the nature of the offence. Most violent offenders were already in custody; their arrests having sparked their inquests. Non-violent offenders received formal notice to appear. The process of summoning people to court was a true ritual. It was repetitive and standardized; the court never deviated from the complex process. It modelled and mirrored an ideal response to authority; it was didactic, it taught how to behave, and was cautionary. It was blatantly communicative; it broadcast information about deviancy to the populace. The information was intended to inform but also to co-opt the public into locating and rounding up suspects. Finally, it reinforced the social order; public summonses reassured people that justice was being done and that civic governance was intact. Beyond these characteristics, though, court summonses were deliberately performative and showy affairs. They involved town criers, dressed in livery, and noisy trumpets. Those who ignored summonses did so at their own peril. The statutes of Forcalquier, which held sway in Manosque, state that knights who ignored a summons incurred a penalty of two shillings (*solidos*); everyone else owed twelve deniers (*denarios*). Knights or their sons who ignored a second summons owed ten shillings; everyone else five. People living outside the city walls were given the benefit of a third summons. If they failed to heed it, the court doubled the previous fines.¹ The criminal registers show that the court followed this procedure, although it is uncertain whether, or to what extent, it maintained the prescribed monetary fines. Eighteen inquest records (1.17 %) preserve elaborate details. They show that if an accused man failed to appear in court, then the judge dispatched the nuncio to his home to make a second formal summons. The nuncio then reported back to the court that he had performed his duty and gave the details. If the accused still did not appear, this process was twice repeated. After the third citation, the court charged the truant suspect for his contumacy. Court notaries were careful to make a notation of *contumax* in the transcript's margin. This was not a condemnation based on the charges contained in the title of the act. Rather, a notation of *contu-*

1. 'Quicumque vocatus fuerit a curia pro justicia aut pro aliquo alio facto seu negocio veniat secundum quod ei injunctum fuerit et representet se judici curie nec discedat sine judicis licencia; alioquin miles solvat pro pena II solidos, et quilibet alius solvat XII denarios in prima citacione; si vero secundo citatus fuerit et non venerit, miles solvat X solidos et quilibet alius quinque solidos; quod autem dictum est de militibus intelligitur et de filiis eorumdem. Et hec locum habeant in civibus in civitate Aquensi habitantibus. Si vero habitantes extra hanc civitatem in castris vel villis de bajulia Aquensi citati fuerint primo vel secundo vel tertio et non venerint, predicta banna duplicentur in eis, ne homines in consequenda justicia sua diucius fatigentur. . . ' ISNARD, *Livre des privilèges*, 64. The articles copied into the Manosquin cartulary that Isnard used are based on the statutes of Aix; these date from 1245. This explains the curious reference to that city in an edition of the Manosquin statutes. A scientific edition of the *Aixoïs* statutes is available in F. BENOÎT, *Recueil des actes des comtes de Provence appartenant à la maison de Barcelone. Alphonse II et Raymond Bérenger V (1196–1245)* (Monaco & Paris, 1925).

max indicated the imposition of a fine for failing to appear to answer the charges. This entire process, like other procedural elements, drew attention to courtly goings on. The fines attached for contumacy indicate how seriously the court took this matter.

The court observed its ritual for summoning suspects rigidly and rarely bypassed it, even when there was little hope of producing a suspect. This was the case, for example, in the trial of Guilhem Feraudi, a blacksmith (*faber*) from Beaumont who inhabited Manosque and was prosecuted on 16 February 1356 for theft.¹ After the notary entered charge against him into the record the judge dispatched the nuncio. The transcript diligently notes that the accused blacksmith had fled Manosque for fear of prosecution. Despite knowing that Guilhem had fled, the judge dispatched the nuncio three times to summon him. The nuncio made these calls in public, in front of Guilhem's home. When Guilhem failed to answer the third summons, the judge commanded that the court herald (*præco*) take his trumpet and accompany the nuncio. They were to ride throughout the town and the usual places (*per villam Manuscam . . . et per loca consueta*) and announce that Guilhem was a fugitive from justice wanted on charges of theft. Although Guilhem never appeared, the court managed to collect a fine for his contumacy. Manosque was not the only jurisdiction to collect fines for contumacy. The papal courts at Avignon did so, as did courts in and around Lyon.² By the sixteenth century, northern French courts even tried effigies in lieu of contumacious suspects.³ The pervasiveness of this phenomenon hints at its usefulness. On the one hand, in an age before police forces and mass communication, rounding up suspects was tricky business. On the other, the only way justice could work in such an environment was to draw in as many people as possible.

In general, despite the absence of a real police force, and despite occasional contumacy, the court was remarkably effective at gathering suspects. Contumacy cases only account for about 1 % of the sample set. Still, this figure distorts efficiency, surely, since it does not take into account the many inquests that lack a verdict or that are incomplete. Some of these may have resulted from absent suspects, others from out of court settlements. Regardless, if the court could gather all the required parties for a trial, and this was the norm, it began to gather evidence.

In most inquest records, following the arraignment and plea, the court interviewed witnesses. The court notary may have spoken to them informally, prior to their official interrogation. This happened in Avignon.⁴ But the Manosquin tran-

1. 56H 991 ff 11v-13.

2. For Avignon see CHIFFOLEAU, *Les justices du pape*, 45; for Lyon see GONTHIER, *Délinquance, justice et société*, 221-2.

3. E. COHEN, *The Crossroads of Justice*, 143-4.

4. Chiffoleau notes that in Avignon, criminal court notaries screened witnesses and provided judges with a copy of the transcripts from the interrogations. No such independent transcripts exist

scripts also contain clear examples of witnesses who were definitely not screened. When the court called Raimon Rogerii to testify during the inquest against Peyre Sellernini, for example, he simply stated that he knew nothing and had not even heard anyone talking about the matter (*nichil scire nisi auditu dici*).¹ That was quite common. It raises the question of why the court called such witnesses to testify if it knew they would claim ignorance. People lied, of course, and the court worked quickly. For minor offences, witnesses were rounded up in haste, made to depose, and sent on their way. These people, too, helped spread the word about what was happening in court and to whom.

There was also a tradition, established early on, of hearing from every potential witness. Medieval courts of Roman law did this, in part, to gather as much evidence as possible. They also did it to filter out biased evidence. Strict rules governed who could be admitted as a witness.² Denouncers, known enemies, and close kin could not testify against accused men and women. In the event that they did testify, and were exposed by defence lawyers, the judge could not consider their statements as evidence. Contrary to official Roman legal injunctions, however, sex, rank, and religion were not impediments to testimony. Adult men and women accused and testified, both for and against one another.³ Christians and Jews accused and supported one another regularly. Commoners spoke out against nobles and *vice versa*. Finally, any person with reasonable means could act as guarantor for suspects in inquests.

Every testimony had to be given freely, without threat or bribe.⁴ The trial of

for Manosque, but it seems likely that the notaries would have had some means of conveying the substance of their interrogations to the judge in order to assist him in formulating his line of questioning. See CHIFFOLEAU, *Les justices du pape*, 65.

1. See 56H 986 ff 193–5.

2. Bernard SCHNAPPER, 'Testes inhables. Les témoins reprochables dans l'ancien droit pénal,' *Revue d'histoire du droit* 33, fasc. 4 (1965): 576–616.

3. 'Les interventions des femmes dans le processus judiciaire revêtent des formes très diverses: accusée, dénonciatrice, témoin, experte et garante (fidejutrix). Une condition paraît implicite pour remplir les cinq rôles énumérés: être majeur.' And also 'Même si le droit romain dénie aux femmes la possibilité de se porter accusatrice, 142 Manosquines font acte de délation à l'encontre d'une autre femme.' Andrée COURTEMANCHE, 'Regards sur la femme médiévale: la délinquance féminine à Manosque au tournant du XIV^e siècle,' (Masters Thesis, Laval University, 1981), 34. She goes on to point out that in Manosque, women also testified against men in criminal as well as civil proceedings, despite the fact that Roman law prohibited the former. All of this holds true for the period between 1340 and 1403.

4. This is not to say that legal process did not shape the manner in which scribes recorded testimonies. Daniel Lord Smail's recent analysis of civil court transcripts from fourteenth-century Marseille found syntactical homogeneity in witness testimonies. He wrote, 'testimony is relatively homogenous, a homogeneity all the more striking because the witnesses were male and female, near-neighbours and strangers . . . and . . . workers in unrelated trades: in short a varied lot. The homogeneity was embedded both in what one might call the syntax of the deposition; the basic order in which points were addressed, and forms . . . [common words] appear in the articles of proof offered by the plaintiffs and were simply parroted in the depositions. The resulting echoes serve to link the depositions together as a programmatic series . . . Art historians describe devices like this as forming

Bonvaylon, a Jewish inhabitant of Manosque, illustrates.¹ The court alleged that Bonvaylon, unmindful of temporal or eternal penalties and setting aside his fear and love of god, used flattering and persuasive words to convince some foreign Christians to deflower his daughter Bacona. The court invoked the ancient Julian laws against adultery, prostitution, and procuring (*in legem iuliani de adultreis et strupo et lenoncinio*). The offences allegedly took place in Bonvaylon's own home and elsewhere. The court also charged him with other false and malicious acts of sexual violation, procuration, and theft.² All this, the record states, was common knowledge throughout Manosque and the surrounding area. The court, nevertheless, was mindful of the scandal and suspicion such accusations brought. It took pains to treat witnesses correctly. Its notary, therefore, diligently recorded that one of the witnesses, another Jew, swore that he was not Bonvaylon's enemy and that he had not been bribed or coerced to speak against him.³

6 Speaking in Court: Dialogues and Monologues

Before a person could utter a single word in court, he or she swore an oath. The court compelled every Christian who gave information at an inquest to swear upon the gospels. This ritual took on particular symbolic importance for the actors. Despite the fact that the trial could not proceed without it, court notaries always made written record that it had occurred. This was, in part, standard notarial formula, but it signalled that the oath mattered. Oaths were valuable commodities in the Middle Ages. They formed the basis of lordship and vassalage, and were deeply rooted in faith: oaths summoned god to bear witness to the workings of men⁴ Even Jews, not

part of an illustration program, the goal of which is to build a series of stylistically similar images. The images do not convey truth claims so much as they gradually build up, over the course of the reader's perusal, a representation of a set of truth claims. In a similar way, the witnesses recruited by late medieval litigants can be said to form a witness program, a sequence of depositions designed to build up an image or an aesthetic of truth.' Daniel Lord SMAIL, 'Witness Programs in Medieval Marseille' in *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials*, ed. Michael GOODICH (New York: Palgrave MacMillan, 2006) 229. The testimonies recorded by the criminal court in Manosque, likewise, often deliberately echo the words and phrases contained in the act of accusation. Just as often, though, witnesses simply agreed (*dixit quod sic*) or disagreed (*dixit quod non*) with the words in the act.

1. 56H 986 ff 241–242 from 7 May 1343. The court began the inquest because of a rumour it heard.

2. '*Item et super eo quod dictus iudeus delatus comissit infra dictam villam et territorium de Manuasce plura alia maleficia falsitates deflorationes lenocinia et furta diversa.*'

3. '*Interrogatus si fuit [in]structus vel subornatus ferre tale testimonium dixit quod non. Interrogatus si prece precio odio amore vel timore tulit hoc testimonium dixit quod non. Interrogatus si inimicatus dicto Bonvaylono dixit quod non.*'

4. Yvonne Bongert wrote, '*Le serment tenait une place prépondérante dans la vie médiévale: sur lui reposait tout l'édifice de la féodalité. C'était un acte essentiellement religieux puisque Dieu était appelé à*

bound by Christian scripture, swore oaths in court. Instead of placing their hands upon the writings of the evangelists (*juravit ad sancta Dey evangelia*), they swore 'upon the laws of Moses' (*juravit ad sancta legem Moysi*). One scholar, commenting on oaths in Provençal towns, found examples of Jews who, in the absence of any Hebrew scriptures, swore while clutching the notary's robes.¹ This never happened in Manosque but physical touch was always an important ritualistic element of every judicial oath.² Finally, in order for oath swearing to have the greatest ritual impact, men and women always swore aloud and in the vernacular (*in vulgari*). This ensured that operators, subjects, and observers of the court all understood what was happening. Oaths are the most visible trace of oral formulae in the records, but there were surely others. There was, for example, an opening and closing verbal formula, now lost, that was spoken by an official. While the transcripts do not include these phrases, they do contain their own rich and repetitive written formulae.

Although one legal historian has suggested that accusers, accused, and witnesses spoke separately from one another, this was not necessarily true in Manosque.³ It was especially unlikely for inquests into common offences like assault. In such inquests the court frequently swore in witnesses and accused on the same day, and it is very likely that they went before the judge simultaneously. This sort of face-to-face showdown heightened dramatic tensions. The judge, sometimes the court notary, interviewed acceptable witnesses however he saw fit. Most witnesses answered in Occitan and the notary, transcribing in somewhat corrupt Latin, borrowed freely from speakers' native words when he could not think of a proper Latin equivalent. These scribes easily adapted Provençal words to Latin endings.

garantir les démarches humaines en y intervenant comme témoin: "Jurare est testem Deum invocare." Yvonne BONGERT, *Recherches sur les cours laïques du x^e au XIII^e siècle* (Paris: Éditions A. & J. Picard & Compagnie, 1949), 205. For a more recent discussion on oaths, consult the collection of papers contained in Raymond VERDIER, *Le serment* (Paris: CNRS, 1992). These works place the linguistic symbolism of oaths, the rituals associated with them, and their divine authority into a social and juridical context.

1. 'On exigeait le serment de toutes les parties, quelle que fut leur religion . . . et, quelquefois, on leur faisait mettre la main droite sur l'Évangile, ouvert au verset Te igitur . . . [Les juifs] prêtaient serment sur les livres de la loi hébraïque, sur le Talmud, par exemple, et quand on ne pouvait s'en procurer, on les faisait jurer tellement quellement. J'ai tenu en main plusieurs actes, datant de 1458 et 1496, dans lesquels le serment more hebraïco est prêté d'une manière fort originale. Le juif jurait sur la robe du notaire. "Super raupam michi notarii." C'est authentique. Je pense que le fait valait la peine d'être noté.' ARNAUD, *Histoire de la viguerie de Forcalquier*, 435–436.

2. Although not always present in the formula, several records of oaths do specify the element of touch. The swearing in of Raimon Juliani, a shepherd, reveals this fact: 'Eodem die Raymundus Juliani pastor Johannis Bossarelli de Manuasca testis pro parte curie receptus iuravit ad sancta Dei euangelia per ejus manum propriam . . .' See 56H 995 f^o 49, a trial dated 14 September 1366. No Jews swore on robes in Manosque, but at least one Christian did. 56H 986 f^o 75 has brother Guihelm Peregrini swear upon his religious habit (*frater Guillelmus Peregrini testis juratus super habitum sue religionis*).

3. STERN, *Criminal Law System of Florence*, 31.

Sometimes, as was the case when the witness was too ill to appear in court, the court officials travelled to meet that person. The Manosquin statutes also stipulate that noblewomen, and those benefiting from noble status, including the wives of notaries, could give testimony in their homes or in church.¹ This was a fossil, an exception originally negotiated to preserve modesty and to protect from the scandal of appearing in a criminal court. It was a holdover from the older process that openly pitted accusers and accused against one another. Tellingly, there is not one instance in the fourteenth or early fifteenth centuries of the court travelling to interview a noblewoman. The exception became entirely hypothetical. The court did travel to hear from other sorts of witnesses or victims, but this was usually because of a practical impediment.

Interrogations were supposed to follow a sort of script, but there was room for improvisation. Judges interacted with witnesses using a question-and-answer format (*interrogatus. . . dixit quod . . .*). The constraints of this rite hampered narrative. Judges limited what witnesses told by selecting topics. It was, nevertheless, during interrogations that the notaries of Manosque recorded the most colourful tales. Through the depositions of witnesses and accused parties the central plots unfolded. Speakers had the occasion to present their sides of the story, even to embellish or colour events. Judges knew this. They worked to keep witnesses on task. Still, deposing presented an opportunity for individuals to sway the court and, just as importantly, to manoeuvre socially.

If the criminal records contain precious few direct references to the audience that received their tales, there is no doubt that speakers constructed stories to elicit responses from an extra-curial audience. Even if a broader public did not receive depositions immediately, their contents reveal that those who voiced them believed they would be. Deposers, therefore, frequently adopted a consciously performative tone. This is a key point, one worthy of much greater exploration. The following chapter, therefore, focuses entirely on depositional performances.² For now, suffice to say that, in an honour-shame culture speakers had much more at stake than the

1. A confirmation of rights dating from 27 July 1300 stipulated that, '*nobilibus dominabus et honestis ac divitibus feminabus, que possunt se abstinere a predictis, deferatur, et ad curiam non vocentur pro testimonio ferendo vel alio casu simili, set in ecclesia vel in domo alicujus honeste domine audiantur et evocentur*.' ISNARD, *Livre des privilèges*, 155. These contents were repeated in the form of a public instrument from August of 1300 and today are contained in the Manosquin Communal Archives, Ff 1, dated the sixth day of the calends of August. Smail found that 'Interrogations in Marseille were usually led by a notary of the court. No rules governed the space of interrogation: some took place indoors, in private homes; others outdoors, in the central plaza . . . still others in foreign cities.' SMAIL, 'Witness Programs' 234.

2. This topic is gaining increasing interest from other historians. For an interesting collection of essays see Michael GOODICH, ed. *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials* (New York: Palgrave MacMillan, 2006).

judge's verdict. The protagonists were players in a broader cultural game. How performers fared in court determined the quality of their existence on the streets and in the fields. Actors performed not only in a court of justice; public access meant that they also vied for public opinion. And if justice carried a scale, honour, shame, stigma, and reputation all swung in her balance. So, although the court structured interrogations to gather facts, speakers constructed depositions for larger cultural purposes. Speakers were preoccupied with issues such as honour, shame, prestige, reputation, and solidarity. Mediterranean culture was steeped in the honour code. Honour and shame compounded practical legal concerns over innocence or guilt.

Although the literature on Mediterranean honour is now extensive, the classic and elemental definition remains the one provided by an early pioneer:

Honour is the value of a person in his own eyes, but also in the eyes of his society. It is the estimation of his own worth, his claim to pride, but it is also the acknowledgement of that claim, his excellence recognised by society, his right to pride . . . Honour, therefore, provides a nexus between the ideals of a society and their reproduction in the individual through his aspiration to personify them. As such, it implies not merely an habitual preference for a given mode of conduct, but the entitlement to a certain treatment in return. The right to pride is the right to status . . .¹

A careful reading of slander inquests illustrates how speakers who performed depositions were caught up in the honour game of self-worth and public opinion. Slander, a form of verbal and symbolic violence, was a criminal offence in Manosque. One-third of all inquests address insult, slander, or verbal threats. Manosquins sometimes used slander prosecution to restore a loss of face or to settle a score. Those cases sometimes came in pairs. When this happened, the denouncer in the first case invariably served as the accused in the second, and *vice versa*. So, when in January of 1404, Isnard de Ponte denounced Guilhema, the wife of Jacob Autrici of Sainte-Tulle, for having slandered him, it surely came as no surprise to either party that she, in turn, proceeded to denounce him for slander.² The margins to both transcripts contain identical notations beside their confessions that the court collected a fine (*colligatur juxta suam confessionem*). Both Guilhema and Isnard went to court for having insulted the other. Both acted as denouncers in their own cases. Each in turn freely confessed to having slandered the other. Both paid a fine to the court. Leaping onto the stage, their performance was a carefully choreographed *pas de deux*. The only explanation for why two rational human beings

1. Julian PITT-RIVERS, *The Fate of Shechem or the Politics of Sex* (Cambridge: Cambridge University Press, 1977), 22.

2. The case headed '*Contra Guillelmam uxorem Jacobi Autrici de Sancta Tulia habitatorem Manuasee*' may be found at 56H 1008 f^o 99; the following folio, 100, bearing the heading '*Contra nobilem Isnardum de Ponte*' contains the follow-up case.

went through this charade, this very time consuming and symbolically and materially costly ritual, is public opinion. Regardless of whether members of the public heard or saw the protagonists firsthand at court, the speakers expected that, at some point, the contents of their depositions would be known publicly. The initial insults, presumably, were public, as was the act of taking the matter to court, whatever got said there. And if people knew that their enemy had confessed to the alleged offence, and had been dragged to court, then so much the better; honour was at least partially restored. The shame induced by the original insult was cancelled out by the humiliation of a trial. The satisfaction gained by taking an enemy to court and having them confess their wrongs, moreover, outweighed the embarrassment of having to do the same. To the men and women of Manosque, reciprocal denunciations were a useful strategy to maintain good reputations and preserve honour. That an enemy received some mutual degree of satisfaction was more or less irrelevant since each individual was primarily concerned with restoring his or her own good name. This popular ritual of dual denunciations before the criminal court is, therefore, an important cultural mechanism with very public overtones. It demonstrates that the people who were penalized by the court were not always powerless. They could, moreover, draw very different symbolic meaning from a condemnation. Under the right circumstances, a condemnation could be advantageous. The court was, therefore, caught up in the honour exchange that was common in Mediterranean culture. As courts evolved, they offered novel ways to pursue ancient goals. This made them desirable and useful to everyday people. This desirability and usefulness, however, hinged upon public accessibility and visibility.

7 Act III: The Sentencing and Verdict as Theatrical Climax

After their initial deposition, the vast majority of accused men and women did not speak again in court. For most suspects, the deposition provided the one opportunity to put forth their version of events. True, a sympathetic witness could enhance one's story, but the deposition was the most direct occasion that accused men and women had to influence outcomes. Once a suspect deposed, and if the charges against him were not severe, the court released him back into society pending the verdict. But release was conditional. The court required accused men and women to post a surety. This bond took the form of a guarantor (*fidejussor*). This person agreed to give bond for the good behaviour of the accused and ensure that the suspect would not flee. About one-third of all trials mention a guarantor. 474 of the 1,543 documents (30.72 %) end with the names of *fidejussores*.

Fidejussores were selected from those sharing tight bonds of kinship with suspects, usually close relations or friends. They were part of the performance and

made a statement about access to social networks. Spouses commonly gave bond for one another, both husbands for wives and *vice versa*.¹ Sometimes the relationship between suspect and guarantor is less clear.² Men rounded up for brawling, for example, might swear for one another. *Fidejussores* put themselves at considerable risk, offering up their worldly possessions or large sums of money in the event that the object of their oaths should flee justice.

All that normally remained after depositions was the judge's verdict and sentence. Rulings did not occur immediately, and, in most cases, we do not know exactly how the court presented them. Judges chose their words carefully, possibly following a prescribed formula. After all, 'The danger of speaking carelessly was common to all, judges not excepted.'³ Most trials, however, do not contain a copy of the judge's sentence. They usually contain a marginal note instead to indicate verdicts. These notes served a legal function but they were primarily for bookkeeping: this was a quick and easy record of who had paid their fines. Still, in most cases, the judge's words never appear on the inquest transcript. In fact, aside from a single register with nothing but judicial sentences, only a few trial records preserve copies of full sentences.⁴

Those few unusual examples of sentences that survive are deliberately structured and very formal. One noteworthy sentence, for example, from 13 July 1351 focuses on a female bigamist. After Almodia, the wife of Raimon Farnosi, confessed during interrogation, the notary or judge wrote:

Because it is well known to the judge through the confession of the said Almodia that she contracted marriage first with Bertran Maximi, and celebrated it, and then, unhappy, that she contracted marriage with Raimon Farnosii of Regio, in contempt of civil and canonical sanctions, and because she knew that Raimon carnally and committed adultery against Bertran, and since these are wicked examples and require dire correction, we, the said judge of this case, condemn Almodia that she pay ten pounds within ten days, or, if she is unable to pay, that she run naked, beaten throughout the town, from one gate to another along the usual path until blood flows (*usque ad sanguinis effusionem*), and that she be exiled forever from Manosque and its territory under pain of having her foot amputated.⁵

1. See for example 56H 1001 f^o 10 v. in which one brother denounces another over a fight they had. The accused sibling confessed to it. The denouncer then proceeded to swear for him! More unusual is the trial recorded at 56H 1001, f^o 108–108 v., in which a man was charged with beating his wife. She swore for him.

2. So, in 56H 986 ff 248–249, Jacme Johannis, Jehan Boerii and Antonio Recubreyre were all charged with brawling together using stones. The same woman, Alacxia Guise swore for all three men. What their relationship was to one another, or to her for that matter, is not indicated in the record.

3. E. COHEN, *The Crossroads of Justice*, 63.

4. Register 56H 998 is discussed below.

5. 56H 989 f^o 7–7 v. It contains an insertion marked by hash (#) symbols.

The sentence was simple and elegant. The judge began by giving the legal basis for his decision: Almodia's confession. Although he alluded to Civil and Canon Law, he had no jurisdiction over bigamy, a church offence. He, therefore, condemned her for the closest secular crime contained in the penal *Instrumentum* of 1235: adultery. Given the exceptional circumstances of the adultery, however, namely that Almodia had sought to change husbands, he deviated from the standard punishment of sixty shillings or the naked gauntlet. He increased Almodia's penalty to ten pounds, plus permanent banishment on pain of amputation. Should she prove insolvent, she was to run a naked gambit. The writer of the document probably included this sentence to preserve its unusual punishment and as a record of the banishment. A second sentence preserved in an inquest record also touches upon an unusual ecclesiastical crime. The accused in that case was from Avaye, in the archbishopric of Embrun. The court charged him with blasphemy. This is the only occurrence of this charge I found in the archives.¹ This case, like the previous one, also demonstrates the particular severity that the court reserved for foreigners, none of whom benefitted from the criminal punishments negotiated by statute for citizens. The ruling comes at the end of a brief trial against Giraud Anfossii, a foreigner from Avaye, dated 1 July 1355.² In the title to the inquest, the court accused Giraud of proclaiming something along the lines of 'by the whore mother of God' (*per la puta mayre de dieu* or *per la putan de Sancta Maria*). Giraud was brought before the judge, where he waived his right to a defence. Since the judge knew that Giraud had blasphemed, said awful things in public, and insulted Christ and His mother, he condemned Giraud to have his tongue perforated through with a nail. Then he would be beaten through Manosque, according to custom and in the usual places, with an implement covered in excrement.³ Although this sentence is one of the most physically afflictive in a series noted for monetary fines, the format to the proclamation is simple enough. The judge again began with the reason for the verdict: a confession confirmed by two eyewitnesses. Rather than citing a civil law or

1. While other secular courts, like Chiffolleau's temporal court in Avignon, or Geremek's Parisian courts, heard blasphemy cases, the Manosquin court did not normally do so.

2. 56H 990 ff 19 v. 20.

3. Tongue piercing was an appropriate symbolic penalty for the alleged offence. Others who work on courts have also observed it. Nicole Gonthier devotes a brief section of her book to it. See GONTHIER, *Châtiment du crime*, 141–142 under the heading *Mutilation de la langue*. Also, note the comment in VAN DÜLMEN, *Theatre of Horror*, 48: 'Cutting out the tongue [for blasphemers] was quite common; often, however, it was restricted to slitting the tongue.' For the most interesting study of judicial rituals, tongues, and penance, see Elizabeth EWAN, "'Tongue, you Lied": the Role of the Tongue in Rituals of Public Penance in Late Medieval Scotland' in Edwin D. CRUAN, ed., *The Hands of the Tongue: Essays on Deviant Speech* (Kalamazoo, Michigan: Medieval Institute Publications, 2007), 115–36.

municipal statute, since none was broken, the judge cited the affront to the Catholic faith, to the saviour, and to his holy mother Mary. Again, the details of the unique punishment no doubt explain its inclusion in the register. Despite these two dramatic examples, most judicial sentences resulted in a cash fine. Between 1340 and 1403, I found only five instances of corporal punishment.¹

Although the volume of pecuniary sentences is overwhelming the fine was not the full extent of the punishment. Others have suggested that Provençal courts announced the names of condemned people.² In fact, this was common practice and explains why scribes rarely copied verdicts into their registers. They kept track of verdicts in a separate book used, in part, for public readings.³ The sole extant book of sentences suggests that, while the ceremonies of justice may have been fixed, the details of punishment were mutable and negotiable. So, the register remarks:

We condemn Raimon Roferii of Manosque to 15 shillings.
He paid to the lord and it is cancelled.
Jeahn Sentoris swore faith for him (*fidejussit*).
The punishment is mitigated because of youth (*mitiganta pena quia juvenis*).

Or:

We condemn Raimon Fabri alias Bellos Novos to 15 shillings.
He paid with one pig and it is therefore cancelled.

Or:

We condemn Dulcia Bonete to 50 shillings.
She paid to the lord and through his grace and mandate it is cancelled.
Master Michel Attenulphi swore an oath for her.
The punishment is mitigated because she is a woman and on account of her defence (*Mitiganta pena quia mulier et propter deffensionem*)

1. Lavoie found a slightly higher elevation of instances for the earlier period. He noted 10 cases of corporal punishment between 1289 and 1300. LAVOIE, 'Les statistiques criminelles,' 15. I must also note that four of the five corporal sentences I found come from the same register, 56H 986. It preserves criminal cases assessed during the overly-long judicial tenure of Guilhem Piole. The inappropriate length of Piole's tenure as ordinary judge, and the severity of these four sentences, suggests an unusual level of judicial activism and, possibly, of high-up political support.

2. See, for example, SMAIL, *Consumption of Justice*, and LAVOIE, 'Les statistiques criminelles.'

3. There is only one surviving register of sentences from between 1340 and 1403: it is 56H 998. That cartulary is a scant seven folios in length, and records fifty brief sentences. It is in poor condition and, aside from the obvious dangers in drawing conclusions from a single document, is difficult to read. The majority of its sentences resemble those already presented, except that the offences are more mundane in nature: assault, property disputes, etc. As before, the judge states the charges, indicates whether a confession was obtained or whether sufficient evidence was gathered to condemn. He then sets the penalties, all of which are pecuniary.

Or:

Jehan Pelissoni paid the lord 15 shillings . . .
The punishment is mitigated because he is poor (*quia pauper*).

The court was not unreasonable. It reacted to mitigating circumstances and adjusted.

The preamble to the book of sentences proves that judges proclaimed all verdicts and sentences in public. It begins in the name of the Lord, mentions the date, sometime around the twentieth of November 1341, and then records a public summons. The preceptor mandated that anyone accused of a crime appear in court in eighteen days. The court notary wrote that the nuncio and the public crier made this announcement. On 19 December, the ordinary judge again had them announce that he intended to make known the results of his 'parliament' (*sui parllamenti*). The book notes that the following day, the preceptor and baillif made a third announcement. Any person accused in the court of Manosque of a crime, delict, or wrongdoing who wished or intended to hear the sentence of condemnation or absolution was ordered to appear in court the following day at terce.¹ The preamble concludes by shedding light on how the judge appeared as he sat in court for the tribunal in the manner of the ancestors (*sedens pro tribunali more majorum in curia*):

These are the sentences of condemnation read, widely pronounced, and promulgated in the court of the Hospital of the town of Manosque by the noble judge Jordan Raynaudi, expert jurist (*iurisperitus*), ordinary judge of the said court and town, sitting for the tribunal in the custom of the ancestors . . . making his parliament against those persons named below at the hour and day announced through the voice of the crier, as noted above. In the present process there appeared for the bailiff the noble and provident man Peyre de Salessone, and the court treasurer (*clavarius*), and master Guilhelm Rodulphi, notary, and Jehan Desderii butcher of Manosque, justicers on the part of the town of Manosque.

So judges issued sentences in public, *en masse*, at prescribed times, and in the company of other officials including the two municipal representatives. Judicial *parlements* were the culmination of the ritual-spectacle, the ultimate presentation of all that had transpired and led up to that moment. They provided a final, public, shaming to convicted persons and compounded the subsequent monetary penalty.²

1. *Hora terciarum*, or terce, was the Third Hour, or fixed time, of the Roman Catholic divine office. The name refers to approximately the third hour after dawn, or about 9:00 AM. It corresponds to the saying of the psalms in the medieval liturgy.

2. Nicole Gonthier supports the notion that verdicts were made public in other areas. She writes, '*on écrit le fait sur un panneau cloué . . . Cependant quand le scénario de l'action paraît trop compliqué à résumer de cette façon, on a recours à des crieurs publics qui racontent le crime.*' She goes on to stipulate, however, that, '*[l]e plus souvent ce type de promulgation accompagne des peines physiques de caractère dégradant comme la fustigation publique ou le bannissement.*' GONTHIER, *Châtiment du crime*, 125.

Although one historian, Rodrigue Lavoie, believed accused men and women could escape the shame of sentencing by negotiating with the court, in the fourteenth-century, at least, this was simply not true.¹ Lavoie found notations to indicate that condemned people composed (*composuerunt*), or negotiated, with the court to avoid further scandal. He believed that since the composition happened prior to the publication of the sentence, it prevented the offender's name, recorded in the book of sentences, from being read aloud. He based this conclusion on a register of sentences from between 1289 and 1299.² No one has ever fully explored this issue and the thirteenth-century book of sentences deserves a more careful reading. For example, it shows that on 4 April 1297, the judge condemned a female Jew named Floreta to five shillings, but that she paid less because she composed with him before he pronounced the sentence.³ Similarly, on 5 November 1299, the thirteenth-century book of sentences shows that the judge condemned Plendosa Sartressa to two fines for two offences.⁴ She was condemned to pay twenty-five shillings for the first offence and twenty for the second. The document also reads 'it is not pronounced because she agreed to pay the court 20 shilling . . . and 15 shillings.'⁵ Plendosa's actual trial record survives and confirms the payments.⁶ She negotiated before her sentence was pronounced and was able to reduce her two fines by five shillings apiece. In the thirteenth century, composition allowed the condemned person to negotiate a reduced sentence before the judge pronounced a verdict. There is no evidence, however, despite Lavoie's assertion, that composition also prevented thirteenth-century judges from publicizing reduced sentences during their *parlements*. The fourteenth-century book of sentences bears similar evidence of composition but the language raises a complication. Register 998 lists the following sentences and results, among others:

We condemn Raimon Ode to pay 25 shillings.
He paid (*soluit*) 24 to the lord.

1. ' . . . un inculpé, même dûment convaincu, échappât à la honte inhérente à la publication officielle de la sentence portée contre lui. Le recueil de sentences contient plusieurs notes marginales—au moins 20—diversement explicites à cet égard: composuit, convenit, composuit cum curia, etc. Les transactions que ces formules suggèrent ne portaient pas que sur le montant de l'amende; elles avaient également pour effet d'empêcher la publication des condamnations: cancellata fuit eo quia composuit (*fol. 63*), convenit antequam esset pronunciata in tribus solidis domino iudice volente (*fol. 73*).' LAVOIE, 'Les statistiques criminelles,' 15, and note 34.

2. It is preserved in 56H 953.

3. 'Convenit ante quam esset pronunciata in tribus solidis domino iudice volente.' 56H 953 f^o 73.

4. 56H 953 f^o 82 v.

5. 'non fuit hoc pronunciata quia convenit cum curia in XX solidis; cui non fuit hoc pronunciata quia convenit cum curia (XV solidis)'

6. 56H 955 f^o 23 from 27 January 1299.

His wife swore an oath for him of her own volition (*de voluntate*)¹

...

We condemn Jacme Robaudi, son of Jehan, to pay 20 shillings.

He paid (*soluit*) 11 to the lord; item, the other 9 are cancelled.²

But also:

We condemn Peyre Juliani to pay 20 shillings.

He paid (*soluit*) the lord and it is cancelled.

His father Raimon swears for him.

We condemn Jehan Pelloni to 25 shillings.

He paid (*soluit*) the lord and it is cancelled through his grace.

Bertran Boerii swears an oath for him.

The fourteenth-century register of sentences, therefore, records evidence of suspects negotiating reduced fines but, unlike its thirteenth-century counterpart, it does not specify that negotiations took place before the pronouncement of the verdict. The terminology used in the fourteenth-century book is also not as clear, since the same verb, *soluere*, describes those who paid the full fine and those who paid reduced fines. The thirteenth-century document, however, consistently uses *composuere* to distinguish those who negotiated a reduced fine. But the notation of *composuit* had not disappeared entirely in the fourteenth century. In the inquest records, *composuit* is a standard marginal notation that appears alongside the more common *collecta*. I assume that in the fourteenth-century, court notaries used *collecta* for those who paid a full fine, and *composuit* for those who negotiated to pay less. In some trial records the notary deliberately distinguished that one party's fine was *collecta* while another's was *composita*.³ Marginal notations prove that fourteenth-century criminals negotiated payments with the court as did their predecessors a century earlier.

1. 56H 998 f^o 3.

2. 56H 998 f^o 3 v.

3. See, for example, 56H 993ff 4–6 v. In that record, the court prosecuted three shepherds on 16 December 1361. The first two are noted to have composed with the court. Their depositions are cancelled with heavy Xs and their names, in the Title of the document, crossed out. Beside both their depositions, the notary wrote: '*composuit . . . cum domino fratre Guilhelmo de Venterolis et ideo cancellata mandato ejusdem domini Guillelmo.*' The third suspect, however, did not compose. His deposition is not cancelled, as are the other two, nor is his name stricken in the Title. Instead, beside his testimony, the document reads: '*absolvatur super primo titulo et super secundo colligatur juxta acta et sui confessionem. Collecta per me Isnardum Garrelli.*' The same was also true in 56H 997 f^o 165–165 v. That inquest, initiated against Guilhem Monnerii, Jacme Fornerii, and Raimon Fabri of Beaumont, saw the three men accused of savagely beating a Jewish girl carrying a basket of grapes at Vespers near a town gate. Marginal notations indicate that Guilhem paid the fine to the court (*collecta*) but that Jacme and Raimond composed (*composuerunt*). The same is true in 56H 993 ff 4–6 v. and 56H 994 ff 147–148 v., *inter alia*.

The records certainly do preserve evidence of negotiations between denouncers and suspects, especially when judges arbitrated disputes. When, on 1 October 1369, Margarita denounced Alasia for calling her a whore (*putan*), the judge aborted the inquest.¹ Both parties settled out of court, and the notary simply wrote *composuit* beside Alasia's deposition. Likewise, when two brothers were brought to court over a disagreement, the court ended its record by noting: 'the present inquest is cancelled at the mandate of the venerable and religious man brother Frances Cayssi, lieutenant for the lord preceptor . . . because he composed with the advice of the lord judge.'²

So, composition was a type of settlement between parties. It happened between suspects and an officer of the Hospital, or of the court, or between two opposed individuals. When the court composed with condemned people, it did so before the judge formally pronounced his sentence. There is still a question as to whether this pronouncement can be equated with the formal announcement which occurred at the judicial *parlements*. Regardless, the outcome was always the same. If the court composed, a reduced settlement was reached and the trial ended. Similarly, when enemies composed together in court, their trial ended abruptly.

The collection of fines and the issue of sentencing were surrounded by negotiations. The court was willing to reduce fines unilaterally for mitigating circumstances, such as poverty. This indicates that the subjects of justice had certain powers in court. Custom allowed them to negotiate their fines and proffer alternate payments. The court likely did this to minimize the chances of not receiving any payment at all. But the court was also not detached from its community. It was not immune to local or personal concerns and circumstances. Justice and regulation were not rigid and separate; they were inextricably intertwined with, and responsive to, the economic and social realities of everyday life.

Composition also restricted the intensity of justice. It occurred prior to pronouncement of sentences and limited their severity. Even if the sentence was subsequently announced, the judge proclaimed the reduced penalty, to the benefit of the offender. More to the point, composition cut short the embarrassment of a trial. The moment the court accepted negotiation, it halted inquests and interrogations. This was the case of Antoni Barralerii, charged on 2 April 1370 due to an outstanding sum he owed from a previous trial. A notation beside the transcript indicates *composuit et ideo cancellata*.³ The court did not call any witnesses to testify for or

1. 56H 997 f^o 169.

2. 56H 991 f^o 97 v.

3. 56H 997 ff 33–34. LAVOIE, 'Les statistiques criminelles,' 15, takes a different view, noting that composition occurred only at the last possible minute, as judges were preparing to render their sentences and after the entire inquest had been played out. The examples cited here, and others from the criminal registers, seem to belie this point.

against Antoni. The same was true when the court prosecuted Peyre Arnulphi for bearing a forbidden weapon inside the town, a common offence that shows the extent to which the court kept the daily peace. Peyre's transcript reads simply *composit cum domino bajulo* and records no witnesses.¹ The accused simply admitted to his offence and avoided further prosecution. This may even have inclined the court to greater leniency.²



When judges proclaimed sentences at their *parlements* there was a direct speaker-listener relationship at play, one that filtered out other participants in the drama. At this, the climactic moment of the judicial ceremony, all other parties became redundant. Only the judge, the representative of seigneurial power, and the accused person, mattered. They were, for a few moments, engaged in a direct, intimate, and unidirectional relationship that concluded the inquest ceremony. Until that moment, accused men and women had some power to manoeuvre. Composition allowed them to negotiate with the court, just as surely as denunciation allowed them to activate its process. At the moment of sentencing, though, all movement stopped. In those final moments of the drama, negotiation ended and the judge assumed control to bring the ritual to a close.

8 The Sequel?

There was another option for defendants to prolong the drama: following the inquest, and prior to the sentencing, they could mount a formal defence. Most individuals did not pursue this avenue. Their inquest records end simply with the notation that the accused had been given ten days to prepare a defence. Thirty-seven transcripts, however, preserve the notes used by defence lawyers.

Defences were exceptional because they cost money. Suspects needed to retain lawyers to represent them. The inquest records do not, unfortunately, allow us to determine who could afford lawyers and who could not. Among the thirty-seven inserted defences, though, there are some clues. I found two defences for cobblers (*sabaterii*), two for tailors (*sartores*), and three for Jews. All had access to money. Not surprisingly, though, the most likely profession to hire a defence lawyer was the public notariate. Five defences on behalf of notaries survive, and one exists for a notary's wife. Members of the legal profession were the most likely to pursue courtly

1. 56H 997 f^o 143.

2. 'A defendant who confessed as his first response paid a reduced penalty of three-fourths of the penalty.' STERN, *Criminal Law System of Florence*, 29.

arbitration in the most informed and supported manner available. Other users of the court had limited access to defence lawyers or the cash to pay them and were, therefore, more inclined to rely on simple arbitration from a judge or to seek alternate forms of resolution, such as composition or even forceful extra-curial 'self-help.'

Defence lawyers relied on the criminal transcripts to formulate their arguments, to review witness depositions, and to analyze the merits of the proofs gathered by the court. Their task was to attack those proofs, undermine them, and, ultimately, show them to be lacking in substance or legal merit. When a defence did not occur, the criminal inquest (*inquisitio*) assumed the full weight of a trial.

Producing a defence augmented the public nature of the inquest since it usually involved more witnesses, this time to support the accused. This was the case on 20 December 1369 following an inquest initiated against Peyre de Puteo.¹ Ten days earlier, the court's subvicar accused Peyre of knowingly hurling a *rotula*, a small wheel, at another man's face. Peyre had wounded Tibaud Laugier beneath his left eye. Tibaud had collapsed bleeding. The event occurred in public before witnesses, three of whom deposed at the inquest. Although confession was the norm for mundane assault cases, Peyre used his legal defence to gain an acquittal. The small folded sheets containing the record of this defence begin by repeating the allegations of the inquest. They next record that, since Peyre was innocent of the above charges, and, in order to reveal his innocence to the judge, he petitioned that the court receive certain Titles of Defence. This was done so that the allegations might not destroy him and so that everyone who learned of them might know his innocence. Peyre's defence was based on several simple points: he argued he was still good friends with the supposed victim; that he had thrown the wheel at the ground but that it had accidentally ricocheted; that they were playing a game; that men often played together in that spot, and drank, and that this was licit and normal; that men were often injured in this game and that the court never prosecuted for it; that Peyre had a good reputation and was peaceful and modest and that he had never been in a fight and would never strike another. Once his lawyer presented his defence to the court, Peyre called several character witnesses. The court read each man the items in the Title of accusation in Occitan and received their oaths. Peyre's lawyer then interrogated them according to the defence strategy. At the end of their depositions, the lawyer asked the standard questions: had they been led, instructed, taught, informed or suborned, bought, influenced by love, fear, or hate, or promised any gift? Each man confirmed he had not. This rhetorical formula, the bookend to the swearing-in ceremony, was standard court ritual. It added solemnity to the proceedings. It was part of the oral ceremony that served to intimidate participants, guarantee orthodoxy, and reinforce the sanctity of the act. The second witness to

1. Inserted after 56H 997 f^o 2.

speak was also the victim. Tibaud confirmed that the injury was accidental and that Peyre, the accused, had even warned him: 'Look out! Look out!' As a result of the defence depositions the judge absolved Peyre.

The case against Peyre is particularly interesting since his alleged victim was clearly disinterested in seeing him prosecuted. There is no doubt that the men were playing a team sport when an accidental injury occurred. Nevertheless, the court mounted the inquest, spent valuable resources to enact it, and someone paid for Peyre's defence lawyer. This reinforces the concept that the court acted independently, out of a sense that things were not always as they seemed, and that, even in the absence of an aggrieved party, it had a mandate to prosecute and investigate. The subvicar had witnessed the event in question, or had it relayed to him by a bystander. This alone was sufficient legal cause to begin the materially and symbolically costly inquest process.¹ Defences, like the one produced by Peyre de Puteo, reflect the same principles as inquests: they drew in members of the community to speak what they knew. This enhanced the public character of justice and reinforced that juridical speech was formalized and meaningful to reputation.

9 Conclusion: On Audiences

Although the inquest records provide scant direct evidence about the rituals that shaped their transcription they do prove that court ritual was deliberately communicative. Readers of court transcripts were all, in some sense, elites: only lawyers, jurists, or the most literate of concerned parties read them. There was no reason, therefore, to overstate a procedure that those men knew by heart. In addition, the legal culture that created the texts filtered, distilled, ordered, and interpreted content. Both facts leave us with gaps in our understanding about some of the details of courtly ritual. Our ability to reconstruct is, consequently, limited. Given this inherent degree of uncertainty, though, it is all the more striking to be able to formulate one definite conclusion about Manosquin justice. Regardless of the particulars of its procedure, it was undeniably a process fixed in the public awareness. Town criers, trumpets, summonses, municipal overseers, public denunciations, deposition tales, interrogations, judicial parliaments, defences: all these ritualistic elements engaged people and groups outside the court. This communicative engagement takes precedence over the other functions of the ritual: to model or mirror appropriate behaviours and or to reaffirm social structures. Court rituals did these things too and they mattered, but in Manosque the operators of the court had a vested interest in drawing the public into court processes. Court operators offered a ritual that

1. Of course if there was a personal motive, such as enmity, on the part of the subvicar or the original witness it is now lost. This transcript only allows us to see how the legal mechanism operated.

transformed the 'obligatory into the desirable.'¹ Members of the public recognized the opportunity offered by court process and seized it. In that sense, the rituals of the court were affective and effective on several levels.

From the first steps, when the court began inquests because of a public arrest, or a certain item of gossip, or at the request of a member of the public, inquests involved the townspeople at large. Criers announced summonses loudly on the doorstep of suspects' homes. Neighbours all knew who stood accused of a crime. Word spread in short order. Failure to appear in court promptly resulted in repeated summonses. From the beginning, the community, always hungry for gossip, was involved in the proceedings. Once the process began, the court screened neighbours, relatives, and observers either as witnesses for the prosecution (*testes pro informatione curie*) or for the defence (*testes per delatum ad deffensionem producti*). These individuals carried word back to the community about the judge's or lawyer's questions. Even if the interrogation was conducted in private, which is uncertain, by the time it was over, people knew what type of information the court sought. Witnesses deemed useful to the case underwent a solemn ceremony and swore upon the gospels. The court took pains to assure that their words were spoken freely and in the spirit of truthfulness. This particular ceremony intimidated the participants to act properly. It also added to the solemnity of the ceremony, augmenting the performance. The spoken language of the court was in part as ritualistic as the written formulae in its records. This fact is reflected by the heavy repetition of rhetorical phrases and formulae that introduce each section of the transcripts. All of this made for alchemy, a sort of transubstantiation that rendered the mundane into something memorable, something sacred, and certainly something that merited discussion outside the courtroom.

During the interrogations accused men and women became undeniable players in a complex social drama. Their time on the stand gave them an opportunity to influence matters in their favour. In some cases, this could mean embellishing or outright lying. The next chapter takes up this problem. Judicial lies, when uncovered by the court, provide the most obvious evidence of dramatic fiction. This fiction was authored not without costs, both material, as when liars were fined, or symbolic, as with the humiliation that accompanied being unmasked, or, worse, being beaten or mutilated.

Interrogations were not the only way that the participants used the court, or, perhaps, were used by it, to perform in the theatre of the public eye. Double

1. The phrase comes from Graham St. John's assessment of Victor Turner's comparative symbolology. See Graham ST. JOHN (ed.), 'Victor Turner and Contemporary Cultural Performance: An Introduction' in *Victor Turner and Contemporary Cultural Performance* (New York: Berghahn Books, 2008) 3. St. John is quoting from Turner's field research, specifically VICTOR TURNER, 'Symbols in Ndembu Ritual' in *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1967) 19–47.

denunciations show that the players found ways to draw meaning from court process to affect honour, a currency whose only value was in the public realm. The performance ended with a showy sentencing. Judicial *parlements* published the results of the trial so that anyone could hear the resolution. Following the announcement of the sentences, the townspeople's curiosity was sated, criminals were convicted, and the drama was brought to a close.

But did the performance provide good entertainment value? From the point of view of sentencing, it was anticlimactic. Given all the scholarly interest in judicial rituals of violent punishment this is surprising. Elsewhere and later, courts used public ceremonies to terrorize and torment. This, however, was a court that valued ritual for communication. It used ceremonies to enmesh itself in its community and to foster symbiosis. This was a court that did not castigate, although it had the right to do so, but punished with money and shame. This court was less interested in repression than in negotiation. Individuals had the power to engage the court's mechanism for their own ends. They also had the power to abort its rituals, to compose, to negotiate. Citizens, therefore, had limited control over the severity of their punishments. On the one hand, this made for somewhat ordinary justice. On the other, it accurately situates the court within Manosquin society.

Chapter 4

Values, Vices, and Inner Voices

I Depositions, Mental States, and Social Worries

Alaysia dreaded the year 1400. God had called her first husband, Marius Barralerii, to the next life. Her new husband, Antoni Oliverii, had called her to court. He said she was an adulteress. He claimed that the baby she delivered three months into their marriage was not his. And so, on 4 January 1400, Alaysia found herself before the criminal judge.¹ He accepted Antoni's charges against her and certain co-conspirators.² The court accused Alaysia of committing adultery while a widow and, with the assistance of others, of concealing the resulting pregnancy from Antoni.³

1. Trials of Alaysia the adulteress are located in 56H 1005 (unfoliated), beginning in January of 1400 (o.s.). A previous version of this chapter appeared in Steven Bednarski, 'Whence Springs the Lie? Motive and Fraud in the Manosquin Criminal Court (1340-1403)', in M. CRANE, R. RAISWELL, and M. MURRAY, eds., *Shell Games: Studies in Scams, Frauds, and Deceits (1300-1650)* (Toronto: Centre for Reformation and Renaissance Studies, 2004), 123-144.

2. '*et ceteras quascumque personas que de subscriptis ope consilio tractatu vel favore vel alio modo quolibet culpabiles poterunt reperiri.*'

3. Canonical adultery covered a variety of sexual offences. See James A. BRUNDAGE, 'Adultery and Fornication: A Study in Legal Theology' in Vern L. BULLOUGH and James A. BRUNDAGE, eds., *Sexual Practices and the Medieval Church* (Buffalo, N.Y.: Prometheus Books, 1982), 131. The Manosquin court did not, however, observe such theological niceties. It usually prosecuted those who endangered marital stability through illicit sex. Specifically, the municipal statutes prescribe a punishment of 60 shillings for adultery by a married man or married woman with anybody other than their spouse. Insolvency incurred a naked gauntlet from one gate to another, until the condemned bled. Yet, as Brundage also points out elsewhere 'although municipal statutes, customary law, and the canons all prescribed heavy penalties for sexual transgressions, practice was considerably milder than statutory language would suggest.' See James A. BRUNDAGE, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 493. Of the thirteen extant adultery prosecutions from 1340 to 1403, not one resulted in a gauntlet. One case involved a vagabond who was not a legal prostitute and who robbed her client. She was beaten, but probably more for her theft and the fact that she was an unsanctioned prostitute. 56H 986 f^o 220 from 10 December 1342.

Alaysia appeared in court and made an emotional deposition. She confessed to sexual intercourse the previous Easter, while a widow. It occurred, she told the judge, in a vineyard belonging to her son by her first marriage. There a knight and his squire attacked her; the knight, she said, raped her (*per vim et violentiam ibidem Alaysetam carnaliter cognovit*). She admitted she knew she was pregnant when she and Antoni contracted their marriage. But all this, she told the court, was common knowledge, the stuff of public rumour (*fama publica*).

The judge was no fool. Two days later he recalled Alaysia. She reaffirmed her deposition, refused to add to it or change it. Six days later, he again recalled her. This time she appeared before the court notary who warned her of the penalty for perjury. She stubbornly refused to alter the substance of her tale. She added, however, a new fact. She claimed that she often (*sepe et sepius*) shared a bed, but platonically, with her son's legal co-tutor. That man, she added, was her dead husband's kin. To dispel the odour of incest, she stressed under oath that she had not had sex with him.¹

Alaysia finally broke down and recanted on 2 February, nearly a month after her first interrogation. She admitted that Jehan Barralerii, her dead husband's cousin, was in fact the father of her new baby. In court, her revelation provoked a series of parallel prosecutions. In town, her confession came as little surprise.



This chapter demonstrates how depositions like Alaysia's situate historical actors in relation to their social space and values. They allow us not only to reconstruct *mentalités*, but to show the connection between individuals and the social forces they negotiated. These forces, all too often, touch upon the power dynamics of the late Middle Ages. Alaysia's tale shows how gendered power led her to stake her destiny upon an elaborate deception. Her strategy resulted from a difficult situation but she adopted it based on a series of preceding conditions. While not compelled to lie, Alaysia was, to use the typical sociological terminology, *predisposed* to it. The social field upon which she played adapted and evolved with the impact of each move. But the environment of the game was not the only mutable element; her

1. The rules governing incest and affinity as impediments to relations under Roman law are outlined in chapter 1 of *The Comparative Law of Marriage and Divorce*, ed. Alexander RENTON and George GRENVILLE PHILLIMORE (London: Sweet & Maxwell, 1910). For a detailed history on the origins of the incest taboo in the early Middle Ages, consult David Herlihy, 'Making Sense of Incest: Women and the Marriage Rules of the Early Middle Ages,' in David Herlihy, ed., *Women, Family and Society in Medieval Europe: Historical Essays, 1978-1991* (Oxford: Berghahn Books, 1995), 96-109. Also consult the index in BRUNDAGE, *Law, Sex, and Christian Society* and see Jack GOODY, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1977), 34-42.

strategies were also fluid. When we read her story in that light, Alaysia-in-court becomes part of a larger world of intersecting forces and interests.

One of the best ways to tease out social information from court depositions and testimonies is to borrow tools from sociology. This chapter, therefore, draws heavily on Pierre Bourdieu's theory of practice.¹ Bourdieu rejects generic, and, ultimately, unhelpful, definitions of the term society. In its place, he describes a social space composed of bundles of relationships. According to his scheme individuals are secondary. What matters first are the connections between groups. This approach necessitates a bi-dimensional reading of society made up of an objectivist or structuralist level, and a subjectivist or constructivist level. The former aims to grasp the objective material structures of society. The latter concerns itself with the subjective reality introduced by competent social actors. Those actors constantly reaffirm their social space through actions, choices, valuations, and interpretations. To decipher their movements, Bourdieu proposes the concepts of *field* and *habitus*. Like a soccer field or battlefield, *field* provides the space for competition and conflict. It is a malleable space of play whose parameters shift according to the resonance of each strategy or move. *Habitus*, however, signifies a type of social instinct based on experience. It is the '*lex insita* laid down in each agent by his earliest upbringing.'² It is 'the strategy generating principle enabling agents to cope with unforeseen and ever-changing situations . . . a system of lasting and transposable dispositions.'³ In Bourdieu's scheme, *field* and *habitus* are not only inextricably linked; they are mutually dependant and influential.

Agents like Alaysia, seen through Bourdieu's lens, operate within social spaces according to an imbued practical sense. This sense incorporates past experiences, values, and traditions that allow people, when faced with impromptu scenarios, to pre-recognize potential outcomes and to act. Practical sense 'seeks to capture the intentionality without intention, the knowledge without cognitive intent, the pre-reflective, infraconscious mastery that agents acquire of their social world by way of durable immersion within it.'⁴

1. Bourdieu's reflective sociology is eloquently summarized in the opening chapter of Pierre BOURDIEU and Loïc WACQUANT, *Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992). His method evolved over his lifetime and this paper uses the form sketched in Pierre BOURDIEU, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 2000), 72.

2. BOURDIEU, *Outline of a Theory of Practice*, 81. In Bourdieu's more detailed assessment *habitus* refers to those 'systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles of generation and structuring of practices and representations which can be objectively regulated and regular without in any way being the product of orders of rules.' BOURDIEU, *Outline of a Theory of Practice*, 72.

3. BOURDIEU and WACQUANT, *Invitation to Reflexive Sociology*, 18.

4. BOURDIEU and WACQUANT, *Invitation to Reflexive Sociology*, 19.

Bourdieu's approach, when applied to court records, helps reconstruct certain historical *mentalités*. For Alaysia, and others, the relationship between court and society produced extraordinary mental pressures. These pressures, in turn, led the protagonists to fabricate elaborate and dangerous lies to elicit sympathy. Few medieval records provide such rich access to people's internal and external worlds. By studying them, we gain a better understanding of how and why people manoeuvred in court. For Alaysia, lying was central to the ongoing, elaborate and adaptable strategies deployed and dictated by her *habitus*. Her *habitus* was the product of stresses, pressures and experiences, both lived and anticipated. It was deep-rooted and guided by a perceived and very real sense of anxiety. Of course not all accused people or witnesses experienced anxiety in court to the same degree. Still, the way Alaysia, and other liars, operated while making depositions is generally telling.

2 Liars

Alaysia, of course, was not the first person ever to lie in court. We can assume that people lied regularly but this assumption raises other problems.¹ The court successfully exposed some liars but it missed others. It is difficult to recover undetected liars using these sources. The problem is further compounded because the court was, at times, complicit in lies.² Perspective also complicates matters. Just as modern witnesses recount different versions of what they saw, even honest medieval witnesses recounted things as they perceived them. Just because an individual's account ran contrary to the majority does not make it a deliberate lie. Despite these obstacles, judicial liars provide an interesting point of access for depositions.

Before I use Alaysia's tale to reconstruct *habitus* and social values, I must situate her in relation to other judicial liars. To do this, I propose the following criterion: I count judicial liars as those who refused to confess but who were nevertheless condemned based on other forms of valid legal proof.³ This approach may admit-

1. In the cynical words of Joseph Strayer, who compared witnesses' testimonies to English juries, 'medieval men thought of litigation as merely a continuation of combat by other means, and witnesses were usually so partisan that it is doubtful that their testimony came any nearer the truth than the collective judgment of a jury of the neighbourhood.' Joseph STRAYER, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970), 41.

2. This happened in the case of a wife whose pestle-wielding husband allegedly beat her. Bedridden from her multiple injuries, the court visited the wife and asked whether her husband had indeed used a pestle. She told the court notary that he had used nothing but his hand. The husband then testified that he had only slapped her. While this case was dismissed due to clerical privilege, other husbands who used similar explanations were exonerated. This is just one type of case in which the court may have been willing to accept a lie in order to uphold an extra-legal standard. The document is preserved in 56H 986 f^o 17–17v. from 16 April 1341.

3. Confession was the pre-eminent form of proof in medieval courts of Roman law. In the words of Patricia MacCaughan, '*La recherche de l'aveu constitue l'objectif ultime de l'accusation.*' She later wrote

tedly include the wrongly convicted, but it is advantageous in so far as it evaluates the conduct of the actors using the standards of the court. To the judge anyone who refused to confess, and who was subsequently condemned, lied.

An analysis of verdicts reveals that, in the eyes of the court at least, most people charged with crimes did not lie. Table 1 on page 95 illustrates this by comparing pleas to verdicts.¹ Between 64 % and 67 % of primary principals (accused persons whose names appear first in the title of the inquest act), confessed immediately to at least one of the charges they faced. Far fewer were the 12 % to 16 % percent who stubbornly refused to confess to anything but who were nevertheless condemned. This is roughly the same as the number of primary principals absolved. In general, about two-thirds of primary suspects confessed immediately to something. The court determined that just over one-tenth lied. Alaysia falls into that one-tenth. She behaved, as an accused person, in a manner contrary to the prevailing statistical norm.

The pattern appears largely the same for women as for men. Partial or total confessions account for 64 % of trials against a woman, compared with 67 % percent featuring a man. A woman who refused to confess to anything stood a statistical 16 % chance of being condemned, while a man had a 12 % chance. It is difficult to discern whether the consistent, if slight, discrepancy between men and women is meaningful. Was the court, harder on stubborn women? Were women harder to intimidate? We cannot know. Since the figures for both genders are roughly comparable, it is safer to avoid such conclusions.

About two-thirds of male and female suspects were inclined to confess. Since charges were often multiple, they did not necessarily confess to everything, but they did immediately admit at least partial guilt. By comparison, one-tenth of suspects refused to admit anything and was subsequently condemned.² Within this stubborn group lurk judicial liars.

This sort of statistical approach is also not without its problems. First, condemnations did not necessarily imply guilt. Judges in Roman law issued condemnations due to free confessions or sworn testimonies by at least two irrefragable

'l'aveu est perçu à Manosque comme le moyen de preuve par excellence.' See Patricia MACCAUGHAN, 'La procédure judiciaire à Manosque au milieu du XIII^e siècle, témoin d'une transition' *Revue historique de droit français et étranger*, 76 (1998): 587. For more on what Jean-Philip Lévy called the 'hierarchy of proofs' and its evolution in early Manosquin judicial ritual, see Patricia MACCAUGHAN, 'Les transformations de la justice au XIII^e siècle: L'exemple de Manosque (1240-1320)' (PhD Thesis, Laval University, 2001) *passim*.

1. The term plea is somewhat misleading. Accused persons made depositions and either confirmed or denied the issues investigated by the court. Still, plea seems the most convenient term to express the spirit of their depositions.

2. Alaysia's transcript records that she immediately confessed to the charge of adultery while a widow. Since she went on to claim rape, however, which is a plausible legal excuse, the court continued the inquest against her.

witnesses. There was always, therefore, the possibility of wrongful convictions. Condemned men and women, moreover, could appeal verdicts. In the case of Alaysia, her guilt is not in doubt, and she had little likelihood of a successful appeal. The same was not necessarily true of the remaining ten to sixteen percent of condemned individuals. The task of gathering statistics is further complicated by the fact that a single inquest might contain multiple allegations. The court, thus, often compounded charges of assault with drawing a prohibited weapon. Suspects often confessed to one charge but denied another. Table 1 on the next page makes no distinction between partial and full confessions; I counted any admission of guilt as a confession. When the notary recorded an absolute denial, I counted that record as having a plea of not guilty. I then tracked it to determine whether the evidence supported the denial.¹ There are, for example, 195 men who confessed *at least in part* during a trial in which an allegation of assault was present and in which they were the sole accused. Those men did not, necessarily, pay a fine for assault; they did pay a fine for something, though, since they admitted at least partial guilt. This statistical analysis, admittedly based on sources ill-suited to it, helps to contextualize judicial lying. I do not propose these numbers as absolutes, merely as suggestions of broader trends.

The criminal offences listed in Table 1 on the facing page are self-explanatory except for edict breaking and murder. I tracked charges against those who broke municipal edicts because the court prosecuted them using its criminal process. Also, this court of Roman law made no distinction between accidental or deliberate killing. For that reason, I have labelled and counted any accusation of causing death as murder.

The depositions are the richest source of information on *habitus* and social values. The best depositions are dramatic performances, verbal sketches of reality as the speaker would have had it. Most people, however, simply confessed straight away. That limited performance. Rich confessional performances, when they exist, also served a different intention than denials. Confessional performances aimed to mitigate penalties, not to escape them.

The highest concentration of deposition performances occurred in the 12 % to 16 % of cases that ended in condemnations. In these instances, the individuals charged with a crime refused to acknowledge that they had done wrong, and sometimes used the opportunity before the judge to explain their innocence. In the eyes of the court, these 12 % to 16 % of men and women were liars. When faced with a suspected liar, the judge needed to fulfill the burden of proof in order to condemn the suspect.

1. The ratio of trials to charges is 1 543: 1 877, or 1: 1.2.

Table I. — Pleas According to Principal Accused and Gender

Sole Male Principals Accused					
	Pleaded Not Guilty but was condemned	Confessed	Pleaded Not Guilty and was absolved	Unknown Plea	Total
Verbal Offense	42	206	21	37	306
Assault	32	195	12	44	283
Pecuniary	25	105	10	9	149
Theft	11	56	15	26	108
Edict Breaking	4	66	4	19	93
Drawing Weapon	14	47	2	5	68
Property Dispute	3	35	7	12	57
Adultery	1	6	0	0	7
Rape	1	1	1	3	6
Tree Cutting	0	3	1	1	5
Arson	0	3	0	0	3
Murder	1	0	0	1	2
Treason	1	0	0	0	1
Total	135	723	73	157	1088
	12.41 %	66.45 %	6.71 %	14.43 %	100.00 %

Sole Female Principals Accused					
	Pleaded Not Guilty but was condemned	Confessed	Pleaded Not Guilty and was absolved	Unknown Plea	Total
Verbal Offense	19	66	12	12	109
Assault	11	33	3	2	49
Theft	3	19	3	5	30
Pecuniary	3	19	2	4	28
Edict Breaking	2	8	0	2	12
Property Dispute	1	6	1	2	10
Adultery	0	7	1	0	8
Murder	0	0	1	0	1
Tree Cutting	0	0	0	1	1
Arson	0	0	0	0	0
Drawing Weapon	0	0	0	0	0
Rape	0	0	0	0	0
Treason	0	0	0	0	0
Total	39	158	23	28	248
	15.73 %	63.71 %	9.27 %	11.29 %	100.00 %

3 Private Acts and Public Scandal

The same day he accused her in court, Alaysia's husband, Antoni Olivarii, also denounced a second woman named Eyselena.¹ From the start this was ugly business. The court said Eyselena knew that the whore (*meretrix*) Alaysia was around six months pregnant when she wed Antoni. It said Eyselena had known for quite some time (*per magnum temporis spacium*) but had chosen to hide the information from Antoni. The court accused Eyselena, purely rhetorically, of insulting the Holy Mother Church. Subsequent allegations are illegible, but Antoni went on to allege in court that Eyselena had effectively defrauded and ruined him. Finally, he claimed, Eyselena's actions were the subject of public rumour in Manosque.

Eyselena admitted that she had known. She claimed, however, that she learned of the pregnancy only after Antoni and Alaysia contracted marriage. She told a lovely little tale about a visit to the Jewish seamstress hired to sew Alaysia's wedding dress. With total frankness, Eyselena declared, her companion had told the dressmaker to 'make the dress large because she's going to give birth soon to a pretty child.'² The court collected a fine from Eyselena for not telling what she knew prior to the consummation.³

Other women had also kept Alaysia's secret. The web of prosecutions spread. It ensnared the wife of Jehan Barralerii, Alaysia's lover. She too was accused of not warning Antoni that the sexually promiscuous Alaysia was pregnant. Jehan's wife convinced the judge that Alaysia had used the rape story to dupe her. It is impossible to know whether she had truly fallen for it, or whether she had suspected her husband's guilt and acted strategically. Either way, the judge absolved the lover's wife.

Two days after those initial prosecutions, the court charged Bila Fossate, the town midwife.⁴ As a public figure, the court asserted, she had a responsibility to report illegitimate pregnancies to the municipal council; such babies were at risk of being destroyed in secret. The court heard how Bila had delivered Alaysia of a male child conceived while still a widow. Bila confessed that she delivered the baby and admitted that she did not notify the court of the birth. The court then inquired whether she knew the father's identity. Bila replied that all the women present at

1. Eyselena's trial began '*ad denunciationem Anthonii Oliverii dicti loci et eciam ex debito officio procuratoris fiscalis dicte curie voce et fama publica refferentibus.*' In Roman law courts, the *procurator fiscalis* was the office of the public prosecutor. In Manosque, aside from a very few references in the inquest records, there is no other information on this official or his position. It appears he was a court agent who initiated inquisitions on behalf of the preceptor, bailif, or the judge.

2. '*... fac largam raupam quia in brevi habebit unum pulcrum puerum.*'

3. '*... quia ante matrimonii consumationem non revelavit et sciebat.*'

4. She is called '*bajulum publicam ad levandum infantes in nationibus de ventris matrum.*'

the birth agreed: the baby looked just like Jehan Barralerii.¹ Appended to the transcript of her interrogation is that of another woman who corroborated Bila's story; the judge absolved both women.

On 23 January, a week and a half before Alaysia broke down and confirmed her lover's true identity, Bila reported a conversation they had had. She said Alaysia had implicated the true father of her child by saying 'mother, tell Jehan Barralerii to have someone found to look after the baby.'² So, by 23 January, the judge knew full well who the father was. He had only to elicit a confession from the stubborn adulteress.

At some point, Antoni Olivarii also learned the identity of his wife's lover, for he denounced Jehan Barralerii in court. Despite having painted his new wife as a whore, Antoni also accused Jehan of raping and impregnating her.³ The list of accusations spells out in detail the pre-existing familial links between Jehan and Alaysia. The court received Jehan's confession of adultery on 4 February.

These prosecutions reveal an extensive conspiracy of silence underwritten by gender-based solidarity.⁴ Several, likely many, townswomen knew or suspected Alaysia's condition when she remarried. All kept silent. Antoni the cuckold was furious. He had been deceived and defrauded. He made repeated recourse to the court in an attempt to restore his sullied name. His shame was the deliberate and cumulative result of several women's efforts to manoeuvre Alaysia into a new marriage. He had been emasculated not only by one woman, but by many.

The rape story was Alaysia's own contribution to the plot. According to her lover's wife, Alaysia had circulated it long before she appeared in court. The wife stated that prior to the previous Palm Sunday, Alaysia had come to her hysterical: 'I wish I were dead! I am damned!'⁵ The woman claimed Alaysia, her kin through a former marriage, had wept as she recounted the rape story. Alaysia clung to the rape tale throughout her trial, despite mounting evidence of its lie—and despite the fact that several women confirmed early on that the baby strongly resembled Jehan Barralerii. Even when the midwife told the court that Alaysia had confided the father's identity to her, Alaysia clung to her story. Her tenacity shows her commitment to a conspiracy that she had, with assistance, constructed.

Alaysia maintained her lie out of family pressure and fear. Alaysia's kin were willing to battle her lover to redress the damage done to their collective honour. She

1. '... viderunt ejus aspectum, omnes mulieres que tunc erant in dicta domo respicientes dictum puerum et ejus faciem dixerunt "iste puer similatur Johanni Barralerii, debet esse suus."

2. 'Mater, dicatis Johanni Barralerii quod faciat quod reperiat aliquem qui gubernet istum infantem aliter istud est bonum ad consumendum omnia bona sua.' The *mater*, like the plural, is respectful.

3. '... oppressit et per vim et violentiam carnaliter cognovit et ipsam de quodam infante masculino ingenuit.'

4. For similar conclusions, see Tommaso ASTARITA, *Village Justice: Community, family and popular culture in early modern Italy* (Baltimore: Johns Hopkins University Press, 1999).

5. Literally, 'utinam mortua fuisset et mala mors veniat in me' followed by 'habeo dyabolum.'

only admitted to the fraud, she stated, out of anxiety over the brewing vendetta between her husband or brother and her lover.¹ As time wore on, his identity, already suspected among the town's women, became increasingly apparent to everyone else; still Jehan refused to step forward and offer satisfaction to her kin. A bloody fight was imminent. Alaysia was torn over maintaining her lie in the hopes of staving off the fight.²

The incestuous nature of Alaysia's adultery gave an added incentive to maintain the lie. During her lover's prosecution, the court went to pains to determine the parameters of his relationship to her. It was determined that not only had she knowingly slept with a married man, but that he was her dead husband's relative. He was also the legal guardian of her first child. There was even some question as to whether Jehan was Alaysia's guardian. This pre-existing affinity, the fact that Jehan held a position of authority over Alaysia and her first child, and the blood tie between Jehan and her dead spouse, fanned the rank stink of incest.³

Alaysia's deceitful actions were framed inside a complex web of social and moral factors; they were connected to the support she had received from other women, to the pressures she felt from her family, and to an elite taboo against incest. When she appeared in court in January 1400, she did not appear alone. She brought with her her personal history, a history implicating many social actors; she owed a debt to those who had kept her secret even as she held the power to shame them. She also brought with her kin relationships; she appeared not as an individual but as a representative and bearer of collective family honour. Finally, she brought with her generations of social and religious programming; as a child of a society, she was imbued with, and expected to propagate, certain values, mores, and institutions. All of these external factors converged and contrasted with her immediate situation: she was a wife and a mother; she was connected to her new spouse in a permanent and life-long relationship; she bore maternal responsibility for two sons; she was a woman facing a court that had the power to see her beaten naked before her community until she bled. All of these elements combined to form her personal set of values and priorities; they crystallized into the lens through which she per-

1. '... *confessa fuit non obstantibus aliis dictis suis depositionibus per eam factis et negatis, quas dixit fecisse metu ne inter dictum suum maritum sive suum fratrem et Johannem Barralerii non fieret briga, dixit pro sua vera depositione dictum Johannem Barralerii esse patrem naturalem dicti infantis.*'

2. Of course, confession did not automatically preclude bloodshed. But it did confirm the alternate resolution offered by a court of law. For more on how Provençal courts manoeuvred to replace traditional methods of blood-based satisfaction in honour conflicts, see Daniel Lord SMAIL, 'Hatred as a Social Institution in Late Medieval Society,' *Speculum* 76 (2001): 90–126; and Daniel Lord SMAIL, 'Common Violence: Vengeance & Inquisition in Fourteenth-Century Marseille,' *Past and Present* 151 (1996): 28–59.

3. Although the support Alaysia received from the women of Manosque suggests that the incest was more of a legal concern than a social taboo.

ceived herself and her dilemma. In short, they predisposed how she should act. For Alaysia, this unique *habitus* led her to lie in court and to continue lying.

Ultimately, Alaysia's experience, words, and actions failed her: the court exposed the lie. Following her confession, Alaysia disappears from the criminal registers. She was mother to a child of scandal and wife to an enraged and humiliated husband. I can only guess about her subsequent existence.



Alaysia's is not the only inquest that allows this type of reconstruction. A trial from sixty years earlier presents a strikingly similar dynamic.¹ At the heart of that trial stood another accused woman who put forth a carefully planned deception. Like Alaysia's rape claim, hers was designed to mask deviance and to exploit contemporary notions of feminine vulnerability. Like Alaysia's lie, hers also came undone due to attitudes about female sexuality. Most importantly, the deceptive strategies employed in the older case allow us an even sharper glimpse into the terrified mind of the liar. With hindsight, they recreate elements of the unique *habitus* that guided, or misguided, the accused woman as she negotiated the shifting judicial battlefield.

Huga was a cat burglar. She skulked along the clay flowerpot rooftops of Manosque and robbed sleeping townsfolk at night. She also did other naughty things after dark. When the court finally caught and prosecuted her, it called her Huga Aliberta, wife of Bertran Aliberti. Bertran was a foreigner. The court charged her and her husband along with other guilty parties (*alios culpabiles*) on 24 May 1341.² In stark contrast to her marital status, Huga's feminized family name, Aliberta, suggests that she was unattached from, or independent of, her husband.³ From the very beginning, the court scribe presented Huga not only as a foreigner, but as somehow independent of male support. The reasons for this became clear as her inquest unfolded.

1. 56H 986 ff 33–39, beginning on 24 May 1341.

2. Huga was an inhabitant of the *castrum de Rosseto*. This is the castle of Rousset, located in Rousset-les-Gréoux near Gréoux-les-Bains, within the *viguerie* of Forcalquier, and in the diocese of Riez. It is today contained within the modern canton of Valensole. In 1315, the castle housed 37 hearths. *Atlas historique: Provence, Comtat, Orange, Nice, Monaco*, ed. Édouard BARATIER, Georges DUBY, and Ernest HILDESHEIMER (Paris: Librairie Armand Colin, 1969), 178. Gréoux lies just 10 km south of Manosque on the east bank of the Durance. Despite its proximity to Manosque, Huga would still have been considered an outsider.

3. Aliberta was the feminized form of her husband's name. Married women were not typically recorded in such a manner. Convention should have had Huga's trial as being initiated *contra Hugam uxorem Bertrandi Aliberti*. The feminization of family names is commonly seen, however, for widows or women possessing a trade (*cf.* Bila Fossate, the midwife mentioned above).

The court alleged that Huga had broken into the home of a widow named Lantelma Carlessa, alias ‘The Deaf,’ and robbed her while she slept. It heard from two women who swore that Huga had plied them for information on Lantelma. Both Raymunda, daughter of Hugo Poncii, and Guilhelma Chabascia, a servant, alleged that Huga had probed them for information on her intended victim: was Lantelma rich or poor? How rich? Did she have a husband or a lover? Did she live with any children? Was she really deaf?

First Raymunda informed the court. She said she told Huga that Lantelma was well enough off, had worn a lovely frock on the Feast of the Ascension, lived alone, and was truly deaf. Raymunda also reported that she heard people say (*auditu dici*) that prior to the break-in, Huga had done nothing but comb the streets looking for some men from Rouset. It was also said that on the night of the break-in, Huga had repeatedly visited a certain Rogade to have her candle lit. Moreover, it was said that Huga had been seen out late in the street skulking amidst three bundles of wood.¹ All of this lent an air of intrigue and suspicion to Huga.

The second witness, Guilhelma, reported that Huga had asked her the same questions and received similar answers: she was with her mistress, Rogade, when Huga came calling on the night Lantelma was robbed; no sooner had they lit her candle for her than Huga snuffed it out and returned.

A third woman, Raymunda Ferrauda, testified that she saw Huga lurking about Lantelma’s house on the night in question. Raymunda asked Huga why she was about so late at night. Huga replied she hoped to have her candle lit. Raymunda said she had a sinister suspicion (*sinistra suspicio*) about Huga.

Once the court had placed Huga near the scene of the crime on the night of the break-in, it interviewed the victim, Lantelma the Deaf. On the day of the theft, Lantelma said, Huga came to her offering to sell a measure of grain. Lantelma added that Huga’s eyes, when speaking with her, never left the roof of her house. This made Lantelma uneasy. She sent Huga away. Huga returned at sunset and offered to sell some bread. Again, Lantelma sent her away. The victim, prompted by the judge’s questions, revealed the quantity and quality of stolen coin. Some of it, she said, was ‘black money.’²

The fifth player to take the stand was Simon Davit, a Jewish moneylender. Like most petty moneylenders his work made him a pawnbroker. Simon reported that

1. ‘... hora multa suspecta et tarda.’ 56H 986 f^o 33v.

2. ‘Interrogata quantum fuit sibi furatum dixit quod circa duodecim vel tresdecim solidi tam in moneta nigra, videlicet duplicibus, quam in desenis, videlicet erant septem dezeni ressiduum vero erat in dictis [dactis?] duplicibus nigris.’ 56H 986 f^o 34. *Duplex*, or doubles, were normally gold coins. Jan Frederick Niermeyer, *Mediae Latinitatis lexicon minus* (Leiden: Brill, 1954). The reference to *nigra moneta*, black money, however, suggests these doubles were made of copper. Either way, the coins Huga had were unusual in Manosque. They stood out.

Huga had come to him the previous Friday and redeemed a green overcoat that her husband had pawned for 12 or 13 shillings. She paid for it using *duplicibus nigris*.

Huga then testified and, despite damning circumstantial evidence, denied it all. She said that on the night of the crime she had dined with some other women in Guilhelm de Tolossa's home. When she left, she took a candle and lit it at a nearby tavern. As she made her way through the streets, though, it blew out near Rogade's house. Distressed, she found Rogade, who relit it. Soon afterward a gust of wind blew it out. The wind and late hour presented difficulties. She set out for the town of St-Pierre, believing that she was heading toward a boat belonging to a man from Malle morte 'who, as she put it, had been keeping her well that year.'¹ The night was dark, she said, she had no light, and she became increasingly afraid. She changed her mind and turned back toward Manosque. Eventually, still scared, she resolved to sleep at the foot of an almond tree. With daybreak, she reentered the town and found the man she had sought. He was filling bags of wheat to take to his ship. It was that man, she told the court, who gave her the money to pay Simon Davit and buy back her garment. This story, it became clear, was a lie. But, like all good lies, it had grains of truth.

Like Alaysia's, Huga's lie was founded upon perceptions of feminine vulnerability. She was a stranger in Manosque; she had difficulty keeping her candle lit at night; she became disoriented in the dark. Alone, confused, and vulnerable, she spent the night alone in a field.

The judge was particularly unimpressed with Huga's mention of her male companion. In an unusual move, he suspended the proceedings and charged her, in a parallel prosecution, with adultery.² The record is mute as to whether or how the court prodded her. For whatever reason, though, she confessed immediately to the adultery. She modified her previous deposition and said she had found her companion when she left Guilhelm de Tolossa's house. She went with him to a field near the Hospital's mill where they had sex two or three times. After leaving, they met up with one of his friends. She had sex with him too. The men paid Huga 2 *dezenos* for her troubles. She then spent the remainder of the night in the field. The next day she returned to Manosque and conducted her business with the Jew. Huga's admission of prostitution ended her second trial. It also revealed her lie and had a profound consequence on her standing before the court.

Prostitutes in the later Middle Ages were a 'necessary evil,' providing an 'essential service,' and Manosquin society legalized their trade.³ Unmarried men visited

1. '... qui ipsam tenuerat alias bene per annum ut ipsa dicit.' 56H 986 f^o 34v.

2. The judge also initiated Huga's second trial on 24 May 1341. It follows her lengthy theft trial in the register on folio 42.

3. Rodrigue LAVOIE, 'Délinquance sexuelle, justice et sanction sociale: les tribulations judiciaires de Mathilde Payan (1306–1308),' *Provence historique* 46, fasc. 184 (Avril-Mars-Juin 1996): 178–9 and

prostitutes openly, married men with discretion. Such visits went hand in hand with popular notions of virility, potency, and the limitations of self-restraint. In theory, according to the municipal statutes, it was a crime to rape a prostitute.¹ There was even a residential street reserved for prostitutes.² It is unknown whether, as in other parts of Europe, its inhabitants wore a distinctive badge, mark, or uniform.³ Perhaps as a tribute to the efficient regulation of the sex trade, there is only one direct reference to a prostitute in the inquests between 1340 and 1402.⁴

Honest women worried constantly about being associated with prostitutes, especially illicit prostitutes. Illicit prostitutes were the lowest of the low on the social scale. The municipal statutes expressly forbade Manosquins from calling an honest woman a whore (see Appendix). The court frequently prosecuted those who used this insult: thirty-six surviving inquests contain the word *putan* alone, accounting for 2.33 % of the sample set. Out of the 518 extant inquest records that

note 42. For the Church's view, consult James BRUNDAGE 'Prostitution in the Medieval Canon Law,' *Signs: Journal of Women in Culture and Society* 1 (1976): 825–45. See too David Nirenburg's eloquent description of prostitutes as the sewers of medieval male passion, in NIRENBURG, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 154.

1. See M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), 62. No actual rape prosecutions involving prostitutes exist from this time.

2. A trial from 56H 996 f° 21, dated 25 February 1365, mentions the red light district. In it, the court prosecuted two men for stealing a Franciscan habit from a tailor's shop and wearing it to in the street of the prostitutes. They were accused of defaming the monks' reputation. Another inquest, predating this study and located at 56H 963 f° 81v., from 1 October 1310, alludes to the living restrictions imposed on prostitutes by so-called honest folk. In it, the accused was charged with attempting to expel a whore from his street. Out of vengeance, she cast a spell on him so that he would hate his wife and would become impotent. I published a description of that case in Steven BEDNARSKI and Andrée COURTEMANCHE, 'De l'eau, du grain et une figurine à forme humaine. Quelques procès pour sortilèges à Manosque au début du XIV^e siècle,' in *Memini: Travaux et documents*, Vol. 2 (1998): 75–100. LAVOIE, 'Délinquance sexuelle' dates the desire to constrain prostitution geographically as early as 1260.

3. Michel PASTOUREAU, *L'Étoffe du diable: une histoire des rayures et des tissus rayés* (Paris: Seuil, 1991), 27. In Lyon, prostitutes were required to wear a small pin on their sleeve (*aiguillette sur la manche*). Nicole GONTHIER, *Délinquance, justice et société dans le Lyonnais médiéval, de la fin du XIII^e siècle au début du XVI^e siècle* (Paris: Éditions Arguments, 1993), 42.

The bibliography on medieval prostitution is vast, if repetitive. The major works are: Jacques ROSSIAUD, *Medieval Prostitution*, trans. Lydia G. Cochrane (Oxford: Basil Blackwell, 1988) and Jacques ROSSIAUD, 'Prostitution, jeunesse et société dans les villes du Sud-Est au XV^e siècle' *Annales ESC* (1976): 289–325; Leah OTIS, *Prostitution in Medieval Society: the History of an Urban Institution in Languedoc* (Chicago: University of Chicago Press, 1985); Ruth MAZO KARRAS, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford: Oxford University Press, 1996); see also *Sexual Practices and the Medieval Church*, ed. James BRUNDAGE and Vern L. BULLOUGH (New York: Prometheus Books, 1982);

4. 56H 1000 f° 6 from 26 September 1392.

involve slander this amounts to nearly 7 %. This figure rises to 13 % if we limit the pool to slander cases with women as the primary accused or as the denouncer. Illicit prostitution was a recurring theme when women insulted one another. Men, though, were nearly just as likely to use the insult. Accusations of illicit sex occurred with regularity. Whenever prostitution was alleged, denial inevitably followed and this in turn prompted criminal regulation.

Needless to say, all of this reinforced a double standard governing the institution of prostitution. On the one hand, society tolerated the profession, strongly regulated it, and nominally protected it. On the other, no decent woman wanted to be associated with it. Women went to court to defend against the allegation. Despite the perceived need for an outlet to male lust, therefore, people still scorned prostitutes. Yet this scorn in itself provided an opportunity for upright women to reaffirm their honour. In short, prostitutes were tolerated and necessary, shunned and despised, and were useful mirrors for honest comportment. This shows the interconnectedness of daily practical norms with the theoretical limitations imposed upon women by the honour code.

Even more scorned than legitimate prostitutes, who were nominally sanctioned, regulated, and protected, were women who chose to take money for sex without adopting the prostitute's lifestyle. Those women represented the gravest danger to the honour code. They rejected the contrived limitations it imposed and acted without regard to societal norms. This concept lies at the very heart of the insult *putan*. When neighbours screamed this word at one another, it was implied not only that the target was a whore, but that she was an illicit whore. She sought to blend in with honest women while secretly rebelling against the rules of modesty.

Such women did exist and were often found among those with the weakest social networks. There are five extant cases, for example, of vagabond women who came to Manosque for the sex trade.¹ Vagabonds in particular reminded honest women of the fragile space occupied by decent women. Without a man's protection and oversight, any woman could be moved by desperation to perversity. Manosquins generally understood, therefore, that unkept women were dangerous.

This perception was actually common everywhere in the later Middle Ages. As a rule, the honourable woman was one whose sexuality was protected within the family and whose person was sheltered within the home. This notion so defined femininity that, faced with the loss of her protectors, any woman was fair game.

1. 56H 986 f^o 201–201 v. from 11 October 1342; 986 f^o 220 from 12 October 1342; 996 f^o 98 from 1366; 997 f^o 183 from 11 October 1369; and 997 f^o 184 from the same date. In two of the cases the court only prosecuted the male clients. In another two the vagabonds paid reduced fines. In one case the vagabond was beaten but she had robbed her client while he slept. In general, despite societal outrage at vagabond prostitution, the court extended the same willingness to mitigate fines due to poverty.

Single, unattached women were particularly prone to suspicion and attacks. On 5 September 1343, for example, the court heard how a vagabond woman named Margarita of Forcalquier was robbed by some opportunistic locals.¹ On 28 July 1361, the court charged a father and son with beating another vagabond and calling her a whore.² In 1370 another vagabond woman complained that a townsman had beaten her and set his dog on her.³

By confessing to unregulated prostitution and demonstrating that her husband had little control over her, Huga Aliberta greatly reduced her symbolic standing before the court. Her admission, more importantly, altered the *field* of her trial. Huga's admission that she came to Manosque for illicit sex instantly subjected her to the sternest shame and opprobrium.

As a result, the judge, deeply suspicious, recalled Huga and initiated a radical procedure. On 30 May he asked her why, precisely, she was in Manosque at the time of the robbery. She said she was in town to buy supplies unavailable in Rousset. He then warned her three times, over a *magna intervalla*, to confess to the theft; he noted that she had already confessed to being a prostitute.⁴ Huga stubbornly refused. He put her to torture.

The court almost never tortured. Only five records prescribe it. Only three of them record that it actually happened. In theory, according to medieval Roman law, honest men and women were protected from torture. In practice, all citizens and inhabitants of Manosque benefited from this protection in their court.⁵ Huga, however, through her own admission, was not an honest woman.

Under torture, Huga told the court that her lover had planned the robbery. Lantelma was his kin and he had planned and executed the break-in. Huga had gathered intelligence on the old woman's accommodations and reported back to him. She had waited for him outside Lantelma's house while he broke in. Later, he and Huga had gone to a field where they had sex and divvied up the stolen cash. Now, according to Roman law, tortured confessions were inadmissible until they

1. 56H 986 f^o 282 v.

2. 56H 996 f^o 59–59 v.

3. 56H 997 ff 96–97 v.

4. The record contains an abnormality. It states: '*Verum cum dicta delata ex depositione ipsius ut meretrix publica, longo tempore per mundum discurrerit, et quia jam confessa est supra dicta furta perpetrasset, licet cum socio ut dicit, et quia in pluribus supra per eam depositis, varia et contraria sibi ipsi inveniatur et in suis depositionibus, monuit eam semel secundo et tercio peremptorie et per magna intervalla ut plenius dicat veritatem et plene, et clare deponat de hiis omnibus que sibi deposuerat et de aliis que ubique comissit.*' 56H 986 f^o 35. Huga had not yet, in fact, confessed to the theft, whether with accomplices or without.

5. For more on the evolution and reintegration of torture in continental Roman law, see Edward PETERS, *Torture* (Philadelphia: University of Pennsylvania Press, 1996), 18–58, although, as evidenced, Peters' general conclusion that 'it was impossible to use Romano-Canonical juridical procedure without using torture' is surely an overstatement. PETERS, *Torture*, p. 69.

were confirmed without duress. So, after a cooling off period, the court asked Huga to repeat her confession.

Released from torture, Huga chose instead to alter her story. That same day, she freely confessed to acting without any accomplice. She went on to describe in great detail three other robberies she had committed in Manosque. The mysterious case of Huga Aliberta, illegal prostitute and cat burglar, thickened.

By early June the court had deposed a series of additional witnesses and victims. It also interrogated her husband, who, originally co-accused alongside Huga, had been held in prison while ill. He was quickly released and found blameless of the thefts.

As the court continued to investigate Huga she became increasingly despondent. At one point, she led the officers of justice back to her native Rousset, where she claimed to have hidden some money. As the court crossed the Durance, she attempted to hurl herself into it. When the court arrived at a field, where she claimed to have buried a cask of stolen coins, she asked one of the officers for his sword to dig. Seizing the weapon, she attempted to impale herself. Later, when the court was back in Manosque but at recess, she stripped the leather straps from her leggings and made a noose. She then attached it to the ceiling of her cell and hanged herself. Two court officials testified they revived her with cold water and other remedies (*aliis remediis*).

Huga's trial continued for weeks. Witnesses and victims continued to give evidence until 11 June. Huga continued to confess and describe her thefts. At last the judge ordained that she had ten days to mount her defence. Huga renounced that right. She threw herself on the court's mercy. On 12 June, the judge recalled her and asked whether she had any last words to add to her previous confessions. On 13 June, Huga, utterly despondent, attempted suicide one final time. She, bereft of any cords and straps, removed her shirt and used it to hang herself. This pathetic attempt, like the previous ones, was unsuccessful.

The judge ruled on 14 June.¹ The mercy Huga sought came in the form of a remarkable four-page legal sentence. After itemizing each of her confessions and scornfully noting her numerous failed suicide attempts, Peyre Rebolli, the ordinary criminal judge of Manosque, ruled that Huga Aliberta have her left foot amputated. This order of corporal punishment, so rare in Manosque and only ever implemented against foreigners, was pronounced and carried out publicly.

Huga Aliberta posited several versions of events and performed an impromptu dance while the stakes mounted and the field of play shifted. Her first story portrayed her as a helpless and innocent woman. Soon after, she confessed to unlicensed prostitution but continued to deny the theft. Under torment she confessed

1. 56H 986 ff 40-41 v.

and implicated her lover. Later, she recanted his participation and confessed to everything. In this protracted final stage, she repeatedly attempted to escape the tumult by ending her life.

4 Conclusion

Although Huga was dead by the time the pregnant Alaysia wed her second husband, they shared similar experiences in court. Both were desperate when they arrived before the judge. Both crafted alibis to mask their deviance. Both failed because of dominant sexual attitudes. Their depositions, therefore, show how judicial liars, a significant minority among suspects, were influenced by broader considerations. In that light, their inquest records are an interlocutory mechanism. Through them we hear the faint echoes of historical values, priorities, anxieties, and perceptions.

Huga and Alaysia reacted because their *habitus*, their instinctive internal grasp of things, responded to external societal pressures. Some were concrete and objective, such as torture, poverty, lust, and vendettas. Others were more abstract and subjective. Huga must have known firsthand, for example, of peoples' distrust of vagabonds and illegal prostitutes. When she represented herself as a lost, helpless woman, alone in the dark, she dissembled to avoid it. Yet the deliberate mention of her lover appears to have belied that instinct. Did Huga speak carelessly? Did she mention her lover to show she was not without male support? More likely, she feared his name would surface anyway. She, therefore, confessed to an ongoing, unique sexual relationship, a crime routinely punished with a fine. Certainly, this admission helped minimize any association with vagabonds and illegal prostitution. It also diverted attention from the thefts. Nevertheless, for reasons unknown, Huga was persuaded that this tactic could not save her and she confessed to taking money for sex.

Experience taught both women that partial admissions sometimes pre-empted full confessions. Alaysia, under mounting pressure, admitted first to sharing a bed with a kinsman. Huga, under mounting pressure, admitted first to adultery. Eventually, though, social pressures overcame both women. Alaysia, a local, made a full and free confession. Huga, a foreigner, did not have that luxury. Her confession came on the *eculeus*, a wooden torturer's rack shaped like a horse. Her tortured admissions emphasized her lover's dominant role in the robbery. Once relieved of torment, however, she claimed to have operated alone. Did Huga shift her story to protect her lover, or was she persuaded by the judge, who had little chance of catching him and bringing him to justice, that it was in her interest to admit to being a lone operative? Either way, some instinct caused Huga to adapt her strategy. While

the influences contributing to Alaysia's sense of *habitus* are perhaps more sharply discernable, it is clear that Huga also navigated her trial with a practical compass. That compass guided the women upon the shifting *field* of play but was subject to the pull of external forces.

Habitus ultimately failed Huga and Alaysia and the consequences of their actions and deceptions crushed them. Alaysia expressed her total collapse when she admitted to lying out of fear. Huga's more dramatic collapse led her to seek the ultimate escape: death.¹ Huga's repeated attempts at suicide suggest that neither her psyche nor her tortured body could endure the ongoing strain of practical operation.² This underscores that the strategies applied in both deceptions were not abstract, sterile manoeuvrings, but words and deeds executed by human beings engaged in real social interactions.

Bourdieu's method situates individuals and groups in relation to the forces and experiences that guide them. This approach minimizes the progenitorial role of the individual in determining actions and behaviours and emphasizes preexisting influences upon the individual as well as the primacy of perceptions and interpretations. His method helps to analyze the relationship of people to society and to lend meaning to any type of action or word recorded by the court.

The depositions made by Alaysia and Huga also reinforce the connection between court, accused, and public. Accused men and women depended upon networks of solidarity to defend against curial accusations. Judges could only conduct inquests with the participation of the public. So, Alaysia spun a web of supporters. She invested other women with her rape story. She bought stock in female sympathy and solidarity. The judge, conversely, used her network against her. He isolated her allies and co-conspirators. The midwife, her lover's wronged wife, the townswomen who helped her net a new husband; he interrogated them all and pressured them to speak truth to deception. Through their gossip Alaysia's case became a *cause célèbre* in Manosque. Through their depositions, though, the court convicted Alaysia. Huga, similarly, tried to protect herself by speaking to local women, each one a potential victim of her theft: she asked them for help with her candle, she showed them she was a naïve and vulnerable foreigner. Without the pressures brought by their testimonies, Huga would likely never have revealed her illicit dalliances and opened the door to her own torture.

1. The suicide here could perhaps be seen as *habitual*; as the ultimate strategy to navigate a treacherous path. Alternately, it may also be construed as *extra-habitual*, as the one ploy that lay outside the impulses of the actor's *habitus*.

2. Huga told the court she was terrified into hanging herself by her jailers: '*Interrogata per ipsum dominum judicem quare fecerat predicta dixit quod aliqui de curia terruerant eam et sic desperare volebat se stringere.*'

Ultimately there was a very public cost to Huga's and Alaysia's gambles. In cases of insolvency, adulterers and thieves could be made to pay with their bodies. As a foreigner, Huga did not benefit from the criminal statutes of Manosque and their negotiated penalties. In any event, the statutes do not predict a penalty for burglary. Other forms of theft, however, were subject to corporal punishment.

Corporal punishments satisfied the need for justice through the simultaneous spectacle of public humiliations and pain. Both women felt keenly the weight of a potential bodily, and public, punishment. Alaysia expressed her fear when she mentioned the stewing vendetta. Huga expressed hers with attempted suicide.

Both women's depositions reflect the importance of putting on a convincing performance in court and the motives accused people had to do so. When approached from this light, there can be no doubt that these performances had very real consequences in the public life of the townspeople.

Chapter 5

Gendered Violence and Honour

I Violence, Honour, and Visibility

The oppressive summer sun was so hot that day he thought he might pass out. Pons Cranerii was a young man, although court notaries never recorded exact ages. He was certainly old enough to work the fields and do manly labour. His family was not rich but it was proud. He and his father had good reputations. They valued their good name and went to pains to protect it. This explains why Pons reacted the way he did on that blistering day. It was the last Sunday of July in 1400 and Pons, his father Jacob, and some other labourers, were working in a field belonging to Peyre Blanchard.¹ Because of the heat, the men stripped off their garments. They sweated as they heaved pitchforks of hay into mounds. Peyre Blanchardi later told the judge that Pons approached him as they worked. The young man asked if he had anything to drink. Peyre replied: ‘Go over to my stuff.’² Pons walked over to the discarded clothes and other objects, found Peyre’s wine flask, and drank. At that point, a mounted ‘nobleman,’ Francisco Textoris, surveying the worksite, saw Pons rifling through the pile.³ Francisco rode over and called Pons a thief. In the heat of sun and anger, and with a belly full of wine, Pons spat back: ‘you ribald shit!’ (*ribaut merdos*).⁴ These were fighting words. Pons’ father ran to his son’s side. The two Cranerii, pitchforks in hand, stared down the mounted nobleman. Tensions mounted. Some men placed themselves between the Cranerii and Francisco’s

1. 56H 1005 f^o 35–36.

2. The transcript has Peyre saying ‘*vade ultra ad raupam meam*.’ *Raupam* is used generically in these sources to mean more than ‘robe.’

3. The designation did not necessarily indicate titled nobility. It did imply a certain financial stability and social prominence, though.

4. Ribald was one of the most common insults used against men. It meant a man of low birth, a knave, or a rascal.

horse to stave off the fight. Things didn't come to blows, but everyone knew this showdown was not over. The *vox fama*, that ephemeral current of popular rumour, carried the tale back to Manosque. Soon, the whole town was talking about the quarrel that began in Peyre Blanchardi's field. And so Francisco took the Cranerii to court because the stain upon his honour was visible for all to see.

Honour, an abstract and socially constructed concept, varies over space and time. Medieval honour was simultaneously collective and personal. Groups shared common reputation and individual members had the responsibility to preserve and expand it. Medieval honour was particularly precious because it was finite. Once lost, it was difficult to regain. Restoration of honour usually implied taking it, forcefully, from another person or group. Men and women took and preserved honour differently. It is overly simplistic to state that urban secular female honour was passive and male honour active. But in general townsmen had the responsibility to guard and expand honour. They did this by appearing and being strong and sexually dominant. An appearance of weakness brought shame upon themselves and their families. Townswomen, conversely, conserved personal and collective honour by not doing certain things. A woman's chastity conserved her family honour; her promiscuity incurred shame. Women also, though, defended their honour physically and verbally.

When honour conflicts went to court they were subtly restructured and trans-fixed by legal process.¹ This happened, in part, because the purpose of the judge, when he prosecuted, was different from the user of the court. In this case of the Cranerii and Francisco, the judge was legally preoccupied with sorting out allegations of theft, slander, and assault with a weapon. His interrogations, therefore, focused on the investigation, prosecution, and punishment of those suspected offences. Still, legal process never completely obscured social realities. Francisco and the Cranerii were clearly more concerned with reputation than with crime. And their judge, of course, knew this. Court process allowed for, and encouraged, the arbitration of honour.

This chapter clarifies how court process served the dual purpose of prosecuting violent offenders while, simultaneously, arbitrating gendered anxieties over honour. It explains how prosecutions of forceful deeds, visible and intimate, shed light on medieval honour and shame. Chapter 3 already mentioned the process of reciprocal denunciations. In that scenario, for example, two women went to court to denounce one another for slander knowing that they would both pay a fine. Each wagered a modicum of personal injury to inflict an equal or greater degree of symbolic or

1. As noted in the introduction, Thomas Kuehn famously made this observation when he criticized Gene Brucker. Thomas KUEHN, 'Reading Microhistory: The Example of Giovanni and Lusanna,' *Journal of Modern History* 61 (1989): 515.

economic hurt upon the other. The phenomenon of reciprocal denunciations for slander was unique to women. Using the court to arbitrate honour, however, was not. Court process implicated men as well as women in a number of activities that harken back to honour and shame. The chapter looks first at two types of male aggression, those directed outside the family unit and those directed within. It then presents examples of female sexual delinquency that incurred shame. Although the court was interested in these sex crimes for practical reasons tied to economic and social stability, its process was part and parcel of the symbolic honour exchange.



When Francisco, the shamed nobleman, denounced Pons, the youthful pitchfork wielding farmer, the accusations were threefold: that young Pons was a thief; that Pons had slandered him; and that Pons and his father had tried to kill him with their pitchforks. He alleged that all of this was public knowledge. He added, for good measure, that the Cranerii had threatened the other journeymen in the field.

The judge prosecuted Pons and his father simultaneously but he first deposed the older man. Jacob Cranerii spoke plainly. He said he knew nothing about his son's alleged theft but that he was in court to defend his family's good reputation and name.¹ He also said he did not hear his son call Francisco a *ribaut merdos*. He admitted that his son had held a three-pronged pitchfork in his hands during the altercation. After all, the boy had been working in a field. And, obviously, he needed it to defend himself against Francisco. The man had wanted to kill his boy. The judge then called Pons who proclaimed his innocence. Pons named witnesses who saw him take only the flask from the pile of clothes. He also told the court that Francisco had threatened Pons with his hounds.²

Although the Cranerii men were humiliated by having to defend their honour in court, the tactic cut both ways. Not two days later, they denounced Francisco for attempted murder. This, they said, was how it happened. The day after they had appeared in court to defend their name, Pons was leading some beasts with a cart full of hay. All of a sudden, Francisco appeared on the road. Francis, seeing young Pons, rode at him with drawn sword. Pons, or so he told the judge, leapt under his wagon to avoid certain death. Later that evening, as he passed through the cemetery of Saint Sauveur, he had a second encounter with Francisco. Pons said that Francisco threatened him saying, 'I would kill you if we weren't on sacred ground, you ribald shit. Just you wait a bit and you'll see.'³ It was no accident that Francisco threw Pons'

1. That is, '*pro deffensione bone fame et boni nominis sui et dicti sui filii.*'

2. '*... quod faceret ipsum devastari per canes suos.*'

3. Literally '*Ego te interficiam non obstante terra sacrata ribalde merdose et attende me modicum quia videbis.*' This second trial appears almost immediately after the first, in the same unfoliated register.

exact slur back at him. The sensitive scales of honour demanded symmetry. Later that night, Francisco banged on the door to Pons' house screaming at him to come out and face death. Finally, the Cranerii, as Francisco himself had done, played the standard legal card of claiming that all of this was the stuff of public rumour.

Francisco came to court cool. Did he bump into Pons on the road yesterday? Yes, certainly. But they did not exchange words and he certainly did not attempt murder. Did he threaten Pons in the cemetery? No. He had drawn his sword against Pons merely because Pons tried to kill him while he watered his horse. Francisco also denied banging on Pons' door and threatening to kill him.

A witness to the altercation at the cemetery contradicted Francisco. Peyre Gontardi told the court he had been sitting with Pons across from the Cranerii house, on the edge of the cemetery, when Francisco rode up to them. Pons then said, 'O Francisco, now is the time to attack me, not yesterday on the road when I was completely unarmed.' Although Peyre didn't spell it out, the implication was clear: Pons derided Francisco for a cowardly attack against an unarmed man. Pons thus dropped the gauntlet. Again, honour compelled Francisco to respond: 'I am ready if you are.'¹ Peyre said the two men drew swords. Pons made a move toward Francisco . . . but then both men were restrained by some bystanders. Peyre Gontardi ended his tale to the judge by saying that later that night Francisco did indeed go to Pons' home to call him out to fight. Eventually the judge heard more of the same from others. He confirmed through the court notary what everyone else in Manosque already knew: Francisco was trying to kill Pons, and Pons did not shrink from a good fight.

The conflict between the Cranerii and Francisco, whose resolution is lost, resulted in verbal and physical threats that were only valuable when seen, heard, and appraised by others. Francisco hurt Pons' honour when he accused him, before others, of theft. Pons, to show the crowd his indignation, returned the insult and increased the stakes with his pitchfork. This showed the bystanders that he meant business. But while the insult was serious in and of itself, this was also social theatre. Next, both men signaled to the crowd that they were about to brawl. Ultimately, faced with pitchforks and outnumbered, Francisco backed down. The Cranerii took the first round in the honour contest. They proved to their viewers that Francisco was a coward. Francisco retorted with a public trial. The judge, however, was slow to rule. Time was of the essence: people were watching, waiting. So Francisco tried another tactic and attacked Pons on a busy highway. People stopped to watch. Later, the adversaries faced off in the cemetery before witnesses. There Francisco passed up another opportunity to kill Pons because, he declared to the gathered crowd, they were on holy ground. Finally, Francisco made a great commotion in the street. At last the spectators agreed: he surely would have fought

1. Literally '*ita sum paratus si vis.*'

Pons had they not restrained him. It was all a little contrived, but that was how honour worked. Its moves were only effective if seen, interpreted, and appraised by peers. Since court proceedings were so visible and knowable to Manosquins, curial process was imminently compatible with this system.

2 General Data on Violence

The most common types of inquest in the criminal registers are those that investigated physical or verbal aggression. As shorthand, I refer to such forceful deeds as violence. When I do so, though, I use violence in the broadest sense possible: aggression between two parties motivated by practical or symbolic goals and geared at inflicting harm.¹ Though anthropologists avoid using the term, violence remains an acceptable construct for historical analysis. This is so since the task of the historian is to discern meaning and not to label. In this light, violence, in the broadest sense, was a normal function of society and a by-product of conflict resolution. Historians leave aside judgements over legitimacy and focus on the goals of violence, on how it was deployed, on its significance, causes, and social meaning.

There is an organic, progenerative, link between violence and honour. Honour was a frequent motivator in many forms of medieval social interaction. It prompted the men and women of Manosque to act in a variety of ways. Honour-motivated actions could be directly and indirectly beneficial to society. They were directly beneficial, for example, when they prompted townsmen to intervene in a brawl and re-establish the peace. And even if honour was the original motivator for the brawl, it was still indirectly beneficial to society since the end goal of any physical struggle is to regulate, establish, or normalize relations. When it came to interpersonal conflict, honour was, at the same time, cause and effect.² By focusing

1. David Riches defines four qualities to violence. First, that it is a contest over legitimacy. Second, that there is likely to be little discrepancy in basic understanding of the actions between involved parties. Third, that it be visible to the senses. Finally fourth, that it requires no special technology or knowledge to enact. David RICHES, 'The Phenomenon of Violence,' in David Riches, ed., *The Anthropology of Violence* (Oxford: Blackwell, 1986), 11. As a general rule, anthropologists caution against using the term violence. They warn that, in Anglo-Saxon culture anyway, violence connotes illegitimacy or opprobrium. Authors of forceful deeds usually describe or assess their actions differently. Medievals, furthermore, had different parameters for what they deemed violent. For them, some hurt was invisibly enacted. This was the case, for example, with curses or magic. For more, see RICHES, 'Phenomenon of Violence,' 1–27.

2. For more see the classic article by Peter SCHNEIDER 'Honor and Conflict in a Sicilian Town,' *Anthropological Quarterly* 42, No. 3 (1969): 130. The anthropological literature on Mediterranean honour is vast. At its core is the seminal research conducted into modern Analusia by Julian Pitt-Rivers. See Julian PITT-RIVERS, *The Fate of Shechem or the Politics of Sex* (Cambridge: Cambridge University Press, 1977). See also J. G. PERISTIANY, (ed.), *Honour and Shame: The Values of Mediterranean Society* (London: Weidenfeld & Nicolson, 1965). Anthropologists are certainly not the only ones to take up the question of honour. Medieval literary theorists devote substantial attention to the

on the relationship between honour and violence, I seek first to understand the motivations of historical actors and second the significance of their actions.

Before looking at male or female violence in relation to honour, it is important to understand how and to what extent violence factored into the daily workings of the court. Every other inquest featured some form of violence. Table 2 on the next page shows the prevalence of typical offences. The column marked 'No. of Occurrences' indicates the number of trials containing each offence. The table does not reflect multiple counts of the same charge within a single inquest. The point here was to track how many times each offence occurred, not to establish how many people participated in each occurrence. Taken together, charges of verbal attacks (insults and slander) and physical attacks account for more than 50 % of all accusations. The proportion of time spent pursuing aggressive behaviour, therefore, far outweighs the next most significant types of criminal behaviour. Allegations of theft, which includes burglary and robbery since the court made no technical distinction, only account for about 11 % of all charges. Likewise, the category of pecuniary offences, which tracked criminal inquests against debtors who owed money to individuals, the seigneur, or to the court, also accounts for about 11 %. By any standards, then, there are twice as many accusations of criminally forceful behaviour than there are disputes around property.

These statistics are an imperfect tool. First of all, accusations of forceful behaviour could, and did, occur alongside other sorts of allegations including property disputes. Second, inquests that alleged aggressive behaviour often contained layered charges. A single inquest may contain charges of illegally drawing a weapon, insulting, and then striking. This opens the door to statistical inflation. In part, the legal framework fed this phenomenon. Court notaries carefully itemized and broke down offences. They took their cue from the municipal penal regulations which state that unsheathing a blade amplified the severity of other offences. Conversely, the articles of the *Instrumentum* encouraged people who drew blades to resheath them. The articles further indicate that drawing a blade and being forced to resheath it by another party, or choosing to follow through with the attack, were both punishable offences with distinct fines.¹

question. For one example among many see CHRISTOPH, Siegfried, 'Honour, Shame and Gender' in *Arthurian Romance and Gender: Selected Proceedings of the 17th International Arthurian Congress*, ed. Friedrich WOLFZETTEL (Amsterdam: Rodopi, 1995) 26–33. Anthropology has guided the dominant historical approach, which now tends to conceive of honour, shame, and vengeance as structured and structuring institutions. For a succinct example, see the tidy overview provided by GAUVARD, Claude, 'L'honneur blessé dans la société médiévale' in *La vengeance. Le face-à-face victime/agresseur*, ed. R. VERDIE (Paris: Autrement, 2004) 160–169.

1. The article thus reads: *Si quis autem cultellum suum de vagina vel ense contra aliquem extraxerit et penitentia ductus per se in vagina reposuerit, nichil prestat. Si retentus ab aliquo fuerit vel per impotentiam ictum non fecerit et impetiverit alium cum dicto cultello vel ense vel falzone, solvat XX so-*

Table 2. — Offences by Prevalence

Offence	No. of Occurrences	% of Total Occurrences
Verbal Offence	518	27.55 %
Assault	499	26.54 %
Theft	208	11.06 %
Pecuniary Delinquency	199	10.59 %
Edict Breaking	175	9.31 %
Drawing Weapon	126	6.70 %
Property Disputes	79	4.20 %
Adultery	25	1.33 %
Murder	11	0.59 %
Rape	11	0.59 %
Tree Cutting	10	0.53 %
Arson	8	0.43 %
Treason	5	0.27 %
Illegible	3	0.16 %
Malefice	2	0.11 %
Escaping from Prison	1	0.05 %
Total Occurrences	1880	100.00 %

Nevertheless, they indicate beyond a doubt that the court spent the majority of its time policing aggressive behaviour. Violence was a definite reality in medieval courts, as it was in medieval life.

The articles of the *Instrumentum* spell out in detail the types of physical aggression deemed criminal. First and foremost were those that caused blood to flow. Late medieval courts always tracked the *effusio sanguinis*.¹ An article, therefore, detailed

lidos nomine pene dicte curie. M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), 56. This article was compounded by repeated announcements (*praecisationes*) that the preceptor forbade anyone from carrying a blade over a certain length. See, for example, 56H 997 f^o 66 from 9 April 1370. With only a few exceptions, charges of drawing a blade were always linked in court to assaults or verbal violence. The proclamation was simply not enforced if it did not lead to aggression. Blades were a constant concern in Manosque. The population had been armed in case of war but was forbidden to bear those arms openly. Michel HÉBERT, 'Une population en armes: Manosque au XIV^e siècle,' in *Le combattant au Moyen Âge*, *Histoire ancienne et médiévale* 36 (Paris: Publications de la Sorbonne, 1991), 215–26.

1. On the medieval obsession with violent blood flow, see the introduction to 'A Great Effusion of Blood?' *Interpreting Medieval Violence*, Mark MEYERSON, Daniel THIERY and Oren FALK eds., (Toronto: University of Toronto Press, 2004).

the fines for bloody assaults from fists or swords.¹ It specified separate penalties for attacks with other types of iron or metal blades.² It also excluded bleeding caused by finger nails or from nosebleeds. The court did not prosecute those forms of minor personal injury. If, however, an attack resulted in broken teeth, the *Instrumentum* permitted the court to prosecute.³ A separate article governed throwing stones during a brawl (*rixa*), although it exempted children under fourteen.

In addition to prosecuting physically forceful deeds, the court also prosecuted verbal offences that had the potential to do physical harm. After all, loss of reputation within the community resulted in a diminished ability to sustain oneself. This, in turn, jeopardized physical well-being and manifested in court as ‘accusational or judicial violence.’⁴

Although only one of the *Instrumentum*’s articles spelled out a penalty for an insult, the court broadly punished insults and slander thanks to a generous interpretation of another article and by gauging public rumour. First, the only article to mention insult forbade people from calling a married woman a prostitute.⁵ Second, there was a generic article that forbade people from causing a scandal. The court used it to justify prosecutions against gossip, rumour mongering, defamation, and slander.⁶ Third the inquest records contain repeated accusations that a suspect’s deeds were the source of rumour; that they were the stuff of the *vox publica et fama*. Unlike insult, a one-time offence that impacted reputation, *vox publica et fama* implied that the whole town knew, and continued to talk, about certain offensive words or deeds. When infamous offences were caught in the public voice,

1. ‘*Si autem vulnus infligatur cum pugno vel aliquo gladio ex quo vulnere sanguis emanaverit, excepto cultello, lancea, ense, falzone, solvat faciens XV solidos in nomine pene; verum si os effractum fuerit, LX solidos solvat.*’ ISNARD, *Livre des privilèges*, 56.

2. ‘*Si ictus factus fuerit cum cultello, ense, lancea, falzone, securi, ligone, pico vel pica vel massa ferrea vel aliquo metallo vel aliquo ferro, solvat LX solidos. Si autem percusserit cum dictis armis in capite vel costis vel ventre cum quo loco quis facilius mortem posset incurrere, solvat C solidos aut manum amittat. Si vulnus inflictum fuerit cum dictis armis in brachiis vel a brachio inferius, LX solidos solvat.*’ *Ibid.*

3. ‘*Inprimis super sanguinis effusione interpretantes quod sit sanguinis effusio et quam penam faciens incurrat, sanguinis effusionem intelligimus quomodocumque cum gladio fiat vel cum pugno vel alia re si vulnus infligat, exceptis unguibus, vel sanguis ex ictu nasi, vel oris nisi dentem effregerit, de quibus nullum penam imponimus. Si autem dentem effregerit vulnus inflictum reputamus, et XV solidos nomine pene solvat.*’ *Ibid.*

4. The expression belongs to David NIRENBURG, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 128.

5. ‘*Item si quis in rixa si qua vel aliumde aliquam mulierem conjugatam meretricem vocaverit et probare non potuerit, X solidos nomine pene curie solvat aut currat nudus vel nuda per villam.*’ ISNARD, *Livre des privilèges*, 62.

6. ‘*Quod nullus scandalum teneat, et si tenuerit X solidos nomine pene curie solvate.*’ ISNARD, *Livre des privilèges*, 58.

damage was prolonged.¹ After all, 'speech was at the center of information, culture, and power.'² Accusations of *fama* served a legal purpose, too, in so far as they lightened the burden of proof; they implied that everyone already knew, and agreed, about the veracity of a certain allegation.³ Accusations of *fama* also measured the impact of the crime upon reputation. If, for example, slander was alleged, and it was compounded by rumour, the damage done to reputation was more substantial. Denouncers thus included a charge of *fama publica* when initiating inquests to augment the perception of injury. In that sense, *fama publica* became tightly connected to struggles over honour. For its part, the court attempted to corroborate whether the offence had become common knowledge or public rumour, or whether this was mere bluster on the part of the victim. Ordinary Manosquins, for their part, understood what constituted public rumour. The court interrogated witnesses on the *fama publica* as it did other allegations. In one case, it asked a Manosquin woman 'what is fama?' (*quid est fama*). She replied succinctly, 'it's what folks say' (*id est quod gentes dicunt*).⁴ So, the court frequently asked witnesses whether allegations were public rumour; invariably, they replied in one of three ways: yes, no, or they did not know. If the rumour was of special concern to the judge, witnesses who had heard it were sometimes required to name their source. This was done to route out potential witnesses. In general, *fama* was alleged to intensify the other accusations and to support other modes of proof.

We know that forceful behaviour was a dominant concern for lawmakers because the court spent so much time prosecuting it, and also because so many of the

1. For more on infamy, see TELECHEA, *op. cit.*, and the collection of essays in *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca: Cornell University Press, 2003). Readers may also wish to consult the index in Claude GAUVARD, *De grâce especial: Crime, État et société en France à la fin du Moyen Âge*, 2 vol., (Paris: Publications de la Sorbonne, 1991) for the term *renommée*. These passages shine light onto medieval French concepts of notoriety.

2. Sandy BARDSLEY, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2006) 3.

3. This did not alleviate the court's burden of proof, but, *fama* could be proven, it was a sort of corroborating evidence. It impacted upon the reputation of the suspect. If everyone said so-and-so had done something, he likely did. Thus, in the words of Claude Gauvard, 'La collectivité y tient une place essentielle, celle du premier juge.' See GAUVARD, *De grâce especial, 137 et passim*. Gauvard also noted that medieval rumour was 'stronger than simple gossip,' that 'it implied the consensus that unites the crowd.' This much seems true of Manosquin fama. More importantly, she hinted that rumour was used by French courts, which 'exploited the atmosphere of anxiety' in order to control. In short, she saw the fear of crime, heightened and disseminated by means of rumour, as being one way in which states consolidated power. See Claude GAUVARD, 'Fear of Crime in Late Medieval France,' in *Medieval Crime and Social Control*, ed. Barbara HANAWALT and David WALLACE (Minneapolis: University of Minnesota Press, 1999), 17–18.

4. Andrée COURTEMANCHE, 'La rumeur de Manosque: femmes et honneur au XIV^e siècle,' in Marie-Claude DÉPREZ-MASSON, ed., *Normes et pouvoir à la fin du Moyen Âge* (Montreal: CERES, 1989), 127.

Table 3. — Manosquin Criminal Offences Grouped by Type

Violence	Property	Seigneur
1. Bleeding	6. Arson	10. False measures (solids)
2. Wounding	7. Tree cutting (fruit)	11. False measures (liquids)
3. Cutting	8. Tree cutting (other)	13. Selling wine during ban
4. Drawing weapon	9. Killing animals	17. Tax evasion (<i>cosse</i>)
5. Throwing rocks	14. Theft of grapes	18. Sale of oats
12. Scandal	15. Theft of hay	19. Tax evasion (wheat/grapes)
	16. Theft of rabbits	
21. Adultery		
22. Rape of married woman		
23. Rape of others		
24. Calling a married woman a whore		
	25. Theft of wheat	

town's penal articles focus on aggression. Ten of the twenty-five criminal articles in the *Instrument* pertain to physical and verbal attacks (see Appendix). The first and largest group of articles are, therefore, those that regulate aggression. The remaining articles fall into two broad categories. Offences such as theft, arson, or murdering animals, can be grouped together as crimes against property. Juxtaposed between aggression and property are sexual offences. Sex was regulated by three articles. The first punished adultery, the second rape of married women, and the third rape of a virgin. If we add the three pieces of rape legislation to the seven that govern forceful deeds, ten of the twenty-five articles deal with violence.

Although it is tempting to count rape purely as a form of physical assault, this is historically inaccurate since rape weighed more as an offence against property. The three articles against rape clearly indicate that Manosquins placed far less value on the element of sexual assault than they did on the devaluation of the raped women. Rape of a married woman carried a penalty of 100 shillings, on par with causing a life-threatening wound. Both offences also theoretically incurred amputation of a hand for insolvents. The penal articles ascribe higher economic value to married women. This was because, through the legitimate use of their wombs, they transmitted masculine patrimony. Virgins were similarly protected and valued. Fathers and families used girls to form marital alliances. A spoiled virgin made the likelihood of a good union more difficult and expensive. Deflowered girls, to put it bluntly, were costly to dowering fathers. Rapists, thus, willing to marry their victims, and eliminate the problem, had their fines reduced from 100 shillings to one. The penalty for raping a virgin was aimed far more at solving the problem of what to do with

despoiled maidens than with punishing sexual assault. Rape of a woman who did not have a man (*muleri non habenti virum*), including a widow, incurred a diminished penalty of twenty-five shillings. This was double the fine for slander but still only half the fine for breaking a bone in a fight. Rape of a prostitute, almost impossible to prove and never prosecuted, incurred a theoretical fine of ten shillings.¹ This was the same damage applied to those who called a married woman a whore.² Where rape was concerned, the punishment was linked first to the loss of a woman's symbolic value and second to the physical assault. Since the rape of a prostitute was valued at one-tenth that of a virgin, this is a good gauge for how little Manosquins valued the pain and suffering of the victim.³

Table 2 on page 115 shows that the court prosecuted other violent and non-violent crimes that go unmentioned in the *Instrumentum*. Absent from its articles, notably, are high crimes such as treason or murder. This is because the *Instrumentum* was not a criminal code. The statutes of Forcalquier governed other types of crimes and, of course, informing every prosecution were the tenets of Roman civil law. The *Instrumentum* was negotiated between the Manosquin community and its seigneur to ensure that routine justice was not overly harsh. It was an echo of older communal privileges. Those privileges, however, had limits. When a member of the community transgressed the negotiated routine offences, he forfeit communal protection.

This general survey of the Manosquin *Instrumentum compositionis super maleficiis* proves that violence was a major outlet in the struggle to retain honour and exert power over others. The anecdotal evidence shows that the relationship between violence and honour was, however, gendered. To show how this was true, the following sections treat male and female violence separately.

1. Prostitutes were protected throughout fourteenth-century Europe. See Jacques ROSSIAUD, *Medieval Prostitution* (New York: Blackwell, 1988), 66 note 19. Rossiaud states that public prostitutes were protected by statute in Avignon, Dijon, and Tarascon among others. He believes that it was only non-sanctioned prostitutes who did not benefit from statutory protection. While the statutes from Manosque support him, the evidence from the criminal registers undermines the idea that prostitutes were protected from rape; no prosecutions for raping a public prostitute ever occurred. Rossiaud differs on this point from Geremek and subsequent authors. Thus, Nirenburg notes, in some places raping a prostitute was a legal impossibility since they did not belong to any one man and were considered to be public property. This, at least, was not the case in Manosque. See NIRENBURG, *Communities of Violence*, 153; and also James BRUNDAGE 'Rape and Marriage in the Medieval Canon Law', *Revue de Droit Canonique* 28 (1978): 62–75.

2. The relationship between honour, gender, and speech is complex and prominent in the current literature. For a recent example, though one that draws on late medieval English records, consult BARDSLEY, *op. cit.* For Manosque, see VACHON, *op. cit.*

3. It is perhaps crude to use law codes in this way, but other medieval legal historians have certainly estimated sentiment and personal worth on the same basis. See the works of Katherine FISCHER DREW, *The Burgundian Code* (Philadelphia: U of Pennsylvania P, 1972); 'Leges Lango-bardum,' *Monumenta Germanica Historica*, Vol. 4., ed. F. BLUHME (Hanover, 1869); *Lex Salica*, ed. J. Fr. BEHREND & Richard BEHREND (Wimar: 1897).

3 Male Honour: Domestic Abuse

Late medieval male honour and personal identity, that is to say men's sense of self, were linked to the fact and perceptions of strength and the court was often drawn into this dynamic both inside and outside the household. Since personal honour rested not only upon actions but, more importantly, upon how others viewed those actions, it was important for a man to appear strong. His good name depended on his ability to fight for it, and very often this fighting was physical. An aggressive male sought to rob his opponent of honour through brute force. This increased the aggressor's reputation as a strong, capable, and upright man. The theft of honour occurred when a man was seen to be weaker than his assailant. This was what happened between Francisco and the Cranerii men. As a result of this dynamic, male familial solidarity was an important element of household politics. Sons, brothers, and fathers supported one another against outside threats. They joined with one another to attack others and increase their family's prestige and perceived strength. Honourable men were those who did not necessarily look for fights, but who were willing and able to join with kin to fend off outside attackers. All of this describes the ideal male familial relationship. Problems arose when disagreements brewed within the family. Given the social, if not legal, acceptability of violence as a means of settling outside disputes, it is not surprising that sons, fathers, and brothers turned to it to settle their own disputes. Although this went against the familial ideal, in-fighting occurred. This integration and disintegration of family solidarity was a central problem for the court. The stories contained in inquests involving private male disputes are as telling as is the court's ability, or inability, to constrain behaviour. They reflect the fact that male solidarity and its compliment, disunity, were bound tightly to reputation and strength.

Half of all inquests involving family men accused of violent acts pitted close male relatives against outsiders. When men bonded with close kin to fight, the most common relationship was fraternal. Half of all family assault cases involving outsiders featured brothers united against non-relatives. Another quarter involved a paternal-filial union.¹ Unfortunately, these figures do not shed light on

1. I could only track cases involving fathers, sons, and brothers. Uncles, cousins, etc. were usually invisible in the records. Still, the court prosecuted forty-four instances of close male relatives. Male relatives allied themselves to fight non-relatives twenty-four of the forty-four times (54.55 %). Since there are 499 recorded assault trials, this suggests that almost 5 % of all fighting involved male relations pitted against enemies. The remaining twenty incidents (45.45 %) varied in nature. They included, for example, hunting infractions, theft, or statute breaking. Ten of the forty-four (22.73 %) incidents involved fathers and sons. Twenty-five of the forty-four (56.82 %) involved brothers who showed solidarity. Another ten incidents (22.73 %) involved men with the same family name but whose relationship to one another was unspecified. I counted one record twice in these statistics since it involved a father and two of his sons. So, I counted it first as a father/son crime and again as a brother/brother crime. Prosecutions involving male relations occur in thirteen of the usable twenty registers between 1340 and 1403. About half of all accusations of violence involving close male kin

the substance of male collusion. They do not reveal the dynamics at play when male relatives worked together against outsiders. Since assault cases were the most common types of prosecutions, the court tended to deal with them swiftly. Transcripts from assault inquests, therefore, tend to be brief and superficial. The case study presented at the start of this chapter is unusual in that regard. It allows a glimpse into how and why male relatives supported one another with physical strength. It presents the ideal male reactions to an honour challenge: the Cranerii men closed ranks, performed various public deeds to defend their good name, and responded to Francisco's challenge in kind with physical, symbolic, and legal threats. While both sides in the dispute made recourse to the court, litigation was simply one of several tools used in their dispute. Although, as is common, the Cranerii inquests lack legal resolutions, this reinforces the importance of composition between rivals. At the same time, the fact that both sides activated legal confrontations suggests the court was an indispensable tactic in revenge, disputes resolution, and the quest to exert power over a rival. This, in turn, reinforces the conclusions from the previous chapter that the court played a major role in shaping public opinion.

It is much easier to track the meanings of male violence with inquest records when it was directed inside the family unit. Within the *domus*, the medieval home, male power often took the same form it did outside: forceful, brutal, blunt, and controlling. Inquest records provide an important window into male honour, power, and violence within family units. For a long time, medievalists thought it impossible to know how ordinary husbands related to their wives. The great French historian Georges Duby even remarked, 'We know nothing, and I doubt if we will ever know anything, about the vast majority of marriages . . . The rare insights which we have all concern the upper echelons of society, people in high places, the rich, the highest reaches of the aristocracy and the princes.'¹ The inquest records from Manosque show that this is simply untrue, at least in so far as domestic violence is concerned.

Inquests into domestic violence show that it was accepted, but also monitored and constrained, by the Manosquin community and its court. This statement flies in the face of conventional historical wisdom about domestic abuse. Most historians agree that medieval husbands routinely used violence to control their domestic subordinates. They state, with confidence, that domestic abuse was normal and pervasive.² This is surprising since most of what has been documented by historians about wife assaults is limited to fatalities. Because of this, many historians

resulted in convictions. The forty-four inquests contain ninety-two separate counts of offences. Forty counts lack a verdict. The judge condemned forty-two of the counts and absolved the remaining ten.

1. Georges DUBY, *Love and Marriage in the Middle Ages*, trans. Jane Dunnett (Chicago: University of Chicago Press, 1988), 24.

2. See Judith M. BENNETT, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (New York: Oxford University Press, 1987), 103. See also James BUCHANAN GIVEN, *Society and Homicide in Thirteenth-Century England* (Stanford, CA: Stanford University Press, 1997), 195.

have wrongly concluded that communities tended only to get involved when there was a death.¹ The lack of evidence to the contrary leads them to conclude, wrongly, that medieval people dealt with wife assault quietly and privately. The records from Manosque are especially valuable because, first, they contain evidence of everyday, that is, non-lethal, domestic abuse and because, second, they show that, in point of fact, the community was deeply concerned about it. Although there are only ten inquest records against beating husbands from Manosque, this constitutes the single greatest published font of data available to medieval historians. These ten cases, moreover, are all the more important because of their richness. In order to demonstrate communal and curial involvement in policing male domestic violence, I will summarize the ten cases.²

The earliest evidence of male violence against a spouse comes from 1341 when the court accused a foreigner, a man named Hugo Roche, of using a bat to attack a beating husband. When the court investigated, however, the witnesses told a different story. They said that Hugo had come upon his alleged victim, a man named Jacobo, while that man was beating his wife with a bat. Hugo restrained the abusive Jacobo and, in the process, Jacobo received a cut above the eye. The witnesses doubted that Hugo had inflicted the wound and clearly condoned his intervention.³

That same year, the court initiated a prosecution against Bertran Astergii for allegedly using a pestle to beat his wife. So severe were her injuries that she was confined to bed. Witnesses, including the battered wife's relative, a servant, and her

1. Most historical writing on medieval domestic violence comes from criminal records. Emmanuel Le Roy Ladurie, in his examination of Benedict XII's inquisition register, thus, concluded a dismal existence for married women. See Emmanuel LE ROY LADURIE, *Montaillou: The Promised Land of Error*, trans. Barbara Bray (New York: Vintage Books, 1979), 192–4. Far more common is historical evidence of death from domestic abuse. Claude Gauvard, therefore, investigated the unusual case of a woman who murdered her abusive husband. See GAUWARD, *De grâce especial*, 314. For England, Barbara Hanawalt examined the coroner's rolls to find repeated evidence of wives killed by their beating husbands. Barbara Hanawalt, *Crime and Conflict in English Communities, 1300–1348* (Cambridge, MA: Harvard University Press, 1979), 165–166. See, too, Barbara HANAWALT, *The Ties that Bound: Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986), 208. Hanawalt also found limited evidence of non-lethal wife assault. Three more examples of lethal domestic violence are also available in English edition in *Love, Marriage, and Family in the Middle Ages: A Reader*, ed. Jacqueline MURRAY (Peterborough, ON: Broadview Press, 2001), 392–3. Finally, J. B. Given remarked upon an unusual English case in which the court ordered a husband to beat his wife. James BUCHANAN GIVEN, *Society and Homicide in Thirteenth-Century England* (Stanford, CA: Stanford University Press, 1997), 195.

2. Elsewhere I have presented these inquests alongside records of child abuse. For the full comparison, see Steven BEDNARSKI, 'Keeping it in the Family? Domestic Violence in the Later Middle Ages: Examples from a Provençal Town (1340–1403)', in Miriam MULLER, Isabel DAVIS, and Sarah REES-JONES, eds., *Love, Marriage and Family Ties in the Middle Ages* (Turnhout: Brepols, 2003), 277–97.

3. 56H 986 f^o 7 from 7 March 1341. The court began the inquest *ex officio curie*.

sister-in-law, told the court that the beating occurred in the doorway to the family home.¹ The court notary travelled to take a statement from the bedridden wife. He asked whether her husband had really used a pestle against her. She replied he had only used his fists. When the judge interrogated the beating husband, he confessed to slapping her twice because she had insulted his mother. Although the judge may have been inclined to condemn him, Bertran Astergii proved clerical privilege and the court was compelled to dismiss its case against him.²

The following year the court moved against a husband who arrived home drunk one night and attacked his sleeping wife. He told the court he was somewhat drunk (*quasi ebrius*) and could not remember what he had used to inflict the serious wounds. It was his sword. Still, the beating man said he really didn't think he had hurt her (*pro certo non credebatur eam vulnerasse*). At the end of his inquest, his wife stood as *fidejussor* for him. Since he confessed, he simply paid the fine and the court closed the case against him.³

The fourth trial involved Peyre Michaelis of Saint Tulle who came to Manosque to find his pregnant female relative being beaten by her husband. When he intervened to defend her, the enraged husband threw a rock at his head. Peyre denounced his assailant to the court. The wife beater confessed and paid a fine.

The fifth inquest from 1366 centred on a Jew, Salvatus, whom the court accused of beating his wife, despite the fact that he had already received a prior fine for the same offence. He admitted to his prior record but denied repeating the offence. All it took was for one witness to contradict him before he conceded. He recanted and paid the court.⁴

A few years later a local notary began an inquest against his brother-in-law. The notary claimed that his sister's life was in danger from both her husband and his nephew. The court charged the nephew with trying to murder his aunt with an iron bar as she lay sick in bed. It also alleged that her husband had beaten her so severely with a bat and with his fists that she was believed dead. Both men, however,

1. On doorways and their symbolic significance as thresholds between public and private, see Elizabeth S. COHEN and Thomas V. COHEN, 'Open and Shut: The Social Meanings of the Cinquecento Roman House,' *Studies in the Decorative Arts* 9 (Fall-Winter 2001-2002): 61-84.

2. 56H 986 f° 17-17v. Bertran said his wife had called his mother a villain (*villana*). He was a married cleric who had been ordained in 1322. On married clerics, consult R. H. BAUTIER "Clercs mécaniques" et "clercs marchands" dans la France du XIII^e siècle,' *Académie des Inscriptions et Belles-Lettres. Comptes rendus* (1981), 209-242. Secular courts had no jurisdiction to prosecute members of the church. This included men who had attained minor order in their youths but who had never progressed beyond them. Only ecclesiastical courts could deal with those men. In this case, the court should have relaxed Bertran over to the episcopal court at Sisteron.

3. 56H 986 f° 146-146 v. dated 10 June 1342.

4. 56H 996 f° 117-117 v. dated 5 November 1366. The previous trial is lost. Joseph Shatzmiller found an older case against a Jewish husband who beat his enemy's wife. See Joseph SHATZMILLER, *Recherches sur la communauté juive de Manosque au Moyen Âge, 1241-1329* (Paris: Mouton, 1973), 89.

were absolved for lack of evidence. Tellingly, though, the husband gave his reason for beating his wife: she had not wanted to hand over the keys to the stable (*dicta Alasaycia sua uxor nolebat sibi clavem stabuli sui tradere*). Each man claimed to know nothing about the charges against the other. Asked about his nephew's behaviour, however, the husband said the man who had accused them both, his brother-in-law, was an idiot and a drunkard (*quia stultus ille qui denunciavit, ebrius erat*).¹

That same year, 1370, a wife accused her husband of cutting her hand with his long sword while she visited a neighbour 'of good conversation and laudable life.' It was no accident that she specified the type of weapon used. Wounds by long swords incurred a specific penalty. A first witness, however, said she knew nothing. A second said only that she saw the husband slap his wife across the mouth. Finally, the husband appeared to deny the allegation. He told the court that he had given his wife 'a small slap to correct her and because she was not doing the work that he wanted' (*quod cum manu modicam alapam sue uxore predictae dedit correptionis causa quia non fecit opera que ipse vellet*). The court absolved him with a notation that the charge had not been proven.²

The court prosecuted another Jew, Bonizatus Cohen, for trying to strangle his wife to death. A witness testified he had rushed into their house because of the victim's screams. When he entered, he found Bonizatus choking her. Bonizatus confessed and paid his fine. The court, interestingly, also prosecuted the witness, Ramoun, for barging into the house and trying to kill Bonizatus. Ramoun, however, pursuant to the inquest, was absolved of any wrongdoing.³

The second to last wife assault case centred on a woman who had fled her husband on account of his beatings (*pro eo quia dictus ejus maritus ipsam verberaverit*). She returned to live with her parents but he pursued her. When he arrived at his in-laws' house, his wife's mother refused him entrance. He proceeded to kick her in the stomach, knock her down, and attack her. He confessed freely to beating his mother-in-law and willingly paid the court. The condemned husband was, however, dissatisfied. He complained about his mother-in-law's meddling. He said she had refused to let his wife return home. He also said his mother-in-law had grabbed his tunic and torn it. The mother-in-law testified that she had not meant to attack him, but was merely defending her daughter. The court condemned her and she paid a fine.⁴

1. 56H 997 f^o 17–18 from 16 January 1370.

2. 56H 997 f^o 52–52 v. from 1 March 1370.

3. 56H 997 f^o 131 dated 8 August 1369. The allegation against Ramoun reads: '... *quod cum predictus Bonizatus Cohen judeus Mancozetam uxorem suam verberavit infra domum suam ipse inquam Raymundus delatus domum predictam intravit causa offendendi eidem judeo.*'

4. 56H 1001 f^o 108–108 v. from 4 December 1394. The court began the first inquest *ex officio*.

The last case of curial regulation of spousal abuse is a poorly-preserved record against Bartholomeus Boneti. The subvicar of Manosque accused Boneti of attacking his wife and attempting to kill his donkey (*quod delatus ipse motus malicia [venit] contra uxorem suam et quondam asinum suum quem interficere volebat*). A woman intervened and told him he was behaving badly (*quod male faciebat*). For her troubles, he called her a whore (*appellavit putan*) and threw two stones at her. With typical rhetorical flourish, the document specifies that the rocks were hurled to kill. Boneti denied the charges. He admitted, however, to resisting arrest when the subvicar dragged him to court. The female good Samaritan testified that she had interfered with the beating and said that Boneti had indeed thrown rocks at her and screamed 'you don't know us!' (*non nos conoysam!*).¹

Now, the court of Manosque had no distinct prerogative to regulate marriage but it trod willingly onto ecclesiastical turf to prosecute wife beaters because they were a serious concern to secular society. Since no prohibition prevented men from striking their wives, the court processed spousal assault with the same procedure it used for other forms of assault. It did not inject morality or any special rhetoric into its process. It simply prosecuted men for the assault. As with other inquests, the court initiated proceedings about half the time. Although the small sample set of domestic abuse cases precludes drawing any firm conclusions, the fact that five of the ten inquests began *ex officio curie* is still telling. It suggests the court acted on a sense of judicial or regulatory imperative.

A more pressing reason for a public court to prosecute wife assault, a matter that many historians consider intimately private, is that there was a clear desire for legal intervention from within the kin network. Several inquests involve members of the extended community or family. One victim fled to her mother's home, a brother acted to defend his sister, and a relative defended his pregnant kinswoman. This suggests that family quarrels escalated into legal conflicts. It also shows that women continued to maintain ties with their natal families after marriage.² In theory, girls who were married became part of their husbands' domains. Practice, however, was more nuanced. Married girls and women continued to draw benefits and support from their own blood relations. When a husband was perceived to have failed in his duties, a woman's family could step in. When this happened, the husband was suddenly cast out of the network of solidarity and returned to his pre-marital, unallied, status. Interventions by a woman's family, even temporary, no doubt placed enormous strain upon the kin network and prompted familial civil war. Spousal litigation was regulation by humiliation. This no doubt explains why it was used so

1. 56H 1007 f° 44 from 29 May 1403.

2. See Andrée COURTEMANCHE, *La richesse des femmes: patrimoines et gestion à Manosque au XIV^e siècle* (Montreal: Bellarmin, 1993), 170 *et passim*.

rarely. No doubt most families sorted things out themselves. Still, there was a point at which legal prosecution became a necessary last resort for some.

Kin, those with a vested financial, emotional, or psychological interest in a woman's wellbeing, were not the only ones to defend battered wives in court. In the first spousal assault case, a stranger, a foreigner, separated a beating man from a battered wife. The husband was so enraged at this intervention that he took the stranger to court. In another inquest, a Christian transgressed a powerful social taboo to burst into a Jewish home and defend a battered wife. In yet another, a widow confronted a beating man. As thanks for her troubles he called her a whore and told her to mind her own business. As with concerned family members, outsiders who intervened in wife assault paid a price. Despite this payment, interventions by people outside the kin network suggest popular consensus on the acceptable limits of violence.

Wife beaters were just as likely to confess as were other types of offenders. The man who attacked his wife with his sword, the man who assaulted his pregnant spouse, the Jewish repeat offender, the strangler, and the man who attacked his protective mother-in-law all confessed and paid fines. In fact, out of the cases that produced a verdict, only two led to acquittals. One man who was acquitted stated that he beat his wife because she refused to hand over some keys. The other, denounced by his own wife, stated he had only slapped her because she was not doing the work he wanted. Both men found innocent in court offered socially acceptable explanations for their assaults. While the court acted independently to seek out and regulate abusers, and while it responded to this desire in others, it supported prevalent views on power within domestic relations. It punished those who threatened life or who used weapons even as it supported husbands who used force to maintain authority over subordinates. This information adds to our understanding of medieval wife assault. It confirms what most historians have long suspected: husbands had the right to beat in order to maintain honour, prestige, and control. It also reveals that extended families monitored men who beat, and that even unrelated people took steps to limit excessive violence. There need not have been a death for the community, or the court, to intervene.

There was a strong relationship between male honour and the ability to wield force against weaker opponents. This was as true outside the household, when men strutted, blustered, and bruised one another, as it was inside the home. Honour explains the prolonged hostilities between Francisco and the Cranerii just as surely as it does the acquittal of men who slapped their wives for not following orders. This social preoccupation with male honour, force, and control manifested itself visibly in court. Thanks to transcripts of men wielding force to pursue honour we are able to gauge the borders and texture of this preoccupation.

4 Female Honour: Sex / Adultery

If male honour was tied to force, and, therefore, to physical harm, then female honour was linked to reproduction and, consequently, to symbolic hurt. This explains, in part, why Georges Duby wrote that ‘Adultery was an obsession in medieval society; envious eyes lay in wait whenever lovers chanced to meet.’¹ Male adultery was not a real concern for secular society, but female adultery, and the shame it brought, were enormous worries. Although after the twelfth century canonical injunctions against adultery applied to both sexes, everyday social reality favoured male promiscuity.² Many men had routine access to mistresses and prostitutes and enhanced their prestige through sexual dalliances. Although courts did prosecute and condemn men for adultery, this was not shameful. For women, however, prosecutions for illicit sex were highly stigmatizing. Female adultery upset family stability and devastated reputations. It ruined the female perpetrator’s own reputation and destroyed that of her cuckolded husband and weak kinsmen. In short, ‘female adultery “broke the yoke of marriage.”’³ Through the illicit use of their bodies, women had the potential to wreak substantial symbolic violence. The symbolism of the violence made it no less potent. To explore the relationship between female honour, shame, sex, violence, and the court I will summarize Manosquin attitudes toward female sexuality as they appear in the criminal sources. I found evidence of these attitudes in prosecutions of adultery, through perceptions of prostitution, and, specifically, through accusations of improper female sexual behaviour.

Female sex offenders were a relatively small statistical subset of female offenders. The sources preserve seventeen individual incidents of adultery, spanning the surviving registers from between 1340 and 1403. Within those twenty-five inquests, nine males and thirteen females deposed on charges of adultery. Some inquest records did not progress to deposition and remain incomplete. In six instances both partners made depositions. Eight of the accused men who deposed paid fines. Ten women paid, one with her flesh, another confessed, but the record does not state whether she paid a fine, one was absolved, and one woman’s fate is unknown.⁴ The

1. *A History of Private Life: Revelations of the Medieval World*, Vol. II, ed. George DUBY & Philippe ARIÈS, trans. Arthur Goldhammer (Cambridge: Belknap Press, 1988), 82.

2. James Brundage examines the evolution of canonical sexual regulations between the tenth and twelfth centuries. See James BRUNDAGE, *Law, Sex, and Christian Society* (Chicago: University of Chicago Press, 1987), 207–8.

3. The phrase is from the Venetian criminal series. See Guido RUGGIERO, *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice* (New York: Oxford University Press, 1985), 48 and note 13.

4. The only woman to suffer corporal punishment was a vagabond who slept with a married man. The judge had her beaten in public. Her inquest is preserved in 56H 986 f^o 229 from 10 December 1342.

court initiated every inquest save one. Due to the small sample set and the lack of cohesiveness, it is more useful to read each occurrence of adultery into a general context.

Although the court prosecuted and condemned adulterers alongside adulteresses the Mediterranean honour code exonerated male convicts even as it marginalized their lovers.¹ In the eyes of the law, both parties were guilty. Honour, however, told a different tale. An unchaste man did nothing to endanger his family's honour. In fact, by robbing honour from other groups, he enhanced prestige. This explains why medieval women were expected to remain chaste while single men, in certain instances even married ones, were not.² Married men required more of their wives than they did of themselves. Indeed, if men had applied the same standards to themselves, they would have been unable to compete in the struggle to maintain and expand honour. They would have forfeited the ruthlessness necessary to succeed. Women, however, alleviated of such burdens, could afford to be held more pure. They were expected to be more devout, the protectors and projectors of the family's faith.

The double standard for male and female celibacy is most evident in attitudes toward prostitution. As noted in the previous chapter, despite its ecclesiastical lords, Manosque had a long tradition of housing a red light district. The municipality required all prostitutes to reside on a designated street. The prostitutes of Manosque were probably required to dress plainly and forbidden to behave ostentatiously in public.³ There was, therefore a designated zone for prostitutes with identifiable boundaries.⁴ If and when people violated those boundaries, the community acted. An inquest from 1365 thus features two men who stole a Franciscan habit from a

1. 'Male adultery . . . though prosecuted and punished, was not phrased as breaking or destroying matrimony. At most it was considered "in contempt of sacred matrimony."' RUGGIERO, *The Boundaries of Eros*, 48 *et passim*.

2. Or, in the words of Pitt-Rivers, ' . . . the aspect of honour relating to social position descends through the male line in preference to the female and honour deriving from sexual shame is transmitted by females . . . but a man's sexual promiscuity . . . does not contaminate his family's honour any more than a woman's lack of fortitude. In each marriage therefore, two different strains of [personal] honour came together in order to provide the honour of the nuclear family thus formed.' PITT-RIVERS 79.

3. A trial from 1303 had Guilhelm Pandulfi and Ayglinona of Aix charged with adultery. It pre-dates this study but is contained in 56H 959 f° 17v. Guilhelm paid a fine for adultery. Ayglinona only paid a fine for wearing striped clothes. The fact that she did not pay a fine for adultery indicates that she was a prostitute. The fact that she should not have been wearing stripes supports the above premise. My thanks to Andrée Courtemanche for bringing this transcript to my attention.

4. Rodrigue LAVOIE, 'Délinquance sexuelle, justice et sanction sociale: les tribulations judiciaires de Mathilde Payen (1306–1308)', *Provence historique* 46, fasc. 184 (Avril-Mai 1996): 178–9 and note 42, documents the desire to constrain prostitution geographically. He traces it back as early as 1260. He also believes that the community loosened up the geographic constraints on prostitutes as the century progressed. I found no evidence of this.

local tailor's shop to wear when visiting the prostitutes. The court accused them of defaming the mendicants' reputation in the town.¹ Another inquest mentions a man who attempted to expel a suspected whore from his street. He objected, apparently, because she should not have been cohabitating with honest folks. Out of revenge, she cast a spell of impotency to alienate him from his wife.² Still, so long as sex with prostitutes occurred in the right place, unmarried men should, and married men did, visit brothels without fear of recrimination or loss of familial honour. Such visits went hand in hand with notions of virility, potency, and the limitations of self-restraint.³

Aside from the geographic restrictions on prostitution, men had almost total freedom to visit brothels. Only one married man ever went to court for sleeping with a prostitute. The court accused Peyre Chabaunelli, the town baker, of defrauding and rupturing his marriage when he had sex with the abbess, or madam, of the public brothel.⁴ The court only prosecuted Peyre because he had sex outside the designated safe zone, at work, near his oven. This was particularly scandalous because ovens were visible public spaces. Importantly the court did not charge the madam even though, technically, prostitutes were supposed to turn away married men or else be liable of adultery.⁵

Women, unlike men, were utterly hemmed in sexually and the court thus adopted a broad definition of adultery, challenged ecclesiastical jurisdiction, and acted with unusual severity to punish female suspects. First, to shame and regulate, the court investigated all sorts of unsanctioned heterosexual intercourse. To do this, it interpreted the municipal regulation against adultery in the broadest sense possible. Adultery prosecutions encompassed sex between married persons with someone other than their spouses, but also clandestine marriages and female bigamy.⁶ One

1. 56H 996 f° 21 dated 25 February 1365.

2. The inquest predates this study but is from 56H 963 f° 81 v. dated 1 January 1310. For more see Andrée COURTEMANCHE and Steven BEDNARSKI, 'De l'eau, du grain et une figurine à forme humaine. Quelques procès pour sortilèges à Manosque au début du XIV^e siècle,' in *Memini: Travaux et documents*, Vol. 2 (1998): 75–100.

3. For the Church's view, consult James BRUNDAGE 'Prostitution in the Medieval Canon Law,' *Signs: Journal of Women in Culture and Society* 1 (1976): 825–845. Brundage traces the origin of ecclesiastical toleration of prostitution to St. Augustine, who himself was not unfamiliar with carnal relations, believed prostitutes preserved licit sexual unions. See also the description of prostitutes as the sewers of medieval male passions in NIRENBURG, *Communities of Violence*, 154.

4. On the abbess as head of the *prostibulum publicum*, consult ROSSIAUD, *Medieval Prostitution*, 4–5.

5. Lavoie, 'Délinquance sexuelle,' 180.

6. In medieval canon law, the term adultery included a variety of sexual offences. See James A. BRUNDAGE, 'Adultery and Fornication: A Study in Legal Theology,' in Vern L. BULLOUGH and James A. BRUNDAGE, eds., *Sexual Practices and the Medieval Church* (Buffalo, New York: Prometheus Books, 1982), 131.

set of prosecutions, therefore, resulted from attacks made on the subvicar when he burst in on a man and his monogamous concubine *in flagrante delicto*.¹ Two inquests from 1351 reveal separate incidents of women who took new husbands while still married.² At least one of those cases ended when the judge expelled the female bigamist from Manosque. Her second husband had denounced her in court and she had admitted to marrying him because her first had not pleased her (*non placuit*). Although the court threatened to beat her, it only banished her. It is important to note that only one other case ended in banishment, that of Huga Aliberta, the cat burglar who also admitted to *de facto* bigamy. The fact that the court reserved banishment for female bigamists suggests the gravity of the offence. It also hints at the strong measures taken to prevent women from threatening their husbands' honour. By contrast, men who fathered children out of wedlock, when they were prosecuted, simply paid fines. This was the case for a notary who, after paying the court, remained in Manosque; he made arrangements to have his illegitimate son reared elsewhere.³ In another case, the court condemned a widow who gave birth out of wedlock but ignored her lover entirely.⁴ Likewise, in the infamous case of Alaysia the adulteress, presented in chapter 3, the adulteress' married lover paid a fine but was spared her prolonged humiliation. Sexual unions of any kind were not major impediments for men. At worst, convicted men paid cash and moved on. Women, however, experienced a greater degree of prosecution and more intense punishments. This was because women had the greater potential to wreak symbolic violence through sex. Illicit female sex endangered inheritance; men transmitted wealth to their biological sons. Contamination of the bloodline meant wealth might move to a rival's bloodline. This led to vendettas and bloodshed, ruptured negotiated alliance, and jeopardized dowry investments. So, as a result of practical, secular, and social, realities, the non-religious court of Manosque trod on ecclesiastical turf, adopted a broad definition for adultery, and punished severely women who deviated.

Manosque was not the only place at this time to treat female adultery as a dire threat to the civic transmission of wealth. It followed the trend observed in larger urban centres. Fourteenth-century Venetian jurists, for example, adopted similar tactics and rationale. There,

Prosecution [of female adultery] was not designed to eradicate moral turpitude or replicate the stern code of the Old Testament or even Roman law for that matter;

1. There are three prosecutions in 56H 1007 f^o 14–17v that begin on 6 March 1402. In this instance both partners paid a fine. I mention the case here to demonstrate the breadth of adultery prosecutions. In this case, the couple were likely monogamous, but their marriage was unsanctioned.

2. 56H 989 f^o 64v.–65 from 28 January and 56H 989 f^o 7–7v. from 13 July.

3. This was the case, for example, in 56H 986 f^o 73–76 from 25 October 1341.

4. 56H 994 f^o 150–150 v. from November 1362.

rather . . . it aimed at more pragmatic concerns. Occasionally adultery could lead to bloody violence, but more regularly it created property problems and threatened to disrupt social relationships at a basic level. The state was beginning to have both the resources and the belief that such matters should be controlled, and Venetians even at the bottom of society were beginning to turn to the state, at times reluctantly, for help. Property concerns were central in this disciplining at virtually every social level.¹

While disputed inheritance was a practical problem, the potential for physical violence was also a concern. Alaysia the adulteress finally broke down because, she admitted, she worried about a feud between her family and her new husband. By conceiving out of wedlock, a woman could work substantial mischief upon the men who were her protectors, not only raising questions of inheritance, but also pitting them against one another in a desire to protect honour.

All of this illustrates the code of conduct and practical limitations imposed upon women. Yet this code of conduct implicitly gave women a certain power over men, for in their loins they had the power to ruin. This is why medieval men feared, or, at the very least, suspected, female sexuality and feminine weakness.² In the words of one husband to his young wife:

You must keep yourself continent and live chastely . . . Riches, beauty of body and face, lineage, and all the other virtues are cast away and brought to nothing in a woman who sustains blemish or suspicion against one of these virtues. Really, in this case, all is lost and obliterated, all is fallen and can never be restored, the moment a woman has only once been suspected or made the subject of a rumour to the contrary. Even supposing that the rumour is false, it can never be erased . . . They also say that queens, after they are married, never kiss a man—neither father, brother, nor relative—except the king, so long as he lives.³

These anxieties justified male dominance and precluded women from the political sphere. Women already held the dangerous power to ruin men's lives; they needed to be kept at home, monitored and limited. Otherwise no man's honour was

1. RUGGIERO, *The Boundaries of Eros*, 51.

2. For an excellent summary on how learned men saw women, see Marie-Thérèse D'ALVERNY, 'Comment les théologiens et les philosophes voient la femme,' *Cahiers de civilisations médiévales* 20 (1977): 104–30.

3. Tania BAYARD, *A Medieval Home Companion: Housekeeping in the Fourteenth Century*, abr. trans. of 'Le Ménager de Paris' (New York: Harper Collins, 1991), 45–6. Similar lines abound in medieval literature. See additional examples in the *Chevalier de la Tour*, written for the author's daughters, and in Filippo di Novara's thirteenth-century *Les quatre âges de l'homme*. Geoffroy LA TOUR LANDRY, *Livre du chevalier de La Tour pour l'enseignement de ses filles. Publié d'après les manuscrits de Paris et de Londres, par Anatole de Montaiglon* (Paris: P. Jannet, 1854); PHILIPPE OF NOVARA, *Les quatre âges de l'homme: traité moral de Philippe de Navarre publié pour la première fois d'après les manuscrits de Paris, de Londres et de Metz*, ed. Marcel de Fréville (Paris: Firmin Didot et Cie, 1888).

safe. Practically, though, ‘the noble ideal of isolating married women was unattainable for the more humble. As sex crimes suggest . . . at the artisanal level and below, women were much more visible in the neighbourhood and in the business contacts of males.’¹

Finally, even women who behaved properly were open to accusations of sexual impropriety. In 1361, the court moved against Alaxia Carlanda, a Christian woman.² She had gone to the court to complain that her Jewish physician was making repeated and increasingly urgent sexual advances. She invited the subvicar and other members of the Hospital into her home, where they hid to await the lecherous doctor. When the doctor arrived, and began to force himself on Alaxia, the men emerged. The doctor, surprised, ejaculated all over Alaxia’s shirt. Later, in court, he denied any wrongdoing. The court, having gathered sworn testimony from the witnesses, all knights of the Hospital, was suspicious. Although Alaxia had notified the court, and helped to plot the trap, the judge went to pains to explore whether she had solicited the doctor’s advances. Specifically, the court investigated whether Alaxia had been receiving gifts from him in exchange for sex. It also asked her whether she had lusted after the doctor. Alaxia, evidently exasperated, replied, ‘No! May God never will it!’ (*dixit quod non nec deus velit*). She also told the court that, had she *wanted* to have secret sex with her Jewish doctor, she would not have notified the authorities beforehand (*ymo contradixit et resistit ut supra dixit quoniam si voluntatem habuisset eum carnaliter cognoscendi, non notificasset domino bajulo prius ut fecerat*). The court believed her and she was absolved; the physician was far less fortunate and may have had his penis cut off.³ Alaxia was not the only apparently upright woman investigated, either. Some women, like Girauda of Avignon, ended up in court simply for travelling to Manosque under questionable circumstances. Girauda’s husband, Pons Bermundi, had given permission for her to travel with her uncle, the curate of Noves. When the unlikely pair arrived in Manosque, the locals accused her of being a witch and of enchanting her clerical chaperone. She had to explain who he was, where they both were sleeping in Manosque, and demonstrate that she had not seduced her uncle.⁴

1. RUGGIERO, *The Boundaries of Eros*, 60.

2. 56H 986 f^o 73–76 dated 15 September 1361.

3. The *Instrumentum* indicates that rapists who assaulted married women were to pay 100 shillings or, if insolvent, have their hand amputated. In a shocking departure from the law, an indicator of the religious taboos raised by this case, the judge ordered that Crescan the Jew have his penis amputated instead (*fuit condepnatus in amissionem membri*).

4. 56H 962 f^o 52. There were no witches, or inquests against them, in fourteenth-century Manosque. There were, however, four cases of women accused of using magic or *maleficium*. Alaxia is in one of them. I treat them all in COURTEMANCHE and BEDNARSKI, ‘De l’eau, du grain et une figurine.’

5 Conclusion

Not all female violence was sexual and not all male violence was physical. There are 50 inquests, that is 10 % of all physical assault cases, against a lone female suspect. There are another 117, that is 23 % of all physical assault cases, against two female suspects. Of those 117 inquests, 41 feature female familial collusion. Women were just as likely as men to fight alongside their relatives. About three-quarters of the time they acted with their husbands. About one-quarter of the time they acted with their children. Women also acted, from time to time, with in-laws, uncles, nephews, and nieces. For instance, on 5 October 1341, a married couple savagely beat an enemy mother and her daughter in the street until their victims lay prostrate.¹ He used a stick, she her fists. They accompanied their humiliating public beating with boisterous insults. The aggressive couple paid a fine for the public shaming. An inquest from the following year featured two mothers and their daughters who beat one another publicly.² Another from 1366 featured two Catherinas: a mother-in-law and her daughter-in-law. They allegedly assaulted a court officer who had tried to collect a debt. They called him *villan* and prevented him from gaining access to their family.³ On 2 September 1351, the court prosecuted two brothers, their wives, and their mother for brawling together.⁴ In 1440, a woman named Beatrisea was charged with hurling Jehan de Cursino from her home and slamming the door in his face.⁵ She admitted to the charges and explained that he had insulted her mother. On 2 December 1403, the woman Anthoneta had contentious words with her denouncer, his mother, and his wife.⁶ The court claimed Anthoneta hit the denouncer in the stomach with a rock. On 10 December 1366, Margarita, wife of Bertrand Borreli, went into a tavern, grabbed a flute from another woman, and smashed it.⁷ Margarita said she thought the flute her son's and believed he had been robbed. So, there is no shortage of statistical or anecdotal evidence to support the notion that women were physically aggressive. This dispels any myths about weak medieval women who depended upon their men to defend them. Women frequently took matters into their own hands and fists. Only when it came to sex were women unable to augment honour and uniquely vulnerable to shame.

1. 56H 986 f^o 82 v.

2. 56H 986 f^o 168 v.-169 from 18 July 1342.

3. 56H 995 f^o 44 from 4 September 1366.

4. 56H 989 f^o 25-25 v.

5. 56H 1005 f^o 34 v. from 2 August 1400. Ejection from portals was a common phenomenon. It represented the ultimate confrontation of private and public and the enforcement of boundaries. For the symbolic associations between doorways and honour, see COHEN and COHEN 'Open and Shut.' NIRENBURG, *Communities of Violence*, 152, draws upon Mary Douglas' comments on the need for guarding orifices of all kinds.

6. 56H 1007 f^o 8-8 v. from 2 December 1403.

7. 56H 995 f^o 46.

Prosecutions of violence help define the court as a forum for gendered honour disputes. While women did beat, it is masculine physical aggression and feminine sexual impropriety that best show how the court filtered gendered worries around honour. Curial process worked on two simultaneous levels. First, it aimed to investigate, prosecute, and punish individuals for disorderly conduct. Jurists feared the risk to social stability and property and the possibility of further contamination. Second court process facilitated and arbitrated the symbolic exchange of honour and shame. Individuals used court process, or were moved by it, during the honour competition. The inquest records, therefore, hint at dual social realities.

The records also reveal the very real extent to which medieval people participated in a violent world. True, court records reflect deviant acts and, by their nature, feature the abnormal. The amount of time the court spent prosecuting violence, though, teaches us that physical or verbal aggression were the most common type of legally aberrant behaviour. This suggests that violence was a 'normal way of pursuing goals between conflicted parties.'¹ Finally, the inquests show how some medieval violence was visible, as with wife beaters, while some was invisible, as with adultery, verbal assaults, or rumour.²

1. NIRENBERG, *Communities of Violence*, 30. On pages 9 and 10, the author expresses that all conflict, even war, has at its core the desire to unite or establish relations.

2. Anthropologists continue to find this in many non-Western societies. So, 'in many non-Western societies, much physical hurt is invisibly enacted. Thus witchcraft and sorcery . . .' RICHES, 'Phenomenon of Violence,' 8.

Chapter 6

Treason & Taxation

I Introduction

There was treason in the air. In June of 1392 the court accused Jaume Olivarii of betraying king and country. Jaume was not from Manosque. He was a native of Volx, one of the Hospital's neighbouring seigneuries, and the preamble to his inquest makes clear that he was charged with a high crime. And so the Hospital prosecuted him in Manosque, its closest court with a mandate to try treason.¹ Although Jaume got off lightly, his was the first of twenty-one prosecutions that targeted traitors. These inquests spanned five years and implicated forty-eight men and women. They teach that the court was not simply a vehicle to settle disputes or to resolve interpersonal conflict. True, on a daily basis, it protected people and property, it facilitated the quest for honour, and it reflected, reproduced, and enforced behavioural norms. But this was not the whole story. In the Middle Ages, the right to enforce justice derived from a prince. It was conferred, like the right to tax or the right to work land, through networks of vassalage. With power, therefore, came obligation. The Hospital had a moral and legal responsibility to prosecute the enemies of its liege lord, the count of Provence. This meant that, at times, the Angevin machinery of state used the court.²

This chapter illustrates how court process was sometimes a means to enforce political governance. It begins broadly, by looking at a violent international conflict. The records from that time demonstrate that court officials acted properly to protect royal Angevin interests. This is an important reminder. It balances out

1. 56H 999, book 1, f^o 16–17 v. dated 9 June 1392.

2. The Angevins were very much in the business of nation building and it is not, therefore, wrong to frame things in this light. For a good illustration see Jean DUNBABIN, *Charles I of Anjou: Power, Kingship and State-Making in Thirteenth-Century Europe* (New York: Addison-Wesley Longman, 1998).

some anthropologically minded historians who overemphasize courts as *fora* for dispute settlement. While courts did serve bottom-up functions in society, they also worked as top-down repressors.¹ Kings used decentralized seigneurial justice to regulate bodies and to police ideologies, even if a close reading shows the system was imperfect. After all, agents of seigneurial governors indebted to national leaders were not always enthusiastic about royal obligations. They carried them out, but not necessarily with heavy hands. At the same time, the seigneur and the municipal council made more effective use of the court to attain their own political purposes. The second part of the chapter, therefore, contrasts the relationship of the court and the crown to that of the court and the town.

2 The Wars of Raymond de Turenne

In Provence the entire second half of the fourteenth century was marked by civil wars, but the unrest of the last decade was the fault of one man, Raymond de Turenne.² Raymond was a frustrated viscount from the Limousin whose family, the Rogers, had experienced a rapid rise and fall. At the start of the century, they were little more than petty nobles. Through political alliances they gained royal and papal favour and, by mid-century, were profusely wealthy. Between 1345 and 1356 they loaned over three and a half million florins to the French crown to fund the war effort against England.³ When, moreover, in 1356, the French king was kidnapped,

1. Another historian of a much later court recently observed this same dichotomy. In his study of eighteenth-century Burgundian justice, Jeffrey Hayhoe noted the difference 'between seigneurial justice as used by lords and justice in the service of the community.' He went on to conclude that modern Burgundian peasants 'were generally satisfied with the way seigneurial courts resolved ordinary civil disputes. They were virtually unanimous, however, in decrying that lords could and did use their own courts to enforce dues and rights and close seigneurial forests and fields to village herds . . . peasants made a subtle distinction . . .' See Jeremy HAYHOE, *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy* (Rochester: University of Rochester Press, 2008) 17.

2. Modern scholars have published almost nothing on Raymond. There is one nineteenth-century article. See Noël VALOIS, 'Raymond de Turenne et les papes d'Avignon (1386–1408),' *Annuaire-Bulletin de la société de l'histoire de France*, année 1889, (Paris, 1889): 215–276. The best study is an unpublished doctoral thesis. See Régis VEYDARIER, 'Raymond de Turenne, la deuxième Maison d'Anjou et la Provence. Étude d'une rébellion nobiliaire à la fin du XIV^e siècle (1386–1400),' (PhD Thesis, Université de Montréal, 1994).

3. The Hundred Years' War (1337–1453) did not begin well for France. The first twenty years saw significant English victories at Crécy (1346) and Poitiers (1356), and the French loss of the Channel Islands (1345) and the port of Calais (1347). In 1348, the Black Death devastated both nations. In 1356, the English captured King Jean II of France. His son, Charles V (1364–1380), temporarily improved the situation in France as regent, then king, but the improvement lasted only until his death. His successor, Charles VI (1380–1422), ascended in his minority and, after 1392, was insane. During his reign, the French nobility grappled for power even as Burgundy allied itself with the English. In this broader international conflict, the Rogers aligned themselves with the French crown.

four members of the Rogers donated 50,000 *écus* for his ransom.¹ All this wealth and power came from lands and titles. Raymond's father was viscount of Turenne and count of Beaufort. Another source of the family's power was its bloodline. Raymond was second nephew to Pierre Roger who took the papal name Clement VI and who reigned as the fourth Avignonese pope from 1342 to 1352. Raymond was also nephew to the other Pierre Roger de Beaufort, Pope Gregory XI, famous for restoring the papacy to Rome and indirectly sparking the Great Western Schism. The Rogers' interests were tied tightly to the French royal family and to the Avignon papacy. This explains why, during the War of the Union of Aix, the Rogers were loyalists. Their loyalty, though, hinged upon a hope that Louis II would restore to them lands that Queen Jeanne had gifted but that Louis I had reclaimed. With this goal in mind, according to Provence's first historian, Raymond petitioned Queen Marie of Provence in 1389.² Marie, however, refused to restore the lands.³ Raymond, enraged, raised an army. He seized Les Baux, Bréganson, Colmars, Meyrargues, Pertuis, Le Puy, and the town of Saint-Rémy, among others. He did all this with the support of his family, including his father, who had since retired to their family estates in Paris.

Raymond used the captured towns and castles to launch forays into the surrounding countryside. He disrupted trade, kidnapped people, held them for ransom, and, in general, assaulted Angevin interests wherever he could. This included attacking travellers *en route* to Avignon. His strongholds at Saint-Rémy and Roque-martine were dangerously close to the papal city. Raymond, claiming to act on behalf of his aunt, the dowager countess of the Valentinois, protested the papacy's influence in her lands and took up the banner of Boniface IX, the Roman faction's pope. Provence was already drained militarily by a king intent on his war with Naples and the county suffered deeply:

All this meant abused or wounded peasants, stolen beasts, barrels of wine, sacks of wheat, and merchandise of all sorts being diverted to one of the places where Raymond set up his general stores: Ancone, for example, or Châteauneuf-de-Mazenc. Blood flowed freely, as during the siege of Vaison, which was the handiwork of Raymond himself . . . many towns and villages were torched.⁴

1. See VEYDARIER, 'Raymond de Turenne,' 78–80 for details of the Rogers' loans and donations to France. Veydarier notes that a portion of the loans were ostensibly to fund a crusade to the Holy Land. This pretence gained the blessing of the Avignon papacy but Clement VI (1342–1352) likely understood the need to achieve peace in France before fighting abroad.

2. The first history of Provence was printed in 1614 by Caesar de Nostradamus, son of today's wildly popular seer Michel de Nostradamus. Caesar's text is available in modern facsimile and paints a bleak image of Raymond's campaigns. See César de NOSTREDAME, *Histoire et Chronique de Provence* (Marseille: Lafitte, 1971).

3. NOSTREDAME, *Histoire et Chronique de Provence*, 476.

4. 'Puis, c'étaient des paysans maltraités ou blessés, des bestiaux volés, des tonneaux de vins, des sacs de blés, des marchandises de toutes sortes dirigés vers l'une des places dont Raymond avait fait ses magasins

There was a truce in the summer of 1392, but it did not last, and, as we shall see, it provided little relief to ordinary people. All told, Raymond's campaign went until 1399.¹ In the end, it was his son-in-law, Jean le Meingre, *maréchal* of France, to whom Queen Marie of Blois had promised the lion's share of Raymond's Provençal holdings, who convinced Raymond to escape the besieged castle of Les Baux and seek refuge in France. He never returned to Provence.²

The twenty-one Manosquin inquests that mention this 'time of war' reveal the extent to which medieval people were affected by it. The transcripts from these inquests come from four court registers between 1392 and 1397.³ On the surface, these documents are rich sources of information on urban warfare. Manosque, thanks no doubt to its strong walls, to its captains' willingness to experiment with early gunpowder weapons, and to the expertise of the knights of the Hospital, never fell to a rebel force.⁴ But the town had to adapt to meet related threats. The criminal records mention townsmen accused of stealing or tampering with wood from the newly-erected barricades.⁵ They likewise note that the preceptor made internal changes to secure the town. At one point he had a large hollow stone dragged inside the walls

généraux: Ancone, par exemple, ou Châteauneuf-de-Mazenc. Fréquemment le sang coulait, comme à la prise de Vaison, qui fut l'œuvre de Raymond lui-même . . . Plusieurs villes et villages devinrent la proie des flammes.' The translation is my own but the source is VALOIS, 'Raymond de Turenne,' 220.

1. In May 1392, Charles VI of France came to the aid of a beleaguered Clement VII. The result was a general peace, signed by both Raymond and his adversaries. Raymond agreed to evacuate the occupied strongholds and to disband his militia. He was authorized to return Châteauneuf-de-Mazenc to his aunt. He was to receive an enormous payment of 10,000 francs, in addition to the 2,000 he had already received to buy his patience. The governor of the Dauphiné promised to pay another 20,000 to his soldiers. The pope promised him the income of certain ecclesiastical holdings. All of this was to compensate him for the wrongs done to his family. The peace lasted a mere four months.

2. Édouard BARATIER ed., *Histoire de la Provence* (Toulouse: Édouard Privat, 1969), 196. By the time Nostradamus wrote in the early seventeenth century, the infamous legend that Raymond drowned while fleeing Tarascon already existed.

3. The first of the four registers is actually a collection of three older bound volumes, each with their own foliation. All told, the four registers contain 320 legible inquest records. Thus, the twenty-one cases that mention the time of war occupy 6.56 % of all cases from this selection. There are twenty-one references to the 'time of war' in these documents. They name forty-six Christian men accused of treason, one Christian woman, and one Jewish woman. The court initiated the inquisitions about half the time. The rest began because of denunciations by townspeople. Ten of the records contain at least partial confessions.

4. As early as 1382 the town had commissioned its first cannon, a small bombard, from the Catalan Hugo Masanni, master engineer to the pope. See Michel HÉBERT, 'Une population en armes: Manosque au XIV^e siècle,' in *Le Combattant au Moyen Âge* (Paris: Publications de la Sorbonne, 1995), 222.

5. For example 56H 1001 f^o 201 from 1395 and 56H 1000 f^o 23–24 from early January 1392. Accused townsmen sometimes defended their actions by claiming that they were helping to maintain the fortifications. One man, Monet Rolandi, said he had removed some wood from the barricade because it was rotten. The court, rather pointedly, asked him whether he was an expert in such matters. He was forced to confess that he was not (*interrogatus si ipse super talibus est constructor seu magister*

to water animals. He did this because so many beasts were being captured when they were led outside.¹ In and of themselves, then, these documents contain interesting clues for the social history of war.

The wartime trials are particularly interesting when they shed light on the complex problem of collaboration for centralized governments. They demonstrate historical pressures from the highest level of fourteenth-century society. Royal Angevin bureaucracy reached out and used the court of Manosque to enforce martial law. Through its wartime measures, the monarchy hoped to break a burgeoning relationship between the townspeople and the rebel forces. This relationship was rooted in human nature and opportunism. The rebels, despite their reputation as bloodthirsty, mutilated, and seditious, presented too great an economic opportunity for some entrepreneurial burghers to ignore.² So the crown looked to its vassal's court to break the developing economic bonds.

The inquest against Jaume Olivarii contains unusually elaborate rhetoric, and rich contextual narrative. It begins with a flourish. The court notary wrote an unusual preamble that reminded his reader, and all posterity, that the court existed to preserve the king's justice. The notary went on to state how detestable it was to sow discord, to cause scandal, and to promote quarrels between people of the same community (*universitas*). Most inquest records omit such grave introductions. The scribe then wrote a lengthy preamble to explain the context of the civil war. The details of his story are otherwise lost to history. They provide a missing chapter in the tale of Raymond de Turenne. They are, in a general sense, a direct extension of the troubles caused by the Hundred Years War.³ The notary's tale teaches us that, despite a costly truce in the summer of 1392, Raymond's men continued to harass ordinary people. It explains how brigands stationed at Banon had raided the territory of Volx. They demanded payment for a certain mark and, to get it, they kidnapped (*ceperunt, disraubaverunt ac captivaverunt*) men, women, and animals and

edificatus, dixit quod non). Still, the judge recognized Monet had not acted with malice and absolved him. Monet's inquest is preserved in 56H 1001 f^o 197–197 v. from 25 June 1395.

1. 56H 999 (book 3) f^o 20–22 from 13 December 1392.

2. This horrific reputation was sometimes based on physical appearance. On the physical appearances of soldiers see Michel Hébert, 'L'armée provençale en 1374,' *Annales du Midi* 91 (Janvier-Mars 1979): 22–3.

3. Although Provence was far from the principal battlefields of the Hundred Years War, it was no less ravaged by it. See HÉBERT, 'L'armée provençale,' 5. Jacques Chiffolleau noted its impact on the neighbouring Comtat Venaissin. Whenever England and France declared a truce, or peace was declared, unemployed soldiers made their way south through the Midi, Spain, and Italy. See Jacques CHIFFOLEAU, *Les justices du pape: délinquance et criminalité dans la région d'Avignon au quatorzième siècle* (Paris: Publications de la Sorbonne, 1984), 116. Finally, for general remarks on the inclinations of mercenaries, consult Philippe Contamine on the general inclinations of mercenaries; 'Le combattant dans l'Occident médiéval,' in *Le Combattant au Moyen Âge* (Paris: Publications de la Sorbonne, 1995), 21.

brought them to nearby Pierrever. There, they ransomed some of their captives to men from Volx and to emissaries (*missi*) of the Manosquin preceptor. The people of Volx paid a tax (*talhia*) to redeem the soldiers' outstanding mark. It was at that point that Jaume Olivarii got involved. The court said that Jaume felt the tax was excessive (*nimis erat excessiva*), especially for those who had not lost loved ones or animals. It alleged he travelled to the fortress of Banon and, once there, received a letter from its three captains, enemies of the entire country (*inimicis totius praesentis patrie*). The letter was extortion. It was addressed to the *universitas* of Volx and stated that, unless the people of Volx paid the remainder of the mark, the captains and their soldiers would lay waste to the territory. The first charge against Jaume was, therefore, that he was a collaborator. Second, the court claimed he deliberately agitated the people of Volx by protesting against the collection of money to pay the mark. Third, the court said Jaume, to the detriment of his eternal salvation, ignored the mercenaries' wicked acts: homicide, theft, arson, adultery, and fornication. It stated that he conspired to allow the enemy entry into the fortified *castrum de Roca*.¹ While under interrogation, Jaume did admit to bringing food to Banon to help pay down the mark; but he said he did not receive any letter. He also confessed to making a provocative declaration in public. He paid a fine and that was that. The court did not proceed any further against Jaume Olivarii.

The rich rhetorical contents of Jaume's inquest are at odds with its result. The court notary took great pains to record the circumstances surrounding his trip to Banon. The scribe peppered his text with unusual formulae. The end result is a document that still resonates with an official timbre. But words are not actions. The court, in fact, did little to pursue its own charges. It, for example, never pressured Jaume; it certainly never threatened him with torture. Despite a marginal notation that reads 'We must hear from witnesses concerning the first and third charge' the judge made no efforts to do so. In the end, he condemned Jaume simply for speaking freely. The document thus presents something of an enigma. Why bother with all this pomp for a case that was largely bluster? Jaume's story was simply a first, tentative, step in a much larger legal process. Two weeks later the court's *clavarius* and vice-bailiff, under order from the king, initiated a second mass inquest against other supposed collaborators.

The transcript from the second inquest shows how the seigneurial court struggled to accommodate royal will, while, at the same time, balancing its independence and weighing local concerns. The second inquest, from 24 June 1392, leaps off the register page, in part due to a rare decorative capital.² If the words in Jaume's record

1. Volx is called *Roca Volcii*. The fortress of La Roque was located north of the town on the west back of the Durance.

2. 56H 999, book 2, f^o 2-16 v dated 24 June 1392.

shifted the court transcript closer to official charters, the scribe took even greater pains with this document. The A of Anno, the first word in every single inquest, is enlarged and embellished. Although this was common in royal charters and important medieval documents, it was rare in the court's humble registers.¹ The title of the inquest accuses eighteen men. Again, this is strikingly abnormal.² The introduction is full of bluster. It warns of the dangers of casting down the king's justice or of frustrating his power. It then tells how, a few days earlier, the preceptor and his bailiff had issued a proclamation (*praeconizatio*) throughout Manosque and its surrounding region. The proclamation took its inspiration from patent letters the preceptor had received from the king. As a result, a public herald (*praeco publicus*), trumpet in hand, announced that no one was to go to Banon or to the enemy troops there. People were forbidden, under pain of a heavy fine, from assisting those enemies or from selling to them. The king was especially concerned about the sale of victuals, clothes, tools, wine, meats, and preserves. The court scribe then copied the letter from Queen Marie, regent of Provence, to her man in Forcalquier and his vassals. A note in the register proves the original letter was authentic. It was sealed in red wax by the king's 'secret ring' (*anulo secreto dicte sacre Regie magestatis cum cera ruba sigillatas*). Direct royal communication was not unusual in the developing polity of late medieval Provence. After all, 'The later medieval king was . . . a man of dialogue. He had to take public opinion into account; he needed to give information his subjects, in order to justify his actions, and also to be informed of their desires or grievances.'³

The royal letter, written in Provençal, demanded severe punishment for those who provided the enemy with supplies (*mas sy facherà . . . punir et castiar que sua exemple et terror, a tos sels que volrian far aytal*). The Manosquin bailiff, on behalf of the vice-judge, and with careful diplomacy, replied to the letter. He wrote back and agreed to make the proclamation but he noted firmly that he did not wish to set a precedent that might infringe upon past agreements between the town and royal court. In the late Middle Ages, jurisdictional sovereignty trumped royal sovereignty.⁴ The bailiff wrote that he would make certain the queen's edict of

1. I have made a detailed study of the registers' few illuminations and illustrated capitals elsewhere. See my article 'En marge de la justice: les marges décorées des registres de justice provençaux du XIV^e siècle' *Provence historique*, t. LIX, fasc. 235 (mars-avril 2009): 3-25.

2. More usual is the phrase that follows their names: '*et omnes alios universos et singulos dicte ville qui de infrascriptis ope opera tractatu auxilio consilio vel favore modo quolibet poterunt culpabiles reperiri*.'

3. J.-P. GENET, 'Political Theory' 20.

4. Manosque was surrounded by rival jurisdictions. Aside from the bishop of Sisteron, there was also the court of Forcalquier that made repeated attempts to encroach on Manosquin legal turf. Whenever this happened, the Manosquin court appealed to the royal seneschal or to the king who always ruled in Manosque's favour. Félix REYNAUD, *La commanderie de Saint-Jean de Jérusalem*

20 February was announced. This, though, was a cheap way to gain credit; he had, in fact, already announced it ten days prior.¹

All but two of the eighteen accused men in the second trial paid fines to the court. The judge absolved one man because he had been ordered to Banon by the preceptor himself. His task had been to exchange a horse for a captive Manosquin. The other innocent man had also travelled to Banon at the preceptor's request, to deliver a letter to the rebels. All the remaining suspects, some of whom had been incarcerated, confessed freely, paid cash, and were released.

The royal proclamation, the prosecution of Jaume Olivarii, and the mass inquisition against eighteen men, taken chronologically, explain the various conflicting pressures upon the court. First, on 10 February, the preceptor announced that no Manosquin was to collaborate with Banon. Then, on 20 February, the royal court issued letters placing Banon under embargo. A few months later, on 9 June, the court prosecuted Jaume Olivarii for travelling to Banon. His trial was the first public recognition that the problem persisted despite royal and seigneurial mandate. A few weeks later, on 24 June, the court was forced to hold a mass inquest against some twenty known transgressors.² In that light, the trumped up charges against Jaume were the first surviving judicial attempts to quell the support flowing from Manosque to Banon. By staging an elaborate trial, the court hoped to compel others to fall in line. The mass prosecutions later that month demonstrate the ineffective-

de Rhodes et de Malte à Manosque (XIII^e siècle–1789) (Gap: Société d'Études des Hautes-Alpes, 1981), 167 and M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), XLV–XLVI.

1. The preceptor of Manosque had anticipated the request and declared the *praecozizatio* to preserve royal interests. This was any vassal's duty but this preceptor, Jehan Savin, was zealous in his loyalty to the Angevins. He had succeeded his uncle, Raimon, and governed Manosque between 1371 and 1398. On his loyalty see REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 88–90. His dedication to the Angevin cause did not go unnoticed. Louis I rewarded Savin's devotion to Queen Jeanne by reducing the *cavalcate* owed to the crown and by bestowing other privileges. See ISNARD, *Livre des privilèges*, LIV.

2. Reynaud presents the sequence of events backwards and confuses cause and effect. He believes that the preceptor of Manosque moved to put a stop to the economic dealings with Banon by prosecuting 'dix-sept Manosquins' in 1392. As a result of that prosecution, Reynaud tells us, the inhabitants of Banon became infuriated. They felt hard done by because of the mercantile loss inflicted by the commander of Manosque. It was because of the mass prosecution, the author claims, that the Banonites claimed to exercise their '*droit de marque pour se venger en envahissant et en pillant les terroirs de Manosque et de Volx.*' See REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 92. Now, the dates on the documents are very clear. Jaume Olivarii's trial, which states that the '*armigeri stabilite castri de Bannono discurrissent territorium de Volcio pro quadam marca quam pretendebant habere . . .*,' is dated 9 June 1392. Thus by that date, the mark was already being sought. The precept did not move to prosecute the Manosquin entrepreneurs until 24 June 1392. The mass prosecution, therefore, cannot have been the cause of the mark. Reynaud also noted that the Hospital was constantly looking to appease the enemy soldiers with '*concessions opportunes.*' From these sources, it is unclear how he arrived at that claim.

ness of Jaume's trial. If the court had hoped it would intimidate others it failed. Judicial displays of authority were not guaranteed to provoke compliance. Faced with a population that stood to gain financially in dearth, the court's actions leading up to 24 June had limited effect. The motivation for profit was too great, the deterrent too feeble.

The prospect of gain must have been very great indeed. Aside from the large number of people prosecuted, the best measure lies in the sheer quantity of goods transported for sale to Banon. One man stated that he sold over fifty units of bread and about one thousand cups of wine. He also sold cheese, candles, and sandals. Others sold horses, horseshoes, weapons, and various useful items. Manosquins possessed the supply, the enemy soldiers a great demand, and the potential for profit was, thus, substantial. It moved men to defy their lord, their king, and their community, and to deal with those who inflicted violence against their fellow Manosquins.

Angevin attempts to manipulate the court were so ineffective, and the court so impotent, that the problem of collaboration persisted and worsened for years. A third inquest from 1394 shows how widespread it had become. It reveals a new depth to Manosquin complicity. Unlike the previous two inquests, in which local men may have been able to disassociate themselves from the broader ramifications of their actions, this inquest shows direct collaboration. The men in this third case had direct contact with the scourge of the kingdom and were vital to his supply lines. So dear were they to him that he bestowed on them special status and protection. This protection, from a rebel power, contrasts the court's repressive actions.

While the king, the seigneur, and the court sought to limit townspeople's movement and agency, and to punish transgressors, the privilege Raymond de Turenne bestowed upon collaborators freed them to travel unmolested and rewarded them for their defiance. This is clear from the inquest dated January 1394.¹ This record, again beautified with an elaborate capital letter and introduced by unusually dense rhetoric, centred on five townsmen. In it, they are the 'sons of war,' 'agents of scandal,' and 'lovers of schisms.' The preamble mentions that two new *praeconizationes* had been announced in Manosque, based on royal letters sent for the king by his regent-mother.² Once again, they forbade anyone from supplying the enemies at

1. 56H 1001 f^o 123–129 v. dated 18 January 1394.

2. The transcript contains copies of the two *praeconizationes* dated three months earlier. It also preserves a copy of the letter from Queen Marie on behalf of the minor Louis II. The queen sent her letter from the royal city of Tarascon to the royal court at Forcalquier on 17 December. It arrived in Manosque on 30 December. The royal missive recounts the recent siege of Meyrargue and expresses the queen's dismay at its length. She claimed the reason the siege was still ongoing was that certain people in Provence continued to provide Raymond de Turenne with supplies. She demanded that her prohibition against supplying the enemy or bearing letters of safe passage be proclaimed publicly throughout the realm. Manosque had already done so two months earlier but the court again delicately replied that it would comply. The vice-judge, meanwhile, objected to royal intrusion on his

Banon. But they also forbade anyone from carrying letters of safe conduct to facilitate movement through occupied lands. This was not the first attempt to restrict mobility. Aside from the repeated edicts barring commerce in certain places, on at least one other occasion, the preceptor forbade the townsfolk from departing the territory without his permission.¹ These wartime limitations on a normally mobile population were constant.² The notion of prohibiting people from negotiating safe passage with the enemy, though, was novel. It indicates the creative ways that some used to circumvent obstacles.³

This inquest against the five men had been brewing for a long time. The official inquest began in January, right after the town received the letter from the queen. The accused men, however, had been in prison for much longer. The court, thus, interrogated Monet de Charentesio in late November, although it released him temporarily to spend Christmas with his family. It also interviewed its first witnesses in November. Months before the official inquest began, the court was preparing its case. This was unusual, but after two years of failing to intimidate the townsmen into obeying royal edicts, the preceptor took pains to ensure everything was done properly. Long before the official inquest began, there was a lengthy investigation. This was an *inquisitio* in the true sense of the word.

There is no question that this case involved far more serious incidents than the previous two, and that more hung in the balance. Unlike Jaume Olivarii, who may or may not have been a traitor, Monet de Charentesio was clearly and directly implicated with the enemy. He had confessed in November to selling goods in the renegade Pertuis and Mirabeau and to carrying letters of safe passage. The court

jurisdiction and indicated that cooperation should not be confused with subordination.

1. 56H 999 (book 3) f^o 13–13 v., 18 November 1392. During this trial, Peyre Gontardi was charged with breaking the preceptor's pronouncement. The trial records the details of the pronouncement: '*quod nulla persona cujuscumque condicionis vel status existat, audeat seu presumat a cetero ire nec exire extra territorium hujus ville Manuascie nec alibi sine licencia dicti domini praeceptoris seu ejus capitanei. Et qui ibit cum licencia reverti esse debeat infra praesentem villam per unum diem naturalem, vel saltim infra tempus sibi assignatum per dictum dominum praeceptorem seu ejus capitaneum, sub pena pro quolibet et vice qualibet librarum centum.*'

2. Under normal conditions, Manosquins enjoyed a long tradition of freedom to travel. The charter of 1206 had liberated them from paying the prevalent tolls (*pulveragia*) in the county of Forcalquier. Their animals were also exempted. Many of these tolls were later abolished altogether by the Countess Beatrix in 1253. ISNARD, *Livre des privilèges*, XV.

3. Safe-conducts were an evolution of late medieval warfare between developing states. The use of the safe-conduct by mercenaries indicates their willingness to adopt official devices, possibly to appear legitimate. It also shows a certain practical adaptability. 'At the end of the Middle Ages, relations between states had been formalized at the level of defiances and declarations of war, truces, safe-conducts, negotiations and peace treaties, and the increasing exigencies of discipline sometimes led leaders to control the actions of their men better. In contrast the growth of mercenary service, the renewed importance of the infantry and an increase of political ambitions often resulted in an explosion of violence and cruelty in military operations. . . .' Philippe CONTAMINE, *War in the Middle Ages*, trans. Michael Jones (Oxford: Basil Blackwell, 1984), 292.

had confiscated two of them. The first, issued by Bonet de Proynes, captain of Mirabeau and Vitrolles in the service of Raymond de Turenne, allowed Monet to move unmolested for ten days. This was so that he might do business with Bonet's forces. The second letter, issued by Raymond de Turenne himself, permitted Monet, two companions, and their beasts, to move about unmolested for a period of three months. One witness told the court he had seen the letters from Raymond de Turenne with his own eyes. Another claimed he had read it and mentioned it was in French. As the court gathered more and more information, it heard from other men. Its purpose was to recreate the network of agents and the list of items implicated with Raymond's forces. The preceptor, no doubt, hoped to establish the scope of the problem and document his efforts to staunch it. Finally, satisfied that all the information was before him, the judge ruled. Since Monet had confessed to selling two measures of grain in Pertuis, and since he was found to have possessed illegal letters, he was condemned for being in violation of the two *praeconisationes* and made to pay the penalties they incurred.

Despite Monet's ordeal, his open confession, and the weight of the evidence, the judge mitigated his sentence. A notation in the document indicates that, because of Monet's lengthy incarceration, and through the mercy of the court, he was relieved of the full financial consequences of his actions. Although the document does not specify the sum he paid, the reduction is telling. As with the trial of Jaume Olivarii, despite an elaborate and protracted production, the consequence was anticlimactic. No lashings, no beatings, no surrendering of the offender to royal authorities: merely a reduced fine.

3 Courts as Agents of National Repression

The only way to explain the outcome of Monet de Charentesio's case, or the case against the eighteen mercantile opportunists, or the case against Jaume Olivarii, is to consider the influences that motivated the court. The queen, the preceptor, and judge were all caught up in a formal power-sharing relationship. It compelled them to act overtly and cooperatively. The court was one forum where these actions played out. Pressures from on high, thus, shaped court process. At the same time, other more immediate, if informal, pressures influenced justice. On the one hand, the directives from the queen and the preceptor were clear. The queen demanded that her loyal vassals root out rebel supporters, stop them, and punish them. Manosque needed to appear to do so out of devotion to the Angevin state. The preceptor and his men, thus, acted in good faith to investigate rebel sympathizers. In that sense, the three elaborate prosecutions were intended to appease the political climate. On the other hand, balanced against royal interests and issues of safety were the realities of daily subsistence. The judge and his officials were not

unaware of the difficult conditions that affected ordinary people. After all, judges, notaries, and court officers lived and worked alongside merchants, craftsmen, and farmers. They saw firsthand the impact of restrictions and recognized the need for flexibility. Court operators, therefore, walked a narrow line. They had to fulfill feudal obligations while being fair to the subjects of justice.¹ The net result was a series of richly rhetorical prosecutions that addressed royal demands and that provided full investigations into wrongdoing, but that were also tentative and lenient toward transgressors.

The records prove that the court was quite aware of local hardships and dealt with them daily. They derived from shortages of food, kidnappings, collaboration, and public safety. All told, between September 1392 and July 1397, I found twenty-one inquest records that address these issues. Many involve the theft of wheat from graineries, or of flour from mills, or of timber from barricades. People were hungry and scared and did whatever necessary to survive. Survival, however, could cause neighbors to turn on one another. One case involved the illegal slaughter of a neighbour's pig, presumably for food. Another had a man refuse to release wheat to ransom his brother. Some men even falsely accused one another of collusion. When this happened, the court prosecuted for slander. Other men struggled with the personal implications of military violence. One, thus, refused to take up arms to defend the town and sought ecclesiastical sanctuary. Finally, the records reflect the constant terror of abduction and the problems of ransoming loved ones.² All of these

1. Those involved in the town's legal system worked in other ways to support people through these troubled times. Rather than refusing to pay the extortionist sums exacted by enemy soldiers, the town's notariate was actively engaged in facilitating the release of their captured clients. These records are contained in a register found in the Archives départementales des Alpes de Haute Provence, series 2E. It is unfoliated. Andrée Courtemanche kindly provided them to me from her own research. Specifically, see 3807, dated 20 October 1392 in which Honorat Hospitalier, notary, ransomed his clients and drew up an act to document their debt to him. Likewise 3807 from 24 January 1393, or 3807 f° 48 from 12 February 1393 in which a notary documented the sale of lands in order to raise cash for a ransom by a captive man's relatives. Naturally, the fact that the town's notaries were profiting from this assistance adds to the complexity of the matter. On this subject, consult the chapter on warfare in Michel HÉBERT, *Tarascon au XIV^e siècle: histoire d'une communauté urbaine provençale* (Aix-en-Provence: Édisud, 1979).

2. The criminal records contain repeated references to kidnappings. 56H 999 f° 36–37, dated 31 October 1392, tells how a woman's husband was abducted while traveling outside Manosque. She rightly accused a man of stealing some split bags of grain dropped in the attack. He confessed to knowing that the bags belonged to her. The judge also fined two other people for not revealing his theft. 56H 999 (book 3) f° 29, from 8 January 1392, presents a bizarre case in which a man confessed to cutting down an innocent woman because she got in his way. He says he was rushing to save a friend who had been captured *per inimicos*. 56H 1001 f° 7, from 23 August 1394, contains the testimony of a man who says he too was kidnapped by the brigands at Mirabeau.

On assaults against Manosque, see 56H 1001 f° 154 from 23 March 1394. In the fourteenth century, the locals were forced to take up arms to defend the town. This did not occur without resistance. Michel Hébert, 'Une population en armes,' discusses an inventory of all the arms contained in every

issues were in judges' minds and offset their verdicts and sentences.

The preceptor and his officials shared these concerns. Although the local governor enforced the queen's command out of loyalty, he also sent a mixed message. In one breath he forbade anyone from sending money or supplies to the rebels. In the next he helped raise money for ransoms and allowed his subjects to do the same. He never stopped the flow of cash or goods in exchange for bodies or animals. In allowing ransoms, the preceptor reacted to local concerns.

The preceptor and his court also resisted the royal desire for stern correction out of a sense of resentment, or, at the very least, independence. There was clear tension between late medieval governments and their supportive institutions. Although the court always had an indirect relationship with the king, it only activated in times of crisis. On a daily basis, the court worked much more closely for its seigneur. Local justice happened without much royal meddling. Still, since the court was the preceptor's tool, and he himself a vassal of the crown, it was answerable to the monarchy. Despite their loyalties, no Manosquin official wanted to endanger judicial independence. This is evident in the correspondence between criminal court and royal court. The agents of justice, faced with royal mandate, always carefully affirmed curial privileges and autonomy. They mixed their affirmative response to royal demands with careful admonitions. They mounted elaborate prosecutions, but then deliberately mitigated sentences. This was not the outcome the Angevins desired. In the end, though the central government had no choice but to let it pass.

All of this shows the complex tensions that existed between different levels of government. The queen needed judicial repression. The preceptor needed to oblige her. He also needed to stem the attacks and kidnappings. At the same time, he balanced royal whim and local security against economics. He himself, moreover, had permitted cash and goods to flow to the rebels in exchange for hostages. So, in a sense, he was ambiguous to his people about dealing with the enemy. Above and beyond all this, local officers worried about allowing royal interests to erode local privileges.

These tensions are not unique. Criminal records from two generations earlier show the exact same pattern of royal command, local bluster, and weak sentencing.¹

Manosquin home, which he dates from between 1359 and 1374. The men who compiled the inventory also recommended to each home owner the pieces he would need to purchase in order to complete his armaments.

Aside from the obvious ramifications of not being able to export to a number of communities, merchants importing goods into Manosque also suffered. See, for example, the inquest that involved a salt merchant from Aix who was accosted as he tried to enter the town. 56H 999 f^o 40–40 v. from 7 November 1392.

1. Though less well documented, an episode from 1358 is similar to those of the 1390s. In 1358, the army of the so-called archpriest, Arnaud de Cervole, perhaps with the backing of the French dauphin, crossed the Rhône and invaded Provence. The family of Les Baux-de-Provence supported him. The

Other historians have observed similar issues in their courts. In his history of papal justice at Avignon, Jacques Chiffolleau found identical tensions. He attributed them to ‘the difficult installation of centralized, princely, power, in a society that was still very feudal.’¹ Because of these tensions, historian Claude Gauvard pondered how, exactly, Parisian courts oppressed in order to regulate.² Everywhere, these sorts of tensions forced courts and their operators to compromise. Compromise was problematic, to be sure, but it was also normal in the late Middle Ages. As networks of vassalage devolved, as urban governments took on greater autonomy, and as central administrations learned to harness regional courts, there was bound to be friction. The prosecutions from the 1390s are fine examples of how the court existed at the nexus between different levels of government. In this awkward position, the court, its owner and its agents, developed adaptive strategies. The folios produced from the 1390s show creative, if imperfect, attempts to balance conflicting social priorities. In the end, the court was an imperfect tool of the developing state with a limited ability to police and repress on behalf of its royal overlord.

4 Taxes & Tax Evasion

In the absence of tensions between the monarch and the preceptor the court was a far more efficient government enforcer. Nowhere is this more obvious than in criminal prosecutions for tax evasion. Since the Hospital had inherited Manosque from the counts of Forcalquier, it claimed all the traditional taxes and services due seigneurs, plus some normally owed the counts of Provence.³ The Hospital used Roman criminal process to collect taxes from delinquent subjects. Because the town had a long history of conflict with its governors, dating back to the 1207 charter of

Hospitallers fortified Manosque against invasion and constructed the watch tower whose ruins still top the Mont d’Or. Despite the new fortifications brigands from Sainte-Tulle attempted to penetrate the Manosquin walls. Reynaud remarks that they were assisted in their endeavour by two Italian spies. He states too that the two traitors were arrested ‘just in time.’ See REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 84. My own reading of the document, preserved in 56H 992 f° 1, and dated 9 February 1358, is different. First of all, the inquest established that the two Italians, brothers, were actually notaries. They had obtained letters of safe passage from the enemies at Sainte-Tulle, but that was all. The court absolved them of any wrongdoing. So, to my eye, their inquest reproduces the same pattern observed in the 1390s: a blustery trial with trumped up charges that failed to live up to its own expectations.

1. ‘... difficile installation du pouvoir central, du pouvoir princier dans une société encore très féodale.’ CHIFFOLEAU, *Les justices du pape*, 116. He went on to remark that some issues before the court were much larger than those that preoccupied seigneurs and counts (*‘Les intérêts en jeu sont alors bien plus larges que ceux pour lesquels se battent les petits seigneurs et les barons comtadins.’*)

2. ‘Comment s’est imposée la répression?’ Claude GAUWARD, *De grâce especial: Crime, État et société en France à la fin du Moyen Âge*, 2 vol., (Paris: Publications de la Sorbonne, 1991), 10.

3. ISNARD, *Livre des privilèges*, XIII.

emancipation, the seigneur was constantly in court to collect taxes. The Hospital, moreover, was not alone in this regard; the municipal council also had the right to levy duties. In power, the council ranked far below the preceptor and his bailiff. This did not prevent the council, though, from using the court to enforce its fiscal rights.

Prosecutions that mention tax collection are limited in what they can tell. I found thirty-six such prosecutions spanning seven registers between 1341 and 1403.¹ Since tax collection was routine business, these thirty-six incidents surely represent only the most unusual problems. The seigneur and the council made more routine use of their tax collectors for everyday problems. Only the most difficult cases of fraud or evasion ever ended up in court. These thirty-six cases, therefore, tell little about the mundane process of collection or, for that matter, avoidance. They do not show how much of the bureaucratic machinery was devoted to taxes or how lucrative taxation was. Nor do they reveal how many people resisted. They do show how and why judicial prosecution for taxes happened. The court initiated ten inquests, tax collectors the remaining twenty-six. Some of the cases initiated *ex officio curie* are not prosecutions of tax evaders *per se*, but rather incidents of brawling motivated by taxes.² In contrast, every inquest that names a denouncer pertained to charges of tax evasion or tax fraud. As usual, confession was consistently the most likely outcome. Only nine of the thirty-six inquests did not result in a confession. In those nine inquests, only one person was absolved. Once the court investigated taxes, it almost always collected a fine.

About 40 % of the tax related cases I discovered come from a single, turbulent, summer. In June, July, and August of 1400, tax cases occupied a disproportionate amount of the court's time. All told, in the summer of 1400, the court heard thirty-seven *inquisitiones*. Among those thirty-seven cases, fifteen related to taxation. They stem from a single, prolonged, and widespread incident of tax evasion. Like the cases involving Raymond de Turenne, the tax trials from the summer of 1400 present a single, well-documented moment in the life of the town.

Before turning to the fiscal insurrection of 1400, it is important to define the scope of Manosquin taxation; it provides an important backdrop to understand the insurrection. Table 4 on the next page outlines the medieval taxes and duties owed in Manosque between 1293 and 1410. In addition to the taxes listed in the table, the Hospital also imposed an annual levy on animals used to sow wheat or barley. Those without beasts of burden paid two other levies: one to harvest wheat and another to collect it. Most people who lived in the Manosquin valley also paid an annual

1. In all these registers contain 791 legible transcripts. So, the thirty-six prosecutions I analyze here constitute 4.55 % of all inquests from the selection. They represent, moreover, 2.33 % of the 1,543 inquests I read between 1340 and 1403.

2. Thus 56H 986 f° 165.

Table 4. — Taxes due to the Hospital (1293–1410)

Tax	Description	Rate of Taxation	Notes
<i>bladagium, albergium</i>	Tax on ploughing beasts:		After 1293, those who did not work these animals year-round, paid only for the time they were in use.
	Single donkey	2 <i>émines</i> (1 wheat, 1 oats)	
	Team of donkeys	2 <i>sétiers</i> (1 wheat, 1 oats)	
	Team of mules or work horses	6 <i>émines</i> (3 wheat, 3 oats)	
<i>brocagium</i>	Tax on best wine from vineyards	6 <i>denarii</i> per cup due	Payable also for measures smaller than a cup
<i>cavalcata</i>	Military tax	50 footsoldiers for 40 days/yr. and 5 cavalrymen on 2 armed horses	Due to the Hospital. The Hospital then provided these resources to the count of Provence. After 1293, the Hospital had to provide an additional 5 cavalrymen
<i>contalagium, civata</i>	Hearth tax	1 <i>sétier</i> of oats per hearth	Not applicable to those paying the <i>bladagium/albergium</i> ; after 1315 waived for newcomers
<i>cozza, cossia</i>	Grain tax	1/36 of the measure	Imposed on all grain sold or measured; abolished in 1410
<i>furnagium, fornagia, fornilla</i>	Oven tax	1 <i>obole</i> for each <i>sétier</i> of wheat baked in the oven	
<i>gabelle</i>	Traditional tax on salt	Unknown	By the fourteenth century, this tax had mutated so as to limit the sale of wine at certain times of the year
<i>laudamentum</i>	Land mutation tax	1/13 of the sales price of the land	Not due on inheritances
<i>lumbi</i>	Filet and tongue tax	Filets of pork and veal tongues; Also ¼ of yield from fruit trees & vines	Due to the Hospital; abolished in 1293
<i>moutura</i>	Mill tax	A <i>demi-poignadière</i> per 6 <i>sétiers</i> of wheat	
<i>pasquerium</i>	Shepherding tax	1 sheep per 150	Due on land where a flock passed or slept
<i>terra tasqueria</i>	Wheat harvest tax	1/13 or 1/20 of wheat collected	

tithe to the cathedral chapter of Forcalquier. It collected the tithe to support the local churches.¹

None of the records from medieval Manosque, including the court transcripts, allow for a gross annual *per capita* reconstruction of taxation. Nevertheless, as is evident from the table, Manosquins laboured under the weight of many types of taxes. All of them affected the most fundamental aspect of medieval life: agriculture. Sowing, harvesting, selling produce, producing wine, owning animals, moving

1. For more on Manosquin taxation, see Michel HÉBERT, 'Le système fiscal des villes de Provence (XIV^e-XV^e siècles)', in *La fiscalité des villages au Moyen Âge (Occident méditerranéen)*, ed. D. MENJOT and M. SANCHEZ MARTINEZ (Toulouse: Privat, 1999), 57–81.

flocks of sheep, milling, and baking: these were all taxable activities. In theory, the revenues they generated supported the seigneur and ensured the town's security. In practice, they were rarely used to maintain the physical town. Instead, upkeep of the town fell to the elected council. When the council needed cash, it too imposed levies. The people, therefore, labored under a heavy tax burden imposed by both levels of government. When it became too great, Manosquins adopted strategies to evade payment. When the court prosecuted evaders for the seigneur or the council, though, it did so with greater zeal and effect than when it acted to defend the monarch's interests.

5 Taxation, Suppression, and Revolt in 1400

The summer of 1400 was neither the first nor the last time the court prosecuted tax evaders. In 1341, for example, it tried Jaume de Chartres, a local Jewish landowner, who broke a proclamation (*praeconizatio*) about a vine tax.¹ The following year, the court charged Marco de Helerio with selling wine during the *gabelle* interdict.² In 1369, the court investigated Berto Castoli of Manosque when he refused to pay a tax and then argued with its collector.³ In 1403, Bila Fossata, the midwife who delivered Alaysia the adulteress' illegitimate son, went to court for failing to pay a tax on her vineyard.⁴ Tax collection was not a problem peculiar to any one period. In the summer of 1400, though, the evidence preserved in the criminal registers suggests that the problem exploded.

The summertime tensions of 1400 stemmed from the Hospital's forced monopoly on wine. The seigneur annually decreed that 'no person, under any condition, should presume to sell or buy wine in Manosque or its district, in large or small quantities, during the time of the Hospital's *gabelle*, without the permission of the preceptor or his *gabellator* under penalty of a fine.'⁵ Throughout Provence the *gabelle* was a form of indirect taxation levied on merchandise for a fixed time to off-

1. 56H 986 f° 83 from 12 October 1341. This transcript is also noteworthy because it presents a Jewish land owner, something medieval historians rarely see. Jews were exempt in Manosque from the usual Christian taxes. This bred resentment among Christians ignorant of the replacement Jewish tax. Jaume's case is also interesting because the tax collector, who denounced him to the court, happened to be a priest. The court did collect a fine from Jaume. 56H 1003 f° 5 v.-6 from 26 June 1397 also shows another Jew prosecuted for breaking a *praeconizatio* governing the collection of a wheat tax.

2. 56H 986 f° 153 from 1 July 1342. Marco confessed and paid a fine. The *gabelle* interdict mentioned here is not to be confused with the salt tax of the same name listed in Table 2 on page 115.

3. 56H 997 f° 105 from 31 June 1369. He paid 100 shillings to the court.

4. 56H 1008 f° 54 from 26 September 1403.

5. '*Quod nulla persona cujuscumque condicionis existat, audeat vel presumat vendere nec emere vinum in loco Manuasce nec ejus districtu ad grossum nec menutum (sic) durante tempore gabelle Hospitalis predictae sine licentia domini preceptoris et sui gabellaris sub pena certa . . .*'

set a specific expense. These taxes were typically levied by municipal councils, but, in Manosque it was the seigneur who issued an annual summertime *gabelle*. The Hospital's *gabelle* on wine deliberately coincided with the major summer holiday, the feast of St. John the Baptist. The seigneur knew that, in late June, the townspeople were predisposed to celebration. By imposing a *gabelle* on wine during the festivities, the Hospital set itself up as sole distributor during peak season.

The townspeople resented and resisted their seigneur's wine monopoly. On 26 June, the court acted four times to prosecute a single, illegal, distribution network.¹ The first delinquent it prosecuted was a woman named Matheuda Auttrigue of Villemus.² The bailiff, the *gabellator*, and the subvicar all denounced her. They accused her of buying wine without her husband's permission, during the *gabelle* interdiction. The court threatened her with the standard twenty-five pound fine for perjury and she confessed to buying a barrel of red wine from Jehan de Alexandria alias Rigaton. Later that day, Uc Isnard, a local inhabitant, confessed that he, too, bought wine from Jehan de Alexandria. Like Matheuda, Uc told the court that he had bought the wine for the Feast of St. John.³ The court next charged Alimeya, wife of master Uc Pariot. It asked her if she was ignorant of the *gabelle praeconisatio*. She said she was, because she was a foreigner.⁴ Ignorance of the law was no excuse; she still paid the fine. Finally the court went after the source of the illegal distribution, Jehan de Alexandria and his wife Alayseta.⁵ The Hospital's *gabellator*, or his wife, formally denounced Jehan and Alayseta to the court.⁶ The fact that the court notary named the *gabellator*'s wife suggests that she, not her husband, had discovered the offences. Women did not normally share the post of *gabellator*. Regardless, Jehan and Alayseta confessed to the sales and paid the fine. The penalty in all these cases was identical: twenty shillings plus confiscation of any illicit goods.

This local resistance to the seasonal seigneurial monopoly coincides with an important transition in local power. Even as the court prosecuted people for breaking the *gabelle*, the townspeople knew that a shift in senior governance was happening. Throughout the hardships of the 1390s, the preceptor of Manosque had been a powerful character: Jehan Savini succeeded his uncle Raimon in the summer of 1372 and ruled Manosque until his death early in the summer of 1400. In June 1400, though,

1. The court also prosecuted people outside this particular network. Two Jews, Samuel and Foson Bonafossi, also defied the *gabelle* restrictions on vine commerce. See 56H 1005 (book 1) f^o 14 from 30 June 1400.

2. 56H 1005 (book 1) f^o 6.

3. 56H 005 (book 1) f^o 7.

4. 56H 1005 (book 1) f^o 9. She said '*quod sic quia extranea est et ignorat consuetudines praesentis ville.*'

5. 56H 1005 (book 1) f^o 11–11 v.

6. The inquest began '*ad denunciationem dicti Johannis Mielhi vel ejus uxoris gabellarii gabelle vini Hospitalis*'

his replacement, Jehan de Venterolis, arrived in Manosque. The new preceptor took little direct interest in governance and relegated power to his bailiff, Bertrand Cornuti.¹ The sudden resistance to the monopoly on wine was, therefore, a test of the new seigneur's authority and of his bailiff's vigilance. Several townspeople smelled an opportunity and seized it. The inquests from 1400 demonstrate that the new administration knew it was being challenged. Each inquest restates that the new seigneur had reminded his subjects of his rights by repeated proclamations. So, the transition in power, and the subsequent challenge it evoked, explains the sudden surge in *gabelle* resistance.

Popular resistance against the *gabelle* also grew out of the ongoing social crisis. As noted earlier, the decade leading up to 1400 was difficult for the men and women of Manosque. Food was short, and commerce and mobility were limited. The disappearance of Raymond de Turenne from the Provençal countryside did not alleviate hardship. The change in executive administration was, therefore, coupled with long lasting troubles. Both factors combined to make for heightened resistance and stern reprisals in late June of 1400.²

By late July the situation in Manosque had deteriorated and resistance escalated. At that time, the court charged Paul Autrarii, a Manosquin, for assaulting a tax collector with a large sword.³ A crowd intervened to save the collector's life but this attack on an official was worsened by its visibility. Though the court's claim of attempted murder was probably legal rhetoric, Paul confessed to the assault; his attack, however, was symptomatic of broader discontent.

The townspeople had grown increasingly unhappy over the summer because, despite limitations on food and drink, the government continued to take what little they had. In June, the Hospital had imposed its monopoly on wine. In July, the town council declared a second duty on food. It amounted to a tax of one-twentieth on all grain and legumes. The motive, ostensibly, was to help feed the town's hungry poor.⁴ The reference to hunger is further evidence of the food crisis. Many bitterly resented the new duty, especially as it came on the heels of the previous one. On 3 July the court held five separate inquests against people accused of defying the levy. Although the first man accused, Jehan Centoris, died before he

1. REYNAUD, *La commanderie de Saint-Jean de Jérusalem*, 98.

2. Nor did the Hospital limit reprisals to *gabelle* breakers. On 30 June 1400 it also prosecuted Berto Gontardi of Manosque for breaking another proclamation banning the mixture of wheat of the *'tasque'* with free wheat. Berto claimed to have had permission from the appropriate official, but he did not. See 56H 1005 (book 1) f^o 12.

3. 56H 1005 f^o 29–29 v from 27 July 1400. The victim denounced his assailant in court.

4. 56H 1005 f^o 41 states that the council needed the food to feed the *populi minuti et pauperi dicte ville*. The criminal transcripts suggest that this happened from time to time. 56H 997 f^o 67–68 from 9 April 1370 indicates that Pellegrina, wife of Raimon Archer of Manosque, did not want to give her extra good to the poor. The food collectors testified against her.

could pay, others handed over cash to the court. The court collected fines between ten to twenty-five pounds from offenders.¹

By early August, what began as disparate unhappiness congealed into outright revolt. That month, a powerful councilman and notary, Nicholau Attenulphi, brought Henri de Brusellis and his accomplices up on charges of conspiracy. Nicholau told the court they had murmured and plotted (*murmurabant et dicebant*) against the council. He said that Henri and his fellows promoted scandal and unrest by declaring that the poor were being asked to support the rich. Nicholau was present at the gathering where Henri's band made their treasonous declarations.² In court, Nicholau alleged that Henri had insulted him at the gathering when he said, 'I am a better man than you!' (*yeu soy melhor home que tu!*). Not only had Henri insulted Nicholau, he had also, by extension, offended the honour of the entire council. Nicholau went on to say in court that Henri had drawn a dagger and tried to kill him for no apparent reason (*nulla tam rationabili precedenti.*) Soon witnesses appeared in court to confirm what the 'murmurers' had said. They disagreed over whether Henri attacked Nicholau or whether there was a knife. Everyone said there was a skirmish. Eventually Henri admitted that he had said that the council was behaving badly, the councilmen all dishonourable. But he denied any assault. Though the resolution to the inquest is lost, honour demanded a rebuttal. And so, on 4 August 1400, Henri was back in court, but this time to denounce Nicolau Attenulphi. Henri said that during their argument Nicolau himself had made an insulting comment about the preceptor. In a strange twist of events, rather than deny it, Nicholau protested clerical immunity. Since it could do nothing against a cleric, the court dropped the matter.³

6 Conclusion

Tensions between the *meliores* and the *populares* were nothing new in Manosque. In 1389, a merchant from Avignon wrote 'The people who govern us want all the fat

1. In general, there was consternation and confusion about the new levy. One accused man explained to the court that he had not paid the tax because of general disagreement and confusion over it: '*quia aliqui de villa volebant vintenum et aliqui non, et sic non erat conclusum super dicto vinteno quare dixit dicte uxori ut dictum bladum levaret et mensuraret praesentibus testibus fidedigne et dictum vintenum retineret quousque esset terminatum et conclusum super dicto vinteno.*' 56H 1005 f^o 17v.

2. There is a document in the Archives communales de Manosque, Series Ba 25, register 4 (non-foliated) that tells of the gathering. My thanks to Andrée Courtemanche, who has studied it, and who made me aware of its existence.

3. A notation in the margin actually reads *compleatur*. It is strange that Nicholau Attenulphi claimed clerical privilege since public notaries were not supposed to be clerics. In an even more ironic twist, I found a court transcript from 1 December 1394 that proves that Nicholau Attenulphi had himself been charged with tax evasion. He had defrauded the *bladagium* and *contalagium*.

Table 5. — Distribution of Verdicts Among Tax Related Inquests

Verdict	Number
Condemned due to confession	30
Condemned without confession	2
Absolved	3
Unknown	5
Total	40

for themselves.¹ Traditional forms of medieval charity, like almsgiving or feeding the poor, did little to convince cynical townsmen that their lords had their best interests at heart.² Like a lot of other urban centres at this time, class struggles fueled civic unrest. Taxation was often central to these struggles. What matters here is how effective the court was at preserving government interests.

Table 5 illustrates the distribution of the forty extant verdicts from the thirty-six tax related inquests.

In fourteenth-century Manosque the court routinely prosecuted tax evaders. Every single criminal prosecution for tax evasion began with a denunciation by an official or else through the court's own initiative (*ex officio curie*).³ Neighbours did not snitch on one another, perhaps because everyone feared close scrutiny on this front. The vast majority of inquests ended in condemnations and the court almost always collected a fine. Although the small sample set precludes firm statistical comparisons, anecdotally, at least, this suggests unusual efficiency. Only three cases out of forty ended in acquittals. The seigneur and the council, therefore, effectively used the court to enforce their economic privileges.

The court was a far more predictable and reliable tool for local governance than for distant royal administration. The tax cases are simple and straightforward. They lack the bluster and pretty rhetoric of the treason prosecutions. At the same time, they got the job done. Prosecutions from royal imperative, by comparison, although grandiose, fell short of achieving the desired royal objectives. Though the court prosecuted traitors during times of civil war, it showed sensitivity and lenience. The seigneur and the officials of justice walked a fine line and obeyed royal command without using the court to repress blindly. Although the prosecutions for

1. 'Les gens qui nous gouvernent . . . veulent toute la graisse pour eux.' CHIFFOLEAU, *Les justices du pape*, 121.

2. The Hospital *commanderie* at Manosque, as was the case at the Trinquetaille (Arles) *commanderie*, took in several poor each day to feed them. LE BLÉVEC 107.

3. The collectors named bear titles such as *collector racemorum pro Hopitale*, *collector talbie*, *collector vinteni*, *gabellator*, *gabellator vini*, or simply *collector*.

treason often resulted in guilty verdicts, guilt was assigned for breaking edicts, not for committing a high crime. This is crucial. The verdicts never lined up with the tenor of the charges. The court always began by charging collaborators with treason and ended by collecting money for breaking a *praeconizatio*. Sentencing was also different in treason and tax cases. When the judge arrested Monet de Charentesio, he allowed Monet to go home to celebrate Christmas. This was clearly no brutal incarceration. The judge then mitigated Monet's sentence on account of time served! Tax evaders, in comparison, benefitted from no such leniency.

The different tenor in treason and taxation cases occurred because the preceptor could ill afford to loosen his hold over the local economy. To maintain the *status quo*, it was imperative that the court always be seen to enforce seigneurial taxation rights, even to the detriment of the townspeople. If it failed to do so, over time, the seigneur knew he risked losing his rights; this had already happened in other ways. Now, had the monarchy exercised direct juridical control in Manosque in the 1390s, prosecutions for treason would have gone differently. The existence of an intermediary level of government thwarted Angevin state building aspirations. Although that intermediary government exploited ordinary Manosquins through taxation, ironically, it also buffered them against more distant exploitation.

The tax cases reinforce that the seigneur was not the only local, administrative, power in Manosque. Although written evidence of the relationship between the court and the council is rare in the criminal registers, these cases highlight its existence. They remind that the municipal council played an increasingly important role in local administration and in what would today be called social services. They teach that, as the council sought to provide support to the needy, it adopted strategies similar to its rival, the seigneur. It elected to impose taxes and, when the citizens resisted, the council, like the seigneur, exploited court process. The court, therefore, was an institution poised at the intersection of different levels of governance: royal, seigneurial, and municipal.

Chapter 7

The Court and Property

I Introduction: Property, Validation, and Fairness

Uc Simon described for the judge, in lurid detail, the state of the donkey's penis. It was extremely large, and protruded noticeably from the dead animal's belly. Obviously, he said, the poor creature had died of sexual frustration.¹ If this isn't the strangest testimony ever given in court, it comes close. Uc told what he knew about Antoni Maurelli's dead donkey because Antoni was convinced his wicked neighbor, the widow Peyroneta, had seduced and killed it. Antoni said that when he last saw the animal alive it was locked safely in his stable (*stubla, stupla*) by the Valverane stream. Peyroneta, wicked temptress, released the animal. She led it toward her stable, where she kept her own female ass. As the male approached the female, Peyroneta seized him and staked him to the ground with a short tether. From there, nature took hold: the aroused ass strained to move closer to its potential mate. It pulled and tugged until, at last, it choked itself, phallus all engorged, to death.²

Although the inquest into the aroused donkey presents evidence of a typical squabble, the enmity it preserves should not overshadow its very real concerns over property. In some ways, this case is just another example of petty neighbourhood enmities. Antoni said as much in court: he believed Peyronetta had acted nefariously out of an old grudge.³ The inquest noted what was said or what was not

1. The Latin reads, '*vidit membrum suum virile exveniente extra ventre suum in magna quantitate*' and Uc said the animal had died '*ardore libidinis*' and '*quia non potuit complere voluntatem suam cum dicta sanina [sic] credit ipsum asinum decesuise et mortuus remansuisse.*' These odd passages come from 56H 999 ff 111–112 v. dated 5 July 1392.

2. '*... videns ipsum accepit in quadam rippa alta terre sue [. . .] taliter stacavit quod causante curta staca dictam delata dicto asino facta, idem asinus indilate laqueo corde in collo ipsius asini tam curto et stricto aposito, asinus ipse mortuus pendens in dicta ripa remansit.*'

3. Literally, that she had '*inimiciam antiquam quam erga dictum Antonium gerit.*'

said. She, confronted by a local farmer shortly after the animal had died, allegedly declared, 'brother, if I harmed your ass, let us make things right.'¹ In court, though, she denied it, defended her actions, and painted Antoni as irresponsible. Both sides then trouped in witnesses to support their versions of events. This case is not, therefore, unlike many others that teach how people bickered, used reputation to buttress honour, and relied on networks of allies. From a purely legal perspective, though, all this enmity mattered little. The judge, despite a morbid fascination with the dead animal's member, never bothered to ask why Antoni thought Peyroneta hated him or how long the hatred had endured. This judicial disinterest was quite deliberate. As one historian put it:

This flattening of chronology, and this studied ignorance of the context of the dispute, were typical of the inquisition's style . . . As a rule of thumb, the inquisition had no interest in probing into the sequence of events that had led to the dispute. Judges were not interested in finding out whether defendants were in any way justified in being angry; nor, as a rule, did they make any inquiry into the social context of the dispute . . .²

For the criminal judge the legal heart of the matter was not enmity but property.

I argue that by opening itself up to mundane property disputes the criminal court became an essential and undeniable part of everyday life in Manosque. In fact, the court often settled property disputes. Though there was a separate mechanism for civil suits (*causae*), aggrieved parties often opted instead for criminal process. This may simply be the result of the days of the week that the civil or criminal courts operated. It may also be that some people preferred the criminal inquisition as strategically advantageous.³ More likely economics determined which procedure they pursued. Civil suits tended to cost more: they generated more paper and often required litigants to hire a procurator. Civil suits also, compared to the average criminal inquest which lasted a day or two, tended to drag on for weeks or even months. There were thus obvious advantages to pursuing property or pecuniary matters in criminal court. And, rather than forcing litigants to file civil suits in civil court, the criminal judge permitted them in his arena. He did not have to do so, but he did. Some seemingly civil cases also slipped into criminal process because of an inherent ambiguity. Disagreements over the terms of a pawning arrangement or the terms of a sale, for example, could be framed as theft. When a Jewish buyer tried to cheat

1. Literally, the witness said she stated '*frater si dedi tibi dapnum de tuo asino faciamus quod ponamus in bono statu.*' The *frater* may have been sarcastic and not conciliatory. Peyronetta was not related to the donkey's owner.

2. Daniel Lord SMAIL, 'Common Violence: Vengeance & Inquisition in Fourteenth-Century Marseille.' *Past and Present* 151 (1996): 53.

3. For example the ratio of the division of fines collected between the complainant and the court. We do not know exactly how fines were shared in either court.

a female Christian vendor, for example, she moved the court to prosecute him. It did so using the same language, rhetoric, and process reserved for thieves.¹ As a result of this systemic flexibility, civil complaints pepper the criminal registers. Now, as it happens, in Manosque, killing a farm animal actually was a criminal offence prohibited in the *Instrumentum*; but other types of property damage or financial disputes, were not. The criminal court was just as likely to prosecute borrowers or lenders as it was destroyers of animals. Whenever it did this, it responded to growing material and commercial demands. With the growth of towns and cities, the rise of the merchant class, and the development of systems of currency and credit, users of courts depended upon criminal process to sort out their property losses.

The case of the dead ass underscores how seriously the criminal court took property disputes. The formal inquest was abnormally lengthy. It lasted from 5 July to 28 August but the court only ruled in late December.² As part of its investigation, the court deputized members of the Hospital to go to the spot where the ass had died. They, along with court notary, inspected the scene of the crime and reviewed the information gathered from witnesses. They determined unanimously that Peyroneta had not put the ass in any danger.³ They then reported back to the judge that the ass' death was the fault of its owner, Antoni Maurelli, who had allowed it to wander unsupervised into her field. Peyroneta had simply tethered it to keep it safe. This elaborate investigation drew in the accused, the defendant, five witnesses, the notary, the defence lawyer, two deputies, the judge, and two witnesses of the notarized instrument. The court forced Antoni to pay the cost of its proceedings, which, given the duration of the trial and the manpower it implicated, far exceeded the ass' value. All of this explains the scope and weight of this neighbourly disagreement. It shows that the court treated even mundane property disputes with solemnity.

The court profited symbolically when it permitted property claims and, therefore, took them seriously. The criminal records provide no way of knowing whether the court profited financially, although it likely did.⁴ There was definite symbolic

1. The pair had agreed on a price of seven *gros* for some animals she was selling, but he only paid her six. She denounced him and he confessed noting that he kept one *gros pro suo labore*. The rhetoric of the charge notes that the accused man was '*de suis rebus propriis non contentis sed potius ditari cupiens de alienis*.' This is the standard phrase used to introduce accusations of theft. The transcript is in 56H 1008 f^o 90, from 19 December 1403. I found 208 cases of theft in the registers. All contained a variation of this formula in their preamble.

2. A notation indicates that the court notary issued Peyroneta an instrument absolving her on 20 December.

3. The notarized instrument states '*qui non erat in aliquot periculo*.'

4. The criminal registers prevent us from knowing whether or to what extent the court generated significant revenues for its seigneur. Most inquests contain a notation that a fine was collected but notaries almost never recorded amounts. There was likely a separate book of accounts for the court, now lost. At least one historian of Manosque believes court fines were a boon but I prefer to avoid

profit at stake, though, and, in the end, this counted more. When people went to court to receive validation for their property claims they tacitly validated the court's authority over their material lives. This legitimized court process. When, therefore, the seigneur used his court to exploit the Manosquin tax system, rate payers had little choice but to bow to curial authority. They could not have their cake and eat it too. If people acknowledged the court's power to collect for them, they had also to recognize its power to collect from them.

2 Impartiality

One way the court encouraged complainants of all types to use its process was by deliberately fostering trust. Antoni took Peyroneta to court because he trusted that the judge would act evenhandedly. Judges, for their part, worked hard to cultivate the appearance of fairness. Although their verdicts were reviewed by the judicial *probi homines* two other factors projected judicial impartiality: first, the treatment of Jews and, second, the prosecution of local officials. Joseph Shatzmiller's study of the thirteenth- and early fourteenth-century court showed that judicial fairness overrode even medieval anti-Semitism. He determined that theological concerns about the social position of Jews did not impact verdicts. My own analysis of the fourteenth- and early fifteenth-century verdicts confirms that the court maintained this trend. In a famous trial from 1409, a judge went so far as to put in writing that justice should not lean more to the left than to the right when dealing with Jews (*non declinantes plus ad dextram quam ad sinistram*). He wrote this when he ruled against the Christian community in favour of the Jews.¹ As a result of this continuous and longstanding judicial attitude, Jews turned to the court for justice to the same extent as did their Christian neighbours. More importantly, from a

such speculation. See Rodrigue LAVOIE, 'Les statistiques criminelles et le visage du justicier: justice royale et justice seigneuriale en Provence au Moyen Âge,' *Provence historique* 29, fasc. 115 (1979): 3–20. For medieval Avignon, Jacques Chiffolleau also attempted to discern how much money the papal court generated. See CHIFFOLEAU, *Les justices du pape*. Lavoie and Chiffolleau's inquiries are important insofar as many medievalists take for granted the profitability of medieval prosecution, what David Nirenburg dubbed the 'economy of accusation.' See David NIRENBURG *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton UP, 1996), 163. Finally, for a northern comparison, see Carola M. SMALL, 'Profits of Justice in Early Fourteenth-Century Artois: the "exploits" of the bailis,' *Journal of Medieval History*, 16 (1990): 151–164.

1. Danielle IANCOU-AGOU, 'Les juifs et la justice en Provence médiévale: Un procès survenu à Manosque en 1410,' *Provence historique*, 27, fasc. 115 (Jan.–Fév. 1979): 21–45. The trial used in this article pitted the town's Christian community against its Jewish one. The Christians complained that the Jews owned one-eighth of the town's land but failed to pay taxes on it. The Jewish community produced a royal letter dated 1409 exempting them from the *tailles* because its members paid the far steeper *talia judeorum*. The judge made his famous remark and ruled in favour of the Jew.

statistical point of view, Jews were as likely to be acquitted or condemned as were Christians. Anti-Semitism in Christian Manosque thus played a negligible role in legal proceedings. From time to time, judges also reinforced curial neutrality by prosecuting local officials. The court, thus, conducted 55 inquests against notaries (3.56 % of all cases examined). It also prosecuted the subvicar for calling a woman a *villana merdosa* and for making a rude gesture; he confessed.¹ It condemned one nuncio for not exercising his office properly, and another for assaulting a man being led amiably to jail.² In the mid-fourteenth century, the court made a particularly concerted effort to show that no man was above the law. In the summer of 1355, it prosecuted the second-highest ranking knight in the town for a vicious assault. During the near-lethal attack, the innocent victim had screamed ‘Sire bailiff, for the love of God, don’t do this!’³ The preceptor and the judge acted together, in that instance, to demonstrate that they would not tolerate the bailiff’s wickedness. The preceptor ordered his knights to comb the streets for the bailiff and to bring him to justice alive or dead.⁴ The judge, seeking to fulfill his office (*facere ea que incumbunt sui officio*), and ignoring the bailiff’s clerical immunity, also ordered his capture. The judge then made time to visit the two victims at home, in their sickbeds. He brought with him, at the court’s expense, Vivonus Diaulosal, a Jewish surgeon, and Guilhem Clavelli, a Christian barber. As evidence that the judge did not doubt the victims’ story, he ordered the Jewish doctor to heal them according to the arts of surgery. By engaging the barber and the surgeon, the judge suggested that the court felt some responsibility for assault. By hunting down the offender, he sent the clear message that justice was blind.⁵ The installation of municipal overseers to review judicial verdicts, the deliberate avoidance of anti-Semitism in court, and the occasional prosecution of local worthies all contributed to the perception of that justice in Manosque was fair.

There were other institutional measures, pertaining to the quality of judges, to ensure judicial impartiality. In theory, judges were supposed to be selected from

1. 56H 989 ff 110 v. from 24 July 1352.

2. 56H 987 ff 19–19 v. from 24 September 1355 and 56H 1001 f° 87 v. from 8 November 1394.

3. ‘*Dixit dicto domino bajulo domine bajule amore Dey non faciatis talia!*’

4. Literally ‘*perquirant et perquirere debeant cum diligencia si dictus frater Bertrandus de Sevancio reperiri poterit et si reperire poterit ipsum captum vivum si poterit sive mortuum si aliter fieri non poterit ad carcerem adducant taliter quod ipsum in crastinum habendo possit . . .*’ The story of the bad bailiff begins in an unfoliated section of register 56H 990 circa f° 30 v.

5. In the end, the bailiff eluded justice and fled Manosque. His co-accused, the subvicar, was captured and kept in shackles in the Hospital’s *fortalicium* for three weeks. He was then brought before the brothers of the chapter of the Manosquin convent and judged according to their rule. He professed his innocence and his brethren weighed the results of the judge’s inquest. Since the inquest demonstrated that he had not participated in the attacks, merely stood by and watched, the chapter relaxed his incarceration.

doctors of law and experienced lawyers, though the criminal registers contain precious little proof of this.¹ In fact, the records attest to only one university-trained judge, and he held a simple bachelor's degree.² Does this mean that, in the second half of the fourteenth century, there was a shortage of doctors willing to work as judges? Or, does it mean simply that the doctorate was implied for most judges? It is impossible to know for certain, but the former seems more likely than the latter. Judges' qualifications aside, the town imposed other limitations upon its expert jurists. The 1316 edition of the agreement between the Hospital and the Manosquin syndics states that only foreigners could be judges.³ Judges were employed for one year, and, after that, were expected to leave. When they overstayed their welcome, the community protested. Still, the scarcity of legal experts to fill the post is suggested by the recurrence of names: Raimon de Apulia was judge in 1345, 1346, and 1351;⁴ Peyre Folche was criminal judge in 1355, 1356, and 1357 and a note in the margin of one register indicates he heard civil cases in 1359 and 1360; Guilhem Piole was judge in 1364, 1365, and 1366. Not every judge quit after a year. But judges did rotate fairly regularly, if not always as often they should have. No single figure dominated the court for any long period of time. As a result, Manosquins had some assurance that individual personalities never dominated the criminal bench. This fact, combined with the fair treatment of Jews, and the prosecution of officials, helped contribute to the aura of fairness. This fairness was central to people's willingness to settle a wide variety of complaints using criminal process.

3 Pecuniary & Property Disputes

Because of its procedural flexibility and its reputation for fairness, Manosquins constantly reaffirmed the court's power to settle their monetary and property claims. This reaffirmation strengthened the court's position when royal, seigneurial, or municipal bodies sought to exploit people's wealth. Manosquins most commonly made this affirmation when they sought the court's arbitration over small transactions gone awry. Many disputes, thus, originated over an object placed in pawn for cash or goods. Many others involved money lenders, notaries, or professionals unpaid for their services. These cases, combined with instances when the court acted to collect sums either owed to it, to the Hospital, or to the municipal

1. M. Z. ISNARD, *Livre des privilèges de Manosque: Cartulaire municipal Latin-Provençal (1169–1315)* (Paris: Honoré Champion, 1894), 165.

2. The ordinary judge Berenguer Johannes was *legibus bacallarie curie Manuasce*.

3. ISNARD, *Livre des privilèges*, 165, states '*quod Hospitale teneat judicem in curia extraneum et non de loco, et pro majore parte anni curiam oportune teneat judex ipse.*'

4. Daniel Lord Smail has confirmed for me that Raimon was also the palace judge in Marseille from 1357–1359.

council, guaranteed that a good portion of the inquests targeted pecuniary debt. In addition to those times when the court moved to make debtors pay, other cases involved physical property. Some forms of property were specifically protected in the town's statutes (see Appendix), but others were not. Regardless, the criminal court protected all sorts of property.

When the court arbitrated money or property for individuals it responded to two needs. The first was simple arbitration to keep the peace. The second was recognition of ownership rights. By seeking these two forms of validation from the court, Manosquins legitimized its power over their financial and material affairs.

The criminal series is rich in information about money and property. Table 6 on the following page shows the distribution of the documentation. All told, 184 inquests of a pecuniary aspect other than taxation survive.¹ In most cases, 107 in all, the court prosecuted those who owed it money, usually for unpaid fines. In the remaining 77 inquests the court entertained monetary claims from individuals. So, although the court was more often interested in filling its own purse, it was almost as likely to help individuals fill theirs. There are another 69 inquests that involve either moveable or immovable property. In nine of those cases, the court moved to protect seigniorial or municipal property rights. Sixty of those records, though, involve individuals who went to court over private property.² This means, surprisingly, that the court arbitrated property primarily at the behest of ordinary Manosquins. These figures, of course, are merely guidelines of likely trends. Given the large numbers of inquest records that are lost, or are illegible, they provide only a general indicator. In addition, most monetary and property claims did not appear in the criminal system; they were processed by its civil counterpart. Still, thanks to these numbers, we know that on the whole 253 of 1,543 inquests involved money or property. Put differently, this means that every 1.6 criminal inquests out of ten involved people's material wealth.

All sorts of people used the criminal court to settle monetary and property claims. This is clear from a study of accusers and those they accused. There are 54 pecuniary cases that name a Christian male as the primary accused, nine with principal Christian females, 12 with principal Jewish males, and two with principal Jewish females. For simplicity's sake, I only tracked principals accused, but some cases named more than one person. There are 48 of the 77 trials that list a specific denouncer and that were not formally initiated *ex officio curie*. Of those 48 denouncers, 34 were Christian males, six were Christian females, and eight were Jewish males. No Jewish females denounced. Of course sometimes when the court

1. Actually 199 out of 1,543 cases involve non-taxable money. Of those 199, however, only 184 involve pecuniary disputes between individuals or between individuals and the court. The remainder involved money but were not attempts to recoup outstanding sums. They include theft cases.

2. Five of the 69 cases involve property in some other manner and are irrelevant here.

Table 6. — Summary of Pecuniary & Property Affairs in the Criminal Series (1340–1403)

Relevant Pecuniary Affairs		
Intended for Court	107	(58.15 %)
Intended for Individuals	77	(41.85 %)
Total Relevant Pecuniary Affairs	184	(100.00 %)
Relevant Property Affairs		
Intended for Seigneur	9	(13.04 %)
Intended for Individuals	60	(86.96 %)
Total Relevant Property Affairs	69	(100.00 %)

Table 7. — Relationship of Accused to Denouncer by Gender & Faith (Pecuniary Trials)

		DENOUNCERS					Total
		M	F	MJ	FJ	Court	
ACCUSED	M	30	3	5	0	16	54
	F	0	1	1	0	7	9
	MJ	4	1	2	0	5	12
	FJ	0	1	0	0	1	2
Total		34	6	8	0	29	

M = Male Christian F = Female Christian MJ = Male Jew FJ = Female Jew

began inquests, it acted at the quiet behest of an individual, too. The matrix on Table 7 sorts all known denouncers and defendants by sex and creed.

The property disputes provide similar information. In the 60 disputes between individuals, there are 45 principal Christian males accused, nine Christian females, and six Jewish males. There are 50 transcripts that list a denouncer who is not a court officer. Among those 50, there are 43 Christian males, six Christian females, and one Jewish male (see Table 8).

The first matrix shows that the most common player in pecuniary cases was the Christian male, both as denouncer and as accused. His presence far outweighs any others. Male Jews did denounce before the criminal court, an indication that they sometimes sought its justice to enforce their monetary claims. Female Jews, in

Table 8. — Relationship of Accused to Denouncer by Gender & Faith
(Property Trials)

		DENOUNCERS					Total
		M	F	MJ	FJ	Court	
ACCUSED	M	31	5	1	0	8	45
	F	9	0	0	0	0	9
	MJ	3	1	0	0	2	6
	FJ	0	0	0	0	0	0
Total		43	6	1	0	10	

M = Male Christian F = Female Christian MJ = Male Jew FJ = Female Jew

contrast, were never involved in criminal monetary conflicts. In property matters, the Christian male also dominated. This made sense since it was he who controlled most property, either in his own right or through his wife's dowry. Jews had more limited access to land, and thus make only a limited appearance in property claims. When they do appear, they were accused of committing property crimes. Here, too, biological sex played a role as Jewish women never figured into criminal property claims. In addition to information on sex and creed, the lists of denouncers and accused reveal a variety of Christian professions and occupations spanning the socio-economic ladder. They name clerics, an apothecary (*apothecarius* can mean a shopkeeper or a druggist), notaries, butchers, a knight, tailors, cobblers, a blacksmith, nuncios, a wet nurse, a carpenter, and an innkeeper. Finally, as with all other types of criminal prosecutions, confession was always the most likely outcome. 135 of the 184 pecuniary cases (73.37 %) and 42 of the 69 property cases (60.87 %) ended in confession.

Trials involving Jews typically grew out of pawning. It was not unusual for Jews to lend money in exchange for some form of surety. In 1341 a Christian woman denounced a female Jew because she claimed she had ruined a chemise left in her care.¹ The following year, several Jews quarrelled before the court over a legal text they had pawned.² In 1356, Salvonus Astrugi, a Jewish inhabitant of Manosque, appeared in court over 22 shillings from a pawning agreement.³ In 1397, Samuel Fosoni, a local Jew, denounced a married couple in a pawning affair gone bad.⁴ These types of

1. 56H 986 f^o 44 from 10 June 1341.

2. 56H 986 ff 109–110 v. from 19 December 1341.

3. 56H 991 f^o 25 from 2 March 1356.

4. 56H 1001 ff 4 v.-5 from 21 June 1397.

cases occur with mundane regularity and most involve only petty sums. Small scale pawning, though, played a vital role in the town's daily economic wellbeing. Male and female Jews were agents in this system, as were notaries, other moneyed professionals, even some entrepreneurial Christian woman.¹ It is no surprise, then, to find Jewish money lenders in the court. Much more unusual are incidents such as that of 1341 in which Fossonus the Jew and his colleagues were implicated in a contractual dispute over a large quantity of wheat to be sold to a merchant from Aix.²

The criminal series also contains numerous examples of non-pawning debts. Peyre Arnaud, for example, denounced Uc Egroard over an alleged debt.³ Uc Umateri and Guilhelm Peyre had a similar legal struggle.⁴ Sometimes the same parties found themselves back in court because the judge had ordered one individual to pay the other and he had refused. When that happened, judges enforced the original debt.⁵ The pattern was always the same: one person sought money from another and the criminal judge acted as arbitrator and valuator of the debt.

Notaries, familiar with the law and typically well-off, are also common actors in these cases. They often went to court to try to claim an unpaid fee or to collect on a debt. Thus, Isnard Hospitalier, a local notary, denounced a Jewish inhabitant called Salamon de Banhilos. Isnard wanted two gold florins Salamon owed for drawing up an instrument about a vineyard.⁶ Similarly, the notary Raimon Gautier complained to the judge that Peyre Rufferii never paid his salary. Rather than denying it, Peyre admitted he couldn't recall whether he had or not.⁷ Notaries also feature prominently in property disputes. Manosquins had long held the right to transmit property through sale or legation and they hired notaries to assist them.⁸ Thus the trial of Jehan Burle, a Manosquin notary, who was denounced by Guilhelm Fulcon for meddling in the sale of a vineyard that was part of Guilhelm's wife's dowry.⁹ Five years later, Jehan was back in court for his questionable handling of a dead man's possessions.¹⁰ Even more common among the sixty property disputes between individuals are inquests that called into question land ownership. This was

1. On Jewish money lending, see: Joseph SHAZTMILLER, *Shylock Reconsidered* (Berkeley: U California P, 1990), and Andrée COURTEMANCHE, 'Les femmes juives et le crédit à Manosque au tournant du XIV^e siècle,' *Provence historique* 37, fasc. 150 (Oct.-Nov.-Dec. 1987): 539-58.

2. 56H 986 f^o 6 from 30 April 1341.

3. 56H 1005 f^o 60 v. from circa October 1400.

4. 56H 991 f^o 67 from 25 April 1357.

5. 56H 1001 f^o 105 from 24 November 1394.

6. 56H 997 ff 56-56 v. from 8 March 1370.

7. 56H 1001 f^o 186 v. from 25 May 1395.

8. They received the right thanks to the donation made by the last Count of Forcalquier on 5 February 1207. See ISNARD, *Livre des privilèges*, 8, under the headings '*Libertas quod possit quilibet suum honorem vendere, Quod possint pignori obligari*,' and '*Quod possit quilibet facere testamentum*.'

9. 56H 999 (book 2) f^o 47 plus the defence that follows it. The trial is from 12 March 1392.

10. 56H 1003 f^o 6 v. plus two small sheets with his defence from 5 June 1397.

the case when the priest Guilhem Castellan denounced Isnard Mayenqui for using his land without permission.¹ Similarly, Raimon Gasqui denounced Antoni Barbe for cultivating Raimon's arable land.² Antoni responded before the criminal judge that there was already a pending civil trial over disputed ownership. Also, Jaume Faucheri complained to the court that his garden had been seized by someone else.³ The details of these types of disputes are not as revealing as some others, but their presence in a criminal series matters. They all have a similar theme: someone took someone else's land and goods and used them. Owners went to court to assert their legal rights and to obtain restitution for their losses.

All of this suggests that Manosquins used their seigneur's criminal court to settle monetary and property disputes. In the mundane power struggle between neighbours, people fought judicially to determine who was right in a given conflict, as well as whose rights counted most. In and of itself, this type of conflict is unremarkable. The sheer bulk of the monetary and property claims in a criminal series is far more significant. It signals people's routine willingness to place their trust in the court's regulatory powers. This happened because people perceived the court to be fair, effective, and efficient. The trust people placed in the court benefitted its owners and operators for, by trusting and using the local criminal justice system, Manosquins tacitly validated its process. As a result, when the seigneur or the town council needed the court to enforce their own property claims, Manosquins could not challenge curial authority or appeal to the court for relief. Ultimately, this is the most convincing argument to explain why court operators exploited procedural flexibility by routinely entertaining civil disputes in a forum intended for criminal matters.

4 Resistance

Although the court worked hard to promote an air of fairness, and although people validated the court system by using it, not everyone was always pleased with the outcome. In the summer of 1355, for example, the court prosecuted Pons Midoni for insulting the judge Raimon de Apulia outside of Manosque. Pons accused Raimon of doing him a great injustice.⁴ Although the court could only produce one witness, where Roman law required two for a condemnation, the judge's word carried weight: the slandered judge condemned Pons and made him pay a fine. This wasn't the only time a judge prosecuted for a personal insult. Guilhem

1. 56H 997 f^o 170 from 10 January 1369.

2. 56H 999 f^o 58 from 4 June 1392.

3. 56H 1001 f^o 4 from 21 August 1394.

4. 56H 990 f^o 5 v. from 6 June 1355. Pons said '*vos mifays tort injusticia*'.

Arnaudi also publicly insulted the judge Guilhem Piole. Piole prosecuted Arnaudi, who then confessed and paid a fine.¹ When Jehan Ode was in court he told the judge he had done him a great wrong.² Ode paid for his insolence. More striking, in 1367 Benjomen Leonis, a Jew, ran into a judge behind the court and swore at him using the taboo term *putan*. He then said the judge had done him a great wrong (*magna tort*).³ Benjomen continued his verbal barrage by noting that one of the judge's companions was diabolical (*homo in nomine diaboli*). Benjomen later confessed to saying the judge had offended him. The next day, Benjomen was attacked and slashed across the face with a knife. Was there a connection between Benjomen's insults and his assault, or did the attack relate back to the original dispute that had brought him to court? The man who attacked Benjomen said he had acted in-self defence. He claimed the Jew had attacked him first and yelled 'you are neither a good nor a legitimate lord!' (*quod ipse non erat bonus neque legaliter dominus*). His assailant said Benjomen then advanced, screaming 'let's see what you can do!' (*videamus quid scies facere*). The transcript, frustratingly, offers no other clues about Benjomen's dispute or his assault. These sorts of cases show that judges were sometimes criticized for their behaviour. Each of the insulters felt he had been maltreated, that the court had not acted impartially. Not everyone agreed on judicial neutrality. What matters more, though, is that in every instance, honour and office compelled judges to reply to the insult in court. When a judge's honour was attacked, justice was always immediate, its outcome predictable.

Other court officials suffered attacks from disgruntled litigants. A few records indicate nuncios being assaulted as they carried out their duties.⁴ One man colloquially told the nuncio that if he came to collect money from him, he would break his neck (*dixit quod si ipse nuncius iret pignorum ad domum suam fregeret sibi collum*).⁵ As noted earlier, tax collectors also sometimes encountered forceful resistance. One time, an irate townsman even yelled at the town crier to stop proclaiming (*dixit injuriose et animo impetioso . . . 'noli plus praeconisare!'*). Another time, a Jewish father and his sons were accused of attacking the subvicar when he came around to collect a lamb they were holding illegally.⁶ These incidents are rare but important. They complement the tax inquests and those from the wars of Raymond de Turenne. Though few in number, they provide a precious record of ordinary

1. 56H 997 f^o 128 from 30 July 1369.

2. He said '*voys mi fases grav tort.*' 56H 997 f^o 45 from 28 February 1370.

3. 56H 996 f^o 143 *et passim* from 21 September 1367.

4. 56H 986 f^o 27 v.-28 from 30 April 1342; 56H 994 f^o 129 from 7 November 1362; and 56H 995 f^o 44 from 4 April 1366.

5. 56H 1008 f^o 94 from 8 January 1403.

6. 56H 1003 f^o 59-60 from 15 October 1397.

people resisting authority. They present only minor displays of rebellion, but they remind that not everyone was impressed with or cowed by the court's power.

5 Conclusion

Despite occasional references to people's displeasure, most of the time the court succeeded in setting itself up as the legitimate avenue to settle material disputes. Through the many monetary and property suits processed using criminal procedure, we learn that the court exploited procedural ambiguities and was flexible in the sorts of offences it treated. Tellingly, it did all this without any apparent objection from its civil counterpart. Both courts, after all, were owned and maintained by the same seigneur and shared personnel. As a result of the criminal court's forays into material claims, fourteenth-century people saw it as having power to arbitrate and value their financial and property claims. In the end, this validation justified the court's hold over their material assets.

Chapter 8

Conclusions on the Mundane from the Unusual

Crime and Social History

The more sensational inquests in this book make it clear that inquest records are rich sources of social history. Poisoners, cat burglars, illicit lovers, prostitutes, traitors, and donkey killers all titillate and amuse, but they also inform. The one constant criticism levelled at social historians who use criminal records, though, is that we are drawn to the unusual, the extreme, and the abnormal. Critics allege that these cases often have little to do with ordinary life. I have argued throughout this book that this is simply untrue. Sensational cases of legal deviance are full of information about normal behaviour. I want to stress, finally, that even the most mundane and routine inquest record contains precious clues about everyday life in a world now lost.

Like other medieval jurisdictions, Manosque spent more time prosecuting violent assaults than anything else.¹ One-third of all the inquests, 499 to be precise, addresses physical violence. A full 284 of those 499 inquests (56.71 %) feature a denunciation from a private party unrelated to the court or its seigneur. The rest of the time, the court initiated inquests *ex officio* from a rumour or because its agents

1. In Avignon, brawls, skirmishes, and fist fights constituted the majority of crimes and delicts recorded by papal scribes. See CHIFFOLEAU, *Les justices du pape*, 139. Smail, 'Common Violence,' 35, provides a table of violence or threats with weapons. It shows that nearly 60 % of one register from Marseille for the year 1330–1331 dealt with physical violence. That figure includes drawing a weapon as well as actually striking. It does not include verbal assaults. Nicole GONTHIER, *Délinquance, justice et société dans le Lyonnais médiéval, de la fin du XIII^e siècle au début du XVI^e siècle* (Paris: Éditions Arguments, 1993), 85, figures assault accounts for 49 % of her criminal records.

caught offenders *in flagrante*.¹ In most cases, then, people activated inquests to punish those who harmed. In that respect, denunciations of bodily assault correspond to the large number (64.23 %) of privately denounced pecuniary and property disputes. As a rule, concerned parties initiated the vast majority of assault, monetary, and property cases. The court responded to people's complaints and, in so doing, validated its hold over their lives.

Brute force, much more than monetary or property problems, was a common reality for most medieval people and this makes aggression a natural topic of interest for social historians. Courts, in their efforts to dominate the cultural exchange of hostilities vilified and condemned aggression. In that sense, criminal records provide instances of institutionally stigmatized behaviour. This means they are easily applied to the techniques of cultural anthropology or historical criminology. The ritual and rhetoric of criminal records also means they show the evolution of western justice. Because of that, they are also favourite tools for legal historians. But violent offenders were also ordinary people who did unstigmatized things and their victims, too, were often unremarkable. Even the most mundane assault prosecutions are, therefore, peppered with details of ordinary lives, work, and play.

Some of the clues in criminal assault inquests lead the social historian to form obvious conclusions about how men and women fought. They show, for example, that medieval men were more likely to fight than women. The inquests also prove, though, that women sometimes punched, kicked, and hit. Fifty years ago there was no women's history outside of a few queens, abbesses, and saints. Most of what we knew about medieval women led us to believe they were either terribly refined or else totally invisible. Today, social historians can show that ordinary women are not only visible, but that they routinely participated in baser activities, including brawls. Certainly Manosquin women were no strangers to assault cases. Table 9 on the next page presents the distribution according to sex of primary, secondary, and tertiary accused persons.²

Assault inquests demonstrate not only who fought, but how. This is useful information if we want to recreate the social space of a lost world. For instance,

1. SMAIL, 'Common Violence,' 36, notes: 'In no inquisition transcript from Marseille is there any indication that the court proceeded against criminal defendants merely on the basis of a report or a rumour, as courts of inquisition often did in other cities.' In that light, Manosque is the norm and Marseille the exception. Smail linked the lack of curial initiative to the court of Marseille's 'lack of power.' Smail subsequently revised his stance and corrected his assertion. In chapter 1 of *The Consumption of Justice* he decided that private denunciation did take place in Marseille, but in a lower proportion to Manosque.

2. Because of the lack of standardized spelling, paleographic issues, documentary deterioration, and the tendency to recycle given names within families, I did not attempt to track instances of recidivism. These figures, therefore, do not show how many distinct offenders there were, merely numbers of charges by gender.

Table 9. — Gender of Accused in Assault Trials (1340–1403)

	Male	Female	Total
Principal Accused	431	62	493
Secondary Accused	130	19	149
Tertiary Accused	33	9	42
Total	594	90	684

when men clashed there was a one in four chance it was with a blade. Among the 499 inquests into assault, 126 (25.25 %) include charges of unsheathing a sword, a separate offence (see Appendix). The social historian must ask why Manosquin men were so prone to cutting and stabbing one another. The answer lies in the fact that they were very well armed. The knights of the Hospital had provided the entire male population with weapons in case of a siege.¹ As a result, in a quarter of all attacks, Christian men drew steel; no woman, though, ever attacked with a sword and only one Jew ever did so.² This points to a strict cultural taboo against armed women and Jews. Although swords and daggers were readily accessible to them, women and Jews did not wield edged weapons.

The assault transcripts also allow us to recreate the general anxiety that existed around violent assaults. Court notaries made constant reference to proclamations (*praeconizationes*) banning people from carrying edged weapons over a certain length. Those who broke this rule paid a steep fine that was doubled at night.³ Here, too, we see another typical medieval anxiety: fear of the dark.⁴ Even in a secure walled town, people felt safer indoors than outdoors at night. It was no accident that notaries always referred to the time between sunset and sunrise as *hora suspecta*, ‘the suspect hour.’ This legal idiom belied real beliefs. These beliefs prompted the town to take steps to reassure its inhabitants. The town conscripted local men to patrol its towers, walls, and streets after dark. The inquests mention a patrol, a night watch (*escurgach*), who worked with the subvicar. This night watch enforced the local curfew and made sure honest people only ever moved about after dark

1. Michel HÉBERT, ‘Une population en armes,’ 223, makes the connection between the forced arming of the town and the high number of assaults using edged weapons.

2. The only Jew to attack with a blade is in 56H 986 ff 166–167 from 11 July 1342.

3. So, in 56H 986 f^o 159, among many others, Uc Stephani contravened the proclamation. It carried a penalty of 25 pounds during the day and double that at night. His *inquestis* dated 3 July 1342.

4. For more on the pervasive medieval fear of the night, see Jean VERDON, *La nuit au Moyen Âge* (Paris: Hachette-Pluriel, 2003).

with lamps or candles.¹ Burglers considered unlit nocturnal movement dishonest. Only thieves and ne'er-do-wells prowled the streets without candles or lamps. This was one of the common beliefs Huga Aliberta played upon in her testimony. When justice labelled her a cat burglar, she told the court she was an honest woman who had tried desperately to light her candle after dark. So, from passing references in even the briefest of inquests, we can imagine a crowded city with narrow streets, an armed population, urban curfews, and nightly patrols. This helps paint a mental picture of how anxious this lost world was. We can also see something of its cultural values: that women fought, but never with swords; that Jews lived alongside Christians, but were not armed. All of these details contribute to a more vivid picture of everyday life in a medieval town.

Prosecutions of violence also help us to see how some commoners spent their free time and money. Thanks to them, we can envision what a typical tavern felt like, if not exactly what it looked like.² The transcripts tell us that there were permanent taverns in Manosque as well as temporary ones in peoples' homes. But often, when prompted, Manosquins purported to be suspicious of those who enjoyed drinking in taverns. This speaks to medieval values around drinking in public: though we may assume that many people went to taverns, few felt comfortable admitting it in court. Taverns were liminal spaces, partly private, partly public. Tavern keepers were hosts who received guests, but they were also business owners who charged for their hospitality. So, from the start, taverns held a unique space within the town. They were neither fully private nor fully public. The same ambiguity surrounded drink. Drinking was religiously and socially acceptable, but excessive drinking was sinful and socially risky. One defence lawyer played upon these ambiguities to his client's advantage. He characterized a contrary witness as a man of poor means, a drunkard and a gambler who swore in public and who spent all his days and nights drinking in taverns.³ He later used the same line of attack to discredit two other witnesses. It doesn't matter whether the witnesses were in fact drunkards, only that the stigma of wallowing in taverns could potentially discredit a man. By raising the suspicion that the witnesses spent too much time in taverns, the defence lawyer knew the judge may disqualify their testimonies; only upright men of good repute could

1. 56H 995 f^o 78 from 10 August 1366 is one example among several that mention the night watch and the issue of carrying a light when moving around after dark. The Provençal word comes from two roots: *escur* or *oscur* which means 'dark' and *gach*, 'a watch,' or *gacha* 'to make the watch.'

2. The standard work on taverns remains Barbara HANAWALT, 'The Host, the Law, and the Ambiguous Space of Medieval London Taverns,' in Barbara A. HANAWALT and David WALLACE, eds., *Medieval Crime and Social Control* (Minneapolis: University of Minnesota Press, 1999), 204–23.

3. The defence lawyer called the witness a '*homo pauper valorem terguita aureorum in bonis non habens necnon frequentator tabernarum in eis bibens nocte et die et se in eis inebrians ad taxillos ludere.*' See the lengthy murder inquest at 56H 988 ff 23–42 v. The accused allegedly stabbed a man through the heart in a tavern.

give testimony. Taverns, like darkened streets, were suspect places. It is no surprise that taverns pop up regularly in assault inquests. Their frequent appearance in criminal records led one historian to dub them the ‘high places of crime.’¹ In Manosque, this was not quite true although 31 transcripts do mention fights in or near taverns. In fact, aside from public streets and private homes, taverns are the only recurring place ever mentioned in court.² Despite their reputations, in Manosque, there was no special police officer designated to supervise them.³ In every other way, though, Manosquin taverns were identical to those found elsewhere in Europe. In Manosque, for example, as elsewhere, men like to play dice (*ludere ad taxillos*) in taverns.⁴ Gambling, of course, was another sinfully amusing pastime that went hand in hand with drinking. Yet games of chance easily led to animosities, especially when flavoured with wine. This was why, in some towns, tavern keepers maintained a separate room for ‘clandestine games.’⁵ Thanks to routine assault trials, we understand the ambiguous social space occupied by taverns and their patrons. We learn that though alcohol was an important part of medieval life, people were not always comfortable with it. We also learn that medieval men enjoyed gambling but worried over its consequences. All of this brings into a sharper focus the margins of polite medieval society.

Other assault transcripts reinforce a more positive message about gaming and association. They show, for example, that gaming transcended social boundaries. In February 1358, for example, Guilhem Aymerici was playing a game with a Christian physician and a Jewish surgeon when he lost his temper and punched another man.⁶ Though social taboos separated Christians and Jews, the realities of everyday coexistence softened the borders. It is not surprising to find two medical colleagues playing together after work. In the same way, notions of alterity did not prevent a Christian man from rushing to the defence of a battered Jewish wife any more than they did an adulterous Christian woman from confiding in her Jewish seamstress.

1. The translation is my own of Gonthier’s phrase. She calls taverns the ‘*haut lieu de la délinquance*.’ See the discussion in GONTHIER, *Délinquance*, 98–102.

2. In Manosque, 6 % of all assault cases mention taverns. Gauvard found that 9 % of all Parisian crime happened in taverns. She also wrote that, socially, taverns benefitted from ‘*un respect quasi sacré*.’ See Claude GAUWARD, *De grâce especial: Crime, État et société en France à la fin du Moyen Âge*, 2 vol., (Paris: Publications de la Sorbonne, 1991), 284.

3. GONTHIER, *Délinquance*, 99 mentions that Lyon had a special police officer for taverns.

4. Some inquests make only passing mention of men playing dice. See, for example, 56H 995 ff 58–58v from 21 September 1366 and 56H 1001 f° 118 v. from 8 January 1394. Others highlight problems specifically around gambling. One man, thus, broke into his father’s home to steal back six shilling he had lost at dice (*quam ad ludum cum taxillis perdidit*); see 56H 986 f° 291 v. from 24 October 1343. The inquests also show that people worried about being cheated by false dice. See, for example, 56H 989 f° 15 from 15 October 1351 and 56H 1005 f° 43 from 14 August 1400.

5. Literally ‘*jeux clandestins*.’ GONTHIER, *Délinquance*, 99.

6. 56H 992 unfoliated from February 1358.

So, while more traditional medieval records lead us to believe that Christians and Jews led separate lives, and were untrusting of one another, routine court records show how interrelated the two communities actually were. Monetary disputes reinforce this conclusion. Although some Christians went to court to complain about crooked Jewish lenders, we must assume most borrowers never did. Routine prosecutions, therefore, help us to understand better how Christians and Jews interacted. References to gaming also reflect the friendships that existed between men of the same faith. When Peyre de Puteo accidentally wounded his friend with a wheel, for instance, the wounded man defended him in court.¹ Courts were not overly interested in games, or friendships, for that matter. But they noted them and, thanks to those notations, we see how people got along.

Even prosecutions for violent sexual assault tease out the mundane details of ordinary life. Rape is notoriously hard to track using medieval criminal sources.² Manuscripts preserve only five prosecutions for actual rape and six more for attempted rape.³ That nearly half lack a verdict is a sure sign of the difficulty associated with prosecution. Legal problems of prosecution aside, rape inquests contain other valuable information for the social historian. One of their sensible lessons is that rapes typically occurred in, or close to, female spaces: in homes, stables, gardens, or on the road to the mill. These were the places women felt comfortable, or

1. 56H 997 ff 1–2 from 10 December 1369.

2. Chiffolleau, *Les justices du pape*, 182, remarks that this is in part due to the silence of victims and alludes to Rossiaud who found some twenty rape trials for the city of Dijon per year during the fifteenth century. England seems to have provided the best sources to track the legal evolution of rape. For a good treatment of the consult see the rich notes in Anthony Musson, 'Crossing Boundaries: Attitudes to Rape in Late Medieval England,' in Anthony MUSSON, ed., *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe* (Aldershot: Ashgate, 2005), 84–101.

3. The 11 rape cases are:

56H 986 f^o 91–91 v. from 25 October 1341 in which a notary raped and impregnated a servant while his wife slept;

56H 986 f^o 264 v. from 27 September 1343 in which a girl was raped at home;

56H 987 ff 9–10 from 28 June 1345 in which three men broke into a home and raped women;

56H 991 f^o 6–6 v. from 30 January 1356 in which a cleric was tried for attempted rape near the mill;

56H 991 f^o 101–101 v. from 7 June 1357 in which a woman denounced an attempted rape near the mill;

56H 993 f^o 93–93 v. from 31 July 1364 in which a woman denounced an attempted rapist;

56H 996 ff 112–115 from 30 October 1366 in which highwaymen robbed a traveller and raped his companion;

56H 1003 ff 2–4 from 28 May 1397 in which a cleric attempted rape of his neighbour in a stable;

56H 1003 ff 20–21 from 27 July 1397 in which a master was accused of raping a young serving girl; he claimed he merely beat her;

56H 1003 ff 25–27 v. from 28 July 1397 which records the rape of *puelle infans et casi animalia simplex rationis*;

56H 1005 f^o 34 from 30 July 1400 in which a widow denounced an attempted rape.

perhaps obliged, to frequent alone.¹ Rape inquests also show that some medieval women took action to defend themselves. This was the case when Nicolau Simon attempted to violate a married woman named Bilona near the Drolhe mill in 1357. She drew a knife on him. He told the court Bilona needed no help from anyone; it was he who needed protection from her! Although no woman was ever prosecuted for fighting with a blade, Bilona's quick thinking reminds us that most women did carry small knives for their daily chores.²

Even mundane attacks could have symbolic overtones, and nowhere are these more evident than in the numerous assaults on hats and heads. Manosquins, when they fought, often began their assaults by pulling off their enemies' hood (*capucium*), hat, or veil. The court, thus, entertained repeated accusations of *capucium* grabbing. This deliberate baring of an opponent's head has been called 'the worst of infamies.'³ It was a terrible affront to honour since fourteenth-century people so valued public modesty. This is why in public women wore veils and men hats. But the head was not simply the centre of modesty, it was also a conveyor of social status. People ranked one another socially based on the quality and form of head coverings. To reveal another's head was to deprive him of status, to render him immodest, and to expose him. Forcing an enemy to expose his head in public was the ultimate act of shame and dominance. In the criminal series, snatching a *capucium* was usually a provocative insult, a challenge, and a gesture of rudeness. As provocative and rude as it was, though, *capucium* grabbing was also widespread.⁴ This led one French historian to conclude that the medieval head was the 'individual's greatest territorial domain.'⁵ From attacks on heads, social historians see the symbolic priorities ascribed to certain body parts.

The inquests also illustrate that, regardless of the affronted body part, medieval people paid particularly close attention to blood. The criminal statutes contained in the *Instrumentum* distinguished between injuries that drew blood and those

1. Although Chiffolleau found most rapes in Avignon took place on the open road, by river banks, and in forests. CHIFFOLEAU, *Les justices du pape*, 183.

2. Nicolau's desposition reads that he asked his intended victim '... si permitteret ipsam supondere, que mulier sine alia respontione et cause, rationabili precedente, suum canivetum [a small knife] quem portabat de vaginis extraxit et contra ipsum punctum lanssavit animo et intellectu ipsum percusciendi et interviendi, quod fecisset nisi aut fugisset ire quidem loquens hec videns adversus eam se inpegit et gladium sibi abstulit et ipsum longe ab ipsis projescit ac eam supra pecins uno icto cum manu percuscit ex quo ictu videre suo supra quandam ripam cujusdam terre cecidit.'

3. Literally 'la pire des infamies.' See GAUVARD, *De grâce especial*, 724. The author suggests that there may have been a sexual element to this affront.

4. It happened in the Artois. See Robert MUCHEMBLED, *Violence et société: Comportements et mentalités populaires en Artois (1400-1660)*, 3 vol., (Thesis, Paris I, 1985), 422. It also happened in the Lyonnais. See the lengthy discussion in GONTHIER, *Délinquance*, 71.

5. Literally, 'la resserve territoriale la plus éminente de chacun.' MUCHEMBLED, *Violence et société*, 422.

that did not (see Appendix). When bleeding occurred, notaries emphasized, if only rhetorically, the quantity. Like all courts of Roman law, the Manosquin court measured the effusion of blood (*effusio sanguinis*).¹ When Peyre Muratoris struck his sister's head with a bat after an argument, the court notary duly noted the 'great quantity' of blood that flowed from the wound (*ex quo vulnere magna quantitas sanguinis effusio*).² Likewise, the life-threatening blow dealt by Bertran Monnerii to Raimon Bricii's head caused a 'great' deal of bleeding, and the same was true when a certain Simon struck his enemy Jaume.³ As a point of law, blood preoccupied Roman legal scribes. But here too juridical formula reflected social convention. Medieval people used blood to determine how serious an attack was. Nose bleeds and scratches were minor delicts. Lacerations, compound fractures, and punctures were crimes. In a world where brute force counted for much, blood was as good a gauge as any to distinguish the degree of an affront.

Despite an apparent river of blood in Manosque, the inquests present a shocking lack of fatalities. If we take the records at face value, the streets of Manosque were inherently violent but rarely life threatening. Out of 1,543 inquests, the court only investigated 11 murders. The local statutes, moreover, were completely silent on the issue of murder, which was considered a high crime. Local and Roman law, though, as it was used in Manosque, made no provision for those who caused death; justice did not even distinguish between degrees of murder or homicide.⁴ Killers, in any

1. For more on blood in courts see 'A Great Effusion of Blood?' *Interpreting Medieval Violence*, Mark MEYERSON, Daniel THIERY, and Oren FALK eds., (Toronto: University of Toronto Press, 2004).

2. 56H 986 f^o 228 v. from 10 January 1342.

3. 56H 986 ff 254–256 from 6 January 1343 and 56H 986 f^o 118–118 v. from 11 February 1341.

4. The charges contained in the inquisition records make no distinction between different forms of homicide. Black's dictionary defines homicide as the act of causing the death of another. It is a neutral and amoral classification, sometimes justifiable, which can subsequently be subdivided into two criminal forms. The two forms of criminal subdivision are manslaughter and murder. Manslaughter implies unintentional killing; murder entails malice of forethought, what is today sometimes deemed *mens rea*. Murder is defined as purposeful or resulting from gross recklessness. See *Black's Legal Dictionary*, fifth ed. (St. Paul, Minnesota: West Publishing Co, 1979). In Manosque, there are no prosecutions for manslaughter or unintentional killing. This is in part a problem caused by rhetoric. The handful of homicide trials that do exist all employ intensifying language to stress the deliberation of the act. So, in a case from 1340, we read that the accused consciously chose to set aside reason when he acted: '*suo ausu temerario et audacia presumptive Dei timore et amore post positis sine aliqua rationabili*.' Now, Daniel Lord SMAIL, 'Hatred as a Social Institution in Late Medieval Society,' *Speculum* 76 (2001): 115, has argued that *sine aliqua rationabili* was meant to transport the charge beyond malice and suggest that the accused acted irrationally. It might, however, merely be seen as a means of stressing that the victim was completely innocent and had not provoked his attacker. This sense would simply stress the offensiveness of the assault. Certainly, 'setting aside fear or love of God' implied deliberation. Beyond issues of rhetoric, however, even when the trial record hints that the killing was not premeditated, as in the case of a bar fight gone too far, there was no difference in the language or procedure of the court. The recklessness of the act seems to have justified the same prosecutorial

event, most probably fled prosecution. That would explain the virtual absence of murder inquests. The court, through its claim to high justice, certainly had the right to prosecute killers and it never deferred their cases to a higher power; but alarmingly few murder prosecutions survive. Three inquests that began as assaults ended as murder prosecutions because the victims died while court was in session. Eight other cases began and ended as murder inquests.¹ I did not track accusations of attempted murder, since this was standard legal rhetoric for even relatively minor assaults. It is, therefore, impossible to know whether accused people intended to kill, or whether the court simply condemned their violence as potentially murderous. Aside from two cases that involved accusations of poison, all other documented fatalities happened because of assaults with edged weapons. Two deaths happened during botched robberies; the victims were wealthy Jews. One death was a deliberate assassination of a Jew in front of his synagogue. Another mentioned a man murdered in his bed. The court, therefore, prosecuted killers on the rare occasion when it had the chance. The few documents we have suggest that it took these inquests especially seriously. In five of the 11 transcripts, therefore, the judge summoned one or more learned doctors to advise him.² These testimonies by barbers, surgeons,

language and procedure as veritable murder. Needless to say, this poses problems when comparing Manosquin homicide prosecutions with other regions or when discussing the prosecution of killings in the town.

1. The 11 murder cases are: 56H 986 ff 8–9 v. from 18 March 1340 in which a French Jew was assassinated in front of the synagogue;

56H 986 f^o 102–102 v. from 19 November 1341 in which two brothers were murdered by highwaymen from Trets;

56H 986 ff 116 v.-117 from 31 January 1341 in a murder happened in front of a notary's home;

56H 987 ff. 14–15 v. from 13 January 1346 in which Guilem Scopheri of Volx was murdered in his bed; 56H 988 ff 1–2 from 17 May 1348 in which two Jews were murdered during an armed break-in; this record preserves evidence of a plague-induced pogrom during the first outbreak of the Black Death;

56H 988 ff 23–42 from 24 September 1348 in which Martin de Orterio was killed by a sword through the heart in a bar fight; his defence lawyer discredited the witnesses and obtained an acquittal for Martin;

56H 989 f^o 12 from 30 July 1351 in which Peyre Roche was poisoned to death; it went unproven;

56H 993 ff 7–13 from 29 December 1361 in which an assault led to a death; the victim denounced his assailant in court before succumbing to his wounds;

56H 997 ff 197–204 v. from 17 October 1369 in which the victim was inebriated by the accused, was beaten, and was then murdered by him outside the town walls;

56H 1001 ff 32–59 v. from 16 October 1394 in which Margarita de Porte was accused of poisoning her husband;

56H 1003 ff 7 v.-19 from 27 June 1397 in which three men fought on the Drolhe bridge and some died.

2. Joseph SHATZMILLER, *Médecine et justice en Provence médiévale. Documents de Manosque, 1262–1348* (Aix-en-Provence: Publications de l'Université d'Aix-en-Provence, 1989), 287; also, by the same author, 'Médecins et expertise médicale dans la ville médiévale: Manosque 1280–1348,' in

and physicians vary in length but they point to the need for external consultation when prosecuting murderers. They also signal to us the special role held by medical experts in a medieval town.

Under-reporting of murder presents a frustrating, but not unusual, lacuna. There is only one year between 1340 and 1403 when this court prosecuted more than one killer and there are 55 years with absolutely no murder prosecutions. Given the preponderance of fighting with edged weapons, these numbers simply do not add up. The absence of murder prosecutions is likely some flaw in the extant records. Other continental courts are noteworthy for under-reporting murder. Studies of medieval crime from the Aurillac and the Lyonnais, thus, found strikingly low numbers of murder prosecutions.¹ In papal Avignon, homicides almost never appear in the criminal records.² In Marseille, the 'Angevin-run court of inquisition, primarily responsible for criminal matters, was (or became) reluctant to prosecute murder . . . Instead, judges built existing habits of settlement and peacemaking into their own legal edifice . . .'³ Though this hypothesis is tempting, there is simply no evidence that Manosquin judges encouraged murderers to make peace with the families of their victims. Nor did Manosque develop the same pacific notarial tendencies as did Marseille. The problem of under-reporting murder is, therefore, quite common. In fact, although some places seem to suffer from the opposite documentary problem, this is an illusion. The records from French *letters de remission*, written requests for royal pardon, for example, make it seem murderers abounded in the *langue d'oïl*. This, though, is because the royal court heard last appeals from condemned men

HÉBERT, ed., *Vie Privée et ordre public* (Aix-en-Provence: Université de Provence, 1987), 105–117. Also, Andrée COURTEMANCHE, 'The Judge, the Doctor, and the Poisoner: Medical Expertise in Manosquin Judicial Rituals at the End of the Fourteenth Century,' in Joëlle ROLLO-KOSTER, ed., *Medieval and Early Modern Ritual: Formalized Behavior in Europe, China and Japan* (Leiden: Brill, 2002), 105–123. See also Joseph SHATZMILLER, *Jews, Medicine, and Medieval Society* (Berkeley: U California P, 1994).

1. Roger Grand found only four or five murders in 75 years' worth of prosecutions from the Aurillac. Roger GRAND 'Justice criminelle, procédure et peines dans les villes aux XIII^e et XIV^e siècles' *Bibliothèque de l'École des Chartres* 102 (1941), 108. Nicole Gonthier wrote 'As for physical assaults . . . they do not reach the Parisian rates that Bronislaw Geremek established by consulting various judicial seigneurial registers. With 49 % of cases dealing with wounds, and 0.7 % of cases dealing with murder, fifteenth-century Lyon seems to have been a peaceful place when compared to the Notre-Dame, Temple, or Saint-Martin-des-Champs districts of Paris.' The translation is my own. GONTHIER, *Délinquance*, 85. Gonthier only found twenty odd murder cases between the twelfth and sixteenth centuries.

2. Jacques Chiffolleau: 'Homicides, as I've already highlighted, are badly known . . . the murderer suffered corporal punishment and left no traces of his trial.' This is my translation of CHIFFOLEAU, *Les justices du pape*, 148. If, in Manosque, corporal punishments were used to punish murderers, the criminal registers should still contain records.

3. SMAIL, 'Common Violence,' 32.

throughout the largest kingdom in Europe.¹ So, while problematic, the absence of murder prosecutions from the Manosquin series is not all that unusual. Faced with incomplete documentation, it is hard to know why so few murderers lurk in the Manosquin records. The dearth may simply reflect the reality that competing judicial jurisdictions and the lack of a strong centralized bureaucracy made catching and trying most murderers impractical.

Regardless of why there are so few murderers in the documents, the appearance of doctors indicates their special status in the court and the town. Notaries accorded all medical practitioners the special title *magister*, the same one they reserved for themselves. This was partly a reflection of doctors' education. Christian physicians were university trained and were comfortable citing memorized passages and verses from their ancient Greek or Arabic textbooks.² Jewish doctors, whom notaries also called *magister*, though, were barred from university. Jews learned the medical arts through rigorous apprenticeships. Despite this fact, or perhaps because of it, they were acknowledged to be the best physicians in the realm. While Christian doctors were barred from cutting corpses, an ecclesiastical offence that hindered the study of anatomy for centuries, Jews were not. Barber-surgeons were always Christian and, though less educated, still benefitted from social prestige. Their words carried heavy weight, inside and outside of court. This was why, when one *barbitonsor* slandered Manosque by saying it was the most backward, false, disloyal, decrepit, and heretical town in all of Provence, the subvicar lashed back. That insulting barber was the only person ever dragged to court for slandering the entire town and not a specific person or group of people.³ The subvicar was so outraged that a medical expert should speak thusly that he followed up the charge of slander with a second fine for carrying an illegal weapon.⁴

Incidental references in court records allow social historians to peer at remnants of forgotten popular customs, habits, beliefs, and values. Since most people left no

1. GAUVARD, *De grâce especial*, 242–246, wrote that 57 % of criminals committed a homicide after a brawl ('*Les criminels sont de partout, et partout plus de la moitié d'entre eux, soit près de 57 %, ont commis un homicide à la suite d'une rixe. . .*') Despite apparent numeric evidence that northern French courts prosecuted murder to a much greater extent than their Provençal counterparts, Gauvard rightly admitted this was an illusion caused by her appellate sources. She noted '*L'impression d'une densité criminelle resserrée en langue d'oïl par opposition à une langue d'oc peu concernée par le crime est aussi très trompeuse. Cette fois, la spécificité de la lettre de rémission est en cause. Il s'avère en effet que la grâce royale est d'autant plus sollicitée que le souverain est, corporellement proche de ses requérants.*'

2. See COURTEMANCHE, 'The judge, the doctor, and the Poisoner' for a detailed analysis of one expert's command over his learned authorities.

3. He literally said '*quod vilam rustici Manuasce fit "li plus falses, eli plus deslials, eli plus baratas, eli plus ergalbos de Pro[v]ensa."*' He went on to specify that 'all the honour of Manosque resided in four or six (*i.e.*, a small handful) of its inhabitants' (*tot lergualh de la vila de Manuasca es in quatuor vel sex de Manuasca*). The notary wrote *lerhualh* for '*orguel*' or '*urquelh*' meaning pride.

4. The two prosecutions are in 56H 996 ff 158–162 v.

written record of their lives or beliefs, these references are invaluable. Even the most routine types of prosecutions, physical assaults, which were also typically the shortest records, convey traces of a lost world. Though we are limited in what we can say about the frequency and types of assaults, there is no end to the social information they convey. While the authors of court records never intended to transmit these details to us, it is a happy coincidence that they did. Although we must treat these details with care, and cast them scrupulously against a large body of other data, when used appropriately, they help us see the normal and desirable in records meant to preserve the abnormal and undesirable.



In Manosque, the criminal court existed at the nexus of several social forces, some very old, some still developing. Its records reflect back how the king, the seigneur, the municipal council, local burghers, and even lowly commoners interacted with justice. In general, the court was an interlocutory for all these agents. It helped them negotiate and was useful in advancing their causes. Its process, moreover, was deliberately communicative. Its rituals modelled and mirrored acceptable behaviour and social norms and everything the court did fixed the lessons of negotiated justice into public awareness. Town criers, trumpeters, public summonses, public denunciations, public deposition tales, judicial overseers and judges' *parlements*: all engaged people and groups outside the court to make for a meaningful social dialogue. At every step of its process, the court drew in users who saw personal opportunities in justice. The court, therefore, existed in a rather unique social position. It sat at the nexus of all sorts of interests and influences. For this reason, a study of its records allows us to draw conclusions about many different aspects of late medieval society.

Not the least significant conclusion provided by court records has to do with peoples' *mentalités*. By reading the words ascribed to long dead suspects and witnesses, we gain insights into the social space they occupied. Modern reflexive sociological concepts such as *habitus* and *field* help us to understand the pressures experienced by ordinary people. They give the impression that while those people inhabited a world very different from our own, it is still possible for us to relate to them on a basic level. Their concept of honour may differ from our own in its specifics, but the way they framed honour in terms of sex and gender, for example, helps to explain many of our own lingering hang-ups. In general, trials remind us of the famous French idiom that the more things change the more they stay the same. They bridge the centuries and help us feel proximity to a world that is in many ways foreign and forebearer at the same time. Although there is a certain danger in feeling too familiar with criminal records from the past, with the proper care, it is possible to surmount this obstacle.

Although there is a temptation to read court records only for traces of interpersonal struggles, the inquests from Manosque remind us that court operators maintained judiciaries as tools of governance. Certainly neighbours used courts to pursue squabbles, enmities, and vendettas. Governments, however, used them to police and to repress. In Manosque, prosecutions for treason, however faint hearted, echo the beginnings of centralization and the first labour pains of statehood. The willingness of the local seigneur to use criminal process to pursue tax evaders belies the deliberate flexibility of fourteenth-century criminal process. The fact that the criminal court became a legitimate arbitrator of peoples' wealth, even when a proper civil court was available, shows that operators sought to draw in business. By inviting property conflicts into its office, the criminal court tacitly confirmed its authority over peoples' material wealth. In the end, this empowered the owners of courts, even as it institutionalized newer mechanisms for dispute settlement.

Appendix

Summary of Manusquin Crimes & Punishments in the *Instrumentum compositionis super maleficiis, 1235*

1 Causing bleeding

Title	<i>De effusione sanguinis et pena ejus qui sanguinem effuderit</i>
Details	It is forbidden to cause people to bleed. Fingernails and toenails, noses, ears, and mouths are exempted. Breaking teeth, however, is forbidden.
Fine	15 shillings
Corporal	

2 Wounds from blows

Title	<i>De ictu pugni</i>
Details	It is forbidden to cause wounds with fists or simple blades. Knives, lance, <i>ense</i> , and <i>falzone</i> are treated separately.
Fine	15 shillings; 60 shillings if bone is broken too.
Corporal	

3 Wounds from knives and other blades

Title	<i>De ictu cultelli et aliorum gladiatorum</i>
Details	Any wound caused by a knife, <i>ense</i> , lance, <i>falzone</i> , axe, <i>ligone</i> , pike or pick-axe or iron tool or any other metal or iron weapon incurs a penalty.
Fine	60 shillings; 100 shillings if the wound was to the head, ribs, stomach or other potentially fatal area.
Corporal	Amputation of the hand.

4 Drawing and re-sheathing a blade

Title	<i>Si remisert quis cultellum in vagina penitentia ductus</i>
Details	If a blade is drawn [in anger] but resheathed, there is no penalty. If the bearer of the blade stops himself from doing violence, there is also no penalty. If, however, someone else stops him, he must pay the fine.
Fine	20 shillings.
Corporal	

5 Rock throwing

Title	<i>Si lapidem quis in rixa projecerit</i>
Details	It is forbidden during brawls to throw a rock that does no harm. This incurs a fine only if the culprit has attained his majority, specifically 14 years or older.
Fine	5 shillings; children less than 14 years of age owe no fine so long they caused no wound. ¹
Corporal	

1. According to Roman law, individuals aged 14 years could act as witnesses in civil matters. Criminal matters required witnesses above 20 years of age. See SCHNAPPER, 579.

6 Arson

Title	<i>Si ignem quis miserit</i>
Details	Arson is forbidden in the town or in a home, or in a field, in the palace, or anywhere else. Restitution must be made for the losses suffered.
Fine	Restitution + 100 shillings.
Corporal	Amputation of right hand.

7 Cutting down fruit bearing trees or crops

Title	<i>Si arbores quis talaverit vel segetes</i>
Details	It is forbidden to cut down neighbours' trees, vines, or crops that bear yield.
Fine	Restitution + 100 shillings.
Corporal	Amputation of right hand.

8 Cutting down willow or oak trees

Title	<i>Si quis salices vel quercora talaverit</i>
Details	It is forbidden to cut down willows, oaks, and any other non-fruit bearing trees.
Fine	Restitution + 12 <i>denarii</i> for each plant.
Corporal	

9 Killing of animals

Title	<i>Si quis animal vicini sui occiderit</i>
Details	It is forbidden to kills another's beast in the stable or at pasture.
Fine	Restitution + 100 shillings. Partial payment is not allowed. In the event that the condemned cannot make the full payment, the corporal punishment is to be used.
Corporal	Amputation of right hand.

10 False measures of solid goods

Title *De falsa canna, de falsa libra*

Details The use of false measuring rods and weights is forbidden.

Fine 20 shillings for false pounds, 10 shillings for false half-pound measures, 5 shillings for quarters.

Corporal

11 False measures of liquids

Title *De falsa cupa*

Details Use of false measures is not allowed for liquids, I.E. wine.

Fine 10 shillings.

Corporal

12 Scandal

Title *Nullus scandall teneat*

Details Rumour mongering is forbidden.

Fine 10 shillings.

Corporal

13 Selling of wine during the time of the Hospital's ban

Title *Si tempore banni quo Hospitale vinum suum vendit*

Details It is forbidden to sell wine during the Hospital's ban.

Fine 20 shillings.

Corporal

14 Theft of grapes or fruit (3 sections)

- Title *Si racemos furatus quis fuerit vel alios fructus*
- Details It is forbidden to eat or prune fruit from another's lands.
- Fine 12 *denarii* and no other penalty.
- Details It is forbidden to collect and steal fruit trees or vines from another's lands.
- Fine 2 *denarii* and 12 *denarii* for each tree or vine.
- Details It is forbidden during the harvest season to steal, at night or during the day, vines that have grapes on them.
- Fine Restitution + 5 shillings.
- Corporal Beating throughout the town.

15 Theft of hay

- Title *Si pelaverit quis honus feni*
- Details It is forbidden to lead away any animal carrying bundles of hay during the harvest season.
- Fine 6 *denarii* to the rightful owner of the hay + 12 *denarii* [to the court].
- Corporal Beating throughout the town.

16 Theft of rabbits

- Title *Si furatus qui fuerit cuniculos*
- Details It is forbidden to steal rabbits during the day and night.
- Fine Restitution + 20 shillings (day); restitution + 60 shillings.
- Corporal

17 Failure to pay the *cosse* tax

- Title *Si cossas quis retinuerit*
- Details Failure to pay the *cosse* tax results in a penalty.
- Fine The amount of the *cosses* is doubled + 10 shillings.
- Corporal

18 Regulating the sale of oats

Title	<i>de cartarrono civate</i>
Details	Those who resell oats must have exactly 12 <i>cartarronos</i> per <i>sextario</i> . If they have more, they must pay the penalty
Fine	10 shillings.
Corporal	

19 Retaining wheat or grapes due the lord

Title	<i>Si retinuerit quis bladum vel racemos Domini</i>
Details	Failure to pay the Hospital its share of wheat or grapes results in a penalty.
Fine	Restitution + 10 shillings.
Corporal	

20 Home invasion

Title	<i>Si quis pro furto faciendo intraverit domum</i>
Details	It is forbidden to invade another's home with the purpose of robbing it or destroying it, or to break locks, during the day and night.
Fine	Restitution + 60 shillings.
Corporal	Amputation of a hand or foot.

21 Adultery

Title	<i>De adulteriis et feruptis (sic)</i>
Details	If adultery is known to have been committed by a married man or woman and another person, they must pay the penalty.
Fine	60 shillings.
Corporal	Nude beating throughout the town.

22 Rape of a married woman

Title	<i>De vi facta conjugate</i>
Details	It is forbidden to rape a married a woman.
Fine	100 shillings. The woman is not penalized.
Corporal	Amputation of the hand.

23 Rape of unmarried women (3 sections)

Title	<i>De vi facta virgini</i>
Details	It is forbidden to rape a virgin.
Fine	100 shillings*.
Corporal	Amputation of the hand.

** If the rapist agrees to marry his victim, and she is amenable, the fine is reduced to 1 shilling.*

Details	It is forbidden to rape an unmarried woman.
Fine	20 shillings
Corporal	

Details	It is forbidden to rape a prostitute.
Fine	10 shillings.
Corporal	

24 Calling a married woman a whore

Title	<i>Si quis conjugatam meretricem vocaverit</i>
Details	It is forbidden to call a married woman a whore without proof.
Fine	10 shillings.
Corporal	Run naked through the town.

25 Theft of germs or wheat

Title	<i>Si quis garbas vel bladum excussum furto acceperit</i>
Details	It is forbidden to steal sheaves or wheat.
Fine	Restitution + 10 shillings.
Corporal	Run naked through the town. If the thief is a mercenary (<i>i.e.</i> stealing for profit and not for sustenance), the fine is doubled.

Bibliography

Primary Sources

Archives départementales des Bouches-du-Rhône. Series 56H registers 986 to 1008.

Secondary Sources

ABEL, Richard L. 'A Comparative Theory of Dispute Institutions in Society.' *Law and Society Review* 8 (1973): 217–347.

AGULHON, Maurice and Noël COULET. 'Que sais-je?'. *Histoire de la Provence (troisième édition corrigée)*. Paris: Presses universitaires de France, 1997.

AMIRA, Karl von and Claudius von SCHWERIN. *Rechtsarchäologie. Gegenstände, Formen und Symbole germanischen Rechts*. Berlin: Dahlem, 1943.

AMT, Emilie. *Women's Lives in Medieval Europe: A Sourcebook*. New York: Routledge, 1993.

ARIÈS, Philippe. *Centuries of Childhood: A Social History of Family Life*, translated by Robert Baldick. New York: Alfred A. Knopf, 1962.

ARIÈS, Philippe and Georges DUBY, eds. *Revelations of the Medieval World. A History of Private Life*. Vol 2. Cambridge, Mass: Harvard University Press, 1988.

ARNAUD, Camille. *Histoire de la viguerie de Forcalquier*. Marseille: Étienne Camoin, 1874.

ASTARITA, Tommaso. *Village Justice: Community, family and popular culture in early modern Italy*. Baltimore: Johns Hopkins University Press, 1999.

- AURELL, Martin. *Actes de la famille Porcelet d'Arles (972–1320)*. Éditions du Comité des travaux historiques et scientifiques, Vol. 27. Paris: CTHS, 2001.
- — —. *Une famille de la noblesse provençale au Moyen Âge: les Porcelet*. Archives du sud. Avignon: Aubanel, 1986.
- BARATIER, Édouard. *La démographique provençale du XIII^e au XVI^e siècle: avec chiffres de comparaison pour le XVIII^e siècle*. Démographique et sociétés. Paris: SEVPEN, 1961.
- — —. *Histoire de la Provence*. Toulouse: Édouard Privat, 1969.
- BARDSLEY, Sandy. *Venomous Tongues: Speech and Gender in Late Medieval England*. Philadelphia: University of Pennsylvania Press, 2006.
- BARTLETT, Robert. *Trial by Fire and Water: the Medieval Judicial Ordeal*. Oxford: Clarendon Press, 1986.
- BAUER, Carol and Lawrence RITT. “A Husband is a Beating Animal”—Frances Power Cobbe Confronts the Wife-Abuse Problem in Victorian England.’ *International Journal of Women’s Studies*, ed. Sherri CLARKSON, 6: 2 (March/April 1983): 99–118.
- BAYARD, Tanya. *A Medieval Home Companion: Housekeeping in the Fourteenth Century*, abr. trans. of ‘Le Ménagier de Paris.’ New York: Harper Collins, 1991.
- BEAUCAGE, Benoît. *Visites générales des commanderies de l’ordre des Hospitaliers dépendante du Grand Prieuré de Saint-Gilles (1338)*. *Archives départementales des Bouches-du-Rhône 56 H 123*. Aix-en-Provence: Université de Provence, 1982.
- BEDNARSKI, Steven. ‘Keeping it in the Family? Domestic Violence in the Later Middle Ages: Examples from a Provençal Town (1340–1403).’ In *Love, Marriage and Family Ties in the Middle Ages*, edited by Miriam MULLER, Isabel DAVIS, and Sarah REES-JONES, 277–97. Turnhour: Brepols, 2003.
- — —. ‘En marge de la justice. Les marges décorées des registres de justice provençaux du XIV^e siècle.’ *Provence historique*, t. LIX, fasc. 235 (mars-avril 2009): 3–25.
- — —. ‘The Search for the Father in Fourteenth-Century Provençal Society: Evidence from Manosque.’ In *Aventiuren des Geschlechts. Konzeptionen von Männlichkeit in der Literatur des 13. Jahrhunderts*, edited by Michael MECKLENBURG and Matthias MEYER, 39–59. Berlin: Freie Universität Berlin, 2006.

- — —. 'Whence Springs the Lie? Motive and Fraud in the Manosquin Criminal Court (1340–1403)' in *Shell Games: Studies in Scams, Frauds, and Deceits (1300–1650)*, edited by M. CRANE, R. RAISWELL, and M. MURRAY, 123–44. Toronto: Centre for Reformation and Renaissance Studies, 2004.
- BEDNARSKI, Steven and Andrée COURTEMANCHE. 'Learning to be a Man: Public Schooling and Apprenticeship in Late Medieval Manosque.' *Journal of Medieval History* 35: 2 (2009): 113–35.
- BEDNARSKI, Steven and Andrée COURTEMANCHE. 'De l'eau, du grain et une figurine à forme humaine. Quelques procès pour sortilèges à Manosque au début du XIV^e siècle.' *Memini: Travaux et documents* 2 (1998): 75–105.
- BEHREND, Jakob Friedrich and Richard BEHREND, ed. *Lex Salica*. Wimar: H. Böhlhaus Nachfolger, 1897.
- BELLOMO, Manlio. *The Common Legal Past of Europe (1000–1800)*, translated by Lydia G. Cochrane. Washington, D.C.: The Catholic University Press of America, 1995.
- BENNETT, Judith M. 'The Tie that Binds: Peasant Marriages and Families in Late Medieval England.' *Journal of Interdisciplinary History* 15 (Summer 1984): 111–29.
- BENOÎT, Fernand. *Recueil des actes des comtes de Provence appartenant à la maison de Barcelone. Alphonse II et Raymond Bérenger V (1196–1245)*. Monaco & Paris, 1925.
- BLACK, Henry Campbell. *Black's Law Dictionary*. St. Paul, Minnesota: West Publishing, 1999.
- BLANSHEI, Sarah Rubin. 'Crime and Law Enforcement in Medieval Bologna.' *Journal of Social History* 16 (Fall 1982): 121–38.
- BLICKLE, Peter. *Obedient Germans? A Rebuttal. A New View of German History*. Translated by Thomas A. Brady Jr. Charlottesville: University of Virginia Press, 1997.
- — —. 'Concepts and Approaches in Recent Scholarship on Statebuilding—A Critical Review.' In *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900*, edited by Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEU, 293–97. London: Ashgate, 2009.

- BONGERT, Yvonne. *Recherches sur les cours laïques du x^e au XIII^e siècle*. Paris: Éditions A. & J. Picard & Compagnie, 1949.
- BONNAUD, Jean-Luc. 'Les agents locaux de l'administration royale en Provence au XIV^e siècle: catalogue et étude des carrières.' Ph.D. Thesis, University of Montreal, 1996.
- BOONE, Marc. *À la recherche d'une modernité civique. La société urbaine des anciens Pays-Bas au bas Moyen Âge*. Bruxelles: Éditions de l'Université de Bruxelles, 2010.
- BOURDIEU, Pierre. *Outline of a Theory of Practice*. Translated by Richard Nice. Cambridge: Cambridge University Press, 1997.
- BOURDIEU, Pierre and Loïc J. D. WACQUANT. *An Invitation to Reflexive Sociology*. Chicago: Chicago University Press, 1992.
- BRAUDEL, Fernand. *On History*. Translated by Sarah Matthews. Chicago: Chicago University Press, 1969.
- BREMMER, R., M. GLICK, and R. GLICK. 'The Regulation Approach: Theory and History.' *New Left Review* 188 (July-August 1991): 45–119.
- BROWN, Elizabeth A. R. 'The Tyranny of a Construct: Feudalism and Historians of Medieval Europe.' *American Historical Review* 79 (1974): 1063–1088.
- BROWN, Warren C. *Violence in Medieval Europe*. Harlow, Essex: Pearson Education Limited, 2011.
- BRUNDAGE, James A. *Medieval Canon Law*. New York: Longman, 1995.
- — —. 'Domestic violence in classical canon law.' In *Violence in Medieval Society*, edited by Richard W. KAEUPER, 184–85. Rochester: Boydell Press, 2000.
- — —. 'Prostitution in the Medieval Canon Law.' *Signs: Journal of Women in Culture and Society* 1 (1976): 825–45.
- — —. 'Rape and Marriage in the Medieval Canon Law.' *Revue de Droit Canonique* 28 (1978): 62–75.
- BRUNDAGE, James and Vern L. BULLOUGH, eds. *Sexual Practices and the Medieval Church*. New York: Prometheus Books, 1982.
- BRYSON, F. R. *The Point of Honor in Sixteenth-Century Italy: An Aspect of the Life of a Gentleman*. New York: Columbia University Press, 1935.

- BUC, Philippe. *Dangereux rituel: de l'histoire médiévale aux sciences sociales*. Paris: Presses universitaires de France, 2001.
- BURNS, Robert I. *Jews in the Notarial Culture: Latinate Wills in Mediterranean Spain, 1250–1350*. Berkeley: University of California Press, 1996.
- CANTOR, Norman F. *Medieval Lives: Eight Charismatic Men and Women of the Middle Ages*. New York: Harper Collins, 1994.
- CAPPELLI, Adriano. *Dizionario di abbreviature latine ed italiane*. Milan: Editore Ulrico Hoepli, 1961.
- CARLIN, Marie-Louise. *La pénétration du droit romain dans les actes de la pratique provençale (XI^e–XIII^e siècle)*. Paris: Librairie générale de droit et de jurisprudence, 1967.
- CARNS, Donald and David DRESSLER, eds. *Sociology: the Study of Human Interaction*. New York: Alfred Knopf, 1972.
- CHAMBERS, David and Trevor DEAN. *Clean Hands, Rough Justice: an Investigating Magistrate in Renaissance Italy*. Ann Arbor: University of Michigan P, 1997.
- CHERUBINI, Giovanni. *Il lavoro, la taverna, la strada: scorci di Medioevo*. Naples: Liguori, 1997.
- CHEVALIER, Bernard. 'The *bonnes villes* and the King's Council in Fifteenth-Century France.' In *The Crown and Local Communities in England and France in the Fifteenth Century*, 110–28. Gloucester, England: Alan Sutton Publishing Ltd., 1981.
- CHEYETTE, Frederic. 'Suum cuique tribuere,' *French Historical Studies* 6 (1970): 287–99.
- CHIFFOLEAU, Jacques. *Les justices du pape: délinquance et criminalité dans la région d'Avignon au XIV^e siècle*. Paris: Publications de la Sorbonne, 1981.
- — —. 'La violence au quotidien: Avignon au XIV^e siècle d'après les registres de la cour temporelle.' *Les Mélanges de l'École française de Rome. Moyen Âge–Temps Modernes* 92–2 (1980): 325–71.
- CHIFFOLEAU, Jacques, L. MARTINES, and A. PARAVICINI BAGLIANI eds. *Riti e rituali nella società medievali*, Spoleto: Centro italiano di studi sull'alto medioevo, 1994.

- CHITTOLINI, Giorgio. 'Models of Government "from Below" in Fifteenth-Century Lombardy. The "Capitoli di Dedizione" to Francesco Sforza, 1447–1450.' In *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900*, edited by Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEU, 51–63. London: Ashgate, 2009.
- CHRISTOPH, Siegfried. 'Honour, Shame and Gender.' In *Arthurian Romance and Gender: Selected Proceedings of the 17th International Arthurian Congress*, edited by Friedrich WOLFZETTEL, 26–33. Amsterdam: Rodopi, 1995.
- COHEN, Elizabeth S. 'No Longer Virgins: Self-Representation by Young Women in Late Renaissance Rome.' In *Refiguring Woman: Perspectives on Gender and the Italian Renaissance*, edited by M. MIGIEL and J. SCHIESARI, 169–91. Ithaca: Cornell University Press, 1991.
- COHEN, Elizabeth S. and Thomas V. COHEN. *Daily Life in Renaissance Italy*. Westpoint, Connecticut: Greenwood Publishing, 2001.
- COHEN, Elizabeth S. and Thomas V. COHEN. 'Open and Shut: The Social Meanings of the Cinquecento Roman House.' *Studies in the Decorative Arts* 9 (Fall-Winter 2001–2002): 61–84.
- COHEN, Elizabeth S. and Thomas V. COHEN. *Words and Deeds in Renaissance Rome: Trials before the Papal Magistrate*. Toronto: University of Toronto P, 1993.
- COHEN, Esther. *The Crossroads of Justice: Law and Culture in Late Medieval France*. Brill's Studies in Intellectual History, ed. A. J. VANDERJAGT. Leiden: Brill, 1993.
- — —. "'To Die a Criminal for the Public Good": the Execution Ritual in Late Medieval Paris.' In *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, edited by Bernard S. BACHRACH and David NICHOLAS, 285–304. Studies in Medieval Culture 28. Kalamazoo: Medieval Institute Publications, 1990.
- COHEN, Jeffrey J. 'The Flow of Blood in Medieval Norwich.' *Speculum*, 79: 1 (Jan. 2004): 26–65.
- COHEN, Stanley and Andrew SCULL. 'Introduction: Social Control in History and Sociology.' In *Social Control and the State*, edited by Stanley COHEN and Andrew SCULL. Oxford: Martin Robertson, 1983.

- COHEN, Stanley and Andrew SCULL (ed.). *Social Control and the State: Historical and Comparative Essays*. Oxford: Martin Robertson, 1983.
- COHEN, Thomas V. *Love and Death in Renaissance Italy*. Chicago: University of Chicago Press, 2004.
- COLLIS, Louise. *Memoirs of a medieval woman: the life and times of Margery Kempe*. New York: Harper & Row, 1983.
- COLOMBI, Fr. Jean. *Histoire de Manosque, écrit en latin par Jean Colombi*. Translated by Henry Pellicot. Apt: Joseph Trémollière, 1808.
- CONTAMINE, Philippe. 'Le combattant dans l'Occident médiéval.' In *Le Combattant au Moyen Âge*. Paris: Publications de la Sorbonne, 1995.
- — —. *War in the Middle Ages*, trans. Michael Jones. Oxford: Basil Blackwell, 1984.
- COULET, Noël. 'Les juristes dans les villes de la Provence médiévale.' In *Les sociétés urbaines en France méridionale et en péninsule ibériques au Moyen Âge (Actes du Colloque de Pau, 21–23 septembre 1988)*, 311–27. Collection de la Maison des Pays ibérique: CNRS, 1991.
- COURTEMANCHE, Andrée. 'La condition des femmes dans la société Manosquine (1290–1369).' Ph.D. Thesis, Laval University, 1987.
- — —. 'De l'Italie à Manosque: Aspects des migrations italiennes en Provence à la fin du Moyen Âge.' *European Review of History* 5 (1998): 127–50.
- — —. 'Être domestique à Manosque au XIV^e siècle. Un aspect de la condition des femmes au Moyen Âge.' *Scintilla: A Student Journal for Medievalists* 4 (1987): 1–19.
- — —. 'Les femmes juives et le crédit à Manosque au tournant du XIV^e siècle.' *Provence historique* 37 (1987): 545–58.
- — —. 'The Judge, the Doctor, and the Poisoner: 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*, edited by Joëlle ROLLO-KOSTER. Leiden: Brill, 2002, 105–23.
- — —. 'Morale sexuelle des clercs et des laïques à Fréjus au XIV^e siècle.' *Revue de l'histoire des religions* (1992): 349–80.

- — —. 'De Bayons à Manosque. Une expérience migratoire en Provence à la fin du Moyen Âge.' In *Prendre la route. L'expérience migratoire en Europe et en Amérique du Nord du XIV^e au XX^e siècle*, edited by Andrée COURTEMANCHE and Martin PÂQUET, 55–80. Hull, Quebec: Vents d'Ouest, 2001.
- — —. 'Le peuple des migrants. Analyse préliminaire des migrations vers Manosque à la fin du Moyen Âge.' In *Le petit peuple dans l'Occident médiéval. Terminologies, perceptions, réalités*, edited by Pierre BOGLIONI, Robert DELORT and Claude GAUVARD, 281–92. Paris: Publications de la Sorbonne, 2002.
- — —. 'Regards sur la femme médiévale: la délinquance féminine à Manosque au tournant du XIV^e siècle.' Masters Thesis, Laval University, 1981.
- — —. *La richesse des femmes: patrimoines et gestion à Manosque au XIV^e siècle*. Montreal: Bellarmin, 1993.
- — —. 'La rumeur de Manosque: femmes et honneur au XIV^e siècle.' In *Normes et pouvoir à la fin du Moyen Âge*, edited by Marie-Claude DÉPREZ-MASSON, 128–44. Montreal: CERES, 1989.
- — —. 'Women, Family, and Immigration in Fifteenth-Century Manosque: The Case of the Dodi Family of Barcelonnette.' In *Urban and Rural Communities in Medieval France: Provence and Languedoc, 1000–1500*, edited by Kathryn REYERSON and John DRENDEL, 101–27. Leiden: Brill, 1998.
- D'ALVERNY, Marie-Thérèse. 'Comment les théologiens et les philosophes voient la femme.' *Cahiers de civilisations médiévales* 20 (1977): 105–29.
- DAVIES, Wendy and Paul FOURACRE, eds. *The Settlement of Disputes in Early Medieval Europe*. Cambridge: Cambridge University Press, 1986.
- DAVIS, Natalie Zemon. *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*. Stanford, California: Stanford University Press, 1987.
- — —. 'The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France.' *Past and Present* 50 (February 1971): 41–75.
- — —. *The Return of Martin Guerre*. Cambridge, Mass: Harvard University Press, 1983.
- DINSHAW, Carolyn. *Getting Medieval: Sexualities and Communities, Pre- and Post-modern*. Durham: Duke University Press, 1999.

- DONAHUE, Charles Jr. 'The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages.' *Journal of Family History* 8 (Summer 1983): 144–58.
- DONZELOT, Jacques. *The Policing of Families*. Edited by G. DELEUZE. New York: Pantheon, 1979.
- DREW, Katherine Fischer. *The Burgundian Code*. Philadelphia: University of Pennsylvania P, 1972.
- DUBY, Georges. *The Knight, the Lady, and the Priest: the Making of Modern Marriage in Medieval France*. Translated by Barbara Bray. New York: Pantheon Books, 1983.
- — —. *Love and Marriage in the Middle Ages*. Translated by Jane Dunnnett. Chicago: University of Chicago Press, 1988.
- DU CANGE, Charles DU FRESNE (sieur). *Glossarium mediae et infimae latinitatis*. Niort: Favre, 1883–1997.
- DUNBABIN, Jean. *Charles I of Anjou: Power, Kingship and State-Making in Thirteenth-Century Europe*. New York: Addison-Wesley Longman, 1998.
- EMMANUELLI, François-Xavier. *Histoire de la Provence*. Paris: Hachette, 1980.
- ESMEIN, Adhémar. *A History of Continental Criminal Procedure, with Special Reference to France*. Translated by John Simpson. New York: Augustus M. Kelley, 1968.
- EWAN, Elizabeth. 'Crime or Culture? Women and Daily Life in Late Medieval Scotland.' In *Twisted Sisters: Women, Crime and Deviance in Scotland Since 1400*, edited by Y. BROWN and R. FERGUSON, 117–36. East Linton: Tuckwell Press, 2002.
- — —. "'Divers Injurious Words": Defamation and Gender in Late Medieval Scotland.' In *History, Literature and Music in Medieval Scotland*, edited by R. A. McDONALD, 63–86. Toronto: University of Toronto Press, 2002.
- — —. 'Scottish Portias: Women in the Courts in Mediaeval Scottish Towns.' *Journal of the Canadian Historical Association* 3 (1992): 27–43.
- FENN, John, ed. *The Paston Letters*. London: J. M. Dent, 1951.
- FENSTER, Thelma and Daniel Lord SMAIL, eds. *Fama: the Politics of Talk and Reputation in Medieval Europe*. Ithaca: Cornell University Press, 2003.

- FENSTER, Thelma. 'Introduction.' In *Medieval Masculinities*, edited by Clare A. LEES. Minneapolis: University of Minnesota Press, 1994.
- FÉRAUD (abbé). *Histoire civile, politique, religieuse, et biographique de Manosque*. Marseille: Laffitte Reprints, 1973.
- FORONDA, François and Jean-Philippe GENËT and Nieto SORIA, eds. *Coups d'état à la fin du Moyen Âge? Aux fondements du pouvoir politique en Europe occidentale, colloque international, 25–27 novembre 2002*. Madrid: Casa de Velásquez, 2005.
- FOUCAULT, Michel. *Discipline and Punish: The Birth of the Prison*. Edited by Alan SHERIDAN. New York: Vintage Books, 1995.
- — —. *Surveiller et punir: Naissance de la prison*. Paris: Gallimard, 1975.
- FOURVIÈRES, Xavier (de). *Lou Pichot Trésor: dictionnaire provençal-français et français-provençal*. Raphèle: Marcel Petit CPM, 1987.
- GARAPON, Antoine. *Bien juger: essai sur le rituel judiciaire*. Paris: Éditions Odile Jacob, 1997.
- GARLAND, David. 'The Birth of the Welfare Sanction.' *British Journal of Law and Society* 8 (1981): 29.
- GASPARRI, Françoise. *Un crime en Provence au XV^e siècle*. Paris: Albin Michel, 1991.
- — —. *Crimes et Châtiments en Provence au temps du roi René*. Paris: Le Léopard d'Or, 1989.
- GAUDEMET, Jean. 'Les ordalies au Moyen Âge: Doctrine, législation et pratique canoniques.' *Recueils de la société Jean Bodin* 17 (1965): 99–136.
- GAUVARD, Claude. 'La criminalité parisienne à la fin du Moyen Âge: Une criminalité ordinaire?' In *Villes, bonnes villes, cités et capitales. Mélanges offert à Bernard Chevalier*, 361–70. Tours: Université de Tours, 1989.
- — —. 'Fear of Crime in Late Medieval France.' In *Medieval Crime and Social Control*, edited by Barbara HANAWALT and David WALLACE, 1–48. Medieval Cultures Series. Minneapolis: University of Minnesota P, 1999.
- — —. *'De grâce especial': crime, état et société en France à la fin du Moyen Âge*. Paris: Publications de la Sorbonne, 1991.

- — —. 'L'honneur blessé dans la société médiévale.' In *La vengeance. Le face-à-face victime/agresseur*, edited by R. VERDIE, 160–69. Paris: Autrement, 2004.
- — —. 'Paroles des femmes: le témoignage de la grande criminalité en France pendant le règne de Charles VI.' In *La femme au Moyen Âge*, 327–339. Paris: Publications de la ville de Maubeuge, 1990.
- — —. 'Pendre et dépendre à la fin du Moyen Âge: les exigences d'un rituel judiciaire.' *Histoire de la justice* 4 (1991): 5–24.
- — —. 'De la théorie à la pratique: Justice et miséricorde en France pendant le règne de Charles VI.' *Revue des langues romanes, Christine de Pizan* 92 (1988): 317–25.
- GEARY, Patrick J. 'Vivre en conflit dans une France sans état: typologie des mécanismes de règlement des conflits (1000–1200).' *Annales ESC* 61 (1986): 1107–1133.
- GENET, J.-P. 'Political Theory and Local Communities in Later Medieval England and France.' In *The Crown and Local Communities in England and France in the Fifteenth Century*, edited by J. R. L. HIGHFIELD and Robin JEFFS, 19–32. Gloucester, England: Alan Sutton Publishing Ltd., 1981.
- GEREMEK, Bronislaw. *Les marginaux parisiens aux XIV^e et XV^e siècles*. Edited by Denis RICHEL. Paris: Flammarion, 1976.
- — —. *Le salariat dans l'artisanat parisien aux XIII^e–XV^e siècles: Étude sur le marché de la main-d'œuvre au Moyen Âge*. Translated by Anna Posner and Christiane Klapisch-Zuber. Paris: Mouton, 1968.
- GIANCARLO, Matthew. 'Murder, Lies, and Storytelling: The Manipulation of Justice(s) in the Parliaments of 1397 and 1399.' *Speculum* 77 (January 2002): 76–112.
- GINZBURG, Carlo. *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*. London: The Johns Hopkins University Press, 1980.
- — —. *History, Rhetoric, and Proof*. The Mehaem Stern Jerusalem Lectures. London: University Press of New England, 1999.
- — —. *The Night Battles: Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries*. Translated by John & Anne Tedeschi. London: Routledge & Kegan Paul, 1983.

- GIORDANENGO, Gérard. *Le droit féodal dans les pays de droit écrit. L'exemple de la Provence et du Dauphiné, XII^e–début XIV^e siècle*. Rome: École française de Rome, 1988.
- GODDARD, Richard and John LANGDON and Miriam MÜLLER (eds.). *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer*. Turnhout: Brepols, 2010.
- GODDING, Philip. 'Les ordonnances des autorités urbaines au Moyen Âge. Leur rapport à la technique législative.' In *Peasants and Townsmen in Medieval Europe*, edited by J.-M. DUVOSQUEL and E. THOEN, 185–202. *Studia in honorem Adriaan Verhulst*. Gent: Snoeck-Ducaju & Zoon, 1995.
- GOLDBERG, P. J. P. *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c. 1300–1520*. Oxford: Clarendon Press, 1992.
- GONTHIER, Nicole. *Le châtement du crime au Moyen Âge (XII^e–XVI^e siècles)*. Rennes: Presses universitaires de Rennes, 1998.
- – –. *Délinquance, justice et société dans le Lyonnais médiéval, de la fin du XIII^e siècle au début du XVI^e siècle*. Paris: Éditions Arguments, 1993.
- GOODICH, Michael. *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials*. New York: Palgrave MacMillan, 2006.
- GOODY, Jack. 'The Evolution of the Family.' In *Household and Family in Past Time*, edited by Peter Laslett, 103–24. Cambridge: Cambridge University Press, 1972.
- GORDON, Colin, ed. *Power / Knowledge: Selected Interviews & Other Writings (1972–1977) by Michel Foucault*. New York: Pantheon Books, 1980.
- GOSSELIN, Ronald. 'Justice, criminalité et société à Manosque au XIII^e siècle (1240–1260).' M. A. Thesis, Laval University, 1984.
- GOTTFRIED, Robert S. *The Black Death: Natural and Human Disaster in Medieval Europe*. New York: The Free Press, 1983.
- GOURON, André. 'Les étapes de pénétration du droit romain au XII^e siècle dans l'ancienne Septimanie.' *Annales du Midi* 69 (1957): 103–20.
- GRAND, Roger. 'Justice criminelle, procédure et peines dans les villes aux XIII^e et XIV^e siècles.' *Bibliothèque de l'École des Chartres* 102 (1941): 52–208.

- GRAVA, Yves. 'Justice et pouvoir à Martigues au XIV^e siècle.' *Provence historique* 28 (1978): 305–22.
- GREEN, Monica H. 'Conversing with the minority: relations among Christian, Jewish, and Muslim women in the high middle ages.' *Journal of Medieval History* 34: 2 (June 2008): 105–18.
- GUENÉE, Bernard. *Tribunaux et gens de justice dans le bailliage de Senlis à la fin du Moyen Âge (vers 1380–1550)*. Paris: Société d'Éditions des Belles Lettres, 1963.
- GUÉNETTE, Maryse. 'Femmes, solitude et société à Manosque au XIV^e siècle (1314–1358).' Masters Thesis, Laval University, 1987.
- GUI, Bernardo. *Manuel de l'inquisiteur*. Translated by G. Mollat. Paris: H. Champion, 1926–1927.
- HADLEY, D. M., ed. *Masculinity in Medieval Europe*. Essex: Addison Wesley Longman Ltd, 1999.
- HANAWALT, Barbara. *Crime and Conflict in English Communities (1300–1348)*. Cambridge, Mass: Harvard University Press, 1979.
- — —. *Of Good and Ill Repute: Gender and Social Control in Medieval England*. New York: Oxford University Press, 1998.
- — —. 'The Host, the Law, and the Ambiguous Space of Medieval London Taverns.' In *Medieval Crime and Social Control*, 204–23. Minneapolis: University of Minnesota P, 1999.
- — —. *The ties that bound: Peasant family life in medieval England*. New York: Oxford University Press, 1986.
- HANAWALT, Barbara and David Wallace, eds. *Medieval Crime and Social Control*. Medieval Cultures Series. Minneapolis: University of Minnesota Press, 1999.
- HANLON, Gregory. 'Justice in the Age of Lordship: A Feudal Court in Tuscany during the Medici Era (1619–66).' *Sixteenth-Century Journal* 35: 4 (2004): 1005–33.
- — —. 'Les rituels de l'agression au XVII^e siècle.' *Annales: Économies, sociétés, civilisations* 40 (March-April 1985): 244–68.

- HAYHOE, Jeremy. *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy*. Rochester: University of Rochester Press, 2008.
- HÉBERT, Michel. 'L'armée provençale en 1374.' *Annales du Midi: revue archéologique, historique et philologique de la France Méridionale* 91 (1979): 5-27.
- --. 'Autour de la cavalcade: les relations entre le comte de Provence, les Hospitaliers et la communauté de Manosque (XIII^e-XIV^e siècles).' In *Vie privée et ordre public à la fin du Moyen Âge: Études sur Manosque, la Provence et le Piémont (1250-1450)*, edited by Michel Hébert, 141-58. Aix: Publications-Diffusion: Université de Provence, 1987.
- --. "'Bonnes villes" et capitales régionales: fiscalité d'État et identités urbaines en Provence autour de 1400.' In *L'impôt dans les villes de l'Occident méditerranéen (XIII^e-XV^e siècle)*, 527-42. Paris: Comité pour l'histoire économique et financière de la France, 2005.
- --. 'Les étrangers à Manosque aux XIII^e et XIV^e siècles: intégration ou exclusion?' In *Forestieri e stranieri nelle città basso-medievali*, 97-114. Florence: Salimbeni, 1988.
- --. 'Latin et vernaculaire: quelles langages écrit-on en Provence à la fin du Moyen Âge?' *Provence historique* 41 (1997): 280-99.
- --. 'Une population en armes: Manosque au XIV^e siècle.' In *Le combattant au Moyen Âge*, 215-26. *Histoire ancienne et médiévale* 36. Paris: Publications de la Sorbonne, 1991.
- --. 'Le système fiscal des villes de Provence (XIV^e-XV^e siècles).' In *La fiscalité des villes au Moyen Âge (Occident méditerranéen)*, 57-81. *Les systèmes fiscaux* 2. Toulouse: Privat, 1999.
- --. *Tarascon au XIV^e siècle: histoire d'une communauté urbaine provençale*. Aix-en-Provence: Édisud, 1979.
- --. 'Travail et vie urbaine: Manosque à la fin du Moyen Âge.' In *Travail et travailleurs en Europe au Moyen Âge et au début des temps modernes*, edited by Claire DOLAN, 147-73. Toronto: PIMS, 1991.
- --. 'Voce preconia: note sur les criées publiques en Provence à la fin du Moyen Âge.' In *Milieus naturels, espaces sociaux. Études offertes à Robert Delort*. Paris: Publications de la Sorbonne, 1997, 689-701.

- HERLIHY, David. *The Black Death and the Transformation of the West*. Cambridge, Mass: Harvard University Press, 1997.
- — —. 'Life Expectancies for Women in Medieval Society.' In *The Role of Women in the Middle Ages: Papers of the sixth annual conference of the Center for Medieval and Renaissance Studies*, edited by Rosmarie Thee Morewedge, 1–17. Albany, New York, 1975.
- — —. *Medieval Households*. Cambridge, Mass: Harvard University Press, 1985.
- — —. *Women, Family and Society in Medieval Europe: Historical Essays, 1978–1991*. Oxford: Berghahn Books, 1995.
- IANCU-AGOU, Danielle. 'Les juifs et la justice en Provence médiévale: Un process survenu à Manosque en 1410.' *Provence historique* 27 (jan.–fév. 1979): 21–45.
- INGRAM, Martin. 'Law, litigants and the construction of "honour": slander suits in early modern England.' *The Moral World of the Law*, edited by Peter COSS, 130–60. Past and Present Publications. Cambridge: Cambridge University Press, 2000.
- ISNARD, M.-Z. *Livre des privilèges de Manosque*. Paris: Honoré Champion, 1894.
- JACOB, Robert. *Images de la justice: essai sur l'iconographie judiciaire du Moyen Âge à l'âge classique*. Paris: Le Léopard d'Or, 1994.
- JENKS, Stuart. 'The Black Death: Natural and Human Disaster in Medieval Europe by Robert S. Gottfried.' *The Journal of Economic History* 46: 3 (September 1986): 815–23.
- KEMPE, Margery. *The Book of Margery Kemp*. Translated by B. A. Windeatt. New York: Viking Penguin, 1985.
- KERR, Margaret H. 'Husband and Wife in Criminal Proceedings in Medieval England.' In *Women, Marriage, and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, C.S.B.*, edited by Constance M. ROUSSEAU and Joel T. ROSENTHAL, 211–24. Studies in Medieval Culture 37. Kalamazoo: Medieval Institute Publications, 1998.
- KING, E. J. *The Rule, Statutes, and Customs of the Hospitallers, 1099–1310. With Introductory Chapters and Notes*. London: Methuen & Co. Ltd, 1934.
- KLAITS, Joseph. *Servants of Satan: The Age of the Witch Hunts*. Bloomington: Indiana U. P., 1985.

- KLAPISCH-ZUBER, Christiane. *Women, Family, and Ritual in Renaissance Italy*. Chicago: University of Chicago P, 1985.
- KRAMER, H. and J. SPRENGER. *Malleus Maleficarum*. Translated by Montague Summers. New York: Dover Publications Inc., 1971.
- KUEHN, Thomas. *Law, Family and Women: Toward a Legal Anthropology of Renaissance Italy*. Chicago: Chicago University Press, 1991.
- LANDRY, Geoffrey La Tour. *Livre du chevalier de La Tour pour l'enseignement de ses filles. Publie d'après les manuscrits de Paris et de Londres, par Anatole de Montaiglon*. Paris: P. Jannet, 1854.
- LANGBEIN, John H. *Prosecuting Crime in the Renaissance: England, Germany, France*. Cambridge, Mass: Harvard University Press, 1974.
- — —. *Torture and the Law of Proof: Europe and England in the Ancien Régime*. Chicago: University of Chicago P, 1977.
- LAVOIE, Rodrigue. 'La délinquance sexuelle à Manosque (1240–1430): Schéma général et singularités juives.' *Provence historique* 37 (oct.-nov.-déc. 1987): 571–87.
- — —. 'Délinquance sexuelle, justice et sanction sociale: les tribulations judiciaires de Mathilde Payan.' *Provence historique* 66, fasc. 184, (avr.-mai-juin 1996): 160–85.
- — —. 'Justice, morale et sexualité à Manosque (1240–1430).' In *Vie privée et ordre public à la fin du Moyen Âge: Études sur Manosque, la Provence et le Piémont (1250–1450)*, ed. Michel HÉBERT. Aix-en-Provence, Publications-Diffusion: Université de Provence, 1987, 9–21.
- — —. 'Les statistique criminelles et le visage du justicier: justice royale et justice seigneuriale en Provence au Moyen Âge.' *Provence historique* 29 (jan.-fév.-mars 1979): 3–20.
- LE BLÉVEC, Daniel. *La Part du pauvre. L'assistance dans les pays du Bas-Rhône du XII^e siècle au milieu du XV^e siècle*. 2 vol. Collection de l'École Française de Rome, No. 265. Rome: École Française de Rome Rome, 2000.
- 'Leges Langobardum.' *Monumenta Germanica Historica*. Vol. 4. Hanover 1869.
- LEMAY, Helen Rodnite. 'Some Thirteenth and Fourteenth Century Lectures on Female Sexuality.' *International Journal of Women's Studies* 1 (July-August 1978): 391–400.

- LESNICK, Daniel R. 'Insults and threats in medieval Todi.' *Journal of Medieval History* 17: 1 (March 1991): 71–89.
- LEVY, Jean-Philippe. 'Le problème de la preuve dans les droits savants du Moyen Âge.' *Recueils de la Société Jean Bodin* 17 (1965): 137–67.
- LEWIS, P. S., 'The Centre, the Periphery, and Power Distribution of Fifteenth-Century France.' In *The Crown and Local Communities in England and France in the Fifteenth Century*, edited by J. R. L. HIGHFIELD and Robin JEFFS, 33–50. Gloucester, England: Alan Sutton Publishing Ltd., 1981.
- LORCIN, Marie-Thérèse. 'Les paysans et la justice dans la région lyonnaise aux XIV^e et XV^e siècles.' *Le Moyen Âge* 74 (1968): 269–300.
- MACCAUGHAN, Patricia. *La justice à Manosque au XIII^e siècle: Évolution et représentation*. Histoire et Archives, hors-série, 5. Paris: Honoré Champion, 2005.
- — —. 'La procédure judiciaire à Manosque au milieu du XIII^e siècle, témoin d'une transition.' *Revue historique de droit français et étranger* 76 (1998): 583–95.
- — —. 'Les transformations de la justice au XIII^e siècle: l'exemple de Manosque (1240–1320).' Ph.D. Thesis, Laval University, 2001.
- MCLAREN, Angus. *The Trials of Masculinity. Policing Sexual Boundaries, 1870–1930*. Chicago: University of Chicago P, 1997.
- MCPHERSON, K., C. MORGAN, and N. FORESTELL, eds. *Gendered Pasts. Historical Essays in Femininity and Masculinity in Canada*. Toronto: Oxford University Press, 1999.
- MCSHEFFREY, Shannon. *Marriage, Sex, and Civic Culture in Late Medieval London*. Philadelphia: University of Pennsylvania Press, 2006.
- — —. 'Detective Fiction in the Archives: Court Records and the Uses of Law in Late Medieval England,' *History Workshop Journal* 65: 1 (April 2008): 65–78.
- — —. 'Place, Space, and Situation: Public and Private in the Making of Marriage in Late-Medieval London.' *Speculum* 79: 4 (Oct. 2004): 960–990.
- MAISEL, Witold. 'L'archéologie juridique: science auxiliaire de l'histoire des institutions et du droit.' *Revue historique de droit français et étranger* (1982): 279–86.
- MEAGHAN, Morris and Paul PATTON. *Michel Foucault: Power, Truth, Strategy*. Sydney, Australia: Feral Publications, 1979.

- MERCIER, Franck. *La Vauderie d'Arras, une chasse aux sorcières à l'Automne du Moyen Âge*, Presses universitaires de Rennes, 2006.
- MEYERSON, Mark, and Daniel THIERY and Oren FALK, eds. *'A Great Effusion of Blood?': Interpreting Medieval Violence*. Toronto: University of Toronto Press, 2004.
- MICHAUD, Claire. 'Communautés d'habitants et pouvoir seigneurial au Moyen Âge: l'exemple de Manosque aux XIII^e et XIV^e siècles.' Masters Thesis, Laval University, 1986.
- MICHAUD, Francine. 'Crédit, endettement et patrimoine féminin à Manosque au milieu du XIII^e siècle, 1257-1265.' Masters Thesis, Laval University, 1984.
- MISRAKI, Jaqueline. 'Criminalité et pauvreté en France à l'époque de la guerre de cent ans.' In *Études sur l'histoire de la pauvreté [Moyen Âge-XVI^e siècle]* 2, edited by Michel MOLLAT, 535-46. Paris: Publications de la Sorbonne, 1974.
- MISTRAL, Frédéric. *Lou trésor dóu Felibrige; ou, Dictionnaire provençal-français, embrassant les divers dialectes de la langue d'oc moderne*. Aix-en-Provence: J. Remondet-Aubin, 1879-87.
- MOORE, R. I. *The Formation of a Persecuting Society: Power and Deviance in Western Europe: 950-1250*. Oxford: Basil Blackwell, 1987.
- MUCHEMBLED, Robert. *Violence et société: Comportements et mentalités populaires en Artois (1400-1660)*. 3 vol. Ph.D. Thesis, Paris I, 1985.
- MUIR, Edward. *Mad Blood Stirring: Vendetta & Factions in the Friuli during the Renaissance*. Baltimore: The Johns Hopkins University Press, 1993.
- MUIR, Edward and Guido RUGGIERO, eds. *Microhistory and the Lost Peoples of Europe. Selections from Quaderni storici*. Baltimore: The Johns Hopkins University Press, 1991.
- MUNDY, John Hine. *Men and Women at Toulouse in the Age of the Cathars*. Toronto: PIMS, 1990.
- NIRENBURG, David. *Communities of Violence: Persecution of Minorities in the Middle Ages*. Princeton: Princeton University Press, 1996.
- NOONAN, John T. 'Power to Choose.' *Viator* 4 (1973): 421-34.
- OLIVIER-MARTIN, François. *Histoire du droit français des origines à la Révolution*. Montchrestien: Éditions Domat, 1948.

- PANSIER, Paul. *Histoire de la langue provençale du XII^e au XIX^e siècle*. Marseille: Laffitte Reprints, 1974.
- PARADIS, Bruno. 'Du corps souffrant du supplicé à la rationalité administrative de l'État: bourreaux et exécutions en Provence, 1309–1382.' Masters Thesis, UQAM, 1999.
- PARSONS, John Carmi. 'Mothers, Daughters, Marriage, Power: Some Plantagenet Evidence, 1150–1500.' In *Medieval Queenship*, edited by John Carmi Parsons, 63–78. New York: St. Martin's Press, 1993.
- PASTOUREAU, Michel. *L'étoffe du diable: une histoire des rayures et des tissus rayés*. Paris: Seuil, 1991.
- PEIRESC, Nicolas Claude Fabri de. *Histoire Abrégé de Provence & Autres Textes*. Edited by Jacques FERRIER and Michel FEUILLAS. Avignon: Aubanel, 1982.
- PERISTIANY, J. G. (ed.). *Honour and Shame: The Values of Mediterranean Society*. London: Weidenfeld & Nicolson, 1965.
- PETERS, Edward. *Torture*. New York: Basil Blackwell, 1995.
- PHILIPPE OF NOVARA. *Les quatre âges de l'homme: traité moral de Philippe de Navarre publié pour la première fois d'après les manuscrits de Paris, de Londres et de Metz*. Edited by Marcel de FRÉVILLE. Paris: Firmin Didot et Cie, 1888.
- PITT-RIVERS, Julian. *The Fate of Schechem or the Politics of Sex*. Cambridge, Massachusetts: Cambridge University Press, 1977.
- POHL, Susan. 'Uneasy Peace: The Practice of the Stallung Ritual in Zürich, 1400–1525.' *Journal of Early-Modern History*, 7: 1–2 (2003): 28–54.
- POLY, Jean-Pierre. *La Provence et la société féodale, 879–1166: contribution à l'étude des structures dites féodales dans le Midi*. Paris: Bordas, 1976.
- Razo: Matériaux pour l'étude de la vie domestique et de la culture matérielle en Provence aux derniers siècles du Moyen Âge*. Cahiers du Centre d'Études Médiévales de Nice. Nice: U.F.R. Lettres, Arts et Sciences humaines, 1993.
- REINHARD, Wolfgang. 'No Statebuilding from Below! A Critical Commentary.' In *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900*, edited by Wim BLOCKMANS, André HOLENSTEIN, and Jon MATHIEU, 299–304. London: Ashgate, 2009.

- REYNAUD, Félix. *La commanderie de Saint-Jean de Jérusalem de Rhodes et de Malte à Manosque (XIII^e siècle–1789)*. Gap: Société d'Études des Hautes-Alpes, 1981.
- REYNOLDS, Susan. *Fiefs and Vassals: The Medieval Evidence Reinterpreted*. New York: Oxford University Press, 1994.
- RICHÉ, Pierre. *Écoles et enseignement dans le Haut Moyen Âge: fin du V^e siècle–milieu du XI^e siècle (troisième édition)*. Paris: Picard Éditeur, 1999.
- – –. *Éducation et culture dans l'Occident barbare VI^e–VIII^e siècle (quatrième édition, revue et corrigée)*. Paris: Éditions du Seuil, 1995.
- RICHS, David. 'The Phenomenon of Violence.' In *The Anthropology of Violence*, edited by David RICHS, 1–27. Oxford: Blackwell, 1986.
- ROBERTS, Simon. 'The Study of Dispute: Anthropological Perspectives.' In *Disputes and Settlements: Law and Human Relations in the West*, edited by John BOSSY, 1–24. Cambridge: Cambridge University Press, 1983.
- ROSENTHAL, Joel T. and Constance M. ROUSSEAU, eds. *Women, Marriage, and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, CSB*, Kalamazoo, Michigan: the Board of The Medieval Institute, 1998.
- ROSSIAUD, Jacques. *Medieval Prostitution*. Translated by Lydia G. Cochrane. New York: Blackwell, 1988.
- – –. 'Prostitution, jeunesse et société dans les villes du Sud-Est au XV^e siècle,' *Annales ESC* (1976): 289–325.
- RUGGIERO, Guido. *The Boundaries of Eros: Sex, Crime and Sexuality in Renaissance Venice*. New York: Oxford University Press, 1985.
- – –. 'Constructing Civic Morality, Deconstructing the Body: Civic Rituals of Punishment in Renaissance Venice.' In *Riti e rituali nella società medievale*, edited by Jacques Chiffolleau *et alii*, 175–190. Spoleto: Centro ilatiano di studi sull'alto medioevo, 1994.
- – –. "'Piu che la vita caro': Onore, matrimonio e reputazione femminile nel tardo rinascimento.' *Quaderni Storici* 22 (1987): 753–75.
- SALISBURY, Eve. "'Spare the rod and spoil the child": Proverbial speech acts, boy bishop sermons, and pedagogical violence.' In *Speculum sermonis. Interdisciplinary Reflections on the Medieval Sermon*, edited by Georgiana DONAVIN, Cary J. NEDERMAN, and Richard UTZ, 141–55. Turnhout: Brepols, 2004.

- SALISBURY, Joyce E. *Sex in the Middle Ages: A Book of Essays*. New York: Garland Publishing, 1991.
- SCHECHNER, Richard. *Performance Theory*. New York: Routledge, 2003.
- SCHERMERHORN, Elizabeth Wheeler. *On the Trail of the Eight-Pointed Cross: A Study of the Knights Hospitallers in Feudal Europe*. New York: G. P. Putnam's Sons, 1940.
- SCHNAPPER, Bernard. 'Testes inhabiles. Les témoins reprochables dans l'ancien droit pénal.' *Revue d'histoire du droit* 33 (1965): 576–616.
- SCHNEIDER, Peter. 'Honor and Conflict in a Sicilian Town.' *Anthropological Quarterly* 42: 3 (1969): 130.
- SCHNEIDER, Zoë. 'Women before the Bench: Female Litigants in Early Modern Normandy.' *French Historical Studies* 23 (2000): 1–32.
- SCOTT, J. 'Gender: a useful category of historical analysis.' *American Historical Review* 91 (1986): 1053–1075.
- SCOTT, W. S. *The Trial of Joan of Arc: Being the verbatim report of the proceedings from the Orleans Manuscript, translated with an Introduction and Notes by W. S. Scott*. Westport, Conn.: Associated Booksellers, 1956.
- SHATZMILLER, Joseph. 'Une expérience universitaire méconnue: le "studium" de Manosque, 1247–1249.' *Provence historique* 24 (1974): 468–90.
- — —. 'Une expérience universitaire renouvelée: le *studium* de Manosque (1299–1300).' *Provence historique*, fasc. 140 (1985): 195–203.
- — —. *Jews, Medicine, and Medieval Society*. Berkeley: University of California Press, 1994.
- — —. 'Les juifs de Provence pendant la peste noire.' *Revue des Études juives* (1974): 455–80.
- — —. 'Médecins et expertise médicale dans la ville médiévale: Manosque 1280–1348.' In *Vie Privée et ordre public: études sur Manosque, la Provence et le Piémont (1250–1450)*, edited by Michel HÉBERT, 105–17. Aix-en-Provence: Université de Provence, 1987.
- — —. *Médecine et justice en Provence médiévale. Documents de Manosque, 1262–1348*. Aix-en-Provence: Publications de l'Université d'Aix-en-Provence, 1989.

- — —. *Recherches sur la communauté juive de Manosque au Moyen Âge, 1241–1329*. Paris: Mouton & Co, 1973.
- — —. *Shylock Reconsidered*. Berkeley: University of California Press, 1990.
- SHATZMILLER, Joseph and Rodrigue LAVOIE. 'Médecine et gynécologie au Moyen Âge: un exemple provençale.' *Razo: cahiers du Centre d'études médiévales de Nice* 4 (1984): 133–43.
- SHEEHAN, Michael M. *Marriage, Family, and Law in Medieval Europe: Collected Studies*, edited by James K. Farge. Toronto: University of Toronto Press, 1996.
- SMAIL, Daniel Lord. *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423*. Ithaca: Cornell University Press, 2003.
- — —. *Imaginary Cartography: Possession and Identity in Late Medieval Marseille*. Ithaca: Cornell University Press, 1999.
- — —. 'Common Violence: Vengeance & Inquisition in Fourteenth-Century Marseille.' *Past and Present* 151 (1996): 28–59.
- — —. 'Hatred as a Social Institution in Late-Medieval Society.' *Speculum* 76 (January 2001): 90–126.
- — —. 'Telling Tales in Angevin Courts.' *French Historical Studies* 20 (1997): 183–215.
- — —. 'Witness Programs in Medieval Marseille,' in *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials*, ed. Michael Goodich. New York: Palgrave MacMillian, 2006: 227–50.
- SMAIL, Daniel Lord and Kelly GIBSON. *Vengeance in Medieval Europe: A Reader*. Readings in Medieval Civilization and Cultures, XIII. Toronto: University of Toronto Press, 2009.
- SMALL, Carola M. 'Profits of justice in early fourteenth-century Artois: The "exploit" of the baillis.' *Journal of Medieval History*, volume 16, issue 2 (June 1990): 151–64.
- SPENCE, Jonathan D. *The Death of Woman Wang*. New York: The Viking Press, 1978.
- STEIN, Peter. *Roman Law in European History*. Cambridge: Cambridge University Press, 2000.

- STERN, Laura Ikins. *The Criminal Law System of Medieval and Renaissance Florence*. The Johns Hopkins University Studies in Historical and Political Science. Baltimore: The Johns Hopkins University Press, 1994.
- STIMPSON, Catherine R. In *The Making of Masculinities: The New Men's Studies*, edited by Harry Brod. Boston: Allen & Unwin, 1987.
- STRAYER, Joseph R. *Les gens de justice de Languedoc sous Philippe le Bel*. Toulouse: Association Marc Bloch, 1970.
- — —. *On the Medieval Origins of the Modern State*. Princeton: Princeton University Press, 1970.
- STUARD, Susan Mosher. 'The Dominion of Gender: Women's Fortunes in the High Middle Ages.' In *Becoming Visible: Women in European History*, edited by Renate BIRDENTHAL and Claudia KOONZ, 153–72. Boston: Houghton Mifflin, 1977.
- ST. JOHN, Graham, ed. 'Victor Turner and Contemporary Cultural Performance: An Introduction.' In *Victor Turner and Contemporary Cultural Performance*, 1–37. New York: Berghahn Books, 2008.
- SYMES, Carol. *A Common Stage: Theater and Public Life in Medieval Arras*. Ithaca: Cornell University Press, 2007.
- TELECHEA, Jesus Angel Solorzano. 'Fama publica, infamy and defamation: judicial violence and social control of crimes against sexual morals in medieval Castile.' *Journal of Medieval History* 33: 4 (December 2007): 398–413.
- TILLY, Charles, ed. 'Western-State Making and Theories of Political Transformation.' In *The Formation of National States in Western Europe*, 601–686. Princeton: Princeton University Press, 1975.
- TRACHTENBERG, Joshua. *The Devil and the Jews: the Medieval Conception of the Jews and its Relation to Modern Anti-Semitism*. Philadelphia: The Jewish Publication Society of America, 1983.
- TURNER, Victor and Edward M. BRUNER, eds. *The Anthropology of Experience*. Urbana, Illinois: University of Illinois Press, 1986.
- TURNER, Victor. 'Symbols in Ndembu Ritual.' In *The Forest of Symbols: Aspects of Ndembu Ritual*, 19–47. Ithaca: Cornell University Press, 1967.

- VACHON, Christian. 'Les violences verbales à Manosque au tournant du XIV^e siècle (1284–1330).' Masters Thesis, Laval University, 1989.
- VALOIS, N. 'Raymond de Turenne et les papes d'Avignon (1386–1408).' *Annuaire-Bulletin de la société de l'histoire de France*, année 1889, (Paris, 1889): 215–76.
- VAN CAENEGEM, R. C. *Legal History: a European Perspective*. London: The Hambledon Press, 1991.
- – –. 'La Preuve dans le droit du Moyen Âge occidental, rapport de synthèse.' In *La preuve II: Moyen âge et temps modernes. Recueils de la Société Jean Bodin XVII*. Brussels: De Boeck University, 1965, 710–19.
- VAN DÜLMEN, Richard. *Theatre of Horror: Crime and Punishment in Early Modern Germany*. Cambridge: Polity Press, 1990.
- Variations autour de la régulation sociale: Hommage à Jean-Daniel Reynaud*. Paris: Presses de l'École normale supérieure, 1994.
- VERDIER, Raymond. *Le serment*. 2 vol. Paris: CNRS, 1992.
- VEYDARIER, Régis. 'Raymond de Turenne, la deuxième Maison d'Anjou et la Provence. Étude d'une rébellion nobiliaire à la fin du XIV^e siècle (1386–1400).' Ph. D. Thesis, University of Montreal, 1994.
- WALKER, Anita M. and Edmund H. DICKERMAN. 'Magdeleine des Aymards: Demonism or Child Abuse in Early Modern France?' *Psychohistory Review* 24 (1996): 239–264.
- WHITE, Stephen D. 'Feuding and Peacemaking in the Touraine around the Year 1100.' *Traditio* 42 (1986): 195–264.

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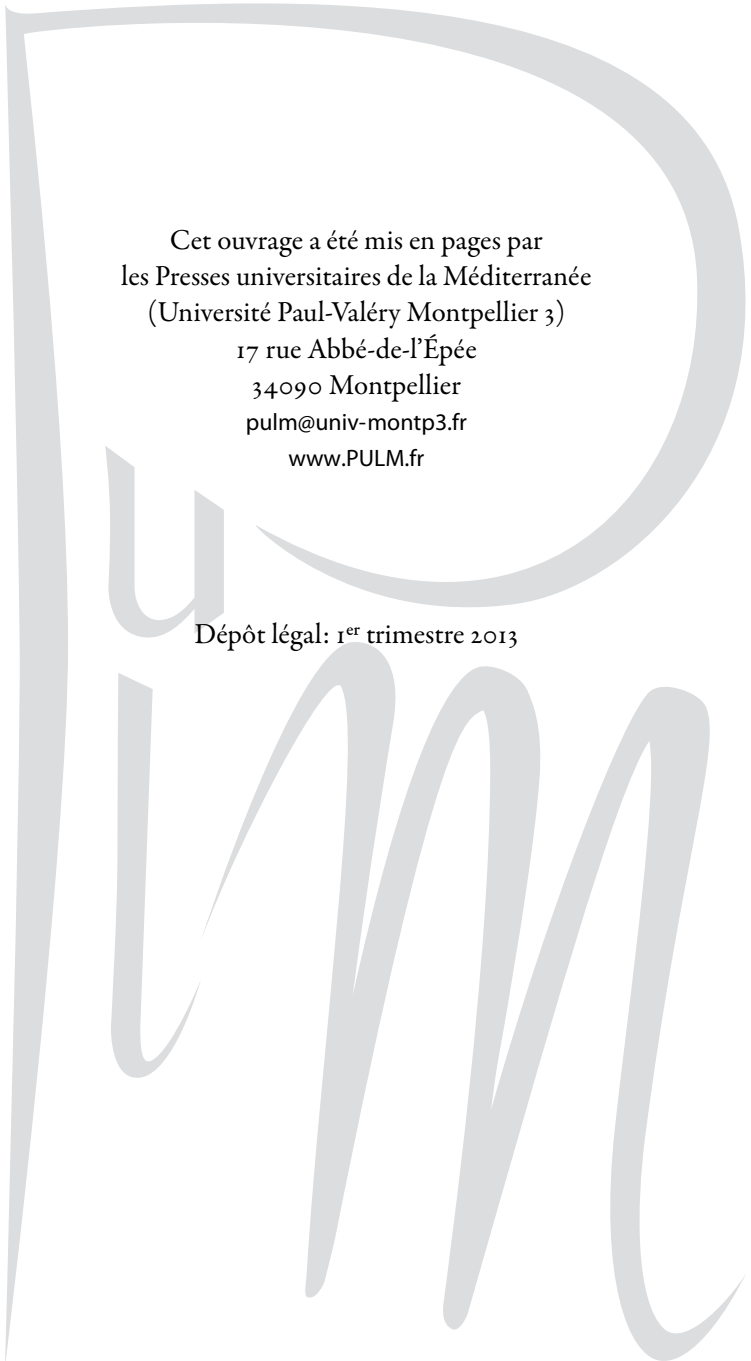
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