Julia Burkhardt (Ed.)

Femicide
in the Global Premodern
A Source Reader



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by

Julia Burhardt (Ed.)

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Every Killing Tells a Story. Femicide in the Global Premodern

Julia Burkhardt

Summary: In premodern times, women of various backgrounds and races were victims of violence, including domestic, sexual, and psychological abuse, as well as attempted or actual killings. Often, these acts were related to the victims' gender and the associated social roles and expectations. In this volume, we propose a systematic examination of gender-based killings of women by men as a distinct historical phenomenon. Through an analysis of select cases "through the lens of femicide," we explore why and how men killed women at specific times, how these acts were publicized and punished, and how they were evaluated and remembered.

In 1256, Maria of Brabant, the Duchess of Bavaria, was killed by her husband or at his behest. With her death, a ruler and, at the same time, a distinguished member of the European high nobility—that is, an elite ruling class—met a brutal end. Contemporary observers found this extraordinary and soon began speculating about the circumstances and motives behind her death (jealousy? adultery?). Even decades and centuries later, the mysterious story of the violently killed duchess continued to spark interest, inspiring people in various regions to interpret it through text and imagery.

One such interpretation is the image featured on the cover of this book.[1] Created in the 15th century, several hundred years after the crime, it was published in a chronicle about Maria's family. The anonymous painter dramatically placed the duchess's death at the center of the composition while holding her husband, Ludwig II of Bavaria, directly responsible. In this interpretation, Ludwig is depicted killing his wife with his own hands in a bloody scene, using a mighty sword. Maria's death could have been commemorated in other ways, but evidently, it was important to the painter to record that an innocent woman fell victim to her violent husband. Regardless of their interpretation, many observers—including this painter—placed Maria's death within the context of the social structures of the time, which were shaped by origin, rank, status, religion, and gender.

In many ways, Maria's story is one of many. Every day of the year, every hour—often several times an hour—a woman or girl dies at the hands of a man somewhere in the world.[2] As is the case today, women of different backgrounds and races were victims of violence in premodern times. This violence included domestic, sexual, and psycholog-

1 van Boendale, Brabantsche Yeesten. KBR Royal Library of Belgium, Ms. IV 684, book IV, fol 21v. For further information, see my contribution on this topic, no. 15 in this volume.

2 For different legal and sociological approaches, see the following contributions in this volume: von Ohlen, Steinl and Correa Flórez, no. 1; Habermann, no. 2 and Steinl, no. 3.

ical abuse, as well as attempted or actual killings. Often, these acts were related to the victims' gender and the social roles and expectations associated with it.

Every killing tells a story. Some tell the story of the perpetrators' claims to superiority and control over women's lives and bodies. Others reflect the legal and political orders, as well as the punitive practices of a given time and context. Some reveal contemporary understandings of gender hierarchies and family structures. Still others mirror the reactions of contemporary or later observers, ranging from shock and anger to disgust and an incomprehensible fascination with the death scene. And yet, at the heart of every example are people who lived, acted, or died within the context of their time's social hierarchies and role expectations. They were individuals with families, friends, and neighbors who shaped them through traditions, joint experiences, interactions and emotions. The killing of women by men thus never occurred in isolation, but rather within the broader context of these social networks. This is also reflected in the consequences of the killings. Some men who killed their wives, daughters, sisters, neighbors or servants felt the need to confess afterward—either because they regretted it personally or because they knew it would make their actions more socially acceptable. Others were severely punished, facing public penance, humiliation, exclusion, or even death. Women killed by their husbands, male relatives, or neighbors remained present in the memories of their friends and families in the way those loved ones chose to remember them (e.g., as martyrs or innocent victims). Traces of other victims have been lost, leaving behind sometimes nothing more than a date or a name. Those who survived an attempted killing went on living with that experience, thus transitioning from victims to survivors. A closer examination of when, why, and under what circumstances men kill(ed) women, as well as how their respective social environments view(ed) these actions, can reveal these multifaceted dimensions.

Unlike in Maria's case (which is documented in a vast number of sources, though most of them are vague as to the specific contexts), most incidents of gender-based violence in premodern times are poorly documented. Nevertheless, even puzzle pieces can teach us two fundamental insights: Gender-based violence and killings were common in premodern societies.[3] They were part of a larger, more complex picture of medieval society, which was structured by status, origin, age, religion, and gender. Being male or female was a question of social significance, or social norm, as philosopher Manon Garcia recently put it with regard to today's societies:

> […] what we call social gender norms, and in particular norms of masculinity, play a part in structuring a hierarchical order. A social norm is a code of behaviour that is shared across a society, and which reflects the values of that society and makes it possible to expect certain types of conduct from other members of it.[4]

3 Lett, *Crimes*; Zanetti, Caravaggi and Paoletti, eds., *Women and violence*; Classen, *Power*; Roberts, ed., *Violence*.
4 Garcia, *Living with men*, 50.

In premodern times, men and women were assigned specific roles within the family and society, which came with certain expectations and rights. These served "to maintain and reproduce a hierarchical social order" that saw men as superior to women.[5] This idea of men's authority over a family, a household, or a community was inextricably linked to claims relating to control, determination, participation, or sanctioning and punishment of another person's body and life.[6] In this light, the killing of women by men because of the women's gender or gender-associated roles were expressions of specific structural conditions, thus commonly being embedded in the asymmetries of authority and dependency.

Today, we have a term for the killing of women by men or at their behest: "femicide." Femicide comes from the Latin words *femina* ("woman") and *caedere* ("to kill") and literally means "killing a woman." "Femicide" (or the alternative phrase "feminicide", see below) was established in sociological and criminological research and is now used in a variety of contexts – in legal discourse, in media reporting or social debates. The term is typically used to label the killing of women by men because of their gender and thus marks this phenomenon as a distinct social problem.

While term has been documented since at least the 18th century, it was not originally used to refer to gender-based killings of women as a political or legal issue. As we will see, this dimension of meaning was not established until the 20th century.[7] Therefore, "femicide" is a modern term that, due to its catchiness and supposed clarity, is appealing yet invites criticism. This presents an opportunity for historical research. In this volume, we propose to systematically examine gender-based killings of women by men as a distinct historical phenomenon, situating them within their respective political, social, and cultural contexts. To this end, we use the term "femicide" as an analytical tool. By examining selected cases "through the lens of femicide," we aim to understand why and how men killed women at specific times, as well as how these acts were publicized, punished, evaluated, or remembered. We expect this to shed light on social structures that would otherwise remain hidden. But which definitions and concepts can we use to investigate this topic?

Femicide/Feminicide: Dynamics and Trajectories of a Concept

The systematic examination of lethal violence against women, often in the context of domestic abuse, began in the wake of the feminist movements of the 1970s. This was particularly evident with the introduction of the term "femicide." The term was coined by American sociologist and feminist activist Diana Russell (1938–2020). Although she did not invent the term, she was one of the first to systematically introduce it to pub-

5 Quote: Garcia, *Living with men*, 50. Of course, beyond this binary order, there were other, more diverse conceptions of gender, but that is another topic. See again Garcia, *Living with men*, 51–53.

6 On gender constellations in medieval societies, see the contributions in Bennett and Karras, eds., *Oxford handbook*.

7 For an overview, see Dyroff, Maier, Pardeller, Wischnewski, "Einleitung."

lic debates. In 1976, at the International Tribunal on Crimes Against Women, Russell advocated for realizing

> that a lot of homicide is in fact femicide. We must recognize the sexual politics of murder. From the burning of witches in the past, to the more recent widespread custom of female infanticide in many societies, to the killing of women for 'honor,' we realize that femicide has been going on a long time. But since it involves mere females, there was no name for it before the term femicide was coined.[8]

Further reformulations and adaptations followed, each highlighting different aspects. Probably her most famous definition is the deliberately broad idea that "femicide" describes "the killing of females by males because they are female."[9] Later, she put a stronger focus on misogyny as a key motif:

> We think 'femicide' best describes the murders of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women. […] Femicide is the ultimate end of a continuum of terror that includes rape, torture, mutilation, sexual slavery [...].[10]

With these definitions, Russell did more than point to a phenomenon; she gave it a programmatic name and opened the door to further discussion, including interdisciplinary debates and including questions about historical developments, culturally conditioned expectations, and the intersection of race, class, and gender.[11]

In the 1990s and early 2000s, new impulses emerged in feminist, sociological, and criminological research on killing cases in Latin America.[12] In response to serial killings in the Mexican city of Ciudad Juárez, protest groups raised their voices, primarily targeting the stigmatization of the victims and advocating for the protection of perpetrators. In the context of these and further protests, new debates about adequate terms and concepts emerged.[13]

Based on the work by Russell and Radford as well as others, Mexican anthropologist and politician Marcela Lagarde (b. 1948) coined the term "feminicide" (Spanish: *feminicidio*). In her opinion, "femicide" referred mainly to the killing of women without considering any structural background. Lagarde used the term "feminicide" to emphasize that violent acts against women are embedded in historical, social, political, cultural, and economic structures perpetuated and protected by the state. These structures

8 Quoted after Russell, "Defining Femicide".
9 Quoted after Russell, "Defining Femicide".
10 Caputi and Russell, "'Femicide'", 189 and 190.
11 See the contributions in Radford and Russell, *Femicide*.
12 See the contribution by Elena von Ohlen, Leonie Steinl and María Camila Correa Flórez, no.1 in this volume; see also Dyroff, Maier, Pardeller, Wischnewski, "Einleitung."
13 Fregoso and Bejarano, eds., *Terrorizing women*. A collection of important essays and contribution is provided in German translation in *Feminizide*, ed. Dyroff et.al.

include culturally rooted factors such as gender inequality, which lead to dominance, the normalization of violence, and the concealment of violence, as well as political and legal components.[14] Lagarde's approach thus explicitly aimed at structural conditions and state responsibilities (and significantly contributed to introduce "femicide" into Mexican Criminal Law).[15]

As these and further debates have established, the relevance and ubiquity of the topic seem undeniable. For centuries, various examples and forms of femicide have been depicted beyond courtrooms in art, literature, music, and performance. There are numerous stories about women killed by men. And yet, for a long time, historical examples of gender-based killings of women were not considered a phenomenon with a specific functional logic. A systematic, comparative, and interdisciplinary analysis of historical cases is lacking (apart from individual regional case studies).[16] This is especially true of the period between antiquity and the early modern era, the latter of which was marked by the emergence of modern states and their institutions. Few individual studies examine selected cases in greater detail, address historical transmission, or situate gender-based violence within the judicial and penal context of a specific period.[17]

However, the term "femicide/feminicide"—though not necessarily the underlying concepts—has been used in a few recent works, marking gender-based lethal violence against women as a distinct historical problem.[18] Two rather recent studies address the topic within a broader context and thus highlight the potential for comparative research: Christelle Taraud's "World History" of femicide, a comprehensive collection of historical essays that identify femicidal violence as a structural continuum in women's lives,[19] and Ivan Jablonka's book on "The Culture of Femicide." Arguing that femicide should be understood in a historical rather than legal sense, Jablonka understands femicide as an intentional and systemic crime rooting in social, political, and racial

14 Lagarde y de los Ríos, "Anthropologie." See also the contribution by Valentina Moro, no. 27, in this volume.
15 For further debates and new conceptualizations, see Segato, *Feminicidio*. Recently, interdisciplinary perspectives and research approaches (on a global scale) have been discussed in Dawson and Mobayed Vega, eds., *Handbook* as well as Fitz-Gibbon and Walklate, eds. *Femicide*.
16 Dean, "Domestic violence", 529: "So, every year, there was a small but significant group of cases, building into a relentless tide of what has been termed 'femicide' by some modern criminologists; a tide running at about 50 times the rate of wife-murder in contemporary England and Wales […]." See also his reference ibidem, 529, on neglecting the phenomenon of wife-killing: "A high level of wife-killing is not often mentioned in the history of the family in the later Middle Ages or Renaissance."
17 Crouzet-Pavan and Maire Vigueur, *Décapitées*; Bodiou and Chauvaud, ed., *Les archives*; Loetz, *New Approach*; Orvieto, *Alle origini*. In his study on "Crime, gender, and punishment in the Middle Ages", Didier Lett discusses various constellations of homicide linked to gendered relations (preferring, though, the categories of *uxoricide* and *mariticide*, that is wife-killing and mother-killing). See Lett, *Crimes*.
18 In his book on female religious experiences in the Middle Ages, André Vauchez characterized the martyr-like killing of girls and wives as "close to our modern terms pedo-crime and femicide". See Vauchez, *Les Passionnées*, 29: "Les laïcs, surtout dans les campagnes, avaient tendence à considérer comme un martyr et à vénérer comme tel tout personne mise à mort de façon injuste ou cruelle, surtout lorsqu'il s'agissait d'un enfant, d'une jeune fille, ou d'une épouse tuée sans raison par son mari, ce qui se rapproche de nos notions modernes de pédocriminalité et de féminicide."
19 Taraud, ed. *Féminicides*. See also the contributions in Bodiou et. al. ed., *On tue une femme*.

inequalities. He suggests defining it as "a massacre involving three sequences" which he calls "gynocidal elements": sexual violence, mutilation, and killing itself. By this distinction Jablonka attempts to reveal that femicides can appear in many forms and should be treated accordingly from different angles.[20]

In their diachronic studies, Lydie Bodiou and Frédéric Chauvaud have pointed to another dimension. According to them, femicide is currently an open-ended term spanning the spectrum from a heuristic category to a "commonplace phrase." Therefore, they advocate for terminological and conceptual precision regarding its historical context. Bodiou and Chavaud argue that only when a clear designation is made does the problem itself become visible, in accordance with the principle *Nommer, c'est reconnaître* ("To name is to recognize"). In doing so, Bodiou and Chauvaud take up a key insight from earlier discussions of the term: The systematic identification, disclosure, and thus visibility of gender-based killings, as was already sought in the 1970s.[21]

Femicide in the Global Premodern: A Proposal for Historic Femicide Studies

In our volume, we propose that applying the concept of "femicide" adds methodological value to historical perspectives. Examining cases of gender-based killings "through the lens of femicide" enables us to systematically situate relevant cases within the context of gender-based social asymmetries, normative orders, and the narratives of a given era. "Femicide" serves as an analytical tool that helps us decode, analyze, and assess individual cases. We broadly define femicide as the killing of a female person by a male person because of her gender, gender roles, or gender-specific expectations. This may include the actual killing of a female person, as well as attempted or threatened killings. Such acts are usually preceded by a considerable amount of violence, which may be lethal. It seems therefore reasonable to speak of a "spectrum of femicidal violence," with the ultimate endpoint being the actual killing.[22] This broad definition allows us to relate these cases to premodern social and legal norms, sometimes strictly forbidding, sometimes tolerating the killing of women under certain conditions. A systematic analysis can thus provide a more substantial picture of social hierarchies and gender relations in the global premodern, revealing the structural conditions that enabled or sanctioned the killing of women.

This conceptual framework directs attention toward actors, structures, and decisions that might have otherwise gone unnoticed. It also creates a basis for comparing cases from different cultural, social, and political contexts. To put it differently, the objective

20 Jablonka, *La culture*, 7–20, here 10–11: "Le feminicide peut être défini comme un massacre où s'imbriquent trois sequence que je nommerai items gynocidaires: la violence sexualisée (érotisation, nudité force, prostitution, viol); la mutilation (coups, sévices, tortures, démembrement); le meurtre en tant que tel (suppression de la vie)."

21 Bodiou and Chauvaud, "Is femicide".

22 See von Ohlen, *Feminizid*, 281 "Es bleibt stets zu betonen, dass feminizidale Gewalt als äußerstes Ende eines Kontinuums von geschlechtsspezifischer Diskriminierung zu verstehen ist." ("It is important to emphasize that femicide is the extreme end of a continuum of gender-based discrimination." My translation).

is not to review specific cases and determine if they constitute femicide or not. Rather, term and concept are intended to highlight gender-based hierarchies and social orders.

Questions that arise from this include:

- How were gender-based killings described? What words, images, or metaphors were used?
- What information was passed down, what was obscured, and what has been lost?
- How were the different roles and rights of men and women justified? How was this related to killing cases, either as justification or as a means of punishment?
- Which legal, religious, or social institutions were involved in judging and assessing cases of killing (e.g., courts, the Papal Curia, or city councils)? In what normative orders and legal frameworks did the perpetrators act?
- What narratives and images were created and passed down, regardless of whether they reflected "reality"?
- To what extent were the killings embedded within family and social networks, and how visible were they in these contexts? In other words: Who witnessed or participated in the killings?
- How were the killed women remembered? What role did gender-based killings play during times of war and conquest?
- Can this concept also be applied to infanticide or forced suicide?

In this volume, we explore these and other questions through 32 case studies, hoping to contribute to current femicide studies from a historic perspective. The case studies span from antiquity to the 21st century, with a focus on the period between 1200 and 1700, and cover regions ranging from Latin America and the United States to the Canary Islands, continental Europe, the Arab world, China, and Southeast Asia. We address Christian, Jewish, and Muslim contexts, as well as various indigenous cultures. The term "global premodern" summarizes this spectrum while accounting for the political, religious, social, and cultural diversity addressed in our contributions.[23] The common thread running through our volume is the period up to approximately 1700. However, we do not wish to confine this period to a specific geographical area or measure it strictly. Nor do we intend for "global premodern" to denote a uniform epoch. Instead, we invite readers to question established epochal boundaries, which are usually anchored in specific events and cultural contexts. As the sheer number and variety of the topics covered make clear, we do not claim to be exhaustive (neither geographically, nor chronologically, socially, etc.). If, while reading this volume or individual contributions, readers realize that they could also contribute an example from

23 For an intriguing discussion of global perspectives and (dis)connections, see Balme, Dogramaci and Wenzlhuemer, "Introduction". For a recent critical assessment, see Wang, "Global Medieval Studies".

this region or that cultural context (because it is missing from our collection), then we have achieved our goal: to raise awareness of the issue of gender-based killings and to encourage further research.

A Collaborative Adventure: The Story Behind the Source Reader

The development of the concept, as well as the research questions and the structure of this volume, was carried out during the 2025–2026 academic year by an interdisciplinary research group—funded by the Center for Advanced Studies (CAS) at LMU Munich—using selected historical case studies. The group consisted of scholars from various disciplines who came to Munich as visiting fellows. While the focus was primarily on premodern examples from 1200 to 1700, examples from ancient, early medieval and modern literature, art history, philosophy, sociology, criminology, and legal studies enriched the perspective, particularly with regard to methodology and terminology. During regular online meetings, while the fellows were in Munich, and through joint events at the CAS, we organized our material, discussed it, raised questions, and developed the structure of our publication. This volume is the product of this collaborative effort.

It was a special pleasure that we were also able to enlist several guest authors to contribute to this volume. They embarked on this adventure, adapting their material to the format of the volume and discussing it with us—all without prior knowledge of our regular discussions. On both sides, this demonstrated not only a high degree of willingness to cooperate but also a trust in the collegiality and reliability of those involved. In my view, the result confirms the value of this approach: We have all learned from one another and, through both the group's work and our collaboration with the guest contributors, have put together an even more diverse volume.

Many people contributed significantly to the success of the project and this publication. I would like to take this opportunity to express my heartfelt thanks to them. Julia Schreiner and Annette Meyer from CAS supported our group throughout the entire project year. Veronika Settele and Anne Friedrichs were open to discussing femicide in premodern and contemporary history. We have explored this topic and its diachronic potential at various events and in different courses. Mariama Diagne, Irene Holzer, Joanna Olchawa, and Alison More participated in the "Concert in Dialogue" experiment and helped curate an exhibition, which was a powerful experience for everyone involved. Helen Haniel drew maps for this volume and proofread some transcriptions, and Sophie März and Markus Müller provided feedback on several topics and contributions. Throughout the entire year, our work received consistent support from my entire team at LMU. Annerose Wahl from LMU's Open Publishing supported the publication of this volume in a highly competent and collegial manner. Special thanks, however, goes to Aliyah Parsons, who supported our group in our day-to-day work and played a key role in the editorial process. Lastly, I am deeply grateful to the fellows and guest authors for their intellectually challenging, friendly, and inspiring work. This is by no means a given, and it is wonderful proof of the power of collaborative scholarship.

How to Use this Book

This volume is designed as a source reader intended primarily for classroom use in schools or universities. Consequently, all contributions focus on sources, such as images and texts. This is phrased from a historian's perspective, and for the sake of consistency, we have also referred to the material used in the legal and sociological contributions in relation to the respective case studies as "sources." The book can be used as a single unit (for an entire course), or individual contributions or excerpts can be used. For this reason, all contributions are structured according to the same format.

First, readers will find a summary ("Source") that introduces and contextualizes the topic and source(s) discussed. This is followed by the presentation of the source. For textual sources, both the original and an English translation are provided. For visual sources, only the image is included and later described in detail. Each source is followed by three sections: The "Texts and Contexts" section provides background information on the type of source, the relevant historical period, and the context. This is followed by a section titled "Making Sense of the Source," which analyzes and critiques the source in question. Each chapter concludes with the section "Through the Lens of Femicide," which discusses the extent to which the concept of femicide can be meaningfully applied to the case in question and where problems arise. To help students and instructors get started, a few questions or assignments that can be worked on in class follow each analysis. A selected bibliography concludes each contribution, listing the sources and literature used.

Because this volume covers an immense chronological and geographical spectrum, which would require a great deal of prior knowledge if taken as a whole, we aim to ensure low-threshold access. For this reason, individual technical terms are explained throughout. While this may seem superfluous to experts in the field, our goal is to provide an accessible introduction to the respective contexts and perhaps inspire those who have never engaged with the topic before. The book's accessibility is also ensured by its availability through open access.

A thematic outline makes navigating the volume easier. The contributions are divided into eight sections, each focusing on a different theme (A–H). This categorization is not exclusive; several contributions could have been assigned to other sections, as indicated by cross-references in the texts. All contributions are identified by numbers (1–32), which are also used in the cross-references. A map illustrating the geographic locations of the respective case studies is included at the beginning of each chapter. This map also includes these numbers.

A Request for Sensitivity

This book contains texts and images that some readers may find highly distressing or disturbing. We have encountered this in our daily work, as well as during events with guests. However, we are convinced that the relevance and prevalence of this topic warrant closer attention.

Femicide is not exclusive to our time or earlier periods. Femicides happen today just as they did in the past. Through research and teaching, we can analyze historical cases and make the topic visible. This allows us to understand its long-term dimensions and contribute to current debates on gender-based violence from a premodern perspective.

If you have experienced violence or know someone who has, please know that you are not alone and deserve help. Universities and schools usually have psychosocial support services that can help you find the support you need. If you plan to teach this subject, be aware that it may trigger traumatic memories in students who have experienced violence, even if you are unaware of it. You can help by taking the topic seriously and offering help when needed.

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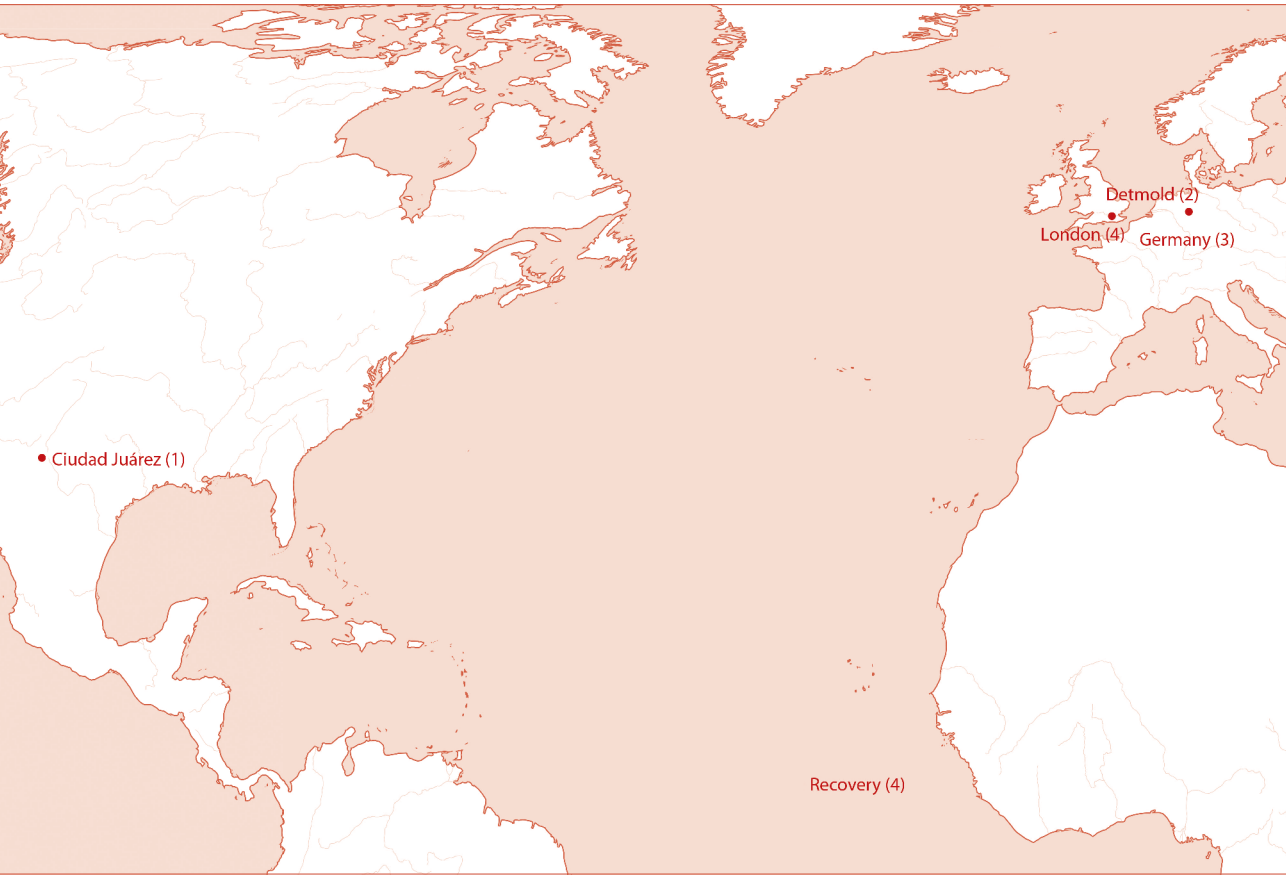
I Methodological approaches



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

1 Interdisciplinary Approaches to Femicide/Feminicide. An International Review of Conceptualization and Legislation

María Camila Correa Flórez, Leonie Steinl and Elena von Ohlen

Sources: The first of the following two sources is a fragment of the verdict in the so-called *Campo Algodonero* case ["Cotton Field Case"]. The name refers to a ruling dated November 16, 2009, in which the Inter-American Court of Human Rights (IACtHR) found the Mexican government guilty of failing to exercise due diligence in its investigation into the disappearance and death of three young women in a cotton field in Ciudad Juárez in 2001. The second source consists of various fragments of an Inter-American model law on Femicide/Feminicide drafted in 2019 by the Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women developed in 1994 (MESECVI).

Source 1: Inter-American Court of Human Rights. *Case of González et al. ("Cotton Field") v. Mexico,* Judgment of November 16, 2009. Here: 1.8. The Court's conclusions.

164. Based on the foregoing, the Court concludes that, since 1993, there has been an increase in the murders of women, with at least 264 victims up until 2001, and 379 up to 2005. However, besides these figures, which the Tribunal notes are unreliable, it is a matter of concern that some of these crimes appear to have involved extreme levels of violence, including sexual violence and that, in general, they have been influenced, as the State has accepted, by a culture of gender-based discrimination which, according to various probative sources, has had an impact on both the motives and the method of the crimes, as well as on the response of the authorities. In this regard, the ineffective responses and the indifferent attitudes that have been documented in relation to the investigation of these crimes should be noted, since they appear to have permitted the perpetuation of the violence against women in Ciudad Juárez. The Court finds that, up until 2005, most of the crimes had not been resolved, and murders with characteristics of sexual violence present higher levels of impunity.

Source 2: MESECVI, *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide),* Washington, D.C.: OAS 2019.

[From the Prologue] The violent killing of women has its roots in cultures and traditions that sustain a patriarchal system that subordinates women to the masculine mandate and is based in traditionally unequal power relationships. This violence is exacerbated during emergencies, armed conflicts, natural disasters and other high-risk situations.1 In this context, the increased attention to the violent killing of women in International Human Rights law becomes ever more important.

[…]

[From Chapter Two, ARTICLE 5. FEMICIDE / FEMINICIDE] Any man who kills or participates in the killing of a woman under any of the following circumstances or with any of the objectives or reasons mentioned below, will be criminally liable for the offence of femicide/feminicide if:

a. [He] [h]as or has had a relationship with the woman, with or without cohabitation, or has tried to establish or reestablish an interpersonal relationship with her;
b. The act occurs within immediate or extended family relationships, whether or not the aggressor shares or has shared the same residence;
c. [He] [h]as previously exercised one or more acts of violence including any form of sexual violence even if they have not been reported previously in public or private sphere;
d. Reasons of honor, family reputation or religious beliefs are alleged as justification for a real or alleged sexual transgression of the victim, or as a cover for sexual violence against her [exist];
e. It is part of the activity of an organized criminal group or within the framework of a group ritual or ceremony;
f. It is executed as a means of impeding or interfering with the political rights of the victim or that of other women;
g. It is because the woman is pregnant;
h. [It is] [w]hile the woman is in prostitution, sexual exploitation or is victim of sexual trafficking or exercising some stigmatized occupation or profession;
i. The woman is in situations of conflict or war, to whom it is considered an enemy, as revenge, retaliation or using the victim as war booty, as well as prize andweapon of war;
j. The woman victim is located in the line of fire of a man when trying to kill another woman;
k. It is in any other type of situation in which the circumstances of subordination arise due to unequal power relations between the aggressor and the victim, or any form of discrimination against the woman regardless of whether an interpersonal relationship exists or has existed.

Texts and Contexts

Femicide/Feminicide has become a key term in both the humanities and the legal context, particularly in Latin America but increasingly also in Europe, to identify, highlight, and address lethal gender-based violence against women. Under the slogan *Lo que no se nombra no existe*, "What is not named does not exist," feminist movements throughout Latin America have for decades been drawing attention to the vacuum that the failure to name lethal gender-based violence on the continent has left—and continues to leave. This maxim takes on multiple meanings. Most importantly, the slogan describes the need to clearly define a criminal offense in order to bring these issues into the public eye. The widespread use of the term femicide/feminicide[1] has thus provided a name for a phenomenon that is historically rooted and widespread worldwide, yet has all too often remained hidden, and thus unaccounted for, throughout history. *Lo*

1 After Radford and Russell coined the English term "femicide" in 1976, Marcela Lagarde developed the term *feminicidio* for Spanish-speaking contexts in 2005 to highlight the systemic dimension and state responsibility associated with this form of crime. Following a broad debate on terminology, both terms are now oftentimes used interchangeably depending on regional linguistic context. See Radford/Russell, *The Politics* and Lagarde, "El feminicidio."

que no se nombra no existe promotes the spread of a category that has now gained legal traction in many Latin American and in some European countries. Yet, it is important to understand that the term was not coined in a legal context, but rather within the framework of social movements and feminist scholarship. Its legal genesis, in turn, is closely linked to the increasing global visibility of Latin American feminist movements, which coined the Spanish term *feminicidio*, emphasizing the systematic dimension and institutional responsibility for gender-based killings of women.

As will be explained in the following, the term femicide/feminicide has entered both the human rights discourse, including the rulings of the Inter-American Court of Human Rights, as well as the field of criminal law.[2] It has been incorporated into the criminal codes of most Latin American and some European countries, including most recently Italy. However, the implementation of the term and its practical application in the legal sphere continue to pose significant challenges, as most of the concepts that make up the defining characteristics of femicide/feminicide originate in the social sciences. Their transfer to traditional legal structures, particularly criminal law, can lead to inaccuracies, as they sometimes run counter to legal principles such as unambiguity, clarity, and precision.[3] Further, the concept poses significant challenges to criminal law doctrine due to the pivotal tension between *structural* (gender-based) violence and *individual* guilt as a fundamental principle of criminal law.

Making Sense of the Sources

The Inter-American Court of Human Rights' Campo Algodonero [Cotton Field] Case

One of the early appearances of the term femicide/feminicide within latinamerican legal contexts was in expert reports submitted to the Inter-American Court of Human Rights in the *Campo Algodonero* [Cotton Field] case (source 1). The ruling in this case was of central importance to the legal development of the concept in Latin America and has significantly shaped the content of the model law (source 2). In its decision dated November 16, 2009, the Inter-American Court of Human Rights found the Mexican State guilty of failing to exercise due diligence in the investigations into the disappearance and death of three young women in a cotton field in Ciudad Juárez in 2001. Although the relatives had filed a report regarding the disappearance of their family members, the Mexican State did not conduct any investigation to clarify the facts of the case and to hold those responsible to account. In light of the particular geographical context, which had seen a drastic increase in murders of women since the 1990s, the negligence of the investigations was understood by the Court as an expression of

2 The discussion in this chapter regarding the history of the concept of femicide/feminicide is, in part, an updated and translated version of the discussion by one of the authors of this chapter in the introduction to her monograph: von Ohlen, *Feminizid in Recht und Literatur*.

3 See Toledo Vásquez, *Femicidio/Feminicidio*, 29–30; Deus/Gonzalez, *Analysis of Femicide/Feminicide Legislation*, 13; Sosa, "Femicide and Intersectionality," 50–59; Miranda Mora,"The Normative Dilemmas," 29–41.

discrimination through indifference. The case had previously already been heard by the Inter-American Commission on Human Rights in connection with a petition filed in March 2002, in which the victim's relatives alleged violations of human rights under the American Convention on Human Rights. The Commission had not classified the violent deaths of the three women as femicides/feminicides, but noted that the most striking features of the cases were the lack of resolution and irregularities in the investigations, which collectively created an impression of widespread impunity. The Court then described the murders as gender-based killings of women, "also known as femicide."[4] To contextualize this term, the Court referred to the definition of gender-based violence in the Belém do Pará Convention.[5] It pointed out that those murders were possible because the victims were women, that they occurred within a "culture of gender-based discrimination," (source 1, line 6) and that there was a connection between the prevailing, socially accepted gender stereotypes about women—which were implicitly or explicitly reflected in politics and social practice—and the criminal investigation authorities' justification and language.

In its analysis, the *Campo Algodonero* ruling introduces impunity as a central element of the legal conceptualization of femicide/feminicide, thereby following authors such as Marcela Lagarde. Furthermore, this view is already reflected in the definition of violence against women in the Belém do Pará Convention, which emphasizes state responsibility, by tolerating or avoiding investigations, in its second article.[6] State tolerance can manifest itself in the authorities' justification of crimes, as has occurred in Mexico and as the Court noted in the *Campo Algodonero* ruling. It is also evident in the fact that investigations are not conducted, or are not conducted in a timely manner, or are prematurely closed. The Court recognized that the murders of girls and women in Ciudad Juárez involved an extreme degree of violence—including sexualized violence, mutilation, and the public display of the bodies—and that these acts had been committed in the context of the normalization of gender-based discrimination. Although the ruling itself does not actively apply the term femicide/feminicide as a legal category yet—Mexico created the criminal offense because of the *Campo Algodonero* ruling as one of the first countries in 2012 –, it acknowledged that murders on such a massive scale could only have occurred due to institutional failures in criminal investigation and prosecution—which, in turn, captures the essence of the linguistic variation *feminicidio*. The femicides/feminicides in Juárez must be understood within their complex sociographic context. The proximity to the U.S. border, widespread drug trafficking and

4 IACtHR, *Case of González et al.* ("Cotton Field") *v. Mexico*, Judgment of 16.11.2009, 41. In the original Spanish version of the judgment, the term *feminicidio* is used.

5 The first article of the Convention states: "For the purposes of this Convention, violence against women shall be understood to mean any act or conduct, based on gender, that causes death, physical, sexual, or psychological harm or suffering to women, whether in the public or private sphere." OAS: *Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer*, Chapter I, Article 1.

6 OAS, *Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer*, chapter I, article 2, paragraph c.

human trafficking, as well as the numerous *maquiladoras*—assembly plants located in duty-free production zones that assemble products for various international companies for export—form the breeding ground for circumstances that journalist Sergio González Rodriguez has aptly termed the "Femicide Machine."[7] Nonetheless, in the *Campo Algodonero* ruling, the Inter-American Court of Human Rights failed to take into account issues of multiple discrimination and vulnerability, disregarding the fact that the vast majority of women murdered in Juárez were economically marginalized workers, many of whom were still minors and, moreover, of indigenous descent, even though international human rights organizations have been highlighting intersectionality as a central approach to understanding and combating gender-based violence since the 1990s.[8]

The ongoing femicides/feminicidess in Ciudad Juárez are emblematic of a broader cycle of impunity: femicides/feminicides are committed, the authorities either stand by idly or perpetuate the violence, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights intervene, a law against femicide/feminicide is implemented at the national level, but it is rarely enforced, and further femicides/feminicides are committed, which in turn go unpunished.

The Model Law on Femicide/Feminicide

In 2019, the Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention finally drafted a model law (source 2) for the entire region, recommending that the criminal offense of femicide/feminicide be incorporated into the various criminal codes—most Latin American states had already implemented this by that time, though some had done so only in a very rudimentary manner. The model clearly indicates that a number of circumstances can serve to legally establish the existence of the so-called "mental element" (*mens rea*) of the killing of a woman on the basis of gender. As has been mentioned above, establishing the elements of femicide/feminicide in a criminal law context is a complex task. This is because femicide/feminicide requires a gender-specific motive of the perpetrator. Mental elements are difficult to prove because the perpetrator's state of mind cannot be directly observed. In the (usual) case of an absence of clear statements indicating the presence of a gender-based motive on the part of the perpetrator, courts are required to assess the context of the crime, the circumstances, background, and experiences that contributed to the crime and establish whether these prove the perpetrator's gender-based motivation for the killing beyond a reasonable doubt. To further complicate things, criminal law scholarship and practice tends to exhibit a very limited—and oversimplified—understanding of gender-based motivation in the sense of a misogynistic all women-hater. The model law attempts to evade these difficulties by listing specific cases in which the gender-based motivation

7 González Rodríguez, *The Femicide Machine*.
8 See Correa Flórez/von Ohlen, "Femicide," 123.

is to be considered as fulfilled. Even though the model law, in its final form, is more recent than most of the femicide/feminicide laws today valid throughout Latin America, it should nevertheless be understood as the result of multidisciplinary reflections over the past decades. However, many of the characteristics listed in the model law go well beyond what is enshrined in national criminal law, although more recent femicide/feminicide laws, such as the one in Chile from 2020, tend to be more expansive.[9]

Of particular interest is paragraph k of the model law, holding that "any other type of situation in which the circumstances of subordination arise due to unequal power relations between the aggressor and the victim, or any form of discrimination against the woman regardless of whether an interpersonal relationship exists or has existed" is to be considered a femicide/feminicide. It thus operates as a catch-all clause (in the true sense of the term), allowing for an expansive understanding of femicide/feminicide. Indeed, since the Belém do Pará Convention establishes historically entrenched unequal gendered power relations as a fact and a cause of gender-based violence, such relations could be invoked in any case where a man murders a woman.[10] This understanding poses the risk of a circular argument, thereby potentially also diluting the concept with regard to its limitation to gender-based motives by essentially labelling all killings of women by men as femicide/feminicide. However, since this is an objective context for proving the intent to commit femicide/feminicide, from a mere criminal law perspective, this should not pose a problem either with regard to the elements of the offense or with regard to the principle of legality.

It is therefore important to stress that femicide/feminicide describes the violent killing of women in a context of discrimination. Thus, women are killed either for 'not being the women they ought to be'—that is, for not behaving in accordance with the traditional roles socially assigned to them—or to remind them of the place they should occupy in society.[11] For example, when a man kills his partner because she has been unfaithful, he does so because she is not the faithful, pure woman that a patriarchal society demands women to be. And when a woman is murdered after suffering a sexual assault, a clear message is sent that women's bodies are objects for men's pleasure and disposal. Femicides/Feminicides thus occur within a context of social domination and oppression that places women in a subordinate position. However, each case tends to arise in a specific scenario reflecting a particular manifestation of the patriarchal social structure. As such, jealousy, domestic violence, harassment, and/or sexual violence are often the settings in which femicides/feminicides occur. These objective contexts

9 Chile incorporated paragraph h.: Killings of sex workers are thus automatically considered femicides/feminicides in Chile.

10 The preamble to the Convention states: "The States Parties to this Convention [...] [are] CONCERNED that violence against women is an offense against human dignity and a manifestation of historically unequal power relations between women and men [...]." OAS, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará),* preamble.

11 Correa Flórez, "El feminicidio y el transfeminicidio," 61.

are the means by which, under criminal law, the motive for the femicide/feminicide may be proven. The presence of such a motive also distinguishes feminicide from any homicide/murder of a woman.[12]

Femicide/Feminicide Legislation in Europe

In recent years, femicide/feminicide has become a subject of popular discussion and legislation in many countries in Europe. Several Member States of the EU have also enacted legislation on femicide/feminicide. Yet, these legislative approaches vary greatly: While some states establish femicide/feminicide as a new distinct crime, others have introduced the gender-based dimension into criminal law as an aggravating circumstance in cases of killings and/or for all crimes.[13] Further legislative responses fall outside the scope of criminal law and regulate data collection and prevention.[14] Femicide/Feminicide was introduced as an aggravating factor specifically in homicide legislation i.a. in Malta in 2022 and Romania in 2026.[15] Distinct femicide/feminicide offenses were introduced i.a. in Cyprus in 2022, in Croatia in 2024, and in Italy in 2025.[16]

All of these laws list specific criteria to determine whether the killing of the woman was due to gender-based motives, such as e.g. cases of intimate partner violence, killings for misogynistic reasons, honor-based and religion-based killings, and for reasons of sexual orientation or gender identity.[17] The most recent addition to the latter category, the Italian femicide/feminicide offense, regulated in Article 577-bis of the Italian Criminal Code, defines femicide as the murder of a woman due to hatred, discrimination or abuse of power; as an act of control, possession or domination over a woman; in connection with the woman's refusal to establish or maintain an emotional relationship; or as an act limiting her individual freedom. The new offense has been subject to controversy—not just within legal scholarship focusing on questions of criminal law doctrine but also more generally within feminist circles.[18]

From a feminist perspective, some argue that the explicit naming of violence against women in the Criminal Code is indispensable for the creation of the categories necessary for the prevention and adequate understanding of the phenomenon. The critics, in contrast, warn that the proposed introduction of a specialized offense, coupled with the fixed penalty of life imprisonment, might constitute a form of symbolic criminal law that does little to address the underlying cultural and political roots of the phenomenon.[19] Similar, mainly critical, arguments have also been advanced in the debate

12 Correa Flórez, "El feminicidio y el transfeminicidio," 62.
13 See Bastounas, "Rethinking Femicide," 250 and Toledo Vásquez, "Femicide/feminicide and legislation," 411–421.
14 E.g. in Belgium, see Wattier, "La nouvelle loi sur la prévention des féminicides," 657–663.
15 See European Parliamentary Research Service Briefing, *Recognition of femicide in the EU*, 10–11.
16 See European Parliamentary Research Service Briefing, *Recognition of femicide in the EU*, 10–11.
17 See European Parliamentary Research Service Briefing, *Recognition of femicide in the EU*, 10.
18 See Kuhn/Vitti, "Racialised Framings."
19 See Kuhn/Vitti, "Racialised Framings."

on a separate femicide offense in Germany, where feminist scholars largely dispute the effectiveness of femicide/feminicide offenses because a general offense (i.e. killing of a woman due to gender-based motives) would not improve the deficient understanding of the judiciary regarding gender-based violence, whereas a norm with concrete examples would run the risk of leaving out certain cases.[20]

Through the Lens of Femicide/Feminicide

The naming of femicide/feminicide does not occur at the lexical level, but rather through the revelation of the structures underlying the term. Femicide/feminicide must be understood as the extreme end of a continuum of structurally rooted gender-based discrimination. This explains why criminal law reforms exhibit difficulties in acknowledging and highlighting the systemic and intersectional conditions underlying gender-based violence, as these elude what is tangible and can be articulated through criminal law.[21] Furthermore it should be emphasized that in the spirit of *Lo que no se nombra no existe*, the legal recognition alone does not offer a solution to the ongoing crisis affecting society as a whole.

Further Questions:

1. Reflect on the slogan "Lo que no se nombra no existe" and discuss its relationship to criminal justice.
2. Reflect on the two terms feminicide and femicide. Taking into account the emphasis on impunity in the *Campo Algodonero* decision, do you think something is lost in translation when the term femicide is used?
3. Discuss the feminist critiques of femicide/feminicide legislation in Italy and Germany. What is your position on this?

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20 Streuer, "Strukturelle Gewalt," 5–6; Habermann, "Möglichkeiten der Sanktionierung," 189.
21 See Correa Flórez/von Ohlen, "Femicide," 113; Streuer, "Strukturelle Gewalt," 1 et seq.

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2 Femicide From a Current Social-Science Perspective

Julia Habermann

Sources: The following two sources, dated 2024 and 2025, are a joint statement by the police and the public prosecutor's office, and a statement by the court, regarding a homicide in Germany in which a man killed his wife. The case illustrates the media coverage, the man's control over his partner, and the portrayal of the two individuals. Based on this, the study examines the extent of femicide, the characteristics of intimate partner femicide, as well as prevention and information resources, from a sociological perspective.

Source 1: Joint Press Release From the Detmold Public Prosecutor's Office and Bielefeld Police Headquarters (September 18, 2024).

18. September 2024 | 14:33

Gemeinsame Presseerklärung der Staatsanwaltschaft Detmold und des Polizeipräsidiums Bielefeld zu einem versuchten Tötungsdelikt am Meschesee in Detmold

Bielefeld / Lippe / Detmold – Einem 24-jährigen Detmolder wird vorgeworfen, dass er versucht habe, seine Ehefrau zu töten, und einen Schwangerschaftsabbruch herbeigeführt zu haben. Polizeibeamte nahmen den Detmolder mit syrischer Staatsangehörigkeit am 17.09.2024 fest, woraufhin er noch am selben Tag einem Haftrichter vorgeführt wurde, der die Untersuchungshaft anordnete.

[…]

Eine Mordkommission aus Bielefelder und Lipper Kriminalbeamten hatte die Arbeit aufgenommen, nachdem Polizei und Rettungskräfte am Freitag, 23.08.2024, um 01:02 Uhr an den Meschesee gerufen wurden und eine leblose Frau im Wasser vorfanden.

Den Notruf hatte ihr Ehemann, der beschuldigte 24-jährige Detmolder, abgesetzt. Nach sofortigen Reanimationsmaßnahmen wurde die 21-jährige, schwangere Ehefrau in ein Krankenhaus gebracht. Seitdem befindet sie sich im Koma. Das ungeborene Kind verstarb wenige Tage nach dem Vorfall im Mutterleib.

September 18, 2024 | 2:33 p. m.

Joint press release from the Detmold Public Prosecutor's Office and Bielefeld Police Headquarters regarding an attempted homicide at Meschesee in Detmold

Bielefeld / Lippe / Detmold—A 24-year-old man from Detmold is accused of attempting to kill his wife, which caused the end of her pregnancy. Police officers arrested the Detmold resident with Syrian nationality on September 17, 2024, after which he was brought before a judge on the same day, who ordered him to be remanded in pretrial detention.

[…]

A homicide squad consisting of detectives from Bielefeld and Lippe began their work after police and emergency services were called to Lake Meschesee at 1:02 a. m. on Friday, August 23, 2024, and found a lifeless woman in the water.

The emergency call was made by her husband, the accused 24-year-old man from Detmold. After immediate resuscitation measures, the 21-year-old pregnant wife was taken to a hospital. She remains in a coma. The unborn child died in the womb a few days after the incident.

Der Tatverdacht richtete sich im Laufe der Ermittlungen gegen den Ehemann. Er befindet sich nunmehr wegen versuchten Totschlags, Schwangerschaftsabbruch und schwerer Körperverletzung in einer Justizvollzugsanstalt.

During the investigation, suspicion fell on the husband. He is now in prison on charges of attempted manslaughter, causing the end of her pregnancy, and grievous bodily harm.

Siedschlag, Sarah. Bielefeld Police Headquarters (ed.) (2024). https://bielefeld.polizei.nrw/presse/gemeinsame-presseerklaerung-der-staatsanwaltschaft-detmold-und-des-polizeipraesidiums-bielefeld-zu-einem-versuchten-toetungsdelikt-am-meschesee-in-detmold. Last Accessed September 22, 2026. Reprinted with kind permission from Sarah Siedschlag, press and public relations officer at Bielefeld Police Headquarters.

Source 2: Announcement of Court Hearings of the Detmold Regional Court (March 12, 2025).

Mittwoch, den 12.03.2025, 09:00 Uhr (Strafkammer I)

[…]

Strafsache gegen A (Jg. 01/2000) aus Detmold wegen versuchten Mordes u. a.

[…]

Die Staatsanwaltschaft wirft dem Angeklagten vor, er habe am Abend des 22.08.2024 seine im fünften Monat schwangere Lebensgefährtin, die Geschädigte A, im Meschesee in der Nähe der Pivitsheider Straße in Detmold mit Tötungsabsicht so lange unter Wasser gedrückt, bis diese erhebliche Mengen Wassers aspiriert habe und bewusstlos geworden sei. Die Geschädigte habe infolge dessen einen schweren hypoxischen Hirnschaden erlitten, liege im Koma und werde dauerhaft ein schwerer Pflegefall bleiben. Der Fötus sei infolge des Sauerstoffmangels abgestorben.

Motiv für die Tat soll gewesen sein, dass der aus Syrien stammende und 2021/2022 ins Bundesgebiet eingereiste Angeklagte mit der Lebensführung seiner ebenfalls aus Syrien stammenden Lebensgefährtin nicht einverstanden gewesen sei. Diese habe einen Deutschkurs besuchen wollen, habe ihre eigenen Finanzen verwalten wollen und habe sich frei außerhalb des häuslichen Umfelds bewegen wollen. Der Angeklagte hingegen habe von ihr verlangt, sich seinem "traditionellen Frauen-/Rollenbild" zu fügen. Als er erkannt habe, dass er dieses nicht würde durchsetzen können, habe er beschlossen seine Lebensgefährtin zu töten.

Wednesday, March 12, 2025, 9:00 a. m. (Criminal Division I)

[…]

Criminal case against A (born 01/2000) from Detmold for attempted murder, among other charges

[…]

The public prosecutor's office accuses the defendant of having—on the evening of August 22, 2024, in the Meschesee lake near Pivitsheider Street in Detmold—held his partner, the victim A, who was five months pregnant, underwater with the intent to kill until she aspirated significant amounts of water and lost consciousness. As a result, the victim suffered severe hypoxic brain damage, fell into a coma and would remain permanently dependent on intensive care. The foetus died as a result of oxygen deprivation.

The motive for the crime allegedly was that the defendant, who is from Syria and entered Germany in 2021/2022, did not agree with the lifestyle of his partner, who was also from Syria. She wanted to attend a German language course, manage her own finances and move freely outside the home. The defendant, on the other hand, had demanded that she conform to his 'traditional image of women and traditional gender roles'. When he realized that he would not be able to enforce this, he decided to kill his partner.

No longer available online. Reprinted with kind permission from Dr. Wolfram Wormuth, press officer at Detmold Regional Court.

Texts and Contexts

Public Disclosure of the Crime

According to the research findings, the public became aware of the attempted homicide on September 18, 2024. First came the joint press release from the Detmold Public Prosecutor's Office and the Bielefeld Police Headquarters (source 1). The news was disseminated by the *Presseportal Blaulicht*,[1] the German Press Agency (dpa),[2] and several newspapers;[3] however, the case could not be found in the case collection of the Instagram channel *@femizide_stoppen*, for example.

Source 1 provides basic information about the alleged crime. The defendant was accused of attempting to drown his wife in a lake. It states that he was 24 years old, Syrian, and in custody following his arrest. His wife was reported to be 21 years old and pregnant. Unlike the accused, her nationality is not mentioned, as is often the case in media reports.[4] However, the Detmold Regional Court's announcement of court hearings (source 2) reveals that she was also Syrian. The woman was reported to be in a coma, with the unborn child deceased. The accused had been charged with attempted manslaughter, causing the end of her pregnancy, and grievous bodily harm.

The fact that the homicide remained at the attempt stage is of little significance from a social science perspective: Whether victims survive depends partly on external circumstances, for example, whether they are found quickly, or whether stab wounds narrowly miss vital organs or blood vessels, thus preventing a fatal outcome.

In this case, it does not appear that her pregnancy played a role in the homicide. Rather, the issue concerns the control described below. The situation may be different in cases where the perpetrator does not want a child or wishes to avoid paying maintenance.

Use of Control and Violence in the Relationship

Before the start of the trial, the case was published in the court's hearing announcements for March at the Detmold Regional Court (source 2). The detailed description of the crime and the woman's condition is more comprehensive than the joint press release issued by the public prosecutor's office and the police (source 1). It was supplemented by information on the suspected motive. Apparently, the man did not approve of his wife's lifestyle. She wanted to attend a German language course, manage her own finances, and move freely outside of their home. Instead, he wanted her to adhere to traditional gender roles, which is a common and almost universal phenomenon. Because he was unable to enforce his wishes, he decided to kill her. This section begins with his Syrian

1 News Aktuell, POL-BI: *Gemeinsame Presseerklärung der Staatsanwaltschaft Detmold und des Polizeipräsidiums Bielefeld zu einem versuchten Tötungsdelikt am Meschesee in Detmold.*
2 dpa, "Schwangere verliert Baby."
3 E. g. Die Zeit, "Schwangere verliert Baby"; Neue Westfälische, "Tötungsversuch und Schwangerschaftsabbruch."
4 Meltzer, *Tragische Einzelfälle?*

origins. The control and restriction of the woman, as described in the article, is covered in a dpa report[5] and further disseminated in several media reports.[6]

The criminal verdict reveals further details about the man's previous controlling and violent behavior towards the woman. He threatened to send her back to a certain place, which the editor anonymized in the judgment, or to drown her in a lake if she disobeyed any of his prohibitions. He also beat her, locked her in a room and took away her mobile phone. These are the acts described in the judgment. However, even after a lengthy court proceeding, it is possible that not all of the violence and control she experienced is disclosed and documented in the criminal verdict.

The woman told her brothers about the defendant's actions, which the judgment describes as "relationship problems and acts of violence." The brothers tried to mediate, but according to the judgment, "conflicts between the spouses" continued even after that. Although the court's announcement of the hearing date suggests that the couple argued about the woman's lifestyle on the night of the crime, the judgment states that the reasons for the "argument" could not be clarified in detail.[7] The wording chosen in the criminal verdict repeatedly refers to "relationship problems," "conflicts" and "arguments," but it is open to debate to what extent this framing obscures the fact that one partner sought to severely restrict the other through control and violence.

This case illustrates the issues outlined in the section *What do we know…* in more detail: The woman wants to exercise her autonomy by carrying out basic activities, such as moving freely outside the home, but her partner tries to prevent her from doing so. From a human rights perspective, this prevents her from participating in fundamental rights that are guaranteed to her. He tries to control her by making threats, including death threats, which foreshadow his future crime, and physical violence. This case highlights how different forms of violence can converge in the lead-up to intimate partner femicide, emphasizing the pivotal role of coercive and controlling behavior in understanding the context of these crimes.[8] However, media reports rarely mention coercive and controlling behavior, as well as verbal and financial abuse.[9]

The Portrayal of the Defendant and the Victim in Terms of Their Origin

The press release issued by the police and the public prosecutor's office (source 1) describes the defendant as a "24-year-old man from Detmold," mentioning his Syrian nationality in the second sentence. In the court's hearing announcement of the Detmold Regional Court (source 2), the second paragraph in the text describing the motive mentions the nationalities of both the defendant and the victim. The dpa report based on

5 dpa, "Versuchter Mord an Schwangerer."
6 E. g. Westfälische Nachrichten, "Versuchter Mord an Schwangerer"; Radio Lippe, "Prozess um versuchten Mord an schwangerer Lebensgefährtin."
7 Landgericht Detmold, Urteil 21 Ks-31 Js 483/24-8/24.
8 Cf. Habermann, *Partnerinnentötungen*.
9 Sutherland et al., "Mediated Representations."

this information still has a neutral headline, stating that the defendant remains silent.[10] However, the opening paragraph suggests that the victim was of foreign origin by stating that she wanted to attend a German language course. This is also reflected in newspaper reports, which do not mention the victim's nationality in the headline or lead paragraph.[11] The dpa report also states that the defendant is a Syrian refugee and that he and the victim are married under Islamic law.[12] In one newspaper report based on this finding, the nationality is already mentioned in the headline and repeated in the lead.[13]

Contextualization in the Muslim-migrant-refugee context suggests a connection between the perpetrator's origin and, in particular, the background to the crime. However, these crimes cannot be attributed to origin, but rather to shared gender and role perceptions as a common, connecting denominator. Reports that mention foreign nationalities have impact on public perception and reinforce stereotypes. These can also have an effect in court. If the defendant can be identified as not belonging to the ingroup—for example, if he has a different nationality—prosecutors and judges may be more inclined to view the act as an attack on the personal freedom of individuals and the equality of women and men than they would be if the defendant were from the ingroup. This can affect how judges assess and sanction such acts.[14]

Reporting

Announcements by the police/public prosecutor's office and the court were followed by dpa reports, which formed the basis of newspaper coverage. Newspaper articles that were not based on the dpa reports on the case, were authored by only one journalist.[15] This demonstrates that the public perception of the case is heavily influenced by the state's criminal law perspective. There are no alternative perspectives on this case or further information. The published newspaper reports describe only the individual case[16] and do not seek to draw attention to the structural dimension of the crimes or to counselling and support services.

Making Sense of the Sources

The preceding case study illustrates one instance where a man kills a woman with whom he is in a relationship. Why this constitutes femicide will become clear in the following chapters. As femicide is a global and widespread phenomenon that can be approached from different perspectives, this chapter aims to present sociological and criminolog-

10 dpa, "Versuchter Mord an Schwangerer."
11 Aachener Zeitung, "Versuchter Mord an Schwangerer"; Allgemeine Zeitung, "Versuchter Mord an Schwangerer."
12 dpa, "Versuchter Mord an Schwangerer."
13 Die Glocke, "Versuchter Mord an Schwangerer."
14 Foljanty and Lembke, "Die Konstruktion des Anderen."
15 König, "Wollte Ehemann schwangere Frau am Meschesee in Detmold ertränken?," Lippische Landes-Zeitung; König, "Wollte Ehemann schwangere Frau aus Detmold ertränken?," Neue Westfälische; König, "Getötete Frau in Bad Salzuflen war schwanger."
16 Cf. Karlsson et al., "Representation of Intimate Partner Violence."

ical views on the subject. This will not be a systematic review of the current state of research; rather, it is a brief overview, meaning that the chapter cannot cover every type of femicide and aspect of research. To provide this insight, I will first quantify the global extent of femicide, followed by a discussion of an extremely relevant subgroup: intimate partner femicide. Then, I will examine how femicide can be addressed and prevented, and how the public and researchers can learn more about it. As social, jurisdictional, media and further aspects can vary greatly around the world, the presentation will increasingly move away from a global perspective and focus on a German one.

How Widespread Is Femicide?

As simple as the question is, it is difficult to answer, as there are different ways to define femicide[17] and measure its scope. At the same time, such figures are important to identify trends in the extent of the problem and to be able to tailor intervention and prevention measures accordingly.

The United Nations Office on Drugs and Crime (UNODC) and UN Women estimate the number of women killed globally in 2024 to be 83,000. In general, more men (80%) are killed than women (20%),[18] although these proportions may vary depending on the region and category: in Germany, for example, about half of the victims of murder and manslaughter are female.[19]

The total number of women killed can be used as an approximation for the number of femicides—but it also includes cases that may not be gender-related. I do not define every killing of a woman as femicide, but only those in which the woman's gender played a role (also see the introduction by Julia Burkhardt to this volume). For example, a homicide that is not related to gender occurs when a shot is fired indiscriminately during a bank robbery and the bullet kills a woman. The total number of women killed therefore represents an overestimate. Furthermore, this figure is only tentative, as data availability varies from country to country, making it difficult to draw reliable long-term comparisons. Since the cause of femicide lies in underlying gender norms (see section *What do we know…*) and these are changing quite slowly, it is more likely that there are no major fluctuations and, unfortunately, I don't expect rapid, sharp declines—but we should work on it (see section *How can we address…*).

Due to the overestimation, state agencies and researchers also frequently use the number of women killed by an intimate partner or family member. The UNODC and UN Women estimates this number to be around 50,000 women worldwide, which corresponds to 60% of all women killed. Homicides in the personal sphere thus account for the largest proportion of all homicides of women. Because of data availability, long-term comparisons can only be made for Europe and the Americas: in Europe, the number of cases fell slightly between 2010 and 2024, while in the Americas the

17 On definitions, see also the introduction by Julia Burkhardt to this volume.
18 UNODC and UN Women, *Femicides in 2024*.
19 Bundeskriminalamt, *Polizeiliche Kriminalstatistik 2024*.

extent remains at a comparable level. The extent and trends within different countries may differ. In addition, it is apparent that this type of homicide is distributed differently between the sexes: 11% of men are killed by intimate partners or family members, whereas for women this figure is 60%.[20] What these figures cannot tell us, but what research has established, is that the motives behind the crimes also differ between the sexes: women kill their partners to leave the relationship, while men kill their partners to maintain the relationship or stay in control (see section *What do we know…* and the contribution by Julia Burkhardt, no. 8).[21]

This shows that, globally speaking, the proportion of women killed by partners and family members is significant. Unlike the first approach, which overestimates femicides, the second approach ignores cases committed by people outside intimate partner relationships and families, leading to an underestimation. For example, cases are excluded where a woman working in the sex industry is killed by a customer for gender-based reasons. To address this problem, different actors put forward proposals to use various indicators. UNODC and UN Women developed one of these proposals, "Statistical Framework for Measuring the Gender-Related Killing of Women and Girls,"[22] but the statistical offices in some countries are not (yet) able to report on the indicators.[23]

These figures are mostly based on police crime statistics from the respective states, but UNODC and UN Women also rely on figures from the public health system or they draw on governmental or non-governmental sources.[24] When interpreting these figures, it should be noted that they depend on the available data and its quality, and vary depending on which states we consider, which criminal offences we include, and to what extent we consider attempted offences.

Finally, it should be emphasized that these figures are based on an understanding of femicides as active killings of women. If we use broader definitions, which also include the death of women as a result of certain practices—e. g. "deaths due to poorly conducted or clandestine abortions"[25];—or the death or the suicide of women because of violence they have experienced (see the contributions by Valentina Moro, Corinna Peres and Ying Zhang, nos. 27–29), the number of cases would be correspondingly higher. The same applies if we were to include homicides of boys and men that stem from comparable circumstances to those of gender-based homicides of women. Examples include killing a male child to punish a woman for separating from her partner

20 UNODC and UN Women, *Femicides in 2024*; also Stöckl et al., "The Global Prevalence of Intimate Partner Homicide."

21 E.g. Legnaro and Aengenheister, "An der Notwehr vorbei;" Haller, "Tötungsdelikte in Beziehungen;" Enander et al., "Before the Killing."

22 UNODC and UN Women, *Statistical Framework for Measuring the Gender-Related Killing of Women and Girls*.

23 UNODC and UN Women, *Femicides in 2024*.

24 UNODC and UN Women, *Femicides in 2024*.

25 UN, *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences*, Rashida Manjoo.

or killing the woman's (alleged) new partner. This demonstrates where the concept of femicide reaches its limits. Furthermore, we should also bear in mind the bereaved. When using the statistics, we should therefore also reflect on their limitations.

What Do We Know About Intimate Partner Femicide?

State agencies and researchers sometimes limit femicide to homicides of women committed by their former or current intimate partners, as this is a very relevant subgroup of femicides at least in Germany and other European states. They therefore also call these cases intimate partner femicides. However, what a "typical femicide" is can vary from country to country. The following remarks are based on a German perspective and reference the current state of English-language research.

Intimate partner femicides are often preceded by a history of violence, which might include physical, sexual, and/or psychological violence as well as highly controlling behavior. In the case described at the beginning, the woman had also experienced various forms of violence and control during the relationship. Although this is not fully described in Source 1 and 2, it is detailed in the more comprehensive criminal verdict (see section *Use of control…*). Separation might lead to homicide and thus represents a high-risk situation for a woman. Both aspects are reflected in a model of a typical sequence of events leading to intimate partner femicide, which Jane Monckton Smith developed on the basis of cases in the United Kingdom: The process model first describes how the partner often exhibited controlling and/or violent behavior in previous relationships—his behavior is therefore not linked to the 'conflictual' relationship (on criticism of wording, see section *Use of control…*) that will end in the woman's death.[26] In the new relationship, controlling behavior gradually emerges. Relationships in which the perpetrator exercises control can last for years, sometimes decades.[27] Control can take different forms, but control of contacts—with whom, how long, on what subject—and control of finances or digital devices is common. Other forms of violence—e. g. belittlement and humiliation, (death) threats, physical assaults—may also occur. This is also evident in the case described at the beginning. Among other things, he forbade her to leave the house freely, took her mobile phone away and threatened her and her life. He also hit her (see section *Use of control…*). If the woman separates or intends to separate her partner's controlling and violent behavior may intensify in response. For example, he may threaten or stalk her. He tries to get her to remain in or return to the relationship so that he can re-establish his control over her. If he realizes that he will not succeed, he may decide to kill her.[28]

In Germany, perpetrators of intimate partner femicide commit homicide in private more frequently than in public. Often, they use an excessive amount of violence— i. e.

26 Monckton Smith, "Intimate Partner Femicide."
27 Habermann, *Partnerinnentötungen.*
28 Monckton Smith, "Intimate Partner Femicide."

more violence than would be necessary to cause a person's death. Children or other relatives may be present, and the perpetrator may also kill them in addition to, or as a substitute for, the woman.[29] In some cases, the perpetrators commit suicide after the femicide ("femicide-suicide").

Male perpetrators of intimate partner femicide often commit these acts to maintain their claim to power and ownership over their partners, who challenge this by exercising their rights to freedom—for example, by seeking separation or by showing other forms of resistance to a partner's control, as illustrated in the described case. This also highlights the women's agency; however, the perpetrators deny them the right to a self-determined life.[30] In order to make the gender specificity of a case more tangible, I use the goods and services identified by Kate Manne that women have to give and men can claim: according to gender stereotypes, women should fulfil the expectations to give attention, affection, a home and reproductive work, among other things. Men, on the other hand, claim privileges such as public prestige or money.[31] This makes it clear that a woman's decision to separate throws gender norms out of balance; the perpetrator may be punishing her for this. It also illustrates that femicide is a structural problem: the causes do not lie with individual perpetrators, but in social norms and gender roles, which form the basis from which femicide and gender-based violence in general can arise.

How Can We Address and Prevent Femicides?

International treaties oblige governments to take measures to prevent and address femicide and gender-based violence. One example in Europe is the Istanbul Convention of 2011,[32] which as of March 2026, is in force in 38 states and also applies to the EU as an international legal entity. Governmental and non-governmental bodies monitor the extent and development of femicide or draw attention to femicide and gender-based violence through various campaigns, including civil society (e. g. *Ni Una Menos*).

The various countries' laws may offer different strategies to intervene in cases of suspected violence. For example, the police can expel a perpetrator from the home shared with the victim and prohibit him from returning for several days. Courts can extend these orders and issue contact and restraining orders, which have different names in different legal systems. Regarding sanctions, criminal courts may increase the penalty if the perpetrator has previously been violent towards the victim, or if the court considers the offence to be gender-based. They may also apply specific criminal laws, for example if there is a specific offence of femicide. How police officers and legal practitioners apply these laws also depend on how well they are trained, or to what extent police officers and legal practitioners handle the cases. Of course, both the legal situa-

29 Habermann, *Partnerinnentötungen.*
30 Habermann, *Partnerinnentötungen.*
31 Manne, *Down Girl.*
32 CoE, *Convention on Preventing and Combating Violence Against Women and Domestic Violence.*

tion and the application of the laws can vary from country to country (see the contributions by Elena von Ohlen, Leonie Steinl and María Camila Correa Flórez as well as by Leonie Steinl, no. 1–2).

To prevent femicide, institutions can conduct risk assessments for serious cases to determine the likelihood of continued serious or fatal violence; a wide range of different tools are available for this purpose. Ideally, the relevant authorities will take protective measures in consultation with each other and the individual concerned. Counselling and support systems for women affected by violence provide advice on various forms of violence and how to improve one's own protection, for example, by staying in a women's shelter. The aim of Batterer Intervention Programs, also called Domestic Violence/Intimate Partner Violence Perpetrator Programs, is to prevent them from committing future acts of violence. As far as could be ascertained from publicly available sources regarding the case described at the outset, the woman had never previously come into contact with the police or the support services. It is therefore crucial to engage in primary prevention. It is necessary to start a dialogue with women and men, girls and boys, about relationships, how they are structured, and social constructions of femininity and masculinity, before they experience or exercise control and violence.

How Do the Public and Researchers Learn About Femicides?—The Example of Germany

Both the public and researchers can learn about homicides, their background, and subsequent criminal proceedings in various ways: Through media and other public reports, court rulings and investigation files, different research methods, or administrative statistics. These sources of information have different advantages and disadvantages, particularly with regard to research.

Often, a short report stating that a homicide has occurred first appears in (regional) newspapers. These reports may be based on articles from the dpa, or on press releases from the police and/or the public prosecutor's office (source 1 and 2). There may also be reports on the radio or (local) television. Initiatives such as the Instagram channel *@femizide_stoppen* compile cases to raise awareness about the scale of femicide. Such reporting—accessible to everyone—can contribute to raising awareness and understanding as well as draw public and political attention to the issue.[33] Media reports strongly shape our image of femicide and crime in general. However, they do not provide an accurate picture; rather, they provide a distorted one as the media only report on certain cases, such as those that are rare and shocking. Consequently, homicides are reported disproportionately often—more frequently than assaults, for example, even though the latter occur much more often according to police crime statistics.[34] Ethical considerations mean that the media rarely report on specific types of homicide, such as those followed by the perpetrator's suicide. Reporting can also convey certain

33 Meltzer, "Gewalt gegen Frauen in den Nachrichten."
34 Cf. Meltzer, *Tragische Einzelfälle?*; Sutherland et al., "Mediated Representations."

ideas about typical acts of violence and how femicides progress, as well as stereotypical images of those affected and the perpetrators (see section *The portrayal…*).[35] In addition, some journalists use terms that trivialize femicide, such as 'relationship drama' or 'jealousy tragedy'; however, in Germany, the use of these terms is declining.[36] References to the system of support and assistance for women affected by violence are also rare.[37] In Germany, certain events such as the publication of the new report on gender-specific crimes against women or on domestic violence, both published by the Federal Criminal Police Office, or 25 November (the *International Day for the Elimination of Violence Against Women*) prompt media reports that tend to refer to violence as a structural problem rather than reporting on individual cases. Classifying gender-based violence as a structural problem reveals its systemic causes, brings the issue into public discourse and emphasizes society's collective responsibility for prevention.

When it comes to press releases issued by the police and/or public prosecutor's office, the relevant press offices decide which cases to disclose information about. The advantage of media reports and press releases, especially for research purposes, is that they are easily accessible; however, they only provide information about select cases, offering limited insight into the background of the crime and the subsequent legal proceedings.[38]

Court rulings are another way of learning about femicides. As was evident from the case study described at the beginning, further information can be obtained from the criminal verdict (see section *Use of control…*). This is partly because it is considerably longer than a press release and concludes the investigation. However, this is only possible if the case ends in a criminal conviction. Once again, selection processes come into play: in Germany, select rulings are published anonymously in relevant databases. Criminal convictions also represent a specific construction of reality. The aim is to write a legally secure judgement that is unlikely to be overturned by a higher court. These judgements contain a wealth of information on the background to the crime, the suspects and victims, and the criminal assessment. However, as they are written from a legal perspective, they may omit information on coercive and controlling behavior which does not constitute a criminal offence under German criminal law. Consequently, judges can focus more on forms of violence that are clearly defined by German criminal law, such as physical and sexual violence.[39] Investigation files may contain more information than judgements and exist even when no charges have been brought. However, unlike select judgements , they are never available through public databases, and access to them is strictly restricted.

Furthermore, researchers can use a variety of research methods: Depending on the research focus, they can question or interview women who have survived an attempted

35 Meltzer, "Gewalt gegen Frauen in den Nachrichten."
36 Meltzer, *Tragische Einzelfälle?*.
37 Meltzer, *Tragische Einzelfälle?*.
38 Cf. Habermann, "*Criminal Verdicts*"; Habermann, "Strafurteile."
39 Cf. Habermann, *Partnerinnentötungen.*

homicide, their relatives, or perpetrators as well as experts working with affected women, such as police officers or counselling and support service providers for victims of violence. Furthermore, they can observe court hearings. One aim may be to identify patterns and commonalities, thereby moving beyond the individual case to highlight structural problems.

Finally, administrative statistics, such as police crime statistics or prosecution statistics, can provide further information on femicides. However, the latter in Germany do not contain information on the gender of the victim or their relationship to the perpetrator. Government reports, parliamentary questions and data from non-governmental and women's rights organizations or initiatives can shed further light on femicides. Therefore, there are many ways to obtain information on femicides, and the situation with regard to sources appears to be much better than in historical case work.

Through the Lens of Femicide

The public's perception of femicide is largely shaped by media coverage. Although it is difficult to quantify the prevalence of femicide, it is evident that it constitutes a substantial proportion of homicides. Femicides committed by a partner constitute the largest group among all femicides. In these cases of intimate partner femicide, it is evident that the perpetrator exercises control and uses violence during the relationship. These homicides often occur because the woman wants to exercise her autonomy, an action that her partner does not allow her to take because he wants to regain control over her. Institutions have several options for assessing the risk of homicide and intervening. However, to prevent femicide and non-lethal control and violence, there needs to be a change in the way relationships are structured, and in the social constructions of femininity and masculinity.

Further Questions

1. Is there a frequently cited figure for femicide in your country of residence? How is this figure calculated? What does it tell us? What are its limitations?
2. Where and when do you encounter violence against women in public spaces or in (social) media? Do you see any materials, social media posts or other content that highlight support services?
3. Find a newspaper article about a homicide involving a woman in your region. How is the homicide, the murdered woman and the suspect/perpetrator reported? What is not reported? What words are used to describe the incident?

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3 The Current Debate on Femicide in Germany – A Criminal Law Perspective

Leonie Steinl

Sources: The source is an extract from a draft bill by the German Federal Government, which problematizes the criminal jurisprudence on separation-related intimate partner femicides and, in response, provides for an amendment to the general sentencing norm by adding gender-specific motives to Section 46(2), second sentence, of the German Criminal Code. The draft was subsequently passed by the German *Bundestag* and incorporated into the German Criminal Code. It therefore remains relevant as an explanatory memorandum for the interpretation of the provision. Drawing on this source, this article discusses, from the perspective of German criminal law scholarship, the debate surrounding intimate partner femicides and criminal justice.

Draft Bill of the Federal Government: Draft Act on the Revision of Sanctions Law—Substitute custodial sentences, sentencing, conditions and instructions, and placement in a rehabilitation center, 6 March 2023, BT-Drs. 20/5913 (*Gesetzentwurf der Bundesregierung: Entwurf eines Gesetzes zur Überarbeitung des Sanktionenrechts—Ersatzfreiheitsstrafe, Strafzumessung, Auflagen und Weisungen sowie Unterbringung in einer Entziehun gsanstalt, 6.3.2023, BT-Drs. 20/5913*).

Änderung des Strafgesetzbuches

Das Strafgesetzbuch in der Fassung der Bekanntmachung vom 13. November 1998 (BGBl. I S. 3322), das zuletzt durch Artikel 4 des Gesetzes vom 4. Dezember 2022 (BGBl. I S. 2146) geändert worden ist, wird wie folgt geändert:

[…]

In § 46 Absatz 2 Satz 2 werden […] die Wörter „geschlechtsspezifische, gegen die sexuelle Orientierung gerichtete" eingefügt.

[…]

Im Bereich der Tötungsdelikte – namentlich bei sogenannten Trennungstötungen – betont die Rechtsprechung, dass derartige Tötungen nicht zwangsläufig durch niedrige Beweggründe motiviert sein müssen. Entsprechende Vorsatztaten werden dann nicht mehr als Mord (§ 211 StGB), sondern lediglich als Totschlag (§ 212 StGB) eingestuft. So könnten tatbestimmend auch „Gefühle der Verzweiflung und inneren Ausweglosigkeit" sein, die eine Bewertung als „niedrig" namentlich dann als fraglich erschei-

Amendment to the Criminal Code

The Criminal Code, in the version published on 13 November 1998 (Federal Law Gazette I, p. 3322), last amended by Article 4 of the Act of 4 December 2022 (Federal Law Gazette I, p. 2146), is amended as follows:

[…]

In Section 46(2), second sentence, […] the words "gender-based, directed against sexual orientation" shall be inserted.

[…]

In the area of homicide offenses—specifically in so-called "separation killings"—case law emphasizes that such killings need not necessarily be motivated by so-called base motives. Such intentional acts are then no longer classified as "Mord" (Section 211 of the German Criminal Code [translated as "murder under specific aggravating circumstances" in the official English translation of the German Criminal Code]), but merely as "Totschlag" (Section 212 of the German Criminal Code [translated as

nen lassen könnten, wenn „die Trennung vom wenn „die Trennung vom Tatopfer ausgeht und der Angeklagte durch die Tat sich dessen beraubt, was er eigentlich nicht verlieren will" (BGH, Urteil vom 29. Oktober 2008, 2 StR 349/08, bei juris Rn. 9; zum Gesichtspunkt der vom Tatopfer ausgehenden Trennung bestätigt u. a. durch Beschluss vom 24. Oktober 2018, 1 StR 422/18, bei juris Rn. 20; Urteil vom 7. Mai 2019, 1 StR 150/19, bei juris Rn. 8). Es komme daher – nicht anders als bei Gefühlsregungen wie Wut, Ärger, Hass und Rache – „darauf an, ob die Gefühle der Verzweiflung und der inneren Ausweglosigkeit ihrerseits auf einer als niedrig zu bewertenden Motivationsgrundlage beruhen" (vgl. erneut BGH, Urteil vom 29. Oktober 2008, 2 StR 349/08, bei juris Rn. 9). Jedoch erkennt die Rechtsprechung durchaus als (sonstigen) niedrigen Beweggrund an, wenn handlungsleitende Vorstellung des Täters eine geschlechtsbezogene Ungleichwertigkeit und ein daraus abgeleiteter patriarchaler Herrschaftsanspruch war. Eine solche Motivation stehe sittlich auf niedrigster Stufe, denn sie sei Ausdruck der Geisteshaltung des Täters, seine Frau als sein Eigentum zu begreifen, über das er verfügen könne (BGH, Urteil vom 22. März 2017, 2 StR 656/13, bei juris Rn. 5, 7). Allerdings scheinen sich derartige Annahmen vor allem auf Fälle zu konzentrieren, in denen der Täter aus einem Kulturkreis stammt, in dem die Gleichberechtigung der Geschlechter unterentwickelt ist und eine durch einen patriarchalen Herrschaftsanspruch geprägte Tatmotivation besonders naheliegend erscheint, erst recht, wenn die Fälle zugleich dem Bereich sogenannter Ehrenmorde zugeschrieben werden können (vgl. BGH, Urteil vom 11. November 2020, 5 StR 124/20, bei juris Rn. 16: „übersteigertes Besitzdenken" [ohne zusätzliche „Ehrenmord"-Einstufung]; Urteil vom 22. Juli 2020, 5 StR 543/19, bei juris Rn. 10: vom Rollenverständnis des Täters resultierender „Herrschaftsanspruch" über Familie und Ehefrau; Urteil vom 13. November 2019, 5 StR 466/19, bei juris Rn. 29: „Besitzanspruch" gegenüber Freundin, der mit den Werten des durchweg auf Gleichberechtigung und gegenseitige personelle Achtung angelegten deutschen

"murder" in the official English translation of the German Criminal Code]). Thus, "feelings of despair and inner hopelessness" could also be decisive factors, which might make an assessment as [a] "base [motive]" appear questionable, particularly where "the separation is initiated by the victim and the defendant, through the act, deprives himself of what he does not actually wish to lose." (Federal Court of Justice, judgment of 29 October 2008, 2 StR 349/08, available at juris, para. 9; regarding the aspect of separation initiated by the victim, confirmed, inter alia, by the order of 24 October 2018, 1 StR 422/18, available at juris, para. 20; judgment of 7 May 2019, 1 StR 150/19, at juris para. 8). It therefore depends—just as with emotionssuchasanger,annoyance,hatredandrevenge – "on whether the feelings of despair and inner hopelessness are themselves based on a motivational basis that is to be regarded as base" (see again Federal Court of Justice, judgment of 29 October 2008, 2 StR 349/08, at juris para. 9). However, case law does recognize as an (other) base motive a situation where the perpetrator's conduct-guiding notion was one of gender-based inequality and a patriarchal claim to dominance derived therefrom. Such a motivation is morally of the lowest order, as it is an expression of the perpetrator's mindset of regarding his wife as his property, of which he can dispose (Federal Court of Justice, judgment of 22 March 2017, 2 StR 656/13, at juris para. 5, 7). However, such assumptions appear to focus primarily on cases in which the perpetrator comes from a cultural background where gender equality is underdeveloped and a motive for the offense characterized by a patriarchal claim to dominance seems particularly plausible, all the more so when the cases can also be attributed to the category of so-called honor murders (see Federal Court of Justice, judgment of 11 November 2020, 5 StR 124/20, at juris para. 16: "excessive possessiveness" [without additional classification as an "honor murder"]; judgment of 22 July 2020, 5 StR 543/19, at juris para. 10: a "claim to dominance" over the family and wife resulting from the perpetrator's understanding of his role;

Rechts unvereinbar sei [bezogen auf die Tötung eines Dritten]; Schuchmann/Steinl, KJ 2021, 312, 325 mit weiteren Nachweisen). Bei in Deutschland sozialisierten Tätern wird der Gesichtspunkt eines patriarchalischen Herrschafts- und Besitzdenkens und der Vorstellung geschlechtsbezogener Ungleichwertigkeit als mögliche Motivationsgrundlage dagegen – soweit ersichtlich – seltener geprüft (noch deutlicher Schuchmann/Steinl, KJ 2021, 312, 325 f.; ähnlich auch Zabel, JZ 2021, 1035, 1038; aus neuerer Zeit siehe allerdings BGH, Pressemitteilung zum Verwerfungsbeschluss vom 23. Februar 2021, 6 StR 11/21, zu LG Göttingen, Urteil vom 14. August 2020, 6 KS 1/20; LG Rostock, Urteil vom 20. November 2020, 13 Ks 109/20, mit Verwerfungsbeschluss des BGH vom 13. Juli 2021, 6 StR 217/21; LG Amberg, Urteil vom 19. August 2021, 11 Ks 100 Js 6315/20, mit Verwerfungsbeschluss des BGH vom 9. Februar 2022, 6 StR 595/21).

[…]

Grundsätzlich ermöglicht zwar bereits das geltende Recht die strafschärfende Berücksichtigung von Motiven, die sich z. B. auf Hass gegen Frauen oder homosexuelle Menschen richten. Denn nach § 46 des Strafgesetzbuches (StGB) hat das Gericht bei der Strafzumessung „die Beweggründe und die Ziele des Täters" zu berücksichtigen, „besonders auch sonst menschenverachtende", und es ist allgemein anerkannt, dass Motive, die sich gegen das Geschlecht, einschließlich der geschlechtlichen Identität, oder die sexuelle Orientierung des Opfers richten, unter die sonstigen menschenverachtenden Beweggründe fallen (vgl. Bundestagsdrucksache 19/17741, S. 19). Diese Vorgabe hat jedoch, gerade bei Straftaten zu Lasten von Frauen, die durch eine Partnerbeziehung zwischen Täter und Opfer und/oder der Vorstellung geschlechtsbezogener Ungleichwertigkeit als

judgment of 13 November 2019, 5 StR 466/19, at juris para. 29: "claim of ownership" over his girlfriend, which is incompatible with the values of German law, which is consistently based on equality and mutual personal respect [in relation to the killing of a third party]; Schuchmann/Steinl, KJ 2021, 312, 325 with further references). In the case of offenders socialized in Germany, however, the aspect of patriarchal notions of domination and ownership and the idea of gender-based inequality as a possible basis for motivation is—as far as can be seen—examined less frequently (see, for an even clearer account, Schuchmann/Steinl, KJ 2021, 312, 325 ff.; similarly, Zabel, JZ 2021, 1035, 1038; more recently, however, see Federal Court of Justice, press release on the order dismissing the appeal of 23 February 2021, 6 StR 11/21, regarding Göttingen Regio-nal Court, judgment of 14 August 2020, 6 KS 1/20; Rostock Regional Court, judgment of 20 November 2020, 13 Ks 109/20, with the Federal Court of Justice's order dismissing the appeal of 13 July 2021, 6 StR 217/21; Amberg Regional Court, judgment of 19 August 2021, 11 Ks 100 Js 6315/20, with the Federal Court of Justice's order dismissing the appeal of 9 February 2022, 6 StR 595/21).

[…]

In principle, current law already allows for the consideration of aggravating factors such as motives directed, for example, out of hatred against women or homosexual people. This is because, under Section 46 of the Criminal Code (StGB), the court must take into account "the motives and objectives of the offender" when determining the sentence, "in particular those that are otherwise inhuman," and it is generally accepted that motives directed against the victim's gender, including gender identity, or sexual orientation fall within the scope of other inhuman motives (see Parliamentary Paper of the German Bundestag 19/17741, p. 19). However, this requirement has so far had only a limited impact on legal practice, particularly in the case of crimes against women that are characterized by a relationship between the perpetrator and the

Motivationsgrundlage geprägt sind, bislang nur beschränkten Einfluss auf die Rechtspraxis gehabt (siehe oben unter Buchstabe a). Um ein klares Zeichen gegen Hasskriminalität auch im Hinblick auf Frauen und LSBTI-Personen zu setzen und vor allem die Bedeutung der Gleichwertigkeit der Geschlechter sowie der Freiheit des Auslebens der eigenen sexuellen Orientierung hervorzuheben, sollen entsprechende Beweggründe nun auch ausdrücklich im Katalog des § 46 Absatz 2 Satz 2 StGB genannt werden.

victim and/or by a perception of gender ine quality as the underlying motive (see point (a) above). In order to send a clear signal against hate crime, including in relation to women and LGBTI persons, and above all to emphasize the importance of gender equality and the freedom to live out one's sexual orientation, such motives are now to be explicitly included in the list set out in Section 46(2), second sentence, of the Criminal Code.

Texts and Contexts

The source consists of the legislative materials pertaining to an amendment of Section 46(2), second sentence of the German Criminal Code. In 2023, the German parliament passed a law reforming the section in the General Part of the Criminal Code applicable to sentencing, adding gender-based (and sexual-orientation-based) perpetrator motives to the list of factors to be considered by courts in determining the appropriate sentence. The reform was passed with explicit reference to the flawed jurisprudence in cases of separation-related intimate partner killings and thus can be understood as the German legislature's response to the debate on femicide and criminal justice.

Background on the German Femicide Debate

Femicide denotes the killing of a woman because of her gender. This understanding of the term was coined by sociologist Diana Russell, who first used "femicide" in 1976 to refer to killings of women and girls that can be traced back to misogynistic attitudes or sexist expectations of the perpetrators, i.e. killings in which the gender of the victim is not coincidentally female.[1] While there are many different types of femicide, empirical studies have shown that the most common form of femicide worldwide is intimate partner femicide—mostly committed in the form of so-called separation killings, i.e. in the context of the end of the relationship, which is usually initiated by the subsequent victim.[2] These separation killings are labeled as intimate partner femicides, as they are characterized by a sense of ownership and control over a woman on the part of the perpetrator, who places his desire to continue the relationship with the victim or to prevent the victim from entering into a new relationship above the victim's life. They are thus motivated by claims to ownership based on patriarchal role models and hence beliefs of gender-based inequality.[3]

1 Russell, "Preface," xiv.

2 WHO, *Understanding and addressing violence against women: Femicide*,1–5.; Stöckl, Devries, Rotstein et al., "The Global Prevalence," 859–865; United Nations Office on Drugs and Crime, *Global Study on Homicide: Gender-Related Killing of Women and Girls*, 10–16.

3 Schuchmann and Steinl, "Femizide," 315.

The term femicide gained widespread socio-political significance in Latin America in particular, where it was taken up by feminist scholars and activists from the 1990s onwards, translated into Spanish as "femicidio" or "feminicidio,"[4] and conceptually developed further. Inspired by these movements in Latin America, feminists in Spain, Italy, and France, among others, began to speak about femicide and feminicide. The *Ni Una Menos* movement, which mobilized mass protests in Argentina from 2015 onwards, became increasingly popular in Europe. At around the same time, the term was taken up by international organizations such as the World Health Organization and the United Nations and thus became very prominent, thereby also entering legal scholarship. While the concept of femicide was thus initially not developed as a legal category, it has gained great relevance in legal debates, specifically in the field of criminal law.

The German debate on femicide gained traction around 2019 and has since then attracted widespread public, scholarly, and political attention, culminating in a legislative reform of the German Criminal Code in 2023. Remarkably, the debate in Germany concentrated on the question as to whether the criminal justice system responded adequately to the phenomenon while much less attention was given to the issue of prevention and the structural pre-conditions for femicides. As a consequence, the German debate initially largely revolved around the question as to whether a new offense in the Criminal Code was required. The demand for a femicide-offense was advanced by activists and practitioners, who were influenced by Latin American feminist movements and corresponding legislative projects.[5]

Making Sense of the Source

German Criminal Law and the Jurisprudence on Intimate Partner Femicide

At the heart of the German femicide debate lies the question of whether intimate partner femicide constitutes *Mord* ("murder under specific aggravating circumstances") or "only" *Totschlag* ("murder") under Sections 211 and 212 of the German Criminal Code, respectively.[6] Both offenses cover intentional acts of killing. *Totschlag* carries a statutory sentencing range of five to fifteen years' imprisonment, while *Mord* as the graver offense carries a mandatory life sentence. *Mord* therefore requires that the intentional killing of another person is additionally qualified by so-called "murder criteria" (*Mordmerkmale*)

4 On this distinction and the debates surrounding it, see Dawson and Vega, "Femicide and feminicide," 3–14; Streuer, *Feminizid*, 49–59.

5 Demanding a new femicide offense in Germany: Kräuter-Stockton, "Costaricanischer Impuls," 164.

6 Section 211 of the German Criminal Code reads as follows: *(1) Whoever commits murder under the conditions of this provision incurs a penalty of imprisonment for life. (2) A murderer under this provision is someone who kills a person out of a lust to kill, to obtain sexual gratification, out of greed or otherwise base motives, perfidiously or cruelly or by means constituting a public danger or to facilitate or cover up another offense.* Section 212 of the German Criminal Code reads: *(1) Whoever kills a person without being a murderer under the conditions of section 211 incurs a penalty of imprisonment for a term of at least five years. (2) In especially serious cases, the penalty is imprisonment for life.*

which are specified in the law. These relate either to the motivation for the crime (e.g. out of greed), the manner in which it is committed (e.g. cruelly), or the purpose of the crime (e.g. to cover up another offense).

In cases of femicide, the murder criterion of so-called "otherwise base motives" (*sonst aus niedrigen Beweggründen*) is particularly relevant. These motives are defined by jurisprudence as motives "which, according to general moral evaluation, are at the lowest level and are therefore particularly reprehensible, even despicable."[7] Determining whether such motives are present requires an overall assessment of all external and internal factors relevant to the motivation for the act, including the circumstances of the act and the living conditions and personality of the perpetrator. Both the courts and large parts of legal scholarship rely on certain categories of cases to identify base motives[8]. For example, cases of unrestrained selfishness or blatant ruthlessness are said to constitute base motives, as are cases of a blatant disproportion between the killing and the cause of the crime, i.e. if the killing is carried out for a trivial reason. Similarly, killings which contravene fundamental societal value decisions or cases of denial of the victim's inherent personal worth[9] may fall within this category. By contrast, cases of "normal psychological motives," such as anger, annoyance, hatred or even jealousy, i.e. emotional states that are known to everyone and are, in principle, understandable from a human point of view, are not considered base per se, but only if they are founded on a base attitude. This assessment takes into account the circumstances of the act, its background, the perpetrator's personality and their relationship with the victim. The motive is considered base if the act lacks a legally relevant reason, even when these aspects are considered. Conversely, if the act can still be understood in the context of normative patterns of interpretation, base motives are rejected and the perpetrator is not convicted of *Mord* according to Section 211 of the German Criminal Code, but of *Totschlag* according to Section 212.

Through the Lens of Femicide

Turning to the jurisprudence of the Federal Court of Justice (*Bundesgerichtshof*), a certain line of reasoning proves central in understanding the court's approach to intimate partner femicide: In several judgments, the latest one stemming from 2008, the court held that the existence of the murder criterion of base motives is doubtful "if the separation emanates from the victim and the defendant deprives himself of what he

7 Federal Court of Justice, judgement of 12.09.2019, 5 StR 399/19, para 8. The category of "otherwise base motives" functions as a residual clause. This open-ended structure grants the courts considerable normative latitude and has long attracted criticism on grounds of the rule of law principle, as its reliance on a "general moral evaluation" sits in tension with the constitutional requirement of the principle of legal certainty according to Art. 103(2) of the Basic Law.

8 On this see Schuchmann and Steinl, "Femizide," 316–318.

9 The denial of the victim's inherent personal worth (*Verneinung des personalen Eigenwerts*) describes a motivational stance in which the perpetrator treats the victim not as an equal human being possessed of dignity and an autonomous right to life, but as a mere object to be subordinated or disposed of at will.

does not actually want to lose."[10] Feminist legal scholars have criticized this decision for affirming patriarchal claims of ownership as well as for its misjudgment of the gender-based motives expressed in the act.[11]

This problematic phrasing is no longer to be found in more recent decisions of the Federal Court of Justice, but the underlying idea is still prevalent. As the First criminal division of the Federal Court of Justice continues to hold in cases of intimate partner femicides, "especially the fact that a separation has been initiated by the victim of the offense, may be judged as a circumstance that speaks against the baseness of the motive."[12] This recent line of reasoning has been met with critique in the literature.[13] In particular, the court is criticized because it deviates from the usual doctrinal method relating to the finding of base motives by focusing primarily on the objective circumstance of the separation. Yet, the mere fact of the separation does not indicate the existence of a normal psychological motive or the underlying attitude of the perpetrator. The court thus halts at the circumstance of the separation and ignores the underlying specific motivation for the offense. As a result, the usually required assessment of the motive, including its comprehensibility according to normative patterns of interpretation, is missing. As a result, patriarchal claims of ownership and gender-based ideas of inequality, which underpin intimate partner femicide, are ignored.

Moreover, the traditional doctrinal approach generally applied by the courts to the murder criterion of base motives does in fact suggest a different interpretation: If a woman is killed by her (ex-)partner due to her separation or intention to separate, this indicates that the perpetrator's motives behind the normal psychological motives are to be considered as base motives.[14] This is because the killing contravenes the fundamental societal value decision that every person is free to decide for him- or herself whether to enter into and/or end a relationship as an expression of the constitutional right of individual freedom. Further, the killing constitutes a negation of the inherent personal worth of the person killed, which goes beyond the mere fact of the killing. This is because in separation-related intimate partner femicides, the perpetrator kills the victim because he does not allow "his" wife/girlfriend/partner to lead an independent, self-determined life without him. And finally, intimate partner femicides also fit into the established case law category of a blatant disproportion between the occasion (separation) and the crime (murder).

10 Federal Court of Justice, judgement of 29.10.2008, 2 StR 349/08, at juris para. 20; likewise Federal Court of Justice, judgement of 15.5.2003, 3 StR 149/03, at juris para. 4; Federal Court of Justice, judgement of 25.7.2006, 5 StR 97/06, para. 20

11 See in particular Foljanty and Lembke, "Die Konstruktion des Anderen," 298–315.

12 Federal Court of Justice, judgement of 24.10.2018, 1 StR 422/18, para. 20–22. See also Federal Court of Justice, judgement of 21.2.2018, 1 StR 351/17, para. 10; Federal Court of Justice, judgement of 7.5.2019, 1 StR 150/19, para. 8–10.

13 See Schuchmann and Steinl, „Femizide," 319–324.

14 See Schuchmann and Steinl, „Femizide ," 324–326.

It is important to note that these aspects have already been recognized in the case law, yet problematically only in cases of so-called "honor killings" (notably called *Ehrenmorde*, i.e. honor *murders under specific aggravating circumstances*. In these cases, involving perpetrators with a migration background, the Federal Court of Justice emphasizes the standards of the German value system and affirms that claims to power and possession based on an understanding of honor are to be considered fundamentally base. Feminist legal scholars were quick to assert that "honor killings" are based on ideas of gender-based inequality that are comparable to intimate partner femicides.[15] The way the courts deal with "honor killings" in comparison to other (intimate partner) femicides can thus be understood as forming part of a process of racial "othering" in the context of gender-based violence.

The more general critique stemming from the literature was taken up by the Fifth criminal division of the Federal Court of Justice, which in its decision from 6th December 2022, explicitly criticized the case law focusing on the act of separation and found that "according to the German Basic Law and the values of German law based on self-determination, equal rights and mutual respect for persons, it would be wrong to ascribe such relevance to the act of separation with regard to the socio-ethical assessment of the motive for killing."[16] This decision is to be welcomed as a step forward in the pursuit of criminal justice in cases of femicide.

Criminal Law Reform

As has been mentioned above, some actors have advocated for a separate femicide offense, as it has been for instance recently introduced in Italy.[17] The German legislature so far refrained from creating a femicide crime. Instead, it opted for an approach centering on Section 46 of the Criminal Code, which sets out general principles for sentencing. Section 46 of the Criminal Code applies to all offenses in the code and stipulates, in subsection 2, second sentence, inter alia, that "when fixing the sentence, the court takes into particular consideration: the offender's motives and objectives."

As has been explained above, the legislature added gender-based (and sexual orientation-based) motives to this list in 2023. In the legislative materials, this amendment is explained explicitly with regard to the problematic jurisprudence pertaining to intimate partner femicide. As the legislative materials show, Section 46 is intended to affect the interpretation of Section 211 of the German Criminal Code. The legislature explicitly appealed to the judiciary, highlighting that the new feature of "gender-based" motives

15 See Foljanty and Lembke, "Die Konstruktion des Anderen," 298–301.

16 Federal Court of Justice, judgement of 6.12.2022, 5 StR 479/22, para. 5. See also Federal Court of Justice, judgement of 13.11.2019, 5 StR 466/19, para. 29.

17 Art. 577-bis introduced by Law No. 181/2025, Gazetta Ufficoale, "LEGGE 2 dicembre 2025, n. 181.," available at: https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2025-12-02&atto.codiceRedazionale=25G00187. Last Accessed September 22, 2026. On this see Kuhn/Vitti, "Racialised Framings" (forthcoming).

should be interpreted broadly and not only include hate crimes against people of a certain gender or gender identity, but all acts that are characterized by ideas of gender inequality. In particular, this should include acts that are based on the fact that women are not granted the same right to self-determination as men. The materials refer specifically to cases of domestic violence, which are to be considered as an expression of patriarchal claims to power and ownership over the victim. Consequently, patriarchal claims of domination and possession in relation to the separating partner are also to be considered as "gender-based." This classification would therefore speak in favor of classifying intimate partner femicides as murder with base motives under Section 211 of the German Criminal Code.[18]

While one might have expected the reform of Section 46 to put an end to the debate over the need for criminal law provisions regarding femicide, a rather unexpected turn of events occurred in May 2026, when Federal Minister of Justice Stefanie Hubig announced her plans to amend the offense of *Mord* to ensure that femicides are punished as murders under specific aggravating circumstances according to Section 211 of the Criminal Code. It remains to be seen how exactly the Federal Ministry of Justice plans to implement this proposal. Beyond that, it should be noted that criminal law's deficient handling of femicides seems to be rooted primarily in the lack of knowledge about the phenomenon of (lethal) gender-based violence, which is then transported to the doctrinal process of interpretation of the relevant criminal legal provisions. Hence, law reform alone cannot suffice. In order to bring about actual change in judicial practice, it is necessary to provide the judiciary with appropriate training on the subject of gender-based violence.

Conclusion

Classifying a killing of a woman as femicide is of great social significance, as by placing it within the broader context of gender-based violence against women, it is recognized as an extreme manifestation of this structural violence; however, this classification raises many questions from the perspective of criminal law doctrine. Generally, the positive effects of criminal law reforms in dealing with cases of femicide should not be overestimated. While political actors often like to pretend to "solve problems" by creating new offenses or imposing more severe punishments, the problem-solving capacities of criminal law are extremely limited. It thus seems wise to shift public and scholarly attention away from an exclusive focus on questions of crime and punishment and towards questions of prevention and protection to ensure a holistic approach to femicide as a structural societal problem.

18 See Steinl, "Die aktuelle Novellierung," 129.

Further Questions

1. Discuss possible explanations for the focus of the German femicide debate on questions of criminal law and punishment.
2. Discuss possible reasons why courts continue to view the fact that the separation was initiated by the victim as speaking against murder due to base motives.
3. Discuss the similarities and differences between so-called honor killings and separation-related intimate partner femicides.
4. Do you think a separate femicide offense is preferable as compared to the current legal regulation in Germany?

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4 A Missing Story of Two Girls: A Method of Redress in the Archive

Miranda Young

Source: In "Venus in Two Acts," Saidiya Hartman describes her experience as a researcher in the archive as she grapples with the absence of a narrative perspective from those who are subjected to violence. Hartman reconstructs her process of tracking the experience of two young women who were captured, tortured, and murdered on the slave ship the *Recovery*. The theory that emerges from her ruminations is a historical methodology that aims to redress the specific violence that archival silence sustains. This article articulates the significance of Hartman's analysis on the philosophy of history, and its political influence on feminist practices of historicizing femicide. Excerpts from Saidiya Hartman. "Venus in Two Acts." *Small Axe* 12.2 (2008): 1–14. Hartman's original essay includes both the main text and footnotes. The following excerpt focuses on the main text; therefore, the original footnotes are not included.

In this incarnation, she appears in the archive of slavery as a dead girl named in a legal indictment against a slave ship captain tried for the murder of two Negro girls. But we could have as easily encountered her in a ship's ledger in the tally of debits; or in an overseer's journal—"last night I laid with Dido on the ground"; or as an amorous bed-fellow with a purse so elastic "that it will contain the largest thing any gentleman can present her with" in Harris's List of Covent-Garden Ladies; or as the paramour in the narrative of a mercenary soldier in Surinam; or as a brothel owner in a traveler's account of the prostitutes of Barbados; or as a minor character in a nineteenth-century pornographic novel. Variously named Harriot, Phibba, Sara, Joanna, Rachel, Linda, and Sally, she is found everywhere in the Atlantic world. The barracoon, the hollow of the slave ship, the pest-house, the brothel, the cage, the surgeon's laboratory, the prison, the cane-field, the kitchen, the master's bedroom—turn out to be exactly the same place and in all of them she is called Venus.

What else is there to know? Hers is the same fate as every other Black Venus: no one remembered her name or recorded the things she said, or observed that she refused to say anything at all. Hers is an untimely story told by a failed witness. It would be centuries before she would be allowed to "try her tongue." I could say after a famous philosopher that what we know of Venus in her many guises amounts to "little more than a register of her encounter with power" and that it provides "a meager sketch of her existence." An act of chance or disaster produced a divergence or an aberration from the expected and usual course of invisibility and catapulted her from the underground to the surface of discourse. We stumble upon her in exorbitant circumstances that yield no picture of the everyday life, no pathway to her thoughts, no glimpse of the vulnerability of her face or of what looking at such a face might demand. We only know what can be extrapolated from an analysis of the ledger or borrowed from the world of her captors and masters and applied to her. Yet the exorbitant must be rendered exemplary or typical in order that her life provides a window onto the lives of the enslaved in general.

One cannot ask, "Who is Venus?" because it would be impossible to answer such a question. There are hundreds of thousands of other girls who share her circumstances and these circumstances have generated few stories. And the stories that exist are not about them, but rather about the violence, excess, mendacity, and reason that seized hold of their lives, transformed them into commodities and corpses, and identified them with names tossed-off as insults and crass jokes. The archive is, in this case, a death sentence, a tomb, a display of the violated body, an inventory of property, a medical treatise on gonorrhea, a few lines about a whore's life, an asterisk in the grand narrative of history. Given this, "it is doubtless impossible to ever grasp [these lives] again in themselves, as they might have been 'in a free state.'" […]
Two girls died on board the Recovery. The captain, John Kimber, was indicted for having "feloniously, wickedly and with malice aforethought, beaten and tortured a female slave, so as to cause her death: and he was again indicted for having caused the death of another female slave."

On 7 June 1792, Mr. Pigot, the counsel for the prisoner, bellowed the name Venus in his cross-examination of the surgeon Thomas Dowling, one of the two witnesses from the crew of the ship who testified that they had seen Captain John Kimber murder a Negro girl. According to the surgeon's testimony, the captain flogged her repeatedly with a whip and "successively for several days, very severely" causing her death.
Venus was not that Negro girl but another one who died at the hands of the captain and who was mentioned briefly during the trial. Pigot questioned the surgeon about her:
Question: Was there not a girl bought of [the trader] Jackamachree, who was in the same state as the girl we have been talking of?
Answer: I do not know.
Question: Was there not a girl of the name of Venus?
Answer: There was.
Question: Was she not in the same state?
Answer: Not that I know of.
"There was another girl on board the Recovery . . . whom they named Venus, and she too had the pox." When the captain was acquitted for the murder of the first girl, he was also found not guilty of the second charge. "As there was no evidence to support the second indictment, than what supported the first, the jury also acquitted the prisoner on it."
These were the only words spoken of Venus during the trial.
[…]
If I could have conjured up more than a name in an indictment, if I could have imagined Venus speaking in her own voice, if I could have detailed the small memories banished from the ledger, then it might have been possible for me to represent the friendship that could have blossomed between two frightened and lonely girls. Shipmates. Then Venus could have beheld her dying friend, whispered comfort in her ear, rocked her with promises, soothed her with "soon, soon" and wished for her a good return.
Picture them: The relics of two girls, one cradling the other, plundered innocents; a sailor caught sight of them and later said they were friends. Two world-less girls found a country in each other's arms. Beside the defeat and the terror, there would be this too: the glimpse of beauty, the instant of possibility.

The loss of stories sharpens the hunger for them. So it is tempting to fill in the gaps and to provide closure where there is none.

To create a space for mourning where it is prohibited. To fabricate a witness to a death not much noticed. In a free state, it would have been possible for the girls to attend to the death of a friend and shed tears for the loss, but a slave ship made no allowance for grief and when detected the instruments of torture were employed to eradicate it. But the consolation of this vision—a life recognized and mourned in the embrace of two girls—was at odds with the annihilating violence of the slave ship and with virtually everything I had ever written. Initially I thought I wanted to represent the affiliations severed and remade in the hollow of the slave ship by imagining the two girls as friends, by giving them one another. But in the end I was forced to admit that I wanted to console myself and to escape the slave hold with a vision of something other than the bodies of two girls settling on the floor of the Atlantic.

In the end, I could say no more about Venus than I had said about her friend: "I am unsure if it is possible to salvage an existence from a handful of words: the supposed murder of a negro girl."
I could not change anything: "The girl 'never will have any existence outside the precarious domicile of words' that allowed her to be murdered."

I could not have arrived at another conclusion. So, it was better to leave them as I had found them. Two girls, alone.

Texts and Contexts

In "Venus in Two Acts," Saidiya Hartman (b. 1961) introduces an influential problematic to the philosophy of history. If the archive is used to represent the facts and details of the past for us, how do we narrate a history that accounts for what is missing from the archive. Specifically, what documentation, photos, diary entries do not exist in the archive, and further, how does this non-existence produce an obscuration of a perspective, voice, lived-experience, or sense-making? This is a question for philosophers of history, because the ways that we narrate the past, string events together into causal relations, organize our political, ethical, and valued sense of the present. This "archival gap," produced intentionally or accidentally in a schema of knowledge production, leaves us without concepts, narratives, and ethics to make sense of our present. As Hartman dwells in the ambiguity of this problem, she produces a method of historizing to acknowledge and tend to the harms produced by the gap. In producing this method, she seeks not to solve puzzle or even to enclose blank spaces, but to redress the oscillating violence that the gap itself produced.

The context of "Venus in Two Acts" illustrates a return to a scene that Hartman had previously written about in her text *Lose Your Mother*.[1] In that text, Saidiya Hartman ruminates on a scene of a murder and torture that takes place on board of the slave ship, the *Recovery*. This scene comes from her encounters with the trial documents of the murderer, Captain John Kimber. In the 18th century, more than six million slaves were transported from Africa to the Americas. In England, Bristol was one of the larg-

1 Hartman, *Lose your mother*, chapter 7.

est ports operating the movements of enslaved Africans to send to the Americas as slaves. The *Recovery* was a Bristol-based vessel which left New Calabar in 1791, with 304 captives to transport to Grenada in the West Indies, with 284 surviving the trip. 20 captives died on the journey.[2] During that journey to Grenada, John Kimber was alleged to have tortured and murdered a captive woman. He is said, in witness testimony, to have done so because she would not dance with the other slaves.[3] Forcing the captured slaves to dance on the ship deck was a common practice during the Trans-Atlantic Slave trade. This pattern of coercion was justified as a way of addressing the high mortality rates of the enslaved during the journey, and to maintain the financial value of the captured. The girl refused to participate, and was subsequently strung up by her ankles and whipped. The torture and murder of the unnamed girl was documented in the archive by the white Abolitionist, William Wilberforce, as indicative of the moral and spiritual horrors which are quotidian and ubiquitous to the Trans-Atlantic slave trade.[4] Kimber was tried in London, June 7th of 1792 for this crime.

Hartman, in *Lose Your Mother*, describes the experience of the unnamed girl's murder with attention to the details left out by the archival documents. She mentions, "another dead girl named Venus" but does not expand on the role Venus played in the scene or who she was.[5] "Venus in Two Acts" returns to the figure of Venus to ruminate on her existence and relation to the scene that is represented by the scraps of existence in the archival documents. She returns to Venus to consider her relationship with "the unnamed woman" in the documents that describe what happened on the ship. The documents in question describe the legal trial of John Kimber for the murder and torture the unnamed woman. As Hartman reads through the testimonies of the trial, she focuses on the experiences both of the woman who was murdered, and a passing mention of another girl, who is named "Venus." Hartman searches for a trace of the life of the passing girl, feeling the living tension of an inability to access the personal interior lives of these women, and yet a fundamental conviction that documenting or sharing this interiority illuminates and potentially redresses a contemporary experience of living in the Aftermath of Slavery.

Sadiya Hartman is a contemporary historian, legal scholar, and cultural and literary theorist. She has spent much of her academic career in the archives, studying Black life in the 18th and 19th century. She describes, in this piece, an experience of being constantly and relentlessly inundated to scenes of violation and violence against the Black enslaved, both from the perspectives of the slave trader, master, and the abolitionists. That is, the scenes of violence took on different forms through different documents. The white enslaver/master would describe the violence of sadistic and indulgent confessional style-diary entry form. The slave trader documents the numerical organization

2 Richardson, *Bristol, Africa, and the Eighteenth-Century Slave Trade*.
3 *The Trial of Captain John Kimber*.
4 Richardson, *Bristol, Africa, and the Eighteenth-Century Slave Trade,* 224.
5 Hartman, *Lose your mother*, chapter 7.

of their trade with a sanitized form that reflects a quantification of horror, torture and death. And the white abolitionist, in their speeches and letters, documents in graphic and descriptive detail the sadistic impulses of the trade and slaver to lament the moral and spiritual health of Western Civilization. She is surrounded by scenes of violence, with an overwhelming sense that the diverse set of documents blur together in a hegemonic depiction of violence through a white perspective, a white voice. There is little in the archive from the perspective of the enslaved themselves.

Hartman identifies a kind of archival gap. She explains that the trial documents which indict John Kimber, the witness statements, diary entries, cross-examination testimonials, ship's records, and bills of sale, repetitiously illustrate the forms of violence that the captured enslaved were subjected to on the ship (lines 37–40). There are some particularly graphic narrations from the crew members about the sexual violence that these women and other slaves on this ship were subjected to. Hartman feels a responsibility to move beyond the excess of the reproduction of scenes of violence that she reads in the archive. To merely reproduce the scene of violence from the outside is to replicate the very scene she sees as repetitive. And if she were to continue her research through that lens, she would recapitulate the mode of erasing the life it seeks to capture.

Hartman articulates a desire to imagine and narrate the lives of the women from their perspective. And this desire becomes the central puzzle that animates the article "Venus in Two Acts." Hartman wonders if she should leave the dead alone. She does not want to project her own desires via a narrative imagining of what these women experienced. But she does not want their existence to be reduced to a moment of violence in the archive. In the Aftermath of Slavery, recovering the enslaved lives is a necessary redress that shifts the social perception of Blackness.

Hartman shares that she holds desire for a story of romance and intimacy between the two girls, Venus and the unnamed girl. She desires to narrate a romance where the two girls were able to comfort each other in horrifying conditions. Ultimately, she grapples with a deep ambivalence over this desire, since she feels she will "replicate the same grammar of violence"" she is criticizing.[6] She doesn't want to will away a reality of terror by soothing herself with an imagined romance between the girls.

Thus, Hartman introduces a new method of historicizing and writing rooted in this ambivalent contradiction. This is the method of critical fabulation. There are two distinct tools that she develops in the text, which narrate in order to highlight the "impossibility of storytelling." The first involves rearranging the "fabula" of a story. Fabula is "a series of logically and chronologically related events that are caused and experienced by actors. An event is a transition from one state to another. Actors are agents that perform actions. (They are not necessarily human.) To act is to cause or experience an event."[7] Her method involves re-ordering the events to disrupt a linear nar-

6 Hartman, "Venus in Two Acts," 4.
7 Hartman, "Venus in Two Acts," 11.

rative causality. The second practice involves engaging narrative restraint. Narrative restraint is exercised through recognition of our own narrative instincts and followed by a refusal to sequence events or project an experience that "provides closure."[8] By refusing closure and narrative sense via the practice of restraint, this negation gestures at the "shrieks, moans, nonsense, opacity" that exceeds the archival documentation.[9] Narrative restraint signals a negative existence of a form of expression from the perspective of the Black enslaved that is constitutive to the archive of the Trans-Atlantic slave trade that is not expressed in the official archival records.

Making Sense of the Source

The article "Venus is Two Acts" has multiple functions. It is a contribution to historiography by re-visiting a moment well-documented in legal histories as a white enslaver's criminal liability in violence against the enslaved. The article also operates as a rumination on the figure of "Venus" herself as the fetishization of Black womanhood which is violated and murdered under white supremacy. It is a personal essay of an academic's relationship to the dead in the archive. It is an introduction to a new historical method. And it is a story of two women.

"Venus in Two Acts" asks questions about history, narrative, and moral responsibility. The text asks whether narrative and "truth" revelation are always ethical, always right, and always just? Hartman invites a consideration that we ask where narratives come from. That is, who is writing the story? Towards what end? Who benefits? Who is erased? How does organizing actions in a causal sequence, what we tend to this of as traditional narrative structure, change our relationship to truth and revelation? Are we trained, via narrative formation, to believe that there are good guys, bad guys, martyrs, and villains? Which deaths do we think are necessary for the progression of history?

The archive contains the perspectives of some, but not all. When the perspectives of the archive are skewed towards the perspectives of the powerful, this shifts the grounds through which history, stories and the present are experienced.[10] Hartman takes the gap in the archives as a starting point for a new historical method, writing

> The archive of slavery rests upon a founding violence. This violence determines, regulates and organizes the kinds of statements that can be made about slavery and as well it creates subjects and objects of power. The archive yields no exhaustive account of the girl's life, but catalogues the statements that licensed her death.[11]

8 Hartman, "Venus in Two Acts," 12.
9 Hartman, "Venus in Two Acts," 12.
10 Walter Benjamin describes this dynamic as a historical narrative organized by the victor, writing: "The nature of this melancholy becomes clearer, once one asks the question, with whom does the historical writer of historicism actually empathize. The answer is irrefutably with the victor. Those who currently rule are however the heirs of all those who have ever been victorious. Empathy with the victors thus comes to benefit the current rulers every time." See Benjamin, "Theses on the Philosophy of History."
11 Hartman, "Venus in Two Acts," 10.

There is no account for the fullness of the girl's life: who she loved, what she cared about, or the way she survived. Hartman identifies her death simultaneously as an event and as a non-event. What are the stakes, then, of accounting for her life? What are the harms in imagining her life without the girl's own words in the archive? In her earlier works, Hartman argues that the demand for explanation and intelligibility that is met by the narrative form can be a mechanism of domination and extraction. She considers this problem of narrative from a very specific context: she is a historical thinker who considers how empirical legal and archival documents help describe the effects of the American Reconstruction for Black Americans.[12] In *Scenes of Subjection,* Hartman often illustrates how the projection of a desire on the enslaved becomes a way of re-inscribing domination. She instead considers what is rendered opaque by narrative explanation, or what the desire of narrative explanation means about how we understand ourselves and the world?

The narrative form, which binds events into some kind of causal sequence, is necessarily limited. And when it offers itself as a primary mode of explanation, it performs a kind of falsification. As narrative is the condition of comprehension, it forces a subordination to life form and material that may exceed it. This is the nature of a form of hegemonic narrative explanation—when one story/perspective/identity becomes the primary explanation due not to its causal force, but to its exertion of power and dominance as it proliferates in the culture. Thereby, in her work which preceded this text, Hartman articulates a theory of intelligibility through narrative structures and also a reflection on practices of obscurity that are caused by narration.

In "Venus in Two Acts," written 10 years after the publication of *Scenes of Subjection*, she confesses to the desire for narrative herself, writing "the loss of stories sharpens the hunger for them" (line 74). She seeks to experience and narrate the lives of two young women whose lives are "marked by power."[13] And that form of marking is outlined from the perspectives of their violators, masters, or white saviors. Hartman seeks to go beyond this, to fill out the archive by telling those "impossible stories."[14]

"Venus in Two Acts"[15] is thereby an introduction to a methodology she is creating, the method of "critical fabulation." Critical fabulation is both a theory and tool. It is a practice of meta-narration that aims to illuminate a redress and ethics for the dead, and those who cannot speak for themselves. There are two aspects of the method that she

12 This was the subject of her first text, *Scenes of Subjection* (1997). She writes "in terms of the limits of emancipation, the ambiguous legacy of universalism, exclusions constitutive of liberalism and blameworthiness of the freed individual." See Hartman, *Scenes of Subjection,* 6. Hartman's *Scenes of Subjection*, published 10 years before "Venus in Two Acts," has been explicitly noted for its historical and political contributions, as it organizes a polemic towards ideals of liberal emancipation that we rely on to imagine racial justice.

13 Hartman, when using this language, is referencing a project that Foucault began in 1977, wherein he sought to describe of those who he encountered in the archive. These were people who had arrest records, or had been detained and institutionalized. See Foucault's essay, entitled "The Lives of Infamous Men."

14 Hartman, "Venus in Two Acts," 10.

15 Hartman, "Venus in Two Acts," 11.

considers to be key to its practice. The first is the practice of "re-arranging the fabula" to "jeopardize the status of the event."[16] This practice offers us a new temporal relationship to the archival documents and destabilizes sedimented views and affects we have about certain events in history. Further, this shifting of the fabula creates a sense in which Slavery is not, in fact, a thing of the past, but completely haunts our present. The second practice is "narrative restraint."[17] This practice involves refusing "to fill in the gaps and to provide closure" (lines 74–75). This would involve re-structuring our narrative instincts, that is, Hartman highlights the impossibility of fully accounting for the lives of the dead who cannot speak for themselves. Further, she sought to reflect back to the reader their own instincts about narrative revelation. By performing narrative restraint, we are offered the opportunity to experience and dwell on our own desire for narrative closure, which may be indulged at the expense of truth.

In describing her relationship to her work, Hartman offers a framing of narrative history that helps to articulate the political stakes of her method of historiography. She argues that "writing the history of the dominated requires not only the interrogation of dominant narratives and the exposure of their contingent and partisan character but also the reclamation of archival material for contrary purposes."[18] Not only does Hartman offer a historical and politicized critique of dominant narratives of the American Reconstruction, but she binds that critique with a conceptual claim about discourse and intelligibility. In the Afterlife of Slavery, what we inherit as historical documents towards emancipation is inadequate towards documenting agency, expression, or the material desires of the form of life of the Black enslaved.

The method of critical fabulation has been explosive in the field of historiography and the philosophy of history. Historians and philosophers of history alike have commented on what it produces. There was some concern, from different theorists, about projecting our own values and politics onto the figures found in the archives.[19] The anxiety of projection is one that Hartman shares openly as an aspect of her ambivalence towards the method. Different than scholars who project under the guise of neutrality, Hartman discloses herself into the narrative historiography. And this sort of writing shifts a traditional reliance of historiography on the verified document. On her method, she writes:

> I don't mean to suggest any fidelity to the truth or authority of the document, but simply that I have tried to figure out what I might do with official documents, given the limits, the lies, the omissions, the fabrications.[20]

16 Hartman, "Venus in Two Acts," 11.
17 Hartman, "Venus in Two Acts," 12.
18 Hartman, *Scenes of Subjection,* 10.
19 Annette Gordon-Reed articulates this concern in Hartman's text *Wayward Lives*, specifically considering a figure she engages with, named Mattie Nelson. See Gordon Reed, "Rebellious History."
20 Hartman, "Intimate History," 129.

The significance of the method is its second-order theoretical claims on the practice of historicizing itself. Hartman takes up a problem of archival gaps and omissions and develops a method of naming directly and addressing the harms produced by the discursive recurrence, rather than re-assuming a position of neutral academic authority. Hartman claims that the method of critical fabulation emerges out an influence of historiography, theory, and artistic practices in Black thought.[21] Hartman, when writing on the development of her method, recalls the following question from Toni Morrison: "What would [Black women] be doing or thinking if there was no gaze or hand to stop you?" Morrison's question is both an invitation and a claim. Imagining a life that has been obscured and obliterated is not only a significant academic contribution, but a form of repair. Hartman's narrative methodology, she writes, is "untethered or indifferent to the rules of the historical guild, and directed by the assembly, the ensemble, the multitude, the chorus."[22] Her priorities in her work aim at redress for Black life in the Aftermath of Slavery, rather than adherence to a pre-set academic form. By bringing together a sustained theoretical critique of historicizing practices, Hartman has massively influenced historians, philosophers, and theorists alike with the development of critical fabulation.[23] The questions she raises and the method she set forth have been taken up and debated across multiple disciplines and fields, each with the committed goal of experiencing history to change our relationship to the present.

Through the Lens of Femicide

Hartman seeks to tend to the dead. There are historical, political, academic and personal stakes for her to keep company with the women she encounters in the archive. She is honest and clear about these stakes for her in her writing. Redressing a silence that exists in a contemporary historiography is not only a political and academic project for her, but also resets the conditions through which Black women and women of color make sense of their selfhood in the Aftermath of Slavery.

Up to two million slaves died during the Middle Passage. The exact number of women who died is not accounted for, but women made up to fifteen percent or more of the transported population.[24] Accounting for this form of death and the lives that

21 In developing the later work of critical fabulation she develops, *Wayward Lives*, she cites methodological influences from the works of Sarah Haley, LaShawn Harris, and Cherly Hicks. These historians each engage with obscurations in the archive to illuminate the perspectives of Black women in various social contexts. Maia Kotrosits argues that reading Hartman as developing a theory within Black thought in integral towards an ethical use of critical fabulation. She writes: "The dis-embedding of Hartman from Black feminist conversations and histories though turns Hartman into an atypical, singular figure. Critical fabulation thus becomes a lone concept more easily scooped for replication." Kotrosits, "Race, Desire, and the Objectification of Theory."

22 Hartman, "Intimate History," 130.

23 Critical Fabulation as a method has been incorporated and shifted in various academic fields and artistic practices, notably in the works of Marisa Fuentes, Ayse Perla, Calley N Anderson, and Daniel Lord Smail.

24 For further information, see "Middle Passage." Slavery and Remembrance: A Guide to Sites, Museums, and Memory. Colonial Williamsburg Foundation. Online at https://slaveryandremembrance.org/articles/article/?id=A0032. Last Accessed September 22, 2026. "The Middle Passage." The Saint Lauretia Project. University of Glasgow. https://runaways.gla.ac.uk/minecraft/index.php/the-middle-passage/. Last Accessed October 18, 2026.

were lost is a necessity in order to make sense of the racialized character of femicide in general. The Middle Passage executed a genocide that was distinctly economic and necropolitical. The transformation of a life to a commodity, and the disposability of the commodity is a constitutive function of this form of femicide. The quotidian forms of sadistic torture and violation that are used perform a distinctly gendered and racialized function in service of this disposability. This economic and sadistic character of the femicide is preserved in the archive. Hartman writes about the present state of the archive, describing it as such:

> Scandal and excess inundate the archive: the raw numbers of the mortality account, the strategic evasion and indirection of the captain's log, the florid and sentimental letters dispatched from slave ports by homesick merchants, the incantatory stories of shocking violence penned by abolitionists, the fascinated eyewitness reports of mercenary soldiers eager to divulge "what decency forbids [them] to disclose," and the rituals of torture, the beatings, hangings, and amputations enshrined as law.[25]

We have documents of the events. But a significant account that is missing is a full and complex account of the lives of two girls who were killed. These lives become the argumentative point in which the indictment of John Kimber is justified. They also operate as the moral hinge of the speeches of the abolitionist William Wilberforce, who made a speech to the British Parliament towards the abolition of the slave trade.[26] But we do not have the girl's accounts of their lives in the own words.

This is why Hartman begins with a reflection on the figure of the Venus herself. The missing perspective is a constitutive feature of the historical accounting of Black femininity. Hartman moves from imagining the specificity of the girl's life to considering her relationship to a history of Black women who have been captured and killed. Hartman engages the particularity of Venus's experience to connect it to a collective experience for Black women. Hartman weaves these two girls' perspectives across time and space, writing:

> Variously named Harriot, Phibba, Sara, Joanna, Rachel, Linda, and Sally, she is found everywhere in the Atlantic world. The barracoon, the hollow of the slave ship, the pest-house, the brothel, the cage, the surgeon's laboratory, the prison, the cane-field, the kitchen, the master's bedroom—turn out to be exactly the same place and in all of them she is called Venus (lines 8–12).

We move beyond the ship, the *Recovery*, across multiple spaces of sense-making and knowledge production. Black women's bodies are the site of labor, technological and

25 Hartman, "Venus in Two Acts," 5.
26 Marshall, "The Anti-Slave Trade."

medical experimentation, social reproduction, and sadistic investment. Entire epistemological enterprises of truth, progress, and knowledge are built on their torture and death. So, how does the grounds of truth and revelation shift if we engage and articulate the world from their perspective? This movement, from a particular narrative experience towards an indictment of a collective social production, represents something significant about Hartman's philosophy of history. Hartman makes a connection with a broader practice of Black femicide by tending to a particular experience. She dialectically weaves the particular and the collective, in ways that break with the specified focus of a narrow academic study. Her work asks: How do our visions of community, survival, intimacy, and organizing change when we narrate and experience a changing world from the perspective of Black enslaved women themselves? This question is the basis through which Hartman develops her method of critical fabulation. Critical fabulation can enable a practice of "counter-history," which is "a history of an unrecoverable past; it is a narrative of what might have been or could have been; it is a history written with and against the archive."[27]

Hartman's method of critical fabulation operates as a form of what Michel Foucault identifies as a method of genealogy.[28] This is a specific form of historicizing that illuminates how the hidden perspectives of the past which can illuminate the present. Foucauldian genealogy, in this way, is a narrative practice that considers how we inherit practices of violence and murder in our contemporary life. These histories illustrate how powerful practices of violence still maintain their control on our contemporary schemas of knowledge.[29] Her excavation of the lives of two girls enlivens the questions of femicide today. When murder and violation are considered mundane and everyday against a class of racialized women, this reverberates out on the treatment of women globally. It seems to be important to identify the ways femicide is performed against racialized, colonialized, and lower-class women as a blueprint in which different types of women are subjugated and murdered. The differences illuminate connection. And thereby, Hartman's historical method and retelling of the story of the two girls remains a prescient text towards a contemporary question of femicide.

Further Questions

1. How does the archive shape our understandings of women, human rights, and politics in general? How does the presentation of documents, or the lack of presentation, change our understanding of historical events and the ways that they influence our present?
2. What role does the term "critical" play in the method of critical fabulation? How can we make claims or imagine the experiences of those whose voices are not present

27 Hartman, "Venus in Two Acts," 12.

28 Foucault, "Nietzsche, Genealogy, History."

29 This claim, that critical fabulation operates as a kind of Foucauldian genealogy, is developed further in other works of mine, see Young, "Narrative Care."

in the archive? Are we responsible for searching for their voices, or imagining their perspective? How do we (ethically) tend to the experiences of those who cannot speak for themselves?

3. Can we change our contemporary understanding of femicide by communing with the dead in the ways that Hartman illustrates?

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II Normative Orders and Legal Frameworks



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

5 Two Thirteenth-Century Catholic Theologians on the Permissibility of Wife-Killing

Sara M. Butler

Sources: Not only were Thomas of Chobham and Thomas Aquinas contemporaries, but they were both theologians trained at the University of Paris who wrote about many of the same subjects. Nonetheless, their perspectives on the acceptability of wife-killing differed in some fundamental ways.

Source 1: Excerpts from Thomas of Chobham's *Summa*[1] *confessorum* (c. 1216), a pastoral handbook, which survives in more than 160 manuscript copies.[2] Thomas was an English theologian and the subdean of Salisbury. In the excerpts below, he addresses the question of wife-killing and its status in canon law by quoting the works of other theologians, such as Peter Lombard (d. 1160), Bartholomew of Exeter (d. 1184), and Robert of Flamborough (d. c. 1219–33). Quotations from these works are indicated by italic font in the Latin text below. Translation into English is my own.

(cap. viiii. De penitentia uxorcidarum.)	Ch. 9: On the penance[3] of uxoricides [wife-killers].
Uxoricidarum penitentia talis est. *Interfectores suarum coniugum sine iudicio cum non addis adulterarum, vel aliud huiusmodi, quid aliud habendi sunt quam homicide, ac per hoc ad penitentiam redigendi? Quibus penitus coniugium denegatur, exceptis adolescentibus de quibus est beati pape Leonis quindecim annis regula decretalium, immo indulgentia observanda.*	Such is the repentance of wife-killers. Those who kill their spouses without a trial, without adding the charge of adultery or something of that sort, what else are they to be regarded as but murderers, and therefore to be reduced to penance? To whom marriage is entirely denied, except for adolescents concerning whom the rule of the Decretals[4] of Blessed Pope Leo [I] [d. 461] for fifteen years [of penance] is to be observed, indeed an indulgence is to be observed.
Est etiam notandum quod in principio premissi capituli videtur Nicholaus permittere maritis adulterii causa vel alterius huiusmodi criminis uxores suas interficere, quod non est verum.	It should also be noted that at the beginning of the preceding chapter [of this summa] it appears that [Pope] Nicholas [I] [d. 867] permits husbands to kill their wives on account of adultery or some other similar crime, which is not true.

1 A "summa" is a comprehensive, systematic treatment of a subject in the form of a treatise.
2 Goering, "Chobham, Thomas of (d. 1233X6)."
3 "Penance" is a sacrament (that is, ritual imparting divine grace) within the Catholic Church. Through confession, contrition, and an act of satisfaction (such as, fasting, prayers, pilgrimage, alms), the faithful are absolved of their sins.
4 A "decretal" is a papal decree concerning a point of law.

Item de eodem. *Stephanus quintus Astulpho: occidisti uxorem tuam sine causa mortis, et nunc post mortem eius addis iniquitatem super iniquitatem. Inducere vis super eam mortis cau/sam post mortem per unum hominem homicihomicidam et reprobum testem. Cum nec evangelium nec divina humanave lex unius testimonio etiam idoneo quempiam condemnat vel iustificat, quanto magis per istum flagitiosum et scelestum nec a te illa viva debuit condemnari, nec a te post mortem eius accusari. Prius causa fornicationis subtiliter erat investiganda, et tunc, si ita esset inventa, secundum tramitem debuit excipere ultionis vindictam. Nam si verum, quo absit, fuisset sicut adulter mentitus est, post septem annos peracta penitentia dimittere eam per approbatam causam poteras si voluisses. Occidere eam tamen nullatenus debuisti. Idcirco placeat tibi consilium nostrum. Ingredere monasterium, observa cuncta simplici animo que tibi fuerint imperata. Hoc levius et tibi melius esse certissime scias. Si autem publicam penitentiam permanens in domo tua vel in hoc mundo vis agere, quod tibi peius et durius et gravius esse non dubites, ita ut agere debeas exhortamur. Omnibus diebus quibus penitere debes vinum et siceram non bibas, carnes nullo tempore comedas preterquam in pascha et in die natalis domini. In pane et aqua et sale penitentiam age, in vigiliis, ieiuniis, orationibus, eleemosynis omni tempore persevera. Armis te nunquam cingas, nec in loco quolibet litigare presumas. Uxorem nunquam ducere, concubinam non habere nec adulterium committere audeas. In bal/neo nunquam laveris, in convivio letantium nunquam te commisceas. In ecclesia segregatus ab aliis christianis post ostium et postes humiliter te repone, ingredientium et egredientium suplex orationibus te commenda. Communione corporis et sanguinis domini cunctis diebus vite tue indignum te estimes esse. In ultimo autem die exitus vite tue, si merueris, pro viatico, si sit qui tibi tribuat, tantummodo venialiter ut accipias tibi concedimus. Sunt et alia multa que tibi*

Also on the same subject. [Pope] Stephen the Fifth [d. 891] to Astulphus:[5] "You have killed your wife without any cause for her death, and now after her death you heap iniquity upon iniquity. You seek to bring a cause of death upon her after her death by means of a single homicidal and despicable witness. Since neither the Gospel[6] nor divine or human law condemns or justifies anyone on the testimony of a single witness, even a suitable one, how much more ought this flagrant and wicked one not to have been condemned by you while she was alive, nor accused by you after her death. First, the charge of fornication[7] had to be carefully investigated, and then, if it was found to be true, the prescribed course of vengeance had to be pursued. For if it were true—God forbid—as the adulterer had falsely alleged, after seven years of completed penance you could have dismissed her on a valid grounds, had you wished. However, you should never have killed her. Therefore, you should accept our counsel. Enter the monastery and observe with a simple heart all that has been commanded you. Know for certain that this will be easier and better for you. But if you wish to undertake public penance by remaining in your home or in this world—which you should not doubt will be worse, harsher, and more severe—then we urge you to do so. On all the days of your penance, do not drink wine or beer, and do not eat meat at any time except on Easter and on the Lord's Birthday [25 Dec.]. Live on bread, water, and salt in penance; persevere always in vigils, fasts, prayers, and almsgiving. Never take up arms, nor presume to quarrel in any place. Never dare to marry a wife, to have a concubine, or to commit adultery. Never bathe in the bathhouse, and never mingle at a feast of revellers. In church, apart from the other Christians, humbly take your place behind the door and the pillars, and commend yourself by supplicating prayers to those who enter and those

5 "Astulphus" is the unknown recipient of a letter from Pope Stephen V.
6 "The Gospel" refers to the four New Testament accounts of the life of Jesus (Matthew, Mark, Luke, John).
7 "Fornication" is regarded as a sin within the Catholic church. Usually, it means carnal intercourse between two unmarried individuals of the opposite sex, although in this case it would seem to refer to adultery.

durius et satis acrius erant iuxta magnum pondus peccati, O infelix, adicienda. Sed si hec omnia/ que tibi / misericorditer supradicta sunt perfecto corde, domino auxiliante, feceris et custodieris, confidimus de immensa dei clementia remissionem te tuorum habiturum peccatorum. Si autem sancte matris ecclesie tam salubrem admonitionem despexeris, sanguis tuus super caput tuum sit. Nos alieni a consortio tuo pro aliorum filiorum dei salute, ipso opitulante, omni sollicitudine nitimur disuadere.

who leave. You should consider yourself unworthy of the Communion of the Body and Blood of the Lord[8] every day of your life. On the last day of your life, if you have deserved it, we grant you permission to receive it only as a viaticum,[9] provided there is someone to grant it to you. There are also many other things that, because of the great weight of sin, Oh wretched one, would have been harsher and more severe for you to add. But if you have despised all these things mercifully spoken to you, and have done and kept them with a perfect heart, with the Lord's help, we trust that by the immense clemency of God you will obtain the remission of your sins. But if you despise the holy mother Church's so salutary admonition, your blood be upon your own head. We, estranged from your company for the sake of the salvation of other children of God, with His help, strive with all diligence to dissuade you."

In premissa penitentia notandum est quod cum de interfectore uxoris dicitur quod nunquam ducat uxorem, secundum rigorem canonum dictum est. Adolescentibus enim perfecta quindecim annorum penitentia conceditur coniugii indulgentia.

In the aforementioned penance it should be noted that when it is said of a wife-killer that he shall never marry, this is stated according to the rigor of the canons.[10] For to adolescents who have completed the full fifteen years of penance, permission to marry is granted.

Item de eodem. *Si mulier maritum suum causa fornicationis veneno interfecerit aut quacumque arte perimere facit, quia dominum suum et seniorem occidit, seculum relinquat et in monasterio peniteat.*

Likewise, concerning the same matter. If a woman poisons her husband for the sake of adultery, or by any means causes him to be killed, because she has slain her lord and elder, she shall leave the secular life and repent in a monastery.

8 "Communion of the Body and Blood of the Lord" is also known as the Eucharist. In Catholicism, bread and wine consecrated (declared sacred) by a priest is understood to have undergone transubstantiation. While it continues to appear to the senses (sight, smell, taste) as bread and wine, its substance transformed into body and blood of Jesus Christ.

9 "Viaticum" is spiritual food in preparation for the journey that is represented by death.

10 "Canons" here refers to ecclesiastical law.

Ecce alia videtur viri quam mulieris penitentia pro peccato pari, sed quod de muliere dicitur pertinet tam ad virum quam ad mulierem. Quod autem de viro alterius modi penitentia est, pertinet tam ad virum/ quam ad mulierem. Unum enim utrisque debet esse iudicium.

Behold, the repentance of a man for the same sin appears to be different from that of a woman, but what is said of the woman applies equally to the man and the woman. And what is said of the man's repentance of a different kind applies equally to the man and the woman. For there must be one judgment for both.

(cap. x. Quare uxoricidium gravius puniatur quam parricidium.)

Ch.10: Why is wife-killing punished more severely than parricide [father-killing]?

Hic autem considerandum est quod gravius punitur uxoricidium quam parricidium, non quia uxoricidium sit gravius parridicio, sed quia proniores sunt viri ad occidendum uxores suas quam filii ad occidendum patres suos. Si enim modica penitentia iniungeretur illis qui uxores suas occidunt, multi prompti et parati invenirentur qui uxores suas occiderent. Multi enim
sunt qui uxores suas propter diversas causas odio haberent, et si impunitatem sperarent, de facili occiderent, et similiter uxores maritos. Unde absterrendi sunt per penitentiam ne ad effectum ducant suam proclivitatem.

However, it should be noted that wife-killing is punished more severely than parricide, not because wife-killing is more serious than parricide, but because men are more prone to kill their wives than sons are to kill their fathers. For if a light penance were imposed on those who kill their wives, many would be found ready and willing to kill their wives. For there are many who hate their wives for various reasons, and if they hoped for impunity, would readily kill them, and likewise wives would kill their husbands. Therefore, they must be deterred by penance from carrying out their inclination.

(cap. xi. Quod non licet uxorem in adulterio deprehensam occidere.)

Ch. 11: It is not permissible to kill a wife caught in adultery.

Quamvis autem ex predicto canone videatur quod licitum sit viris uxores suas occidere deprehensas in adulterio, tamen adulterium nunquam est morte puniendum in ecclesia dei, sed sola penitentia purgandum, sicut ex sequenti canone apparet his verbis: *quicumque propriam uxorem absque lege vel sine causa et certa probatione interfecerit et aliam duxerit uxorem, armis depositis, publicam agat penitentiam. Et si contumax fuerit et episcopo suo inobediens extiterit, / anathematizetur quousque consentiat. Eadem lex erit illi qui seniorem suum interficit.*

Although it appears from the aforementioned canon that it is permissible for men to kill their wives caught in adultery, nevertheless adultery is never to be punished by death in the Church of God, but is to be purged by penitence[11] alone, as appears from the following canon in these words: "Whoever has killed his own wife without legal right or without cause and clear proof, and has taken another wife, shall lay down his arms and do public penance. And if he is obstinate and disobedient to his bishop, he shall be anathematized[12] until he consents. The same law shall apply to him who kills his elder."

11 "Penitence" is the inner disposition that leads to repentance, characterized by contrition, hatred of sin, and a desire to make amends.

12 "Anathema" is a form of excommunication, that is, exclusion from the church and its rites and from Christian society. For more about excommunication, see Vodola, *Excommunication in the Middle Ages*.

Rigor tamen huius canonis precedentis per sequentem canonem emendatur his verbis: *inter hec vestra sanctitas addere studuit si cuius uxor adulterium perpetraverit utrum marito illius liceat secundum humanam legem eam interficere. Sed dei ecclesia que mundanis nunquam adstringitur legibus gladium non habet nisi spiritualem, et non occidit sed / vivificat.*

However, the rigor of the preceding canon is tempered by the following canon, which adds these words: "Among these, your Holiness has sought to add whether, if a woman has committed adultery, her husband is permitted, according to human law, to kill her. But the Church of God, which is never bound by worldly laws, has no sword[13] except the spiritual one, and it does not kill but vivifies."

Source 2: Excerpt from Thomas Aquinas's supplement to his *Summa Theologiae*. Thomas Aquinas was a Dominican friar and one of the most influential theologians of the medieval period. Here, in Question 60, he considers uxoricide. In article 1, he asks whether it might be permissible to kill one's wife; in article 2, he examines the implications of wife-killing for future matrimony. The format of these entries is dictated by scholastic method.

Articulus 1: Utrum liceat viro uxorem interficere in actu adulterii deprehensam

Article 1: Whether it is lawful for a man to kill his wife if she be discovered in the act of adultery?

Ad primum sic proceditur. Videtur quod liceat viro uxorem interficere in actu adulterii deprehensam. Lex enim divina praecipit adulteras lapidari. Sed ille qui legem divinam exequitur, non peccat. Ergo nec occidens propriam uxorem, si sit adultera.

Objection 1. It would seem lawful for a man to kill his wife if she be discovered in the act of adultery. For the divine law commanded adulterous women to be stoned.[14] Now it is not a sin to fulfill the divine law. Neither, therefore, is it a sin to kill one's own wife if she be an adulteress.

Praeterea, illud quod licet legi, licet ei cui lex hoc committit. Sed legi licet interficere adulteram, aut quamlibet personam ream mortis. Cum ergo lex commiserit viro interfectionem uxoris in actu adulterii deprehensae, videtur quod ei liceat.

Objection 2. Further, that which the law can rightly do can be rightly done by one whom the law has commissioned to do it. But the law can rightly kill an adulterous wife or any other person deserving of death. Since, then, the law has commissioned the husband to kill his wife if she be discovered in the act of adultery, it would seem that he can rightly do so.

Praeterea, vir habet potestatem maiorem super uxorem adulteram quam super eum qui cum ea adulterium commisit. Sed si vir percutiat cleri-

Objection 3. Further, the husband has greater power over his adulterous wife than over the man who committed adultery with her. Now

13 The Doctrine of the Two Swords dates back to the early Middle Ages and is associated with a letter written by Pope Gelasius I in 494 to the Byzantine Emperor Anastasius I. In this doctrine, God has two swords which he has delegated to earthly powers. The pope wields a spiritual sword (*auctoritas sacrata pontificum*) equivalent to the emperor's temporal sword (*regalis potestas*). The ruling of Christendom was divided between these two swords, with the pope wielding jurisdiction over souls, leaving secular rulers' jurisdiction over earthly affairs. Of course, this was a theoretical concept. Popes and emperors throughout the Middle Ages competed for spheres of influence.

14 Refers to a Biblical passage in which the Pharisees bring an adulteress before Jesus for judgment (John 7:53–8:11).

cum quem cum propria uxore invenit, non est excommunicatus. Ergo videtur quod etiam liceat interficere propriam uxorem in adulterio deprehensam.

if the husband strike a cleric whom he found with his wife, he is not excommunicated. Therefore, it would seem lawful for him even to kill his own wife if she be discovered in adultery.

Praeterea, vir tenetur uxorem suam corrigere. Sed correctio fit per inflictionem iustae poenae. Cum ergo iusta poena adulterii sit mors, quia est capitale crimen, videtur quod liceat viro uxorem adulteram occidere.

Objection 4. Further, the husband is bound to correct his wife. But correction is given by inflicting a just punishment. Since, then, the just punishment of adultery is death, because it is a capital sin, it would seem lawful for a husband to kill his adulterous wife.

Sed contra: In littera dicitur quod Ecclesia Dei, quae nunquam constringitur legibus mundanis, gladium non habet nisi spiritualem. Ergo videtur quod ei qui vult esse de Ecclesia, non sit licitus usus legis illius quae uxoricidium permittit.

On the contrary,[15] It is said in the text (*Sentences* IV, D. 37) that "the Church of God is never bound by the laws of this world, for she has none but a spiritual sword." Therefore, it would seem that he who wishes to belong to the Church cannot rightly take advantage of the law which permits a man to kill his wife.

Praeterea, vir et uxor ad paria iudicantur. Sed uxori non licet interficere virum in adulterio deprehensum. Ergo nec viro uxorem.

Further, Husband and wife are judged on a par. But it is not lawful for a wife to kill her husband if he be discovered in adultery. Neither, therefore, may a husband kill his wife.

Respondeo dicendum quod virum interficere uxorem contingit dupliciter. Uno modo, per iudicium civile. Et sic non est dubium quod sine peccato potest vir, zelo iustitiae, non livore vindictae aut odii motus, uxorem adulteram iri iudicio saeculari accusare criminaliter de adulterio, et poenam mortis a lege statutam petere: sicut etiam licet aliquem accusare de homicidio aut de alio crimine. Non tamen talis accusatio potest fieri in iudicio ecclesiastico: quia Ecclesia non habet gladium materialem, ut in littera dicitur.

I answer that,[16] It happens in two ways that a husband kills his wife. First, by a civil judgment; and thus there is no doubt that a husband, moved by zeal for justice and not by vindictive anger or hatred can, without sin, bring a criminal accusation of adultery upon his wife before a secular court, and demand that she receive capital punishment as appointed by the law; just as it is lawful to accuse a person of murder or any other crime. Such an accusation, however, cannot be made in an ecclesiastical court, because, as stated in the text (*Sentences* IV, D. 37), the Church does not wield a material sword.

15 In the argumentative method used by Scholastic scholars, "*Sed contra*" (On the contrary) signals the inclusion of an authoritative statement from Scripture, or a church father, or perhaps Aristotle.
16 "*Respondeo*" (I answer that) draws attention to the core argument that Aquinas hopes to present to his readership.

Alio modo potest eam per seipsum occidere, non in iudicio convictam. Et sic extra actum adulterii eam interficere, quantumcumque sciat eam adulteram, neque secundum leges civiles neque secundum legem conscientiae licet. Sed lex civilis quasi licitum computat quod in ipso actu eam interficiat, non quasi praecipiens, sed quasi poenam homicidii non infligens, propter maximum incitamentum quod habet vir in tali facto ad occisionem uxoris. Sed Ecclesia in hoc non est adstricta legibus humanis, ut iudicet eum sine reatu poenae aeternae, vel poenae ecclesiastico iudicio infligendae, ex hoc quod est sine reatu poenae infligendae per iudicium saeculare. Et ideo in nullo casu licet viro occidere uxorem propria auctoritate.

Second, a husband can kill his wife himself without her being convicted in court, and thus to kill her outside of the act of adultery is not lawful, neither according to civil law nor according to the law of conscience, whatever evidence he may have of her adultery. The civil law, however, considers it as though it were lawful that he should kill her in the very act, not by commanding him to do so, but by not inflicting on him the punishment for murder, on account of the very great provocation which the husband receives by such a deed to kill his wife. But the Church is not bound in this matter by human laws, neither does she acquit him of the debt of eternal punishment, nor of such punishment as may be awarded him by an ecclesiastical tribunal for the reason that he is quit of any punishment to be inflicted by a secular court. Therefore, in no case is it lawful for a husband to kill his wife on his own authority.

Ad primum ergo dicendum quod poenam illam infligendam lex non commisit personis privatis, sed personis publicis, quae habent officium ad hoc deputatum. Vir autem non est iudex uxoris. Et ideo non potest eam interficere, sed coram iudice accusare.

Reply to Objection 1. The law has committed the infliction of this punishment not to private individuals, but to public persons, who are deputed to this by their office. Now the husband is not his wife's judge: wherefore he may not kill her, but may accuse her in the judge's presence.

Ad secundum dicendum quod lex civilis non commisit viro occisionem uxoris quasi praecipiens: quia sic non peccaret, sicut nec peccat minister iudicis latronem occideris condemnatum ad mortem. Sed permisit, poenam non adhibens. Unde etiam difficultates quasdam apposuit, quibus retraherentur viri ab uxoricidio.

Reply to Objection 2. The civil law has not commissioned the husband to kill his wife by commanding him to do so, for thus he would not sin, just as the judge's deputy does not sin by killing the thief condemned to death:[17] but it has permitted this by not punishing it. For which reason it has raised certain obstacles to prevent the husband from killing his wife.

Ad tertium dicendum quod ex hoc non probatur quod sit licitum simpliciter: sed quantum ad immunitatem ab aliqua poena; quia etiam excommunicatio quaedam poena est.

Reply to Objection 3. This does not prove that it is lawful simply, but that it is lawful as regards immunity from a particular kind of punishment, since excommunication is also a kind of punishment.

17 A judge who orders a felon to be executed is not guilty of homicide because he is doing his job in accordance with the law. Romans 13:4 is the basis for this theological discussion. See Whitman, *Origins of Reasonable Doubt*.

Ad quartum dicendum quod duplex est congregatio: quaedam oeconomica, sicut familia aliqua; et quaedam politica, sicut civitas et regnum. Ille igitur qui praeest secundae congregationi, ut rex aut iudex, potest infligere poenam et corrigentem personam et exterminantem, ad purgationem communitatis cuius curam gerit. Sed ille qui praeest in prima congregatione, ut paterfamilias, non potest infligere nisi poenam corrigentem, quae non se extendit ultra terminos emendationis, quam transcendit poena mortis. Et ideo vir, qui sic praeest uxori, non potest ipsam interficere, sed alias castigare.

Reply to Objection 4. There are two kinds of community: the household, such as a family, and the civil community, such as a city or kingdom.[18] Accordingly, he who presides over the latter kind of community, a king for instance, can punish an individual both by correcting and exterminating him, for the betterment of the community with whose care he is charged. But he who presides over a community of the first kind can inflict only corrective punishment, which does not extend beyond the limits of amendment, and these are exceeded by the punishment of death. Therefore, the husband who exercises this kind of control over his wife may not kill her, but he may accuse or chastise her in some other way.

Articulus 2: Utrum uxoricidium impediat matrimonium.

Article 2: Whether uxoricide is an impediment[19] to marriage?

Ad secundum sic proceditur. Videtur quod uxoricidium non impediat matrimonium. Directius enim opponitur matrimonio adulterium quam homicidium. Sed adulterium non impedit matrimonium. Ergo nec uxoricidium.

Objection 1. It would seem that uxoricide is not an impediment to marriage. For adultery is more directly opposed to marriage than murder is. Now adultery is not an impediment to marriage. Neither, therefore, is uxoricide.

Praeterea, gravius est peccatum occidere matrem quam uxorem: quia nunquam licet verberare matrem, licet autem verberare uxorem. Sed occisio matris non impedit matrimonium. Ergo nec uxoris occisio.

Objection 2. Further, it is a more grievous sin to kill one's mother than one's wife, for it is never lawful to strike one's mother, whereas it is sometimes lawful to strike one's wife. But matricide is not an impediment to marriage. Neither, therefore, is uxoricide.

Praeterea, magis peccat qui uxorem alterius propter adulterium interficit quam uxorem propriam: inquantum minus habet de motivo, et minus ad eum spectat eius correctio. Sed qui alienam uxorem occidit non impeditur a matrimonio. Ergo nec ille qui propriam uxorem interficit.

Objection 3. Further, it is a greater sin for a man to kill another man's wife on account of adultery than to kill his own wife, inasmuch as he has less motive and is less concerned with her correction. But he who kills another man's wife is not hindered from marrying. Neither, therefore, is he who kills his own wife.

18 Here, he is making a reference to the idea that the family is a microcosm (small version) of the state. This notion is rooted in Aristotle's political theory.

19 In the Catholic church, there are many "impediments" to marriage, that is, preexisting conditions that function as an obstacle to prevent the creation of a valid marriage. The preexisting condition might be a relationship (incest by consanguinity, affinity, or sponsorship; a prior marriage; holy orders), or a physical condition (impotence, frigidity, youth), among other things. If any of these conditions were discovered after the wedding, they were considered grounds for an annulment.

Praeterea, remota causa removetur effectus. Sed peccatum homicidii potest per poenitentiam removeri. Ergo et impedimentum matrimonii quod ex eo causatur. Et ita videtur quod, post peractam poenitentiam, non prohibeatur matrimonium contrahere.

Objection 4. Further, if the cause be removed, the effect is removed. But the sin of murder can be removed by repentance. Therefore, the consequent impediment to marriage can be removed also: and consequently it would seem that after he has done penance he is not forbidden to marry.

Sed contra: Est quod canon dicit: interfectores suarum coniugum ad poenitentiam redigendi sunt, quibus penitus denegatur coniugium.

On the Contrary, A Decretal says: "the slayers of their own wives must be brought back to penance and they are absolutely forbidden to marry."

Praeterea, in eo in quo quis peccat, debet etiam puniri. Sed peccat contra matrimonium qui uxorem occidit. Ergo debet puniri ut matrimonio privetur.

Further, In whatsoever a man sins, in that same must he be punished. But he who kills his wife sins against marriage. Therefore, he must be punished by being deprived of marriage.

Respondeo dicendum quod uxoricidium ex statuto Ecclesiae matrimonium impedit. Sed quandoque impedit contrahendum et non dirimit contractum: quando scilicet vir propter adulterium aut propter odium occidit uxorem. Tamen, si timetur de incontinentia ipsius, potest cum eo dispensari per Ecclesiam, ut licite matrimonium contrahat.

I answer that, By the Church's decree uxoricide is an impediment to marriage. Sometimes, however, it forbids the contracting of marriage without voiding the contract, for example, when the husband kills his wife on account of adultery or even through hatred; nevertheless, if there be fear lest he should prove incontinent, he may be dispensed by the Church so as to marry lawfully.[20]

Quandoque etiam dirimit contractum: ut quando aliquis interficit uxorem suam ut ducat eam cum qua moechatur. Tunc enim efficitur illegitima persona simpliciter ad contrahendum cum illa, ita quod, si de facto cum ea contraxerit, matrimonium dirimitur. Sed per hoc non efficitur simpliciter persona illegitima respectu aliarum mulierum. Unde, si cum alia contraxerit, quamvis peccet contra statutum Ecclesiae faciens, tamen matrimonium contractum non dirimitur propter hoc.

Sometimes it also voids the contract, as when a man kills his wife in order to marry her with whom he has committed adultery, for then the law declares him simply unfit to marry her, so that if he actually marry her his marriage is void. He is not however hereby rendered simply unfit by law in relation to other women: wherefore if he should have married another, although he sin by disobeying the Church's ordinance, the marriage is nevertheless not voided for this reason.

Ad primum ergo dicendum quod homicidium et adulterium in aliquo casu impediunt matrimonium contrahendum et dirimunt contractum: sicut de uxoricidio hic dicitur, et de adulterio supra habitum est.

Reply to Objection 1. Murder and adultery in certain cases forbid the contracting of marriage and void the contract, as we say here in regard to uxoricide, and shall say further on (*Sentences* IV, Q.62, A. 2) in regard to adultery.

20 A dispensation is a formal exemption issued by the pope to be excused from adhering to one facet of church law.

Vel dicendum quod uxoricidium est contra substantiam coniugii, sed adulterium contra bonum fidei ei debitae. Sic adulterium non est magis contra matrimonium quam uxoricidium. Et ita ratio procedit ex falsis.

We may also reply that uxoricide is contrary to the substance of wedlock, whereas adultery is contrary to the good of fidelity due to marriage. Hence adultery is not more opposed to marriage than uxoricide, and the argument is based on a false premise.

Ad secundum dicendum quod, simpliciter loquendo, gravius peccatum est occidere matrem quam uxorem, et magis contra naturam: quia naturaliter homo matrem reveretur. Et ideo minus inclinatur ad interfectionem matris, et pronior est ad interfectionem uxoris. Ad cuius pronitatis repressionem, uxoricidis est matrimonium ab Ecclesia interdictum.

Reply to Objection 2. Simply speaking, it is a more grievous sin to kill one's mother than one's wife, as also more opposed to nature, since a man reveres his mother naturally. Consequently, he is less inclined to matricide and more prone to uxoricide; and it is to repress this propensity that the Church has forbidden marriage to the man who has murdered his wife.

Ad tertium dicendum quod talis non peccat Contra matrimonium, sicut ille qui propriam uxorem interficit. Et ideo non est simile.

Reply to Objection 3. Such a man does not sin against marriage as he does who kills his own wife. Hence the comparison fails.

Ad quartum dicendum quod non est necessarium quod, deleta culpa, deleatur omnis poena: sicut de irregularitate patet. Non enim poenitentia restituit in pristinam dignitatem, quamvis possit restituere in pristinum statum gratiae, ut dictum est.

Reply to Objection 4. It does not follow that because guilt has been remitted, the entire punishment is remitted, as evidenced by irregularity. For repentance does not restore a man to his former dignity, although it can restore him to his former state of grace, as stated above (Q.38, A. 1).

Texts and Contexts

Christianity is built on an ethics of pacifism, spelled out clearly in the faith's central tenets, which meant few theologians were going to feel comfortable justifying homicide. This uneasiness is evident in the rhetorical gymnastics needed to justify capital punishment. Thomas Aquinas, for example, employed a medical analogy to rationalize ecclesiastical support for execution. An unrepentant felon is like a disease that attacks the body; at times, amputation [execution] is the only way to protect the rest of the body [Christendom] from that disease [crime].[21] In his *summa*, Aquinas could not undermine the state's right to execute criminals; nor would the church have wanted him to do so. Church courts[22] sometimes sentenced heretics to death; secular authorities carried out those sentences on behalf of the church, since clergymen were forbidden to shed

21 Aquinas, *Summa Theologiae*, Second Part of the Second Part (II-II), Q. 64, Art. 2 asks whether it is lawful to kill sinners.

22 From the thirteenth century onwards, the Catholic church had a series of courts throughout Europe that dealt with both spiritual matters (marriage, sin, probate, tithes, etc.) and secular matters that involved members of the clergy (including homicide, theft, property disputes, etc.).

blood.[23] Therefore, despite the religion's firm position against killing, Aquinas found a way to make it permissible, if only in certain circumstances.

Similarly diplomatic rhetoric was required for discussing wife-killing, at the time called uxoricide (*uxor* is Latin for "wife"). The adoption of Roman law by the church and (eventually) by most European régimes after the twelfth-century legal revolution included the *Lex Julia*, a moralizing reform code, which permitted the killing of a wife and her lover, although providing it occurred within specific parameters.[24] The readoption of the *Lex* was problematic because it stood in stark contrast to Christian precept: even if the wife-killer was authorized by secular powers, Chobham and Aquinas knew he would be shunned by God and perhaps even denied entrance to Heaven. Theologians could find no acceptable justification for a man slaying his wife; but they could not easily take a hard line against uxoricide without offending secular authorities. Thomas of Chobham and Thomas Aquinas represent two theologians attempting to address this dilemma but doing so in very different ways.

One might expect two theologians, both educated at the University of Paris, living around roughly the same period to adopt an identical stance, but because theology is a cumulative discipline in which theologians build on the works of previous scholars, church fathers,[25] and Biblical sources, their conclusions can vary markedly, depending on their selection of authorities. Chobham was an Englishman who studied in Paris but spent most of his life in England. Because England was one of the few places in Europe to reject Roman law, it was much easier for him to dismiss wife-killing as a crime and a sin. Aquinas was an Italian who lived in Continental Europe (Paris, Cologne and Rome, among other places), where Roman law reigned supreme; as a result, diplomacy greatly influenced the tenor of his theological position.

Chobham's denunciation of wife-killing is unequivocal (source 1); without a trial, even if she is an adulteress, it is a homicide, and the perpetrator must do penance (source 1, lines 36–44). First, he tackles the authority of papal letters, also called rescripts or decretals, which function as sources of canon law. While some scholars see Pope Nicholas I, in his letter to the Bulgarians,[26] making an oblique reference to the *Lex Julia* as evidence that wife-killing is law, Chobham tells us that was not Nicholas's intention (source 1, lines 17–21). (Chobham does not explain his position, he merely leaves it at that.) Instead, he points his reader to a letter from Pope Stephen V which clearly denounces wife-killing, thus replacing an ambiguous authority with a straight-

23 The Fourth Lateran Council (1215), a legislative council composed of the pope and leading prelates across Christendom, issued legislation forbidding members of the clergy from shedding blood, impacting their participation in medicine and law enforcement.

24 Butler, "Attitudes to Domestic Violence," 408–409; Dean, "Domestic Violence." On the *Lex Julia*, see also my contribution, no. 7, in this volume.

25 A "church father" is an influential theologian, bishop, or scholar who lived during the early years of the Christian church (from the first to the eighth century). Examples include Saints Augustine of Hippo, Jerome, John Chrysostom, Clement of Rome.

26 Nicholas I, "The Responses."

forward refutation (source 1, lines 23–93). Second, he prioritizes natural law (i. e., God's law, which cannot be contradicted by human-made laws). The "two-witness rule" is Biblical (source 1, lines 27–36): God requires two eyewitnesses for a condemnation.[27] But a man who kills his wife *in flagrante* counts as only one witness, and an unreliable, emotional one at best. Third, adultery is not a capital crime; it should be punished with seven years of penance[28] at which point her husband can divorce her (source 1, lines 39–43). Accordingly, the man who rashly kills his wife when he should have taken her to court must be subjected to harsh penance that will segregate him from the rest of Christian society until death (source 1, lines 53–72). Finally, Chobham insists that wife-killing must be punished even more severely than parricides because men seem to often hate their wives, such that if the penalty were too light, little would stop them from doing so (source 1, lines 115–131).

In Aquinas (source 2), we see much more diplomacy and reticence couched in the formulaic structure of dialectical disputation popularized by Scholasticism, a philosophical movement within the universities inspired by the rediscovery of Aristotle's works.[29] Aquinas' foundational stance is in stark contrast to Chobham's: he accepts that wife-killing in cases of adultery is acceptable at law (source 2, lines 5–11) and he sees adultery as a capital crime justified by Biblical prescription. He also recognizes the perplexing position in which a husband is placed. Because it is his responsibility to chastise his wife's unChristian behavior, he might be led to believe that he should be judge to her crimes (source 2, lines 31–36), but (somewhat unexpectedly) Aquinas includes the argument that husband and wife are (spiritual) equals (source 2, lines 46–49): therefore, one cannot be judge to the other.[30] More important still, a scorned husband cannot separate his emotional reaction from rational thinking in order to punish with a "zeal for justice" rather than "vindictive anger or hatred" (source 2, lines 52–53). A husband then should sue his adulterous wife at law, just as he would if she were guilty of any other crime (source 2, lines 59–60). At this point, his argument merges with Chobham's. Natural law has procedures, evidentiary rules, and expectations of publicity: none of this is met when a husband kills his adulterous wife in private.

Aquinas also addresses the implications of uxoricide: if a man kills his wife, should he be permitted to remarry? (source 2, lines 125–126) There are many arguments that one might make in response and Aquinas includes them all. If adultery does not impede marriage, why should homicide? (source 2, lines 127–131) It is a graver sin to kill one's mother, but that is not an impediment to marriage, so why should uxoricide be one? (source 2, lines 134–139) Aquinas's main argument is that church legislation declares that uxoricide impedes marriage (source 2, lines 161–164, hinted at also by Chobham

27 Helmholz, "The Bible in the Service of the Canon Law," 1557–1581; Helmholz, "Natural Law and Christianity."
28 Scholars within the early church produced a wide variety of handbooks of penance (also called, penitentials) which prescribed lengthy sentences for adultery. Presumably this statement comes from that tradition.
29 For more on Aquinas and the scholastic method of disputation, see Marenbon, "Method."
30 See McClusky, "An Unequal Relationship." For contrast, see Brundage, "Sexual Equality."

above, source 1, lines 9–14), but much of how that works in practice is left up to curial oversight and discretion. If incontinence is feared, a papal dispensation—that is, a formal exemption issued by the pope to be excused from adhering to one facet of church law—is always within the realm of possibility (source 2, lines 171–174). With a papal dispensation, a man who killed his wife could marry again, even if only to prevent him from committing fornication. In his replies to the objections, Aquinas rejects the idea that adultery is any more a crime against marriage, a holy sacrament within the Catholic church, than is uxoricide (source 2, lines 193–198).

One might be inclined to think that theology was purely academic in nature and had little impact on society. After all, theology was taught at universities as an advanced degree. One could only enroll in theology after having completed both a Bachelors and a Masters in the seven liberal arts, which took roughly seven or eight years in total. Priests did not generally attend university; they learned through an apprenticeship of sorts, thus, those who graduated with a degree in theology were an elite group.[31] Nevertheless, despite theology's privileged backdrop, its significance to the medieval church ensured wide dissemination. The study of canon law began as a branch of theology and only emerged as its own discipline in the thirteenth century; while rivalry between the two disciplines ran rampant, they remained in close interaction such that each informed the other.[32] What this means is that judges in the ecclesiastical courts were well acquainted with theological debates and drew on this knowledge in making their decisions. Theologians also wrote handbooks for confessors and preachers, ensuring that the essential points of their discussions made it into the hands of the humble parish priest. As a result, the learned opinions of men like Chobham and Aquinas on uxoricide had real world implications.

Making Sense of the Sources

A husband's right to kill his adulterous wife was an idea that was deeply ingrained in European society, but in some regions more than others. In Italy, for example, where Thomas Aquinas was born and worked, a man's honor was tied closely to his wife's chastity, such that a strategic rape might spark a generations-long vendetta between families, or function as a tool of war in battles between city-states.[33] A wife's adultery was such an affront to her husband's reputation that killing her and her lover was the only way to regain lost honor. This form of femicide was protected by Italian law until 1981 when leniency in honor-based killings no longer seemed appropriate.[34] In England, no medieval legislation excused the behavior of wife-killers. In practice, if accused, uxoricides were arrested and tried like any other homicide. This reality helps to explain Chobham's stance: in his mind, uxoricide was a crime to be determined by a court of

31 Reeves, "Education and Religious Instruction."
32 Shogimen, "Relationship between Theology and Canon Law."
33 Dean, "Marriage and Mutilation," 3–36; Bokody, *Imagery and Politics*, chapter two.
34 Cantarella, "Homicides of Honor," 237.

law. Yet, England's all-male juries, who might well have been able to see themselves in the defendant's shoes, were loath to convict. Their reticence effectively nullified the law.[35] Admittedly, English Christians may also have had a muddled perception of the illegality of the act. While English common law did not condone wife-killing, at church parishioners heard *exempla* like the one in contribution no. 19 depicting a husband lauded by neighbors and law officers alike for slaying his wife and her lover.

Thomas of Chobham provides deep insight into the penitential process of the late Middle Ages. The twelfth century witnessed an evolution in penitential thinking. Where once emphasis was placed on the harshness and duration of penitential acts, the new school of thought focused more on contrition: true remorse and shame, demonstrated through tears and physical displays of sorrow, were all that was necessary to absolve one's sins.[36] Thomas of Chobham very much belonged to this new school of penitential thinking encapsulated in his *Summa*. He was known for advocating in favor of lighter penances.[37] And yet, this was not the case when it comes to wife-killing. He saw this as an opportunity to employ terror tactics, by warning the potential wife-killer that his life would be a living Purgatory afterwards. He would be a liminal figure, existing on the fringes of Christian society, without any assurance that he might be permitted reconciliation even at the end. That Chobham takes this stance suggests that femicide was not as widely accepted as some might believe.

Chobham also touches on the very real ban on remarriage, in place since the early years of the church, and elaborated in greater depth in Article 2 of the excerpt from Aquinas. A man who slew his wife could not easily be trusted to remarry. More to the point, ecclesiastical authorities forbid remarriage because they worried that men might kill their wives to marry another. This is reflected also in the recognized impediments to marriage. An impediment of crime existed if one or both of the parties to a marriage had committed a crime to marry.[38] Specifically, if a man killed his wife to marry his lover (or a woman killed her husband to marry her lover), any subsequent marriage was considered invalid. As a sacrament, the church advocated for marriage that was monogamous, sacred, and permanent, but laymen and women were keen to find ways out of marriages in which they were unhappy. The church's stance on wife-killing very much reflected a fear that people might use it as a means of divorce.[39]

Through the Lens of Femicide

Chobham and Aquinas present two distinct perceptions on the relationship between husband and wife and their standing at law. Chobham claims that spousal killing should be treated equally, regardless of who was the perpetrator (source 1, lines 107–113);

35 Butler, *The Language of Abuse*, chapter 5.
36 Means, *Penance in Medieval Europe*, chapter 7.
37 Campbell, "Plesaunt was his absolucion?"
38 On the impediment of crime, see Karras, "Telling the Truth about Sex."
39 Butler, "Breaking Vows."

although he is clear that husband and wife are not equal within marriage. For the wife, her husband is her "lord and elder" (source 1 line 104). Admittedly, the assertion of equal treatment is difficult to take seriously. Chobham clearly sees uxoricides as the greater concern: men who kill their wives take up 100 lines of chapter nine, while husband-killers occupy a mere fourteen (source 1, lines 101–113). In the following chapter, rather than contend that close living might turn spouses against each other, he claims that "there are many [men] who hate their wives for various reasons" (source 1, lines 125–127). Women's generally weaker physicality may be what leads him to this disparity: when it comes to husband-killing, he assumes that women must rely on poison (source 1, line 102).[40] Notwithstanding, he leaves the reader with the distinct impression that femicide is a constant concern, while wives turning on their husband is a minor trepidation at best.

Aquinas' scholastic approach, which includes all arguments that might be made against the article's central thesis, proposes the radical statement that husband and wife are "judged on a par" and because "it is not lawful for a wife to kill her husband if he be discovered in adultery. Neither, therefore, may a husband kill his wife." (source 2, lines 46–49). Of course, this is not the viewpoint he advocates. Again, he endorses the patient husband who corrects his wife when necessary, but he explains that the goal is reform: "and these [limits] are exceeded by the punishment of death" (source 2, lines 119–120). Like Chobham, Aquinas sees that men are more dangerous: he writes, they are "more prone" to killing their wives than their mothers (source 2, line 205). Nowhere in this debate does Aquinas take seriously the idea that a wife might slay her husband.[41] Obviously, neither theologian had access to statistical information on rates of spousal homicide; their impressions were founded instead on experience and cultural norms.

Both theologians attempt to gauge the severity of uxoricide by juxtaposing it with other intrafamilial homicides. Chobham devotes a chapter to why uxoricide should be punished more rigorously than parricide, even though he sees that father-killing is the more serious sin (source 1, lines 115–132). He explains that the degree of penance has nothing to do with the nature of the sin; rather, it is meant as a deterrent, and uxoricide needs a more effective deterrent (source 1, lines 129–131). Similarly, Aquinas draws a comparison between uxoricide and matricide, again remarking that it is a "more grievous sin to kill one's mother than one's wife, for it is never lawful to strike one's mother, whereas it is sometimes lawful to strike one's wife" (source 2, lines 134–137). A "man reveres his mother naturally" (source 2, line 203), and thus he is less inclined to kill her. Aquinas draws the same conclusion as does Chobham: for some reason, men want to kill their wives. And "to repress this propensity" (source 2, lines 205–206), the church must take a harsh approach to remarriage for wife-killers. Inadvertently, both theolo-

40 The link between women and poison was mostly a stereotype based on women's domestic role as the family's primary cook. See Collard, *The Crime of Poison*, but there are some well-known instances. See Bednarski, *A Poisoned Past.*

41 Turning, "A Case of Mariticide."

gians tell us much about normal expectations for violence within marriage. Men were permitted to use physical violence against their wives; the same did not hold true for the reverse. Men were drawn to use violence against their wives; again, this was not true in the reverse, but what is perhaps more important is that neither Chobham nor Aquinas contentedly justifies a man's violence as having been "provoked" by his wife.[42]

The fact that two of the major theologians of the thirteenth century felt they needed to address uxoricide in their treatises tells us that it was a recognizable and ongoing social problem. The Church had jurisdiction over the family and over Christian souls; thus, even if secular authorities permitted wife-killing, it was the responsibility of theologians and canonists to undermine the ideology that justified the killing of an adulterous wife and to cause potential wife-killers to think more carefully about their spiritual fate. Most importantly, by banning remarriage after wife-killing, the church created a tangible incentive to find a more peaceful solution to their marital woes.

Further Questions

1. What insights do these theological excerpts provide into the medieval conception of marriage? Furthermore, how does the clerical status of these authors—as opposed to the lived experience of the laity—shape our interpretation of the texts?
2. Both Chobham and Aquinas insist upon "equality" of husband and wife. What does equality look like in the eyes of these two theologians?
3. Chobham and Aquinas employ fundamentally different argumentative methodologies. Which author presents a more compelling case, and what specific rhetorical or logical elements contribute to their effectiveness?

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6 Husbands as Judges, Prosecutors, Executioners and Witnesses of their Adulterous Wives? The Moral Theologian Francisco de Vitoria on the Permissibility of Wife-killing in his Commentary on Thomas Aquinas

Julia Bühner

Source: This excerpt is taken from a commentary on Thomas Aquinas, a famous European scholar of the 13th century, formulated by Francisco de Vitoria, a 16th century Spanish scholar and a famous representative of Late Scholasticism. He discusses on how to deal with an adulterous wife and the questionable right of a husband to kill her. Vitoria, Francisco de. *Relection on Homicide & Commentary on* Summa theologiae *IIa-IIae Q. 64*. Edited by John P. Doyle. Milwaukee: Marquette University Press, 1997, 156–161.

3.— Dubitatur particulariter de adultera comprehensa in adulterio, an liceat illam interficere auctoritate privata. Sit ita quod maritus invenit uxorem in flagranti delicto: an liceat illi auctoritate privata illam occidere. Videtur quod sic, quia lex dat licentiam.

Respondeo, ex communi sententia omnium theologorum, quod ille peccat, quantumcumque lex det facultatem interficiendi illam. Ita tenent etiam juristae. Ratio est quia lex, non solum non dedit, sed nec potuit dare talem licentiam, quia est contra jus naturale et contra jus gentium et civile quod aliquis inauditus, licet pessimus, puniatur et occidatur antequam condemnetur. Posset enim adultera defendere se. Item, quia etiam nec judex posset illam interficere, nisi prius audiret eam et condemnaret. Ergo qui occidunt uxores in flagranti delicto inventas, peccant gravissime. /285/

3.— In particular, there is doubt about a woman taken in adultery: whether it is lawful to kill her by private authority? Suppose a husband catches his wife in the act. Would it be lawful for him to kill her by private authority? It seems so, because the law gives permission.

I answer, from the common opinion of all theologians, that he is sinning, no matter how much the law gives him permission to kill her. The jurists also hold this. The reason is that the law not only has not given, but it could not give, such permission. For it is against the natural law, the law of nations[1], and the civil law, that even the worst person be punished and killed without a hearing, before being condemned — for an adulteress could defend herself. Likewise, not even a judge could kill her, without first hearing and condemning her. Therefore, they who kill their wives caught in the act of adultery sin most grievously.

1 Vitoria is for some scholars the "father" of international law. He defined the law of nations or *ius gentium* in his famous lecture *De Indis* ("On the American Indians") as following: *Quod naturalis ratio inter omnes gentes constituit, vocatur ius gentium.* See Vitoria, *De Indis*, 460. The "between different peoples" formulation of Vitoria was interpreted as meaning an early idea of interstate law. The law of nations is in some of Vitoria's works based on natural law. Natural law simply explained meant in the Middle Ages that a person due to being rational had a certain concept of right and wrong, regardless of knowing or belonging to Christianity, thus his acts should be guided by natural law.

Et si dicas: ergo illa lex est iniqua. Patet, quia ut dicitur in cap. finali [Quoniam] de praescriptionibus, omnis constitutio quae non potest servari sine peccato mortali, est deroganda; sed illa lex dans facultatem quod vir possit occidere uxorem comprehensam in adulterio non potest servari sine peccato mortali: ergo est deroganda.

But you may say: therefore that law is wicked [and should be repealed], because, clearly, as is said in the final chapter [Quoniam] "On Prescriptions,"[2] every law should be repealed which cannot be observed without mortal sin[3]. But this law giving permission to a husband to kill a wife taken in adultery cannot be observed without mortal sin. Therefore, it should be repealed.

Respondeo quod omnino est verum illud quod dicitur in illo capitulo, et quod ita videtur quod illa lex non potest servari sine peccato mortali, quia est contra jus naturale. Patet enim quod est contra jus naturale quod aliquis, ut maritus, sit judex, actor, exequutor et testis. Et illa lex quae hoc permitteret, non solum esset abolenda propter homicidium, sed propter jus naturale cui contradicit.

I answer that what is said in that chapter is very true, and that it does indeed seem that that law, since it is against the natural law, cannot be observed without mortal sin. For it is obviously against the natural law that someone such as a husband be judge, prosecutor, executioner, and witness. And the law that would permit this, should be repealed not only because of homicide, but also because of the natural law which it contradicts.

Respondeo ergo et dico, quod lex illa civilis non dat marito facultatem et licentiam nec auctoritatem occidendi uxorem deprehensam in turpi actu, sed tantum dat ei impunitatem, id est quod non punietur si occidat uxorem repertam in flagranti delicto, ita quod lex illa facit virum exemptum a poena homicidii. Et sic lex illa solum permittit, non tamen concedit. Et hoc sine peccato mortali potest fieri, quia revera valde difficile est quod vir honestus reperiat uxorem cum adultero, et quod tali furori et dolori possit resistere; ideo lex permittit. Unde dico quod lex illa servatur sine peccato, quia illa non jubet quod ille occidat illam, sed permittit et facit illum exemptum a poena homicidii.

I answer, therefore, and say that the civil law does not give a husband permission, licence, or authority to kill a wife caught in a wicked act. Rather, it gives him only impunity, that is, that he not be punished if he kills a wife found in the very act of adultery, so that this law exempts a husband from the penalty for homicide. Thus that law only tolerates, but it does not grant [licence]. And this [tolerance] can be extended without mortal sin, for indeed if a decent man find his wife with an adulterer it would be very hard to resist such fury and pain [as he would feel], and so the law is lenient. Hence, I say that such a law may be retained without sin, because it does not command that he kill her, but it tolerates it and exempts him from the penalty for homicide.

4.— Sed dubitatur. Dato quod ita sit quod peccat mortaliter occidendo illam auctoritate privata, etiam inventam in flagranti delicto, sed dubium est postquam vir adduxit testes, et illa est condemnata ad mortem a judice, et traditur illi ut occidat illam, si vult: an tunc licite possit

4.— But there is a doubt. Granted that he commits mortal sin who by private authority kills his wife, even taken in the act of adultery, nevertheless, when after a husband has brought witnesses, and she has been condemned to death by a judge, and is handed over to the

2 Vitoria is referring here to the Decretals of Gregory IX, also called *Liber Extra*, a collection of medieval canon law (church law) from the thirteenth century.

3 A mortal sin is a grave sin committed against the Ten Commandments, such as homicide.

illam occidere. Videtur quod non, quia videtur esse contra jus naturale quod aliquis sit accusator et exequutor justitiae. Item, quia maritus non habet mandatum a judice quod occidat illam sicut habet lictor, sed solum habet licentiam. Patet, quia videtur quod judex non det illi nisi licentiam quam dat lex, sed lex dat ei facultatem quod occidat illam repertam in flagranti delicto; et tamen quando in delicto invenit eam non liceret ei auctoritate privata illam occidere: ergo nec nunc licet quando est condemnata et tradita sibi a judice, postquam videtur quod judex non det illi nisi illud quod lex dat.

husband to kill her if he wants, there is doubt whether he could then lawfully kill her. It seems that he could not, for it seems against the natural law that someone be both accuser and enforcer of justice. Again, [it seems so] because the husband does not have a mandate from the judge, as for instance an executioner has, but he has only permission. This is clear, because it seems the judge may not give him more freedom than the law gives. But the law tolerates him killing a wife discovered in the act of adultery, and still, when he found her in the act it was not lawful for him to kill her by private authority. Therefore, neither is it now lawful after she has been condemned and handed over to him, when it is clear that the judge may give him only what the law gives.

De hoc est opinio multorum canonistarum quod non licet illam occidere, ita quod peccat etiam interficiendo illam postquam est damnata. Sed ego dico quod omnino bene facit interficiendo illam postquam damnata est. Patet, quia data est ei facultas occidendi sicut datur lictori; sed lictori licet illam occidere: ergo et marito. Item, quia alias, si peccaret oc- /286/ cidendo illam, etiam praetores peccarent quia favent illi et tradent illam illi. Item, quia alius non licite posset defendere illam postquam est condemnata a judice, cui licet tradere illam ligatam ut eam interficiat; et tamen si maritus peccaret occidendo illam, licite posset alius defendere illam, sicut posset quando vellet occidere illam repertam in flagranti delicto. Item, quia si maritus non licite occideret uxorem condemnatam et sibi traditam, jam praetor cooperaretur peccato illius. Et si dicas quod nunc non occurrunt plura quam ante: respondeo quod falsum est, quia nunc fuerunt testes adducti ad condemnandum illam, et sic falsum est quod ille sit testis et judex, sed tantum habet vicem lictoris. Nec est inconveniens quod sit exequutor, maxime quia hoc fit in favorem uxoris, quae traditur marito et non lictori ut illam interficiat, vel parcat ei.

About this the opinion of many canonists is that it is not lawful to kill her, so that he sins even when he kills her after she has been condemned. But I say that he is acting in a moral way when he kills her after she has been condemned. This is clear, because permission to kill has been given to him, just as it is given to an executioner. But it is lawful for an executioner to kill her. Therefore, it is also so for the husband. Again, [he is acting in a moral way], because, otherwise, the judges also would sin since they are favoring him when they hand her over to him. Again [he would be acting rightly], because another could not lawfully defend her when she has been condemned by the judge, for whom it is lawful to hand her over bound so that he may kill her. And, yet, if the husband were to sin in killing her, another could lawfully defend her, as he could when [the husband] would want to kill her caught in the act of adultery. Again, [he is acting in a moral way], because if that husband were to kill his wife unlawfully when she has been condemned and handed over to him, then the judge would be cooperating in the sin of that husband. And if you say that this is the same situation as before, I answer that this is not so, because now there were witnesses brought forth to condemn her, and thus it is false that he is witness and judge, but he has only the

105 place of an executioner. Nor is it a problem that he is an executioner, especially since this is done in favor of the wife, who is handed over to her husband, and not to an official executioner, so that he may kill her or may spare her.

Texts and Contexts

Francisco de Vitoria was born in Burgos on the Iberian Peninsula at the end of the fifteenth century. He became member of the Dominican order and studied theology at the University of Paris. In 1526 he was given the principal chair for theology (*Cátedra de Prima*) at the University of Salamanca which he held until his death in 1546.[4] Here he introduced a fundamental theological compendium of thirteenth century scholastic, an argumentative method based on Aristotle's philosophy, the *Summa Theologiae* by Thomas Aquinas, as an official commentary text (see also the contribution by Sara Butler, no. 5).[5] Above that he also introduced the practice of *dictatum*, meaning slowly dictating his words during his lectures for his listeners to write them down.[6] In research, Vitoria is considered representative of Late Scholasticism, taking up methods and thoughts of the learned of the thirteenth century and applying them on pressing issues of the 16th century. One of those was the question of the legitimacy of the Spanish conquest of Latin America, debated between the members of the so-called School of Salamanca. Due to Vitoria's lecture *De Indis* and his connected theory of just war, where he spoke for the first time of a *ius inter gentes*, he is considered an important figure of the history of international law.[7]

But whereas research focused on his thoughts on the law of nations, he for instance also commented on the annulment of the marriage of the English King Henry VIII to Cathrine of Aragón, church reforms or the legality and legitimacy of homicide.[8] His general thoughts on homicide stem from one of thirteen surviving *Relectiones* (meaning a "re-lecture"), formal public lectures open to the whole university community of about two hours in length, which every professor at the University of Salamanca had to give once a year. They were problem-oriented, reviewed contents and often addressed topics of political relevance.[9] Vitoria's lecture on "Homicide" still exists in six manuscripts. These were found in Palencia, Valencia, Granada, Rome, Seville, and Vienna. As well as his commentary on Thomas Aquinas *Summa Theologiae* entailing the extract on wife-killing, the *Relectiones* only survived due to the notes taken by the listening students, because Vitoria published nothing by himself. The value of these notes varies due to who produced them, some of them being just summaries of what the master

4 See Campagna, *Francisco de Vitoria*, 26–28.
5 See Specht, "Die Spanische Spätscholastik im Kontext ihrer Zeit," 10.
6 See Doyle, "Introduction," 13, 15, 24–25.
7 See Bühner, "Histories Hidden in the Shadow," 421–445.
8 See Stüben, "Die Relectiones des Francisco de Vitoria," 29–30.
9 See Grawert, "Francisco de Vitoria," 114.

said. But some reproductions are rather detailed, as in the case of his commentary on Thomas Aquinas' thoughts on killing an adulteress, stemming from a student called Francisco de Trigo attending Vitoria's lectures between 1534–1537. Vitoria's contribution on Thomas Aquinas' thoughts vary between comment and questions, combining two commentary styles of the medieval period (*per modum questionis* and *per modum commenti*).[10] Generally, he follows the argumentative style of the scholastic called *sic et non* ("yes and no"), including different authoritative arguments of the Bible, Aristotle or the Church Fathers for instance. In Doyle's English translation, Vitoria's thoughts ("I say," "I answer") are highlighted.[11]

Although Vitoria himself did not publish anything, the influence and dissemination of his ideas should not be underestimated. Some of his lectures were attended by up to 1000 auditors.[12] Furthermore, the School of Salamanca, meaning theologically and legally learnt practitioners, is increasingly considered a global school of knowledge production with normative ideas migrating around the globe from the sixteenth century onward and adapted to local conditions.[13] Therefore, one might assume, that Vitoria's thoughts on wife-killing spread widely, maybe even globally.

Making Sense of the Source

During the Middle Ages, the Fifth Christian Commandment "You shall not kill" was intensively discussed because it raised questions of practical life such as the salvation of a man's soul having killed soldiers of an opposing army or even civilians (meaning mostly women and children). And the Catechism of the Council of Trent (1545–1563) for instance concluded that the execution of a criminal by a legitimate public authority was one of many exceptions, therefore not a sin against the Fifth Commandment.[14] In his *Relectio* and his Commentary on Thomas Aquinas, Vitoria both raised general questions such as if its right to kill anything at all, including animals for instance, and if a man might kill another man or himself, and discussed special cases and exceptions from the Fifth Commandment such as tyrannicide or the killing of sinners or felons. Hereby, the questions of innocence or guilt of the victim and the perpetrator's authority, private or public, appear as decisive categories for considering the legality and legitimacy of any form of homicide.

Among the special cases, Vitoria also asks the question, if killing one's wife after having caught her at an act of adultery is sinning—and yes, according to the moral theologian, wife-killing is at first a mortal sin, a sin against natural law, the law of nations and civil law (lines 8 and 13–14). He sees two main principles violated, when a husband

10 See Doyle, "Introduction," 13, 24–25.
11 Ibid., 39.
12 Ibid., 14.
13 See Duve et al., "The School of Salamanca," 1–42.
14 See Doyle, "Introduction," 17. See also the metaphor used by Thomas Aquinas to explain this exception mentioned in Sara Butler's contribution, no. 5.

kills his wife: First, he punishes her without a hearing (line 16), second, he considers it to be against natural law that a husband acts at the same time as a "judge, prosecutor, executioner, and witness" (lines 37–38). But although a husband sins by killing his wife, he does not have to fear penalty. On the contrary, whereas the law would not permit uxoricide, it would "tolerate" it, guaranteeing the perpetrator impunity (lines 58–59).

Above that, Vitoria proposes that the husband can be both "accuser and enforcer" of justice (lines 70–71). After a hearing of witness testimonies and officially being condemned by a judge, it would be lawful for an executioner as well as for the husband to kill the adulteress (lines 90–94). Vitoria even sees a great advantage for the woman's fate to be given into the hands of her husband instead of being condemned by an official executioner, because he also may decide to "spare her" (line 109).

Through the Lens of Femicide

Compared to Aquinas' position or that of the English theologian Thomas of Chobham, both presented in this volume by Sara Butler, Vitoria's opinion on wife-killing appears to be more radical.[15] Whereas according to Chobham the perpetrator must do penance,[16] for Vitoria the husband is though violating divine and natural law but enjoying impunity (lines 58–59). This position is also in stark contrast to Iberian legal tradition, when looking at the *Siete Partidas*, a fundamental legal work compiled under the direction of Alfons X, called "The Wise," reigning Castile between 1252 and 1284. Here a man committing adultery and convicted in court is to be killed. A woman instead is given to a convent and her dowry and marriage gift taken from her. Her husband might even pardon her, taking her back during the first two years, then being obliged to restore her property.[17]

Furthermore, both Cobham and Aquinas see the danger of a man's hatred towards his wife, his actions being driven by irrational rage, making him unable to judge the case only by himself.[18] Whereas Vitoria agrees here, seeing a problematic of the husband in being at the same time "judge, prosecutor, executioner, and witness" (lines 37–38), he puts trust in the man's mercy and forgiveness towards his adulterous wife when supposing, that the condemned should be given into his hands for execution.

Thus, in Vitoria's opinion—as a representative of the first half of the sixteenth century—husbands are remarkably free in handling their adulteress wives, even when killing them not having to fear penance. We might only speculate why the Commentary is so radical and might think of the situation of the Church and Church law at the beginning of this century. It was both challenged by inner conflicts and outer contacts: On the one hand, reformations since the fifteenth century divided and undermined

15 José Luis Egío García has recently published a paper on the general topic of sexual violence, comparing different authors of the School of Salamanca. See Egío, "A vueltas con nuestra tradición normativa," 63–84.
16 See the contribution by Sara Butler, no. 5.
17 *Las Siete Partidas. Volume 5: Underworlds*, Part VII, Title XVII, Law XV: "What Penalty a Man or a Woman Who Commits Adultery Deserves, and How a Dowry and Marriage Gift Can Be Lost and Recovered, 1418."
18 Ibid.

the inner coherence of the Catholic Church, inducing also the scholars of Salamanca to thoughts and opinions. On the other hand, the encounter with different cultures of the Atlantic world challenged European normative orders, also in regard to monogamy, equality of man and woman or concepts of honor. Here, attempts and ideas of unification might have promoted radicalization, both against the outer "other" as well as the inner "other" of a different gender.

Further Questions

1. What other differences and similarities can you find comparing Vitoria's position with that of Aquinas and Chobham's in the contribution by Sara Butler (no. 5)?
2. If we suppose that Vitoria's ideas spread globally, how could you imagine were they applied in various contexts? Which aspects other cultures outside the Christian realm might have struggled with?

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7 Killing for Honor: Who Should Slay the Adulterous Wife?

Sara M. Butler

Sources: After the legal revolution of the twelfth century, the *Corpus Iuris Civilis* (which included the Digest) was eventually adopted across most of Europe. And yet, as we can see from an analysis of the *Coutumes de Beauvaisis* (a custumal from late thirteenth-century Clermont) and the *Siete Partidas* (the thirteenth-century Castilian law code) as they apply to the killing of an adulterous wife, the way in which it was adopted differed quite dramatically, reflecting the traditional values of these distinct regions.

Source 1: The *Lex Julia* forms part of the Digest, compiled in 530–533 CE. It is a compilation of excerpts of the writings of classical Roman jurists (such as Papinian, Ulpian, Macer) with commentary. The Digest is one of the four main texts of the *Corpus Iuris Civilis* that was "rediscovered" in 1070 and which came to form the base of law across Continental Europe. This excerpt is from the chapter "Concerning the Julian Law for the Repression of Adultery" *(Ad legem iuliam de adulteriis coercendis.)*

48.5.21 Papinianus, 1 de adult.:
Patri datur ius occidendi adulterum cum filia quam in potestate habet: itaque nemo alius ex patribus idem iure faciet: sed nec filius familias pater. […]

48.5.21. (20) Papinian, *Adulteries, book 1*:
A father is granted the right of killing an adulterer along with a daughter whom he has in power; no other [class of] father may lawfully do this, including a father who is a son-in-power.[1] […]

48.5.23. Papinianus, 1 de adult.:
Nec in ea lege naturalis ab adoptivo pater separatur. 1. In accusationem viduae filiae non habet pater ius praecipuum. 2. Ius occidendi patri conceditur domi suae, licet ibi filia non habitat, vel in domo generi: sed domus et pro domicilio accipienda est, ut in lege cornelia de iniuriis. 3. Sed qui occidere potest adulterum, multo magis contumelia poterit iure adficere. 4. Ideo autem patri, non marito mulierem et omnem adulterum remissum est occidere, quod plerumque pietas paterni nominis consilium pro liberis capit: ceterum mariti calor et impetus facile decernentis fuit refrenandus.

48.5.23. (22) Papinian, *Adulterers, book 1*: In this statute, a natural[2] is not distinguished from an adoptive father. 1. A father does not have a special right of accusation over a daughter who is a widow. 2. The right to kill is granted to the father in his own house, even if his daughter does not live there, or in the house of his son-in-law; the term "house" is to be taken as meaning "domicile," as in the *lex Cornelia* on *injuria*. 3. However, a person who has the power to kill an adulterer is all the more able lawfully to inflict rough treatment on him. 4. The reason why it is the father not the husband who is allowed to kill the woman and

1 In Roman society, the power of the father was absolute (*patria potestas*). Thus, a son, regardless of age, was considered a "son-in-power," subject to his father's authority. The son had no capacity to own property or enter into binding contracts until the death of his father.
2 A "natural father" (*pater naturalis*) is the child's biological father. He may, or may not, also be her legal father (*pater familias*)—for example, if her grandfather was still alive, he would be her *pater familias* until his death.

any adulterer [caught with her] is that, for the most part, the concern for family duty implicit in the title of father takes counsel for his children; but the heat and impetuosity of a husband [too] readily jumping to a decision should be restrained.

48.5.24. Ulpianus, 1 de adult.: Quod ait lex "in filia adulterum deprehenderit," non otiosum videtur: voluit enim ita demum hanc potestatem patri competere, si in ipsa turpitudine filiam de adulterio deprehendat. […] 1. Sufficit patri, si eo tempore habeat in potestate, quo occidit, non quo in matrimonio collocavit: finge enim postea redactam in potestatem. 2. Quare non, ubicumque deprehenderit pater, permittitur ei occidere, sed domi suae generive sui tantum, illa ratio redditur, quod maiorem iniuriam putavit legislator, quod in domum patris aut mariti ausa fuerit filia adulterum inducere. 3. Sed si pater alibi habitet, habeat autem et aliam domum, in qua non habitet, deprehensam illo filiam, ubi non habitat, occidere non poterit. 4. Quod ait lex "in continenti filiam occidat," sic erit accipiendum, ne occiso hodie adultero reservet et post dies filiam occidat, vel contra: debet enim prope uno ictu et uno impetu utrumque occidere, aequali ira adversus utrumque sumpta. quod si non affectavit, sed, dum adulterum occidit, profugit filia et interpositis horis adprehensa est a patre qui persequebatur, in continenti videbitur occidisse.

48.5.24. (23) Ulpian, Adulteries, book 1: The words of the statute "shall have caught the adulterer in his daughter" do not appear to be otiose; for the intention was that this power should be available to the father if and only if he should catch his daughter actually engaged in the crime of adultery. […] 1. It is enough for the father if he has [his daughter] in power at the time when he kills her, not at that when he gave her in marriage; suppose here that she was subsequently taken back into power. 2. The reason why the father is not allowed to kill his daughter wherever he catches her, but only in his own house or in that of his son-in-law, is said to be that the legislator thought it a more serious outrage for her to dare to bring an adulterer into the house of her father or her husband. 3. But if the father should live elsewhere and yet has another house in which he does not live, then, if his daughter is caught [in the house] where he does not live, he cannot kill her. 4. The words of the statute "may kill his daughter without delay" are to be taken in this sense; that he may not, after killing the male adulterer today, spare his daughter and then kill her some days later, or vice versa; for he must kill both of them almost with the one blow and the one onset, possessed by an equal anger against both. If, however, he has failed to achieve this and his daughter makes her escape while he is killing the male adulterer, only to be caught some hours later by her father who has been pursuing her, he will be regarded as having killed [her] without delay.

48.5.25: Macer, 1 publ.: Marito quoque adulterum uxoris suae occidere permittitur, sed non quemlibet, ut patri: nam hac lege cavetur, ut liceat viro deprehensum domi suae (non etiam soceri) in adulterio uxoris occidere eum, qui leno fuerit quive artem ludicram ante fecerit in

48.5.25. (24) Macer, Criminal Proceedings, book 1*:* A husband also is permitted to kill his wife's adulterer, but not, as the father is, whoever it may be; for it is provided by this statute that a husband is permitted to kill a man whom he catches in adultery with his wife in his own

scaenam saltandi cantandive causa prodierit iudiciove publico damnatus neque in integrum restitutus erit, quive libertus eius mariti uxorisve, patris matris, filii filiae utrius eorum fuerit (nec interest, proprius cuius eorum an cum alio communis fuerit) quive servus erit. 1. Et praecipitur, ut is maritus, qui horum quem occiderit, uxorem sine mora dimittat. 2. Ceterum sui iuris an filius familias sit maritus, nihil interesse a plerisque dictum est. 3. Illud in utroque ex sententia legis quaeritur, an patri magistratum occidere liceat? item si filia ignominiosa sit aut uxor contra leges nupta, an id ius nihilo minus pater maritusve habeat? et quid, si pater maritus leno vel aliqua ignominia notatus est? et rectius dicetur eos ius occidendi habere, qui iure patris maritive accusare possunt. […]

house (not also [in that] of his father-in-law) if the [paramour] is a pimp or if he was previously an actor or performed on the stage as a dancer or singer[3] or if he has been condemned in criminal proceedings and is not yet restored to his former status, or if he is a freedman of the husband or wife or of the father, mother, son, or daughter of either of them (and it is of no consequence whether he was the sole property of one of them or was owned jointly with someone else) or if he is a slave. 1. It is also laid down that a husband who kills any of these is to divorce his wife without delay. 2. But it has been stated by the majority of [jurists] that it does not matter whether the husband is *sui juris*[4] or a son-in-power. 3. The question is asked, as regards both of them [father and husband], in terms of the sense of the statute: Is the father permitted to kill a magistrate? Again, if the daughter is of bad reputation or the wife was married contrary to the statutes, do the father and the husband nonetheless have their right [to kill her]? And what if the father or the husband is a pimp or branded with some disgrace? It will be more correct to say that [only] those who can bring an accusation under a father's or husband's right have the right to kill. […]

48.5.39.8 Papinianus, 36 quaest.:
Imperator Marcus Antoninus et Commodus filius rescripserunt: "si maritus uxorem in adulterio deprehensam impetu tractus doloris interfecerit, non utique legis corneliae de sicariis poenam excipiet." […]

48.5.39 (38). Papinian, Questions, book 36: 8. The Emperor Marcus Aurelius and his son Commodus wrote in a rescript [letter]: "If a husband, led on by the rush of his grief, kills his wife whom he has caught in adultery, he will not at any rate receive the penalty of the *lex Cornelia* on murderers." […]

Source 2: This excerpt is from a French custumal for the county of Clermont in the late thirteenth century.

933: […] se uns hons defent a un autre par devant justice ou par devant bonnes gens qu'il ne voist plus entour sa fame ne en son ostel pour li pourchacier tel honte, et il, après la defense, le trueve en fet present gisant a sa fame, s'il ocist l'homme et la fame, ou l'un par soi, il n'en pert ne cors ne avoir. Et en tel cas nous les avons

No. 933: […] when a man forbids another man, before a judge or good people, to stay around his wife or in his house trying to cause him this shame, and after the prohibition he finds him in the act of having sex [*gisant*] with his wife, if he kills the man and the woman, or one of them, he loses neither life nor property. And

3 These were all considered to be dishonorable professions in the Roman world.
4 "*sui iuris*" means "of one's own right," indicating a male who is not under the legal authority (*patria potestas*) of another.

veus delivrer par jugement .iii. fois en l'ostel le roi avant que nous feissions cest livre.

in such cases we have seen men released three times in the king's court before we wrote this book.

934. Pour ce que c'est mout fors chose de trouver gisans charnelment deus persones ensemble après la defense dessus dite, pour ce puet estre qu'ils s'enferment en tel lieu que l'en ne puet venir a aus sans fere noise pour les uis qu'il convient brisier ou pour autre reson, par quoi il s'aperçoivent qu'il son guetié, dont il se traient l'uns en sus de l'autre, ce ne les escuse pas quant il sont trouvé seul a seul en lieu privé, si comme s'il sont trouvé vestant ou chauçant du lit ou il estoient couchié. Mes nepourquant puis qu'il ne sont trouvé en fet present, il convient que les presompcions soient mout apertes, ou cil seroit trainés et pendus qui les metroit a mort. Et aussi comme nous avons dit que cil ne perdent ne cors ne avoir qui truevent le fet d'avoutire present de leur fames après la defense dessus dite, ainsi l'entendons nous de ceus qui vont en autrui meson seur la defense du seigneur pour sa fille ou pour sa suer ou pour sa niece, fors en tant que, s'il ocioit ou sa fille ou sa suer ou sa niece, aveques l'homme, tout la trouvast il en fet present, il n'en seroit pas escusés aussi comme de sa fame, ainçois seroit pendus et trainés; car la fille qui fet fornicacion contre la defense son pere, ou sa suer ou sa niece n'a pas mort deservie, mes ce a bien fame mariee quant ses maris en veut prendre venjance en la maniere dessus dite. Mes bien se gart li maris qui tel venjance veut prendre de sa fame qu'il ne lesse passer le fet present, car s'il l'ocioit après ce qu'il s'en serioient parti, l'hons ou la fame, et offrist a prouver qu'il avroient esté trouvé ensemble puis sa defense, ce ne li vauroit riens qu'il ne fust trainés et pendus puis qu'il avroit lessié passer le fet present.

No. 934: Because it is a very serious thing for two persons to be found having sex together after the above-mentioned prohibition, they may for this reason shut themselves up where you cannot come to them without making a noise, because you need to break down doors or for some other reason, so that they realize they have been watched, and they move away from each other. But this does not excuse them when they are found alone together in a secluded place, for example, if they are found putting on their clothes and shoes near the bed where they had been lying. Nevertheless, since they are not caught in the act, the presumptions must be very clear, or a person killing them would be drawn and hanged. And what we said about men not losing life or property who find their wives in the act of adultery after the above-mentioned prohibition, we apply also to those who go into another person's house after the householder's prohibition to find his daughter or his sister or his niece, except that, if the householder killed his daughter or his sister or his niece with the man, even if he caught them *in flagrante delicto*, he would not be excused as he would be were it his wife, but would be drawn and hanged. For a daughter or a sister or a niece who commits fornication after such a prohibition has not deserved death, but a married woman has if her husband wants to punish her in the above-described manner. But a husband who wants to take such a vengeance on his wife must be careful not to let the moment of the act go by, for if he killed either the man or the wife after the man had left and then offered to prove he had found them together after his prohibition, he would not save himself from being drawn and hanged, since he had let the moment of the act go by.

Source 3: This excerpt is from a Castilian law code of the thirteenth century.

Setena partida, titulo xvii, ley xiii. Quál home puede matar á aquel que fallase con su muger yaciendo, et quál non.

Book 7, Title 17, law 13. One man can kill another whom he finds having intercourse with his wife.

El marido que fallare algunt home vil en su casa ó en otro lugar yaciendo con su muger, puédelo matar sin pena ninguna, maguer non le hobiese fecho la afruenta que diximos en la ley ante desta. Pero non debe matar la muger, mas debe facer afruenta de homes buenos de como la falló, et desi meterla en mano del judgador que faga della la justicia que la ley manda. Pero si este home vil fuere atal á quien el marido de la muger deba guardar et facer reverencia, como si fuese su señor ó home que lo hobiese fecho libre, ó si fuese otro home honrado et de grant lugar, non le debe matar por ende, mas débele facer afruenta de como lo falló con su muger, et acusarle dello ante el judgador del lugar; et el judgador despues que sopiere la verdat puedel dar pena de adulterio.

A husband who finds a vile man in his house or in any other place in the act of intercourse with his wife, can kill him without being liable to any penalty, although he may not have given him the warning we mentioned in the preceding law; he should not kill the woman, however, but should notify reliable men in what situation he found her, and place her in the hands of the judge to pass upon her the sentence which the law provides. Where, however, the man is one to whom the husband of the woman is obliged to show and do reverence; as, for instance, where he is his lord, or some person who emancipated him; or a man of distinction or high rank; he should not kill him on this account, but should give notice that he had found him with his wife, and accuse him before the judge of the district, and after the judge has ascertained the truth, he shall inflict upon him the penalty for adultery.

ley xiv. Cómo el padre que fallare algunt home yaciendo con su fija que fuese casada, debe matar á amos ó non á ninguno dellos.

Law 14. Where a father finds a man in the act of intercourse with his daughter, who is married, he should either kill both parties or neither of them.

Fallando el padre á su fija que fuese casada, faciendo adulterio con algunt home en su casa misma ó en la de su yerno, puede matar su fija et al varon que fallare con ella faciendo nemiga; pero non debe matar al uno et dexar al otro; et si lo ficiere cae en pena asi como adelante se muestra. Et la razon por que se movieron los sabios antiguos á otorgar al padre este poder de matar á amos et non al uno solo, es esta; porque puede home sospechar que el padre habrá dolor de matar su fija, et por ende estorcerá el varon por razon della: mas si el marido hobiese este poder, tan grande serie el pesar que habrie del tuerto que recibiese, que los matarie á amos.

When a father finds his daughter committing adultery with a man in his own house, or in that of his son-in-law, he has a right to kill her and the man whom he finds committing this wickedness with her; but he should not kill one of them, and leave the other, and if he does so, he will be liable to punishment, as is explained hereafter. The reason for which the learned men of the ancients were induced to grant the father authority to kill both the guilty parties, and not one of them alone, is the following; because it might well be supposed that a father would be grieved to kill his daughter, and therefore would spare the man; but if a husband should have this power, the suffering which he would experience from the

wrong inflicted upon him, would be so great that he would kill both of them.

Pero si el padre de la muger matase á aquel que falló yaciendo con su fija, et perdonase á ella, ó si el marido matase á su muger fallándola con otro, ó al home que asi lo deshonrase, maguer non guardase todas las cosas que diximos en las leyes ante desta que deben seer guardadas, como quier que errarie faciéndolo dotra guisa, con todo eso non es guisado que reciba tan grant pena como los otros que facen homicidio sin razon: et esto es porque el padre perdonando á la fija fácelo con piedat: et otrosi el marido matando dotra guisa que la ley manda, se mueve á facerlo con grant pesar que ha de la deshonra que recibe:

If the father of the woman kills the man whom he found with her and pardons her; or if a husband kills his wife, having found her with another man, together with the latter who was dishonoring him; even though he does not comply with all the provisions which we mentioned in the preceding law, which should be observed, and although he errs in acting differently, nevertheless, it is not proper that he should undergo such punishment as others who commit homicide without cause; that is, because a father, pardoning his daughter, does so influenced by pity; and, on the other hand, where a husband takes life in any other way than that authorized by law, he is induced to do so on account of the great sorrow he feels as a result of the disgrace inflicted upon him.

et por ende decimos que si aquel á quien matase asi el marido, fuese home honrado, et el que lo matase home vil, que debe el matador seer condepnado para siempre para servir en las labores del rey, et si fuesen eguales debe seer desterrado en alguna isla por cinco años. Et si el matador fuese mas honrado que el muerto, debe seer desterrado en mas breve tiempo, segunt alvedrio del judgador ante quien tal pleyto acaesciese.

Wherefore we decree that where the party killed is a man of distinction, and the one who kills him one of low rank, the murderer shall be condemned to perpetual labor on the royal works, and if they are equal in rank, he shall be banished to some island for the term of five years. Where the murderer is of more distinguished position than the deceased, he shall be banished for a shorter time, according to the will of the judge before whom the case is brought for trial.

Texts and Contexts

The rediscovery of Justinian's *Corpus Iuris Civilis* in a library in Northern Italy in 1070 led to what has been referred to by historians as either a legal "renaissance" or a legal "revolution" in the following century.[5] Both terms are fraught with historiographical debate: but their purpose is to convey that the renewed study of the Justinianic corpus spectacularly transformed European society at every level. In this chapter we are going to explore its impact on the family; however, the *Corpus* was just as influential among kings and their political theorists, who used the *Corpus* as a guide to build an empire. The code was adopted as a European-wide legal heritage that laid the base for a *ius commune* (common law). The significance of a written code, meticulously organized and built on a long history of juridical thinking, inspired new compilations of law across

5 Summerlin and Taylor, "Law beyond the Legal Renaissance."

Europe, all of which drew in one way or another on the *Corpus*. This is true even of English law: ostensibly the English rejected the adoption of Roman law, but when its jurists created handbooks of law, they, too, drew upon the *ius commune*, or upon canon law which drew upon Roman law.

This excerpt from the *Lex Julia* (source 1) was transmitted into European society through the legal reforms inspired by this rediscovery. The *Lex* originally came into being as part of a moral restructuring of Roman society that had as its "principal aim the repression of those forms of nonmarital sexual relations considered unacceptable by Roman society, particularly adultery."[6] As such, the *Lex* emphasizes a father's right to kill (*ius occidendi*) his adulterous daughter and her male lover when their behavior endangers the family reputation. The circumstances in which he can carry out these killings, however, are highly specific: he must walk in on the couple while they are having sex in his home, or the home of his son-in-law. Effectively, the law recognizes a father's right to defend the family honor, without giving him too free a rein. If fathers found the rules of evidence imposing, husbands, whom lawmakers feared might act out of "heat and impetuosity" by "jumping" too "readily" to a decision (source 1, lines 25–28), faced even greater constraints. If he walks in on the couple having sex in his own house, the husband can kill the adulterer, providing the adulterer is a man of ill repute; he should then commence divorce proceedings against his wife (source 1, lines 71–80). There was one loophole: if the husband "led on by the rush of his grief, kills his wife whom he has caught in adultery, he will not at any rate receive the penalty" normally inflicted on murderers (source 1, lines 100–104). That does not mean the husband should evade punishment altogether: Marcus Aurelius, emperor of Rome from 161 to 180, thought exile to an island was an appropriate punishment, for example (source 1, lines 99–104).

Source 2 draws on the Roman tradition but adapts the value structure in unexpected ways. The *Coutumes de Beavaisis*, composed in the 1280s by the jurist and *bailli* of Clermont, Philippe de Beaumanoir, is a French custumal, that is, a written account of the customs of the county of Clermont. However, as the excerpt would seem to suggest, "custom" is a malleable concept and might include borrowings from other customs or law codes where the compiler thought it appropriate.[7] While the Digest prioritized the father and his rights over an adulterous daughter, here it is the husband and his honor who matters most. This is emphasized also by the clause immediately preceding clause 933 (not shown above) which makes it a crime to taunt a man by telling him that you have had sex with his wife, because "it is the insult which makes the person to whom it is said the most distressed; and because of his great emotion many evils can come to the person who said such a thing."[8]

6 McGinn, *Prostitution, Sexuality,* 140.
7 For a good discussion of custom, see Cuenca, *Making of Urban Customary Law*, introduction.
8 Akehurst, *Coutumes de Beauvaisis*, 330.

In clause 933, men who suspect adultery are urged to limit their wives' social interactions by formally forbidding men to enter their homes or be in their wives' presence (source 2, lines 1–4). If that does not work, and the lovers carry out their affair anyway, it would be best for the husband to discover them having sex. But because *they* know this, the lovers might try to conceal their actions by hiding behind a locked door where they make no noise, making the husband's job even harder (source 2, lines 15–24). Accordingly, the custumal loosens up the requirements: the husband must at least find them together putting on clothing near the bed where they had been lying to make a strong case for killing them, which must be carried out immediately in the heat of the moment (source 2, lines 43–51). Once again, we see conditions imposed on the husband that are difficult to fulfill: how many husbands broke down a door in their home to find their wives getting dressed after having sex with their lovers? The author is very conscientious in warning his male audience to heed these limitations and not, inadvertently, end up at the end of a rope. He is also keen to explain that this right does not extend to a father, a brother, or an uncle: while they might be equally appalled, death is not the appropriate punishment in this situation because their honor has not been as severely damaged (source 2, lines 38–41).

The final source comes from *Las siete partidas*, a comprehensive law code compiled at the direction of King Alphonso X of Castile between the years of 1256 and 1265. Its reach was eventually extended beyond Castile to include all of Spain and Latin America until well into the nineteenth century. The origins of the code's position on femicide—whether the Castilian code drew on Roman or Visigothic[9] sources—is still a question of debate.[10] Although because Visigothic law was heavily "Romanized," it might be more precise to think of it as a conduit for Roman law. As I will discuss below, the practice of the law feels very Visigothic, while the written law itself draws, at times, almost verbatim from the Digest.

Castilian lawmakers had stiff requirements for husbands hoping to get away with killing their wives' lovers. In law twelve (not included above) a husband who suspects his wife is engaged in an adulterous relationship must warn her lover, in writing, in the presence of reliable men, forbidding him to enter his house or speak to his wife. If need be, he must issue three such warnings. Then, if he finds his wife and her lover together in the street, he must call together three witnesses to their behavior before he brings the man before a judge to be punished for adultery.[11] Quite frankly, it is hard to imagine any man followed such a rigid procedure when confronted with his wife's lover.

In the selection that appears above, we discover that the procedure carefully detailed in law twelve is unnecessary if a man interrupts his wife having sex with "a vile man"

9 The Visigoths were the early Germanic peoples living in the Iberian Peninsula (what we today call Spain and Portugal together), eventually driven northwards by the migration and invasion of Muslim peoples from North Africa.

10 Israeli and Kisluk, "Adultery, 'Just Cause,'" 99 fn. 2.

11 Parsons and Burns, *Las Siete Partidas*, 1416.

(source 3, line 5) in his own home. He is permitted to kill her lover (providing the lover is not a man of higher rank), though his wife is off limits. She can be brought to a judge to pass sentence, but that is it (source 3, lines 14–25). If he kills either the wife or her lover, he will be treated as a murderer and sent into exile (source 3, lines 69–78). Once again, the father is privileged: following the Digest, if he finds his daughter committing adultery in his home, or his son-in-law's, he may kill her and her lover, although the text emphasizes that he must kill both, because it would be wrong to show mercy to one and not the other (source 3, lines 32–49).

On the surface, all three texts endorse harsh punishment of adulterous wives and their lovers. In reality, the multiplicity of conditions imposed on adulterer-killers ensures that they will never be met. Jane Gardner proposes that that was the purpose: the conditions were intended to restrict a father's right to life and death (*ius vitae necisque*) over his children.[12] Leah Otis-Cour makes a similar argument. In examining Ruprecht von Freising's *Rechtsbuch* (Law Book, 1328), she writes that the "right to kill was so hedged about with multiple conditions of proof—the husband was required to serve the lover a prior warning, then to catch the couple *in flagrante delicto* with a required number of witnesses—as to be almost impossible to fulfill."[13] In this instance, jurists hoped to use the law as a deterrent: taking such a harsh stand against adultery might discourage some from engaging in illicit relationships. The rigid conditions, though, ensured that the law might never be put into action. John Curran has noticed this general trend when it comes to a father's right to life and death over his children (both sons and daughters) in the ancient world. While the *ius* appears repeatedly in law codes, there are fewer than fifteen examples of its use in a nine-hundred-year period.[14]

Making Sense of the Sources

At the heart of these excerpts is heightened anxiety about women's adultery. In Roman law, adultery was only a crime when committed by a woman, or by a man with a married woman. If found to be an adulteress, she would lose her dowry and be confined to a convent for the duration of her life. Her husband might also plead a suit for a divorce. Conversely, a wife was only permitted to complain about her husband's adultery if he brought "immodest women into his home and had sex with them in his wife's presence."[15] This view did not descend universally to all medieval Europe. The Christian church saw both men's and women's adultery as sinful. As a result, some regions punished a man's adultery more strictly, because they reasoned that he should have known better.[16] Nonetheless, the Roman position forces us to recognize that men's and women's adultery were not considered wholly equivalent. As Iñaki Bazàn Díaz writes, this "difference

12 Gardner, *Women in Roman Law and Society*, 129.
13 Otis-Cour, "'*De juro novo*,'" 355.
14 Curran, "*Ius vitae necisque*," 112.
15 Kelleher, *Measure of a Woman*, 83.
16 McDougall, "Opposite of the Double Standard."

was based on the fact that female adultery caused more damage, especially in terms of honor and the transmission of wealth, than male adultery."[17] Men feared women's adultery because they could never be certain that the children she bore—*his* heirs—were in fact his children. This was a concern not just for husbands, but their entire families. Children belonged to men; an orphan was a child whose father had died, and its guardianship typically rested with his family. No family wanted to raise another person's child. Nor did they want family lands and goods descending fraudulently. In their minds, a mother who passed off her illegitimate son as her husband's was raising a thief to rob her husband's rightful heirs.[18] As Julius Kirschner and Oscar Cavallar explain, this fear is what lies behind the "double standard" in Rome's approach to adultery.[19]

Why the laws in the Mediterranean world (i.e., the Italian city-states and Iberia)[20] accorded fathers so much power is something that needs to be deconstructed carefully. There are two chief explanations.

First, Rome was the ultimate patriarchy: the Roman father had *patria potestas* as the head of his household (*pater familias*), such that none of his children were considered independent until he died. An adult son could not own property; he could not enter into a binding agreement; he could not manage his own affairs. The same applied also to a daughter; however, when she married, she passed into her husband's *potestas*. During her marriage, her father's *potestas* was said to lie dormant, but a daughter's dishonorable behavior reactivated his *potestas*.[21] Her adultery brought dishonor to her father, her family, and endangered the alliance to her husband's family forged through marriage. The concept of the all-powerful father persisted in the Mediterranean world throughout the medieval and early modern periods and explains why *Las Siete Partidas* (Source 3) retains a father's right to kill his adulterous daughter. In northern Europe, the rights of a father were more loosely interpreted. Once a man reached an age of majority, he became legally independent, regardless of whether his father was dead or alive. This is the model that existed in Beauvais (Source 2), which preserved no special rights for a father over his adulterous daughter.

Second, an adulteress daughter jeopardized the dowry that her father had worked hard to earn. The Roman dowry (*dos*), a tradition which persisted throughout the medieval Mediterranean, required the father to marry his daughter with a dowry "to match the father's wealth (*facultates*) and husband's rank (*dignitas*)," usually in cash so as not to diminish the father's inheritable estate.[22] Dowry inflation was a serious enough problem in the later Middle Ages that many Italian town governments regulated the size of

17 Bazàn Díaz, "Emotions in the Middle Ages," 312.
18 Butler, "Context Matters."
19 Kirschner and Cavallar, *Jurists and Jurisprudence*, 434.
20 "Iberia" is the name that we give to the Spanish world in this period. It includes several kingdoms, such as Portugal, Castile, Aragon, Léon, and Navarre.
21 Kirschner and Cavallar, *Jurists and Jurisprudence*, 587.
22 Ibid., 691.

dowries to prevent the financial ruin of families.[23] The dowry was tied to the daughter and passed with her from one family to the next. When her husband died, the dowry had to be retrieved and returned to her family of birth so that she might be remarried, or supported by the dowry until remarriage.[24] It is not hard to imagine that fathers, and natal families, felt a sense of ownership over daughters because they were tied so closely to their dowries. Given the situation, the father who saw the profits from his life's work evaporate before his eyes because of his daughter's sexual dalliance probably felt that he had a right to revenge. Once again, it is critical to acknowledge that lavish dowries were chiefly a Mediterranean fashion and help to explain the broad distinction we see in fathers' rights from Beauvais to Castile.

In all three sources, where the couple was found matters deeply. Houses in the Middle Ages belonged to men. The physical house, the home, even if it was paid for by the wife's dowry, once they were married her possessions became his to govern, such that it was *his* house, not *theirs*, or *hers*. Political theorists saw the household as a microcosm of the state: thus, the father was a king, his household was his realm. Metaphorically, houses were also male. House (*domus, casa, haus*) refers to the patriline: genealogies regularly produce sons from fathers in long lines, as if women have nothing to do with the process. Women do not belong to these houses—instead they are passed from one man's house to another. The symbolism of houses was so central to Italian culture that "house-scorning"—verbal or physical attacks against a person's house—were a frequent weapon in honor disputes.[25] Therefore, a woman who brought her lover into her father's or her husband's house committed "a serious outrage" (source 1, line 44) because of the house's symbolism. There could be no greater attack on a man's authority than to bring the enemy into his own home. The irony, of course, is that while houses were male, the space inside them was female, as women, especially in the Mediterranean world, were closely associated with domestic spaces.

Through the Lens of Femicide

The wording of the laws justifying the femicide of married women and their lovers leave little doubt that lawmakers were torn, trying to appease multiple parties at once. While fathers and husbands wanted to see their rights and honor protected, a Christian and/or stable society simply did not encourage men to take the law into their own hands. The stipulation of condition upon condition prevented the law from being fully implemented except on the rarest of occasion. Thus, it should not be a surprise that in most places in medieval Europe, killing one's wife was an exceptional crime.[26]

23 Queller and Madden, "Fathers of the Bride."
24 Klapisch-Zuber, "'Cruel Mother.'"
25 Cohen, "Honor and Gender."
26 For a good survey of the existing studies, see Feys, "'A Hot-tempered, Capricious, Jealous and Compassionless Wife,'" 425–427.

That was not true everywhere, though. Yanay Israeli and Sharon Kisluk have argued that Castile was "distinct" in its "wide acceptance of spousal killings."[27] They write, "[a]ccusations of adultery in late medieval Castile were a principal means through which violence against women was both perpetrated and justified."[28] While the Castilian law code essentially mirrors what we see in the Digest, in practice, justices took a Visigothic approach. The Visigothic tradition (c. 649–652) dictates that an adulterer and adulteress "shall be given up to the husband, to be disposed of in any way he may select."[29] Likewise, Castilian courts tendered an adulterous wife to her husband, to do with her "as he thinks best."[30] This judgment frequently resulted in graphic public execution at the husband's hands. What is more, even when a man killed his wife without following the rigorous protocol, his "legitimate anguish" (*justo dolor*) at her betrayal was usually seen as grounds for a pardon.[31]

Nevertheless, Israeli and Kisluk are wrong: Castile's lenience with wife-killers was not extraordinary. Across Mediterranean Europe, we see high rates of wife-killing, a fact that is rarely acknowledged because most historical studies are regionalized, not comparative. A survey of the various existing studies makes the point. For the crown of Aragon, Marie Kelleher notes that husbands believed they had a right to kill their unfaithful wives and while she does not include any statistics (few do), she offers multiple examples.[32] Henri Bresc tells us that late medieval Sicily also had an "abundance of killings of adulterous women."[33] For late-medieval Bologna, Trevor Dean finds disturbingly high rates of wife-killing. He writes:

> every year, there was a small but significant group of cases, building into a relentless tide of what has been termed 'femicide' by some modern criminologists; a tide running at about 50 times the rate of wife-murder in contemporary England and Wales (120 cases per annum, in a population of fifty million; six per annum in a population of under 50,000).[34]

What is most striking about these deaths is that they were committed by husbands, not fathers—the exact opposite of what we would expect given the law codes. As Thomas Cohen remarks, the father who kills his daughter is an "event" that is "remarkably scarce" in the criminal record. He gives two possible explanations: "Either such deeds were in fact rare or, rather, they were fairly common but courts seldom bothered to engage them, as social custom saw such killings as legitimate and the law, gladly or grudgingly,

27 Israeli and Kisluk, "Adultery, 'Just Cause,'" 100.
28 Ibid., 99.
29 Book, III, title IV, laws iii to v; Scott, *The Visigothic Code*, 96.
30 Bazàn Díaz, "Emotions in the Middle Ages," 316; Israeli and Kisluk, "Adultery, 'Just Cause,'" 100.
31 Dean, *Medieval Murder*, 43, fn. 161.
32 Kelleher, *Measure of a Woman*, 121.
33 Bresc, "Knives and Poisons," 53.
34 Dean, "Domestic Violence," 529.

concurred."[35] Unfortunately, much more research has to be done before we can draw any firm conclusions on this front, but we can state definitively that Mediterranean Europe had a high tolerance for wife-killers.

Fear of women's adultery shaped their social interactions and participation in the public world. Legislators encouraged men to control who their wives spent time with (sociologists today recognize this as a classic sign of domestic abuse). More generally, it led to a cultural tradition of idealizing the isolation of women. As Deborah Ellis explains it, "women were thought to be virtuous only within the confines of enclosed bodies and closed doors."[36] Within working families, keeping women at home was not practical: husbands and fathers relied on the labor of all family members, and women played key roles in marketing, retail, and manufacturing. Manuals for the raising of elite daughters, however, advocated "strict female seclusion" and the wearing of a veil as necessary measures to protect a young woman's chastity.[37] The scholarly tradition has long recognized that anxiety about women's sexuality encouraged the early marriage of daughters in Mediterranean Europe. As Michael Rocke writes, the "sexually mature unmarried daughter was regarded as a menace to family honour."[38] This legislation demonstrates that marriage did not eliminate but transformed those fears, leading to persistent surveillance of women and tight control of their movements.

The various kingdoms and states of medieval Europe all participated in a highly gendered honor culture, with varying degrees of intensity, in which men's honor was tied to "controlling the sexual behavior of female relatives" and women's reputations relied "on conducting themselves in such a way that they do not risk bringing shame on male relatives."[39] Honor was not fixed to a specific class; but a family's wealth and status impacted the calculation of whether it was worth defending honor through violence, when that defense might result in weighty fines or property damage. Studies of the vendetta in the Mediterranean context emphasize the frequency with which honor disputes sparked violence. As Peter Sposato has argued, for late medieval Florentines, to "defend and vindicate their personal and familial honor," was a "deeply ingrained, almost visceral, need."[40] In such a culture, even if a man wished to forgive and forget his wife's adultery, the social pressures made that choice difficult, if not near impossible.

Tolerance for wife-killing in the Mediterranean world also created space for manipulation. Bresc sees that courts sometimes recognized in men's justifications for killing their wives "a divorce *all-italiana*," that is, "a setup by the husband to free himself from the wife."[41] Kelleher has voiced a similar suspicion about men in the Crown of Aragon:

35 Cohen, "A Daughter-Killing," 66.
36 Ellis, "Domesticating the Spanish Inquisition," 196.
37 Ljungqvist, "Female Shame, Male Honor," 141. See also the contribution by Julia Burkhardt, no. 20.
38 Rocke, "Gender and Sexual Culture," 152.
39 Ljungqvist, "Female Shame, Male Honor," 139.
40 Sposato, *Forged in the Shadow of Mars*, 30.
41 Bresc, "Knives and Poisons," 54.

"a violent husband could use a woman's own behavior to justify some incidences of violence—even murder—committed against her."[42] The medieval church upheld the sacrament of marriage as a monogamous and permanent union: it was not easy to get approval for a judicial separation, and divorce was available only in the form of an annulment (that is, formal recognition that a marriage never should have taken place because the couple was not eligible, for one reason or another). One cannot help but wonder how many men may have opted for femicide as self-divorce.

The *Lex Julia*, as it appears in the Digest, laid an important foundation for the rights of fathers and husbands to kill adulterous wives. Lawmakers deliberately framed the law to make it difficult for any man to take advantage of it. This legal tradition was rediscovered in the central Middle Ages but had a different impact in western Europe than it did on Mediterranean Europe. We see distinct vestiges of the Digest in the custumal of Beauvais, for example, but the father's power over his daughter vanished altogether, and in practice, men did not often kill their wives. In the Castilian *Las Siete Partidas*, parts of the Digest appear word for word. Here, too, there was a distinction between law and practice: in practice, fathers did not kill their daughters, yet husbands were even more empowered, and few of the restrictions carefully put into place by ancient jurists mattered at all as Castilian courts made decisions based on a culture of honor.

Further Questions

1. Why did these law codes require such specific circumstances to justify the extrajudicial killing of an adulterer? In what ways did these legal barriers influence societal norms regarding honor, privacy, and the rule of law?
2. A woman's social standing is often defined by a complex intersection of variables. Within the context of premodern Mediterranean Europe, which specific cultural, economic, or legal factors most significantly dictated a woman's status and agency?
3. Legal codes tell only half the story; there is always a gap between the law and its practical application. Where did medieval practice diverge from written law, and how do these contradictions help us better understand the complexities of medieval society?

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8 The Path to Grace. How Perpetrators Wrote Petitions to the Apostolic Penitentiary in the Fifteenth Century

Julia Burkhardt

Sources: In the Middle Ages, laypeople and clerics could send petitions to the Apostolic Penitentiary, the Papal Pardon Office in Rome, when they had violated Canon Law. Successful supplications were collected at the Curia in register books. The *Repertorium Poenitentiariae Germanicum* (RPG) contains cases from the Holy Roman Empire and neighboring regions. The following examples are quoted from RPG and provided in my translation. The original Latin text contains many administrative abbreviations. For the sake of readability, these have been expanded in the English translation. The source excerpts are labeled with references to the relevant RPG volume and document number.

RPG VII 01773
Lübeck, March 19, 1487
Nicolaus Primi laic. Lubic. dioc. olim instigante dyabolo quandam suam propriam ux. interfecit, propterea inhabilem se reddidit ad matrim. contrahendum, continens tamen vivere posse dubitat et cupiat pater effici liberorum: supplicat de absol. a reatu homicidii et de disp., ut cum aliqua mul. nullo iure prohibita matrim. contrahere possit […].

Nicholas Primi, a layman of the diocese of Lübeck, once killed his own wife, incited by the devil. Therefore, he has rendered himself unfit to contract marriage. However, he doubts that he can live in continence and desires to become the father of children. He petitions for absolution from the guilt of homicide and for a dispensation, so that he may be able to contract marriage with a certain woman not prohibited by any law.

RPG VII 02310
Münster, October 17, 1491
Federicus Honraest laic. Monast. dioc. olim ux. suam propriam interfecit, propter quod ipse exp. ad R. cur. peregre per absol. benef. obtinendum prout obtinuit personaliter accessit et limina b._Petri et Pauli Apostolorum in Urbe et sed. ap. personaliter visitavit;

cum autem dictus exp. sit in tali et. constitutus, quod sine periculo anime sue continere non valeat dubitatque per homicidium ad alia vota convolare sive cum alia mul. matrim. contrahere minime posse absque sed. ap. disp.: supplicat idem exp. de absol. a reatu uxoricidii et de disp., ut matrim. contrahere valeat.

Frederick Honraest, a layman of the diocese of Münster, once killed his own wife. Because of this, he personally traveled as a penitent to the Roman Curia in order to obtain absolution, which he did obtain, and he personally visited the thresholds of the Apostles Peter and Paul in the City (= Rome) and the Apostolic See. However, since the said petitioner is in such a condition that he is unable to live in continence without danger to his soul, and he doubts that, because of the homicide, he is able to take other vows or to contract marriage with another woman without a dispensation from the Apostolic See, he therefore petitions for absolution from the guilt of wife-killing and for a dispensation, so that he may be able to contract marriage.

RPG VII 02638

Poznań, July 13, 1491

Johannes de Miloslaw cler. in min. ord. constitutus Poznan. dioc. [exponit,] quod cum ipse olim in servitio cuiusdam domine Dorothee mul. loci predicti cum nonnullis aliis fam. fuisset et dicta mul. quandam ancillam in eius domo habuisset, tunc aliquando propter excessus dicte ancille domina predicta pluries dicto exp. seu alteri ex sociis fam., ut dictam ancillam virgis castigarent et verberarent hortabatur prout pluries ancillam percusserunt; postmodum vero et tunc temporis dicta ancilla egrotari cepit et infirmari, ex qua infirmitate post mensem vel circa diem suum clausit extremum; cum autem dictus exp. eandem mul. pluries percusserit virgis vel alio modo causa correctionis tantum et non alias et ex precepto dicte mul. patrone sue nec tamen eandem ancillam vulneraverit, ex quo sequi verisimiliter potuisset mors, nec eam ante eius obitum per 40 dies non tetigit et ultra, cupiatque ad omnes ord. promoveri et in ipsis postquam promotus fuerit perp. Domino famulari, ab aliquibus tamen asseritur ipsum premissorum occasione homicidii reatum commisisse et irreg. maculam seu inhabil. notam contraxisse, ad ora igitur talium obstruenda: supplicatur de decl. ut in forma […].

John of Miloslaw, a cleric constituted in minor orders of the diocese of Poznań, states that when he was formerly in the service of a certain lady, Dorothea, of the aforesaid place, together with several other servants, and the said woman had a certain maid in her household, then at times, because of the offenses of that maid, the aforesaid lady repeatedly urged the said petitioner or another of his fellow servants to chastise and beat the said maid with rods, and accordingly they struck the maid on several occasions; afterwards, however, and at that time, the said maid began to fall ill and grow weak, and from this illness, after about a month or thereabouts, she died. Although the said petitioner had struck this woman several times with rods or in other ways solely for the sake of correction and not otherwise, and by the command of the said woman, his mistress, he nevertheless did not wound this maid in such a way that death could likely have resulted, nor did he touch her for forty days or more before her death. He now desires to be promoted to all orders and, after being promoted, to serve the Lord perpetually therein. Yet some assert that on account of the aforesaid matters he has incurred the guilt of homicide and has contracted the stain of irregularity or a mark of unfitness, therefore. In order to silence such claims, he petitions for a declaration that […].

Texts and Contexts

In the Middle Ages, the Apostolic Penitentiary (*Poenitentiaria Apostolica*) was one of the most important offices at the Papal Curia in Rome.[1] It consisted of two offices with distinct functions: At the so-called "minor office" (*officium minus*), priests were responsible for the care of souls. They would hear confessions, absolve believers of their sins or impose penance on them. The so-called "major office" (*officium maius*) was the Curia's Pardon Office. Laypeople and clerics could send petitions to this office when they had violated Canon Law or requested a specific grace. It was supervised by the "major penitentiary." Together with his deputy (the so-called regent) and several subordinate "minor penitentiaries," this cardinal was responsible for requests of var-

1 For a concise overview of the history and structure of the Penitentiary, see Schmugge, *Marriage*, 4–54; Salonen, "The Curia;" Clarke "The Papal Penitentiary." The classic study is Göller, *Die päpstliche Pönitentiarie*.

ious kinds: people reached out to the office because they requested an official pardon from the pope, an absolution from any form of ecclesiastical punishment, a special permission ("dispensation") to act against certain rules of Canon Law, licenses and declarations.[2] The beginnings of the Apostolic Penitentiary probably go back to the 12th century, but the office developed over centuries, and with it its internal organization and staff. To cope with the growing number of petitions or supplications, several experts for handling written documents and administrative tasks were needed, among them scribes, correctors or taxators.[3]

In theory, all Christians could send petitions to this office, although in practice the support of clergymen or legal experts was required. Usually, potential petitioners would first consult with a local priest or with the bishop of their diocese and then approach the Curia through an intermediator. These experts were not only well acquainted with Canon Law, but they were also familiar with the workflows at the Penitentiary. This is why most supplications follow a certain structure, using specific language and arguments that would make the judges at the Penitentiary more willing to support the individual case.

If the supplications were approved by the Penitentiary, a summary of each petition was kept in Rome in register books, along with a note about its approval. These registers were organized by topic. As Kirsi Salonen has shown, among the most common subject areas to which supplications could be assigned were marriages (*de matrimonialibus*), different types of cases (*de diversis formis*), declarations (*de declaratoriis*), illegitimacy (*de defectu natalium*), holding several benefices in connection with being of illegitimate birth (*de uberiori*), ecclesiastical ordinations (*de promotes et promovendis*), and confessions (*de confessionalibus*).[4] There was no separate category for killing cases. Instead, petitions relating to killings or violent acts were classified into various categories, depending on factors such as whether the petitioner was a cleric.[5]

All supplications that have been preserved in these register books had been granted—an important aspect, because it reveals what kind of arguments and justifications were successful in the end. Comprehensive records containing petitions from various regions of Europe have been preserved and are thus suitable for analysis. However, the extent to which the material has been indexed and made accessible varies considerably. For example, supplications from the Holy Roman Empire and neighboring regions that were written in the 15th and early 16th century have been systematically recorded in the RPG.[6] These petitions, that is: their summary and corresponding approval notes made

2 On the different issues handled by the penitentiary and the different kinds of graces, see Salonen, "The Curia," 267–271.
3 For a brief overview, see Clarke, "The Papal Penitentiary;" for a detailed analysis, see Fossier, *Le bureau*.
4 Salonen, "The Curia," 267–271.
5 Salonen, "The Apostolic Penitentiary," 31–33.
6 Esch, "Repertorium Germanicum."

in the Penitentiary, have been published in eleven printed volumes; additionally, eight of these volumes are accessible and searchable online via a database.[7]

Petitions from some European regions, such as England or Scotland, were serially catalogued for at least a few decades of the 15th century.[8] Records from other regions, such as France or Italy, have been registered selectively, for example for specific pontificates, dioceses or letter categories.[9] Just as the records in the Roman registers are not comprehensively documented, neither are those in the regional archives. While the papal registers contain summaries of the petitions and approvals, the local archives *in partibus* have, in some cases, preserved complete copies of the papal replies. These provide insight not only into the content and outcome of the petitions, but also into how the respective decisions were implemented locally.[10] Therefore, it is difficult to make a reliable quantitative estimate. On the one hand, the number of petitions granted in Rome has not yet been fully recorded. On the other hand, it is equally unclear how many petitions were denied. However, recent studies of the records of the Penitentiary estimate that the office granted approximately 116,000 graces between 1455 and 1492.[11] Due to the complexity of the historical record, the inconsistent nature of existing editions and the vast quantity of material, any research into petitions to the Apostolic Penitentiary should be considered provisional. Nevertheless, the Roman register books also contain numerous insightful sources on gender-specific killings.[12] The following discussion refers exclusively to material that has been registered or edited and is accessible in printed editions or online databases. Undoubtedly, a systematic examination of the material in the archives in Rome and the provinces (*in partibus*) would further refine our understanding.

Searching the edited petitions using the keywords 'kill' (*interficere* or *occidere*), 'killing' (*interfectio* or *occisio*), or 'homicide' (*homicidium*), alongside terms referring to female victim groups such as wives (*uxor*), sisters (*soror*), mothers (*mater*), maids (*ancilla* or *serva*), discloses the following: For the 15th and early 16th century, the available sources reveal just over 60 cases of completed killings in which the victims were women. Additionally, there are at least 30 further cases of violence against women resulting in death or severe injury.[13] These figures show that many men approached the Pope because they had killed or been involved in killing a woman, or had been

7 Schmugge, "Digital Humanities;" *Repertorium Poenitentiariae Germanicum* (hereinafter cited as RPG) Online (= vols. 1–8 of the eleven printed RPG volumes).
8 *Supplications*, ed. Clarke/Zhutshi; *Calendar of Scottish Supplications*, ed. Lindsay/Dunlop.
9 *La pénitenciere*, ed. Lusset/Pieyre; Maillard-Luypaert, *Les Suppliques*; Ostinelli, *Le suppliche; Synder og Pavemakt*, ed. Jørgensen/Saletnich; *Auctoritate Papae*, ed. Risberg/Salonen.
10 Wollmann, *Litterae, The Roman Curia*, ed. Salonen/Krötzl.
11 Salonen, "The Curia," 267; for an estimate of the distribution of topics, see ibidem 271.
12 Kirsi Salonen compiled preliminary findings and quantitative assessments regarding cases of domestic violence at the Apostolic Penitentiary: see Salonen, "The Apostolic Penitentiary," 31–35.
13 First findings have been discussed by Schmugge, *Marriage on Trial*, 158–159; see also the (slightly differing) figures given by Salonen, "The Apostolic Penitentiary," 36.

accused of such an act. Whether real or alleged, these killings caused the men social or legal problems that could not be resolved (or rather absolved) locally.[14] Their petitions thus demonstrate the prevalence and significance of gender-specific killings in everyday life.[15]

This is also illustrated by the three source excerpts in this chapter: In all three cases, men—both secular and clerical—contacted the Pope either admitting to killing a woman (Nicholas Primi, Frederick Honraest) or denying such a responsibility (John of Miłosław). The relationship to the victims differed from case to case: they were wives or maids in the same household (further examples also include sisters, mothers, or even unnamed and perhaps unknown women). None of these supplications express regret or remorse. To understand this, we need to consider the context in which they were written. Supplications to the Apostolic Penitentiary were written for specific purposes, such as obtaining absolution or a particular dispensation. While some petitions mention individual motives and contexts, the functionality of these documents must always be at the core of their analysis. Still, we learn that the killing of women (or the rumor of such an act) was relevant to the men and their social surroundings, as an obstacle to remarriage (Nicholas Primi, Frederick Honraest), to social mobility or the exercise of a clerical office (John of Miłosław).

Making Sense of the Sources

From a legal perspective, the key issue in killing cases was whether killing someone (whether male or female) constituted homicide (*homicidium*).[16] As potential penalties that could be imposed by secular courts depended on this classification, the term "homicide" was generally used in such cases.[17] However, most of the petitions to the Apostolic Penitentiary concerning the killing of women also referred to uxoricide (*uxoricidium*), the term literally meaning "the killing of a wife" (by her husband).[18] Both Nicholas Primi and Frederick Honraest, the two lay petitioners quoted above, admitted to having killed their wives and marked their acts as "homicide." Frederick, however, added the term "uxoricide" thus explicitly referring to the relationship between victim and perpetrator.

Marriage was a social relationship that was theologically and legally regulated by the ecclesiastical authorities. Their rules covered the formation of marriage, including the crucial issue of mutual consent, as well as its arrangement by the spouses, matters of offspring and inheritance, and breaches of these rules.[19] The marital union was con-

14 Salonen, "The Apostolic Penitentiary."
15 On the relevance of the supplications for everyday life (*Alltagsgeschichte*), see Esch, "Große Geschichte."
16 For a more detailed overview, see Tracy, *Medieval and Early Modern Murder*.
17 Dean, *Medieval Murder*, 1–24.
18 Of the 31 cases that Salonen identified for "killing someone close," 20 cases are uxoricides: Salonen, "The Apostolic Penitentiary," 36. Salonen also names some cases where men were the victims of violent or lethal acts.
19 McDougall, "Marriage;" Schmugge, *Marriage*; Schmugge, "Eheprozesse."

sidered a highly hierarchical relationship, with the husband granted extensive control and authority over his wife. Although Canon Law provided written provisions regarding marriage that were theoretically valid universally, these were debated and refined repeatedly over the centuries (see the contributions by Sara Butler, no. 5, and Julia Bühner, no. 6). Furthermore, the canonical requirements for marriage were interpreted differently in various regions. This dynamic becomes evident in the petitions to the Penitentiary, which often navigated the tension between established knowledge and lived practice.[20]

One controversial topic that highlighted these dynamics was the treatment of (alleged or proven) adultery and its consequences for the marital relationship (see the contribution by Sara Butler, no. 7). In accordance with the Christian concept that neither husbands nor wives should commit adultery, church authorities usually claimed jurisdiction over such cases. Similarly, secular laws also provided regulations and punishments for adulterers and adulteresses. Whether and how these regulations were enforced varied from region to region, as Sara McDougall recently discussed.[21] Still, several secular provisions permitted the punishment, and in some cases the killing, of an adulterous wife in cases of *proven* adultery. In contrast, ecclesiastical authorities underlined the hierarchical dimension of a marriage by granting husbands the right to control, examine, and chastise their wives, but tried to set clear theological and legal limits about the actual killing. The specific issue of how to deal with adultery thus turned into a fundamental question regarding the rights to protection and justice within a marital relationship.[22] In the 9th century, Pope Nicholas I declared that "those who kill their wives are absolutely forbidden to remarry."[23] Accordingly, the killing of one's wife should be severely punished. Possible punishments could include a ban on remarriage or expulsion from the religious community. Depending on local traditions and legal codes, death penalties could also be imposed (see also the contribution by Beaulant/McDougall, no. 11).

This view on uxoricide explains why husbands like Nicholas Primi from Lübeck or Frederick Honraest from Münster, the authors of the first two supplications above, admitted to killing their wives—because they wanted to remarry. Their supplications document that the petitioners (or the clergy advising them), were aware of the ban on remarriage after killing a wife. In other cases, a second marriage that had already

20 Caserta, "Considerations;" Schmugge, *Marriage*.

21 McDougall, "The Transformation."

22 Schröder, "Frauenraub;" Pieniądz, "Incmaro di Reims." Accordingly, several men justified their acts with proven adultery committed by the victim in their petitions to the Apostolic Penitentiary. See Salonen, "The Apostolic Penitentiary," 42–44.

23 Marriage Canons, ed. Noonan. Decretum Gratiani, Q II, ch. 5: "Hence Pope Nicholas writes to Rudolph, archbishop of Bourges: C. 5. Those who kill their wives are absolutely forbidden to remarry. As to those who killed their wives without trial, since you do not add that these were adulteresses or anything like that, should they be accounted other than murderers subject to penance? They are absolutely forbidden to remarry, unless they are young men."

taken place was to be declared valid. Occasionally, newlyweds explicitly stated that they were not responsible for the death of a previous wife who had already passed away.[24] In 1450, the Vicar General of Gniezno (Poland) instructed Paweł the blacksmith, who had killed his wife, to report to the Penitentiary.[25] Allegedly, Paweł had killed his first wife to end his marital relationship. This highlights a fundamental difference between premodern and modern cases. According to current criminological studies, men today attempt to kill their wives to either keep them in the relationship or prevent them from entering another one (see the contribution by Julia Habermann, no. 2). In the Middle Ages, it seems, killing a partner paradoxically opened the option for another relationship: Since marriage was considered a sacrament and thus indissoluble, divorce was not an option. In exceptional cases, such as the excessive use of the marital right of chastisement, a "separation from bed and table" could be obtained, resulting in a physical separation of the partners. Still, from the perspective of church representatives, the marital union ideally had to be restored, provided that the safety of both partners was guaranteed. Thus, killing one's wife created a definitive situation, causing problems (such as the danger of legal consequences) and options (such as remarriage). Although there are many examples tying the killing of a first wife to a quest to marry a second, this does not prove that the desire to remarry was the motive for the crime (see the contribution by Simona Feci, no. 9).[26]

It is, however, unclear whether the supplications were written due to the petitioners' personal concerns or under pressure from their social surroundings. Apart from the names of the petitioners, their status (lay or clerical) and the dioceses to which they belonged, we learn nothing about their personal circumstances. It is only in exceptional cases that one can discover additional information about these people. This also applies to the circumstances surrounding the respective killings: Apart from a few other cases in which adultery or killing by the respective husbands' "own hand" was explicitly mentioned, there is usually little evidence in the petitions as to how or why the wives were killed.[27] Some men, including Nicholas Primi, justified their actions by citing supernatural influences. Nicholas, for example, claimed that the devil had "incited" him to commit the crime. Although the theologians in the Penitentiary could reasonably

24 Schmugge, *Marriage*, 139–145.

25 *Księga sądowa*, ed. Kozak, Nr. 561: *"[…] remisit Paulum fabrum pro penitencia suscipienda ad Curiam Romanam pro |x| uxoricidio. Et quia | prefatam Barbaram in| cum prefata Barbara in facie Ecclesie dictus faber <in> matrimonium convenerat de facto, vivente adhuc prima uxore, quam post huiusmodi contractum occidit <proinde, ut cum Barbara contraheret et eam uxorem haberet>, ideo huiusmodi matrimonium nullum inter eos fuit, quamvis fuerit publice in ecclesia denunciatum*." On supplications from Gniezno, see also Saczyńska-Vercamer, *Władza i grzech*.

26 Salonen, "The Apostolic Penitentiary," 41–42. On legal ways to have a marriage ended (e. g. by annulment), see Salonen, "How to get."

27 Salonen, "The Apostolic Penitentiary," 37. For the argument of proven adultery, see the supplication by John Blasius from the diocese of Gniezno, submitted in 1461: RPG IV 01366. In 1492, a certain Boniface Weydman from the diocese of Mainz admitted to once killing his wife Elsa with his bare hands ("*Bonifatius Weydman laic. Magunt. dioc. olim quondam Elsam ux. suam propriam cum nuda manu interfecit…*"): RPG VII 02338.

have questioned why men like Nicholas were susceptible to the devil's whispers in the first place, there is no evidence that they did.[28] Other perpetrators invoked the highest heavenly authority. In 1489, Jorius Dettenberger confessed to throwing his wife into a river, but attributed her death to God's will.[29]

Repeatedly, remarriages after killings were argumentatively linked to physical needs. Both Nicholas Primi and Frederick Honraest cited their inability to lead a life of abstinence, but underlined they were still physically fit. As legitimate sexual relationships were only possible within marriage, this argument provided them with an opportunity to seek permission to remarry. This line of reasoning combined legal aspects with a physical component—in this case, the men's inability to abstain from sexual intercourse. According to Manon Garcia, nature and the body serve not only as traditional categories of argumentation to justify men's superior position, but also to legitimize or explain acts of violence.[30] Thus, biology becomes a factor beyond men's control—a connection that also emerges in both petitioner's cases.

Penances for uxoricide usually included severe fasting, abstinence and walking barefoot to church; however, their practical implementation depended on local customs. The aim was to ensure that shame and remorse remained visible in the public and to facilitate social reintegration. Whether and how such penances were carried out can only be determined on a case-by-case basis. Some supplications may provide insight into this, as Frederick's case shows: When he requested absolution, he referred to previous acts of penance in greater detail. After killing his wife, he undertook a pilgrimage to the tombs of the Apostles in Rome—a significant undertaking given the distance between Münster and Rome.

Acts like these highlight the widespread social resonance of gender-based violence. Although the killing of women—and wives in particular—was apparently common, such acts could have significant legal and social consequences. This was also true in extramarital contexts. For example, several clergymen tried to defend themselves against allegations of such killings. According to ecclesiastical regulations, priests who were found guilty of killing (voluntarily or involuntarily) could be severely punished. They would incur excommunication and be classified as irregular, meaning they would lose their position as priests and be unable to perform any ecclesiastical duties.[31] Only an absolution or dispensation from the pope could remedy the situation. However, if the priests believed they had been wrongly accused of another person's death, they could request a special papal confirmation officially documenting the recipient's non-involvement.

28 On the motif of *diabolo instigante* see Salonen, "The Apostolic Penitentiary," 39-41.
29 RPG VII 02041: *"Jorius Dettenberger laic. Seccov. dioc. olim prout laic. quandam mul. suam ux. propriam in flumen proiecit, ex qua quidem proiectione suffocata sicut Deo placuit diem suum clausit extremum […]."*
30 Garcia, *Living with men*, 46–48.
31 On the norms regulating killing by clergymen Salonen, "Killer Clergy."

For this reason, various clergymen sent petitions to the Penitentiary.[32] In these petitions, they explained why a woman had died in their vicinity and asserted their innocence. They were not denying that corporal punishment or chastisement had occurred. Rather, they needed to clarify that the physical violence in question did not cause death. This was precisely the line of argument taken by John of Miłosław in 1491, author of the third petition quoted above. His case is particularly interesting, because it links gender-specific positions to the social hierarchy within a household. Before his ordination, John had reportedly worked as a servant for a lady named Dorothea. In this role, he and other servants of the household were repeatedly tasked with disciplining a fellow maidservant for alleged misdemeanors. John openly admitted to beating the woman with various objects, such as a rod, and an injury was also mentioned. Nevertheless, he did not consider himself responsible for her subsequent illness and eventual death. Vague references to her death more than a month after his last punishment do not necessarily imply this, although her death may have been due to complications from internal bleeding. Significantly, however, this seems to be exactly what John was accused of. He explicitly refers to being accused of homicide, which would have been an impediment to his position in the Church. He thus felt obliged to ask for a formal declaration that he was innocent.[33] Social hierarchies and differences in status are just as evident here as the extent to which such a killing was discussed within the social context—whether within the household or the neighborhood—and situated within the spectrum of blame and responsibility.

Through the Lens of Femicide

Unlike today, when a significant portion of research on the killing of women involves collecting statistical data, it is difficult to compile consistent data sets for the Middle Ages. Questions of numbers or percentages are equally problematic. Not every city or realm kept consistent and systematic records of births, deaths, court proceedings, or rulings that could be analyzed to draw statistical conclusions. Regarding our topic, not all deaths were recorded or described in detail. The volume and significance of material from judicial or social contexts depend heavily on local traditions and the preservation of relevant documents. These documents may have survived intact during times of war or disaster by chance.[34]

However, the petitions addressed to the Pope and the Apostolic Penitentiary offer one way to gain an understanding of the scale of femicide. During the 15th century, several dozen men appealed to the Pope because they had killed or been implicated in the violent killing of a woman, which caused them social or legal problems. Their supplica-

32 For various examples from France, see Lusset, "The Pope;" for a case study from Rostock, Germany (violence among scholars), see Wagner, "'Der Prügel-Popst'."
33 On common argumentative strategies in these petitions, see Salonen, "Killer Clergy," 207–213.
34 Esch, "Überlieferungschance."

tions provide fundamental evidence of a comparatively large number of gender-based killings of women by men across various social groups and regions in Europe.[35]

The petitions teach us several things about the historical context of femicide and its social and legal significance (for Jewish examples, see the contribution by Aviya Doron, no. 23). Apparently, the petitioners or their counsel were well aware of the ecclesiastical authorities' ban on remarriage for cases of uxoricide. It is unclear whether the petitions were written out of personal concern, which would have prompted the clergy to refuse remarriage, or if they were written due to social pressure from the neighborhood or local community. Another possibility is that the petitioners feared being blocked from a promotion because of the alleged crime. Apart from a few cases in which adultery or the use of the perpetrators' own hands was mentioned, there is hardly any indication of how or why the petitioners killed their wives. However, much more can be said about the interpretative horizons. Petitioners repeatedly emphasized their willingness to abide by contemporary norms by discussing their physical condition and ability to practice abstinence. Supernatural forces could be invoked to reinforce an argument if necessary. In addition to the legal and social framework of marital communities, these sources express ideas about the body, sexuality, dominance, control, and gender-specific attributions.

Another dimension emerges when analyzing petitions from priests whose female household members had died. These women were typically in subordinate positions, such as maids or housekeepers; gender must therefore necessarily be considered an analytical category alongside status and social background. Some of these women apparently died as a result of excessive physical punishment. Although the priests denied this connection, it remained a point of contention. For example, when the social circle accused the priests of killing the women, the priests' standing in the church hierarchy was endangered.

These contexts provide an additional perspective on the killing of women by men. Femicide was not merely a bilateral matter between the victim and the perpetrator. Gender-based violence, ranging from violence with lethal consequences to intentional killings, was visible to many people in the victims' and perpetrators' social networks. These groups had to cope with the social and legal consequences of such acts. Within the church, institutional structures were used to reconcile existing laws with the challenges of daily life. Petitions to the Apostolic Penitentiary offered perpetrators a path to grace and social rehabilitation. Paradoxically, however, it was precisely these administrative chains of papal authority that ensured the killings of women would not be forgotten, even if the perpetrators were acquitted.

35 For a brief discussion on gender-specific aspects, see also Salonen, "The Apostolic Penitentiary."

Further Questions

1. Discuss the relationship between body and gender and its dimensions in historic femicide cases, both in the examples presented this chapter and also in regard to other examples presented in this volume.
2. Based on the cases presented here, discuss the relationship between guilt and responsibility. Who made these attributions? What were the consequences?
3. Please search for media reports on recent femicide cases that mention the perpetrators' justifications or argumentative strategies. Compare these with the sources in this chapter. What observations do you have about the functionality of the sources?

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9 Tuoro, 1641: Killing a Wife to Marry a Lover

Simona Feci

Sources: The case of Maddalena of Tuoro reveals how a seventeenth-century uxoricide could be understood simultaneously as a crime against a woman, a violation of marriage, and the subject of a jurisdictional dispute between ecclesiastical and secular courts. While contemporaries did not possess the modern concept of femicide, the case exposes gendered structures of power and violence that make the category historically fruitful. The sources as published here are part of a dossier preserved in the Vatican City, at the Archives of the Dicastery for the Doctrine of the Faith (ADDF). The dossier belongs to a collection of cases submitted to the Holy Office concerning polygamy and, in some instances, uxoricide.

Source 1: Maddalena's Complaint. Excerpt from the criminal proceedings against Antonio Cortonesi for the murder of his wife. ADDF, St. st. M 5 c 2, fol. 127

1	*12 luglio 1641* *Visa et examinata fuit per me notarium de mandato Ill.mi et Rev.mi Vicarii*	July 12, 1641 It was reviewed and examined by me, the notary, by order of His Excellency and Most Reverend Vicar
5	*D. Magdalena q. Antonii, et uxor ad pns Antonii alias del Pasqua de Villa Tuori, quae eius medio iuramento p.t iuravit tactis ad interrogationes respondit ut infra*	Mrs. Maddalena, daughter of the late Antonio, and currently wife of Antonio, alias del Pasqua from Villa Tuori, who, having taken an oath, answered the questions as follows:
10	*Int.a respondit: La causa per la quale d.o [detto] mio marito mi fa stare in q.to [questo] letto ve la dirò adesso. Dovete sapere che detto mio marito da un anno fa in circa mi ha cominciato a far delle stravaganze et cattivi portamenti*	In response to the question, she stated: I will now tell you the reason why my husband keeps me in this bed. You must know that said husband of mine, for about a year now, has begun behaving strangely and treating me
15	*per causa d'una certa Antonia moglie già d'un certo Pompeo da questo luogo, con la quale haveva interesse carnale, che da detto tempo in qua più volte mi ha offeso, e più volte ancora mi ha detto che voleva toglier per moglie doppo*	badly because of a certain Antonia, formerly the wife of a certain Pompeo from this place, with whom he had a sexual relationship; since then, he has mistreated me many times, and many times he has told me that after my death
20	*la mia morte la detta Antonia; talche mercordì a sera passato come ho detto per voler forsi mettere in essecutione detto suo pensiero, quando fu colcato qui in letto con me et quando io mi fu adormentata, non m'accorsi d'altro se*	he wanted to take said Antonia as his wife; so that last Wednesday evening, as I said, perhaps intending to carry out his plan, he lay down in bed beside me and, while I was asleep, opened
25	*non quando detto mio marito m'apri la bocca e mi mise dentro non so che amaro, che nel far ciò io mi svegliai subito, e sputai fuori un poca di quella robba che andò qui nel letto, che non*	my mouth and put something bitter inside it; upon doing so, I woke up immediately, and I spat out a little of that stuff, which landed here on the bed; I do not know what it was, but Margherita wife of Domenico, my sister-in-law,

so quello si fosse, ma la trovorno la Margherita di Domenico mia cognata e la Madalena sorella di detto mio marito, et un poca me n'andò giù per la gola che subito mi fece resintimento nella vita, e cominciai a perdermi et a venir meno [taltris?] che lui si levò et una donna mi diede un poco di medecina d'orvietano e subito pigliata cominciai a vomitare e vomitai due volte alla fila dalla bocca cosaccie verdi e bianche, ma tanto non mi giovò che io mi gonfiai dalla banda sinistra il mostaccio e la gola come al pnte ancora sono che a mala pena posso parlare, come voi ancora potete vedere, // pt. Ego not.s vidi, e dui giorni doppo cominciai a far il sangue dalle parti di dietro e dinanzi per la natura, che me n'è uscita gran quantità et adesso mi sento tutta via più male, che sono stata, e questa è la causa per la quale sono nel letto come mi vedere» (127) […]

and Maddalena, the sister of my husband, found it there; and some of it went down my throat, which immediately caused severe pain in my stomach, and I began to lose consciousness and faint; so he got up and a woman gave me a little 'Orvietan' medicine, and as soon as I took it I began to vomit, and I vomited twice in a row from my mouth green and white matter, but it didn't help me at all, for my left side, my jaw, and my throat swelled up, as they still are now, so that I can barely speak, as you yourselves can still see—I the notary saw -, and two days later I began to bleed both from the back and the front [vagina] of my parts of my body, and a great quantity of blood came out, and now I feel much worse than I did before, and this is the reason I am in bed as you see me. […]

Int.a respondit: detto mio marito due altre volte mi ha dato veleno per amazzarmi, che una volta me lo mise nelli funghi et un'altra volta me lo mise nel brodo, ma con l'aiuto di Dio non li inghiottij, che subito pigliato il p.o bocone che lo sentij amaro lo sputai fuori et così non restai offesa.

In response to the question, she stated: My husband has given me poison to kill me on two other occasions; once he put it in the mushrooms and another time he put it in the broth, but with God's help I did not swallow it, for as soon as I took a mouthful and tasted the bitterness, I spat it out, and thus I was not harmed.

Int.a respondit: Signore, io li dicevo come poteva dire e pensar queste cose essendo che saria peccato tanto grande voler amazzar la moglie per pigliare una puttana e fare un peccato contro il s.mo [santissimo] sagramento del matrimonio e che quando ciò havesse fatto, Dio benedetto, e gl'huomini e christiani del mondo come li padroni non haverebbero permesso che lui lhavesse potuta sposare.

In response to the question, she stated: Sir, I told him how he could say and think such things, since it would be such a great sin to want to kill his wife in order to marry a whore and commit a sin against the most holy sacrament of marriage, and that if he had done so, blessed God, and the men and Christians of the world, like those in authority, would not have allowed him to marry her.

Int.a respondit: lui mi rispondeva e replicava che il pigliar moglie lo poteva fare ogn'uno, e che non li si poteva impedir da veruno che non la pigliasse perché era cosa libera, benche amazzasse me per pigliar detta Antonia.

In response to the question, she stated: He answered me and retorted that anyone could take a wife, and that no one could prevent him from taking one because it was a free choice, even if he were to kill me in order to marry said Antonia.

*Int.a respondit: Signor sì perché lei ancora me lo disse che io un giorno sarei stata morta che a dispetto si sarebbero insieme sposati.**

In response to the question, she stated: Yes, sir, because she also told me that one day I would be dead and that, in spite of everything, they would marry each other.*

* Underlined in the original, with a hand symbol in the margin next to the underlined lines.

Source 2: Episcopal vicar Gaspare Cittadini's letter to Cardinal Francesco Barberini. ADDF, St. st. L 3 f (correspondence, 1630–1660).

La corte episcopale di Perugia fu informata che Antonio Cortonese, abitante a Tuoro, aveva avvelenato la moglie per la relazione sessuale che intratteneva con Antonia, prostituta, con cui desiderava unirsi in matrimonio. Inviato il notaio sul luogo del delitto e ascoltata la moglie moribonda, ella raccontò l'accaduto e querelò il marito e la prostituta predetta presso il suddetto tribunale. L'uomo fu arrestato, la donna non poté essere catturata perché fuggì. Dal processo fatto risultano prove dell'avvelenamento cagionato per la causa predetta.

The episcopal court of Perugia was informed that Antonio Cortonese, a resident of Tuoro, had poisoned his wife because of the sexual relationship he was having with Antonia, a prostitute, whom he wished to marry. A notary was sent to the place of the crime and, after hearing the wife as she lay dying, she recounted what had happened and lodged a complaint against her husband and the aforementioned prostitute before the said tribunal. The man was arrested; the woman could not be captured because she fled. The proceedings produced evidence of the poisoning caused by the aforementioned reason.

Mentre il processo continuava, è arrivato l'ordine della S. Consulta di consegnare il prigioniero al tribunale laico e, malgrado il fatto che l'ordine sia giunto senza che l'autorità ecclesiastica sia stata convocata a esprimere le proprie ragioni [a tutela della propria giurisdizione], per rispetto verso la Sacra Consulta, il carcerato fu immediatamente consegnato.

While the trial was ongoing, an order arrived from the Sacred Consulta to hand over the prisoner over to the secular tribunal and, despite the fact that the order arrived without the ecclesiastical authority having been summoned to state its reasons [in defense of its jurisdiction], out of respect for the Sacred Consulta the prisoner was immediately delivered.

Ora si supplica vostra eminenza a provvedere con la sua solita prudenza e giustizia che questo tribunale [ecclesiastico] sia risarcito del danno evidente causato alla giurisdizione ecclesiastica, tanto più che da questo caso possono provenire danni manifesti alla Sede Apostolica. Che il caso sia di competenza della giurisdizione ecclesiastica non pare che possa sollevare obiezioni per le infrascritte ragioni e autorità.

Now Your Eminence is humbly entreated to provide, with your customary prudence and justice, that this ecclesiastical tribunal be compensated for the evident damage caused to ecclesiastical jurisdiction, all the more so because from this case manifest harm may arise to the Apostolic See. That the case falls within ecclesiastical jurisdiction does not seem open to objection for the reasons and authorities set out below.

Primo: il caso spetta al foro vescovile, perché questo è competente sulle cause di adulterio in quanto è peccato contro il sacramento del matrimonio e dunque contro la Chiesa, come dice il dottissimo P. [Antonino] Diana [p. 4, trattato primo dell'immunità ecclesiastica, risoluzione 16]. Pertanto, a maggiore ragione questo stesso foro deve giudicare in merito all'uxoricidio che è un delitto contro il matrimonio più grave e tanto più quando l'uxoricidio deriva dall'adulterio; cosicché con l'uxoricidio si

First: the case pertains to the episcopal forum, because it has competence over cases of adultery insofar as adultery is a sin against the sacrament of marriage and therefore against the Church as the most learned father [Antonino] Diana said in his treatise on ecclesiastical immunity, part IV, 16. Therefore, all the more reason does this same forum have to judge uxoricides, which are crimes against marriage of greater gravity, especially when the uxorcide derives from adultery; thus, uxoricide is

offende il sacramento del matrimonio e i Sacri Canoni proibiscono di estinguere il matrimonio per contrarne un altro con la donna con cui si ha una relazione adulterina, come dice il Turrecremata [cita Torquemada, can. interfectores 33 q. 2, n. 5 ad secundum] con queste parole Uxoricidium est contra subiectum coniugij qua perimit subiectum et Adulterium contra bonum fidei et sic adulterium non est magis contra matrimonium quam uxoricidum.

an offence against the sacrament of marriage. Moreover, the sacred canons prohibit dissolving a marriage in order to contract another with a woman with whom one has maintained an adulterous relationship, as Torquemada [quotation: can. interfectores 33 q. 2, n. 5 ad secundum] explicitly states: Uxoricide is directed against the very substance of marriage, since it destroys one of its parties; adultery, by contrast, is directed against the good of marital fidelity. Therefore, adultery is no more contrary to marriage than uxoricide.

Et si dà da i sacri canoni la cognizione di tal eccesso anco contro laici all'ecclesiastico si come nel canone interfect. 33 q. 2° decis. Mediolan. 20 num. 107.

The sacred canons also assign jurisdiction over such offences to ecclesiastical courts even when the accused are laypersons.

Così risulta che la cognizione dell'uxoricidio predetto non solo è contro il matrimonio et quindi delitto ecclesiastico, come lo considerano il predetto Diana nel luogo accennato et il predetto canone Interfect., ma contiene in sé il sospetto di eresia.

Thus it follows that cognizance of the aforementioned uxoricide is not only a crime against marriage and therefore an ecclesiastical offense, but also contains within itself the suspicion of heresy.

[Questo sospetto deriva dall'adesione] all'errore predicato da Lutero e seguito da suoi adepti quando criticarono la Chiesa cattolica e apostolica per l'impedimento posto alla celebrazione del matrimonio con la concubina, una volta uccisa la propria moglie, portando Lutero l'esempio di Davide che uccise il marito di Bethsabea per pigliar poi costei per moglie: errore luterano che confuta diffusamente il cardinale Bellarmino l. primo cap. 22 vers. Reprehendunt ecclesiam et vers. Quid enim atrocius in coniugio fingi potest, quam ut alter coniugum non solum fidem coniugi non servet, sed etiam vitae eius insidietur et da ciò discende che l'uxoricida deve essere interrogato su che cosa intendeva dire a proposito dell'asserzione predetta di Lutero così come si procede nel chiedere ai bigami quale sia stata la loro intenzione o convinzione.

This suspicion derives from adherence to the error preached by Luther and followed by his adherents, who criticized the Catholic and Apostolic Church for the impediment placed upon marriage with a concubine after the killing of one's wife, citing the example of David, who killed Bathsheba's husband in order to take her as his wife. This Lutheran error is refuted at length by Cardinal Bellarmine in Book I, Chapter 22, where he asks: "What could be more atrocious in marriage than for one spouse not only to violate marital fidelity, but also to plot against the life of the other?." From this it follows that the uxoricide should be questioned concerning what he intended by the aforesaid Lutheran assertion, just as alleged bigamists are questioned regarding their intentions and beliefs.

E qualora si affermasse [a sostegno del cambiamento di giurisdizione] che la Sacra Consulta rappresenta il papa, si replica che ciò è

And should it be asserted that the Sacred Consulta represents the Pope, it is replied that this is true; but since the arguments of this

vero, ma non essendo stati ascoltati gli argomenti di questo tribunale né avendolo preso in considerazione, non si presume che sia conforme al normale modo di operare che il papa pregiudichi qualcuno nei diritti che ha.

tribunal were not heard nor taken into consideration, it cannot be presumed that the Pope would deprive someone of the rights he possesses.

Texts and Contexts

In the summer of 1641, the small village of Tuoro, a settlement a few kilometers from Perugia in central Italy, was the scene of a uxoricide. The victim herself, Maddalena, recounted the events before she died (source 1). Her account was recorded by a notary whom the episcopal vicar of Perugia sent to the village as soon as he heard the news of the incident.

Maddalena accused her husband, Antonio Cortonesi, of having attempted to kill her on several occasions in order to get rid of her and marry Antonia, a woman of dubious reputation with whom he had been having an affair for some time. Together, Antonio and Antonia appear to have plotted against Maddalena. Antonio, deeply involved in his relationship with Antonia, mistreated his wife, threatened her with death, and repeatedly resorted to poison in an attempt to carry out his plan. In fact, on at least two occasions, Antonio had added poison to Maddalena's food, but the woman, thanks to her keen vigilance, had survived. Finally, Antonio succeeded in making her ingest enough poison to cause her death while she was asleep. Her narrative is not exceptional in itself, either in terms of lethal violence between spouses or the use of poison.

In seventeenth-century Italy, marital violence was commonplace. Husbands had a recognized right of correction (*ius corrigendi*), that allowed them to use persuasion, coercion and physical force to correct and punish their wives when they failed in their duties or behaved inappropriately: for instance, when a wife was disrespectful toward her husband, argued with him, hurled insults, aroused suspicion and slander regarding her own honesty or was unfaithful, or failed to perform household chores. The limits on the head of the household's use of corrective force were not clearly established, but both legal sources and doctrine generally agreed that bloodshed, permanent injury, or homicide were considered unlawful.[1]

Domestic violence fits within this theoretical, cultural, and social framework, which was embraced by men and women, families, ecclesiastical and civil institutions, and the judiciary. When faced with legal complaints or requests for separation filed by their wives, husbands reject the accusation of having used violence against them and invoke the right to discipline their wives, who had deserved the corporal punishment they had inflicted—both to punish them for that specific behavior and to make them mend their ways for the future. Conversely, the wives declare that they gave their husbands no

1 Feci, "Diritto di correzione e violenza domestica."

reason to use force and therefore, in the absence of causes justifying corrective action, the force used is illegitimate and thus properly classified and punishable as violence.[2]

The case of Maddalena and Antonio, however, differs from ordinary marital conflict. This is not a story of excessive discipline or domestic quarrels. It is a case of uxoricide. In Maddalena's account, she presents herself as an "innocent" victim and her husband appears to have had no reason for getting rid of her other than his desire to remove an obstacle to a new marriage. At the time, in catholic countries as Italy, marriage was indissoluble, and full divorce (*quoad vinculum*) was not legally available (in Italy, it was introduced only in 1970). A decree issued by an ecclesiastical court could authorize the spouses to live apart (*quoad mensam et thorum*), while leaving the marital bond intact. As a result, neither spouse was free to remarry as long as the other remained alive. Even in cases of adultery, the innocent party could obtain only a legal separation, not the right to remarry—a principle reaffirmed by the Council of Trent in 1563.[3]

I will return to this point shortly. In the meantime, let us ask ourselves whether the murder of a woman was a frequent occurrence in Italy at that time. Reliable quantitative data on female homicide in early modern Italy remain unavailable because of political fragmentation, overlapping jurisdictions, and the dispersion of judicial archives. Nevertheless, surviving criminal records suggest that women represented a minority of homicide victims, while uxoricide constituted a significant proportion of female killings. A sample of seventeenth-century homicide trials from the city of Bologna indicates that relatives by blood or marriage accounted for 12.3% of all homicide victims (81 out of 658 recorded cases). Of these, 21 were victims of uxoricide, while 4 were killed by their in-laws.[4] The registers of those sentenced to death kept by the confraternities that provided them with spiritual assistance until the execution of the sentence are another source. In Florence, for instance, the Brothers of the Company of the *Battuti di Santa Maria della Croce al Tempio*, or *dei Neri*, assisted more than 1,941 convicts between 1420 and 1747, seventy-two of whom were women. Among them were thirteen husbands who killed their wives (in addition to two cases in which the wives of close relatives were killed), six wives who killed their husbands, and five cases of cooperation between women and men in the killing of a husband.[5] Criminal court records, contemporary chronicles, and narrative or informational sources all confirm that gender-based violence and abuse, assault, attempted murder, and the murder of women, almost always linked to the perpetrator as wives, daughters, mothers, lovers, or prostitutes, formed a recurring feature of early modern Italian society.

2 *La violenza contro le donne*; Cavina, *Nozze di sangue*; *Trasgressioni*.

3 Jedin, *Storia del concilio*, IV/2, 143–144. Zarri, "Il matrimonio tridentino." Zarri, "The Decree." Lombardi, "Marriage in Italy."

4 Rose, *A Renaissance*, 32, 141, 146: "Women who died at the hands of their husbands accounted for 21 of 52 (40%) total female victims in the sampled years of homicide trials."

5 Rino Silvestrini's transcription of ms "Registro dei condannati a morte violenta nella città di Firenze, assistiti dai fratelli della compagnia dei Neri," preserved in Archivio di Stato di Firenze, Geddes da Filicaia, b. 92 (https://www.montaione.net/wp-content/uploads/2019/08/I-condannati-a-morte.pdf. Last Accessed September 22, 2026).

The method chosen by Antonio to kill his wife was poisoning. Recent Italian scholarship has challenged stereotypes portraying Renaissance Italians as habitual poisoners and women as particularly inclined toward poisoning because they were supposed to be naturally weak, deceitful and vindictive. The case of Maddalena instead illustrates that poisoning was often a crime carried out within intimate circles of family and personal relationships and employed by men as well as women. Scholars have also identified and explored a broader "culture of poison" that extended beyond the actual use of toxic substances. Men and women feared being poisoned, interpreted unexplained illnesses and sudden deaths as signs of poisoning, and sought antidotes and protective remedies such as theriac and Orvietan—the very medicine that Maddalena's neighbors administered to her after the poisoning.[6]

According to contemporary legal doctrine, poisoning was a hidden, treacherous, and difficult crime to prove. Investigative methods of the period did not permit the detection of substances such as arsenic. As a result, authorities found it extremely difficult to establish whether a death had been caused by poison and, if so, whether the poisoning had been intentional. For this reason, courts developed specific investigative procedures and treated accusations of poisoning with particular severity.[7]

We do not know whether Maddalena's body was subjected to a medico-legal examination or what investigative procedures were undertaken to establish Antonio's guilt. Our knowledge of the judicial proceedings rests solely on the excerpt preserved in the Archive of the Holy Office—comprising Maddalena's complaint, the testimony of the parish priest, and the statements of several female neighbors—since no additional documentation has so far been identified in either the State Archive of Perugia or the Historical Diocesan Archive of Perugia.[8]

Thus the case of Maddalena, Antonio and his lover came to an end within only a few months, between July 1641 and February 1642. Maddalena died shortly after filing her complaint. Antonia fled and escaped prosecution. Antonio was tried by the Governor's criminal court of Perugia, found guilty, and sentenced to death. A contemporary chronicle records that he was executed by hanging in February 1642[9], but unfortunately the "Book of the Condemned" of the Perugian Confraternity of Santa Maria della Misericordia e della Giustizia (also known as the Confraternity of Saints Andrew and Bernardino) does not record his name.[10]

6 Pastore, *Veleno*. Pastore, "Poison and Poisoning in Renaissance Italy."

7 Feci, *L'acquetta*.

8 I am deeply grateful to the Director of the Historical Diocesan Archive, prof. Andrea Maiarelli, for verifying whether the records of the investigation against Antonio are extant.

9 Biblioteca comunale Augusta, ms G55, Ottavio Lancellotti, *Effemeridi perugine*, a. 1642, c. 13.

10 Archivio di Stato di Perugia, *Confraternita dei Santi Andrea e Bernardino detta della Giustizia, 3, Giustiziati ed oblati alla croce 1525–1826*. I am deeply grateful to Sonia Merli for providing me with a digital reproduction of the source.

Making Sense of the Sources

What makes this case particularly remarkable is the discussion that Maddalena and Antonio allegedly had about the feasibility and legitimacy of his plan. According to Maddalena's complaint, she warned him that killing his wife in order to marry his lover would constitute not only murder but also an offense against the sacrament of marriage itself. She insisted that the authorities would never permit such a marriage. Yet Antonio allegedly dismissed such concerns and insisted that no one could prevent him from marrying whomever he wished.

This tragic debate lies at the center of the story for two reasons. First, according to canon law, killing one's spouse in order to marry a lover created a legal impediment that prevented the adulterous couple from contracting a valid marriage. Second, it raises the question of heresy, since Antonio's rejection of ecclesiastical authority would later be interpreted by the episcopal vicar as evidence of heterodox beliefs.

In August 1641, Gaspare Cittadini, the Episcopal Vicar of Perugia, sent a letter to Francesco Barberini, the influential cardinal-nephew of Pope Urban VIII and president of the congregation of Holy Office (i.e. the Roman Inquisition).[11] In the letter (source 2), he informed the cardinal of the uxoricide committed at Tuoro, of the investigation initiated by the episcopal tribunal, and of the intervention of the Sacred Consulta, the congregation which had removed the case from ecclesiastical jurisdiction and assigned it to the governor of Perugia's secular court. Cittadini was deeply dissatisfied with this decision: if the episcopal tribunal could not retain jurisdiction over the case, he hoped at least that the Holy Office might claim it and thereby take the place of the secular court.

Vicar Cittadini's initiative enables us to move beyond the mere narration of a homicide and instead examine the nature of uxoricide as a criminal offence in the early modern period. From this perspective, the potential overlap and conflict of jurisdiction among different courts—even within the Papal States—serves as an interpretative lens through which to situate this femicide within its specific cultural and normative context.

The vicar's purpose was not to compose a legal treatise, but rather to buttress his request for the intervention of the Holy Office with a set of well-established arguments that, in his view, justified not only ecclesiastical jurisdiction over the crime of uxoricide but specifically the competence of the Inquisition. According to him, the case belonged to the ecclesiastical forum because it originated in adultery. Antonio and Antonia had maintained an illicit sexual relationship, and adultery was considered a sin against the sacrament of marriage and therefore against the Church itself.[12] If ecclesiastical courts possessed jurisdiction over adultery, Cittadini argued, then they had even stronger grounds for judging uxoricide committed as a consequence of adultery (in this case, the adultery of the perpetrator, not of the victim). The murder of a spouse, in his view, constituted a graver offense against marriage than adultery itself. Adultery violated

11 Schwedt, *Die römische Inquisition*, 80–82.
12 *Trasgressioni*.

marital fidelity; uxoricide destroyed the marriage altogether by eliminating one of its parties. The vicar therefore regarded Antonio's crime not merely as homicide but as an assault upon the sacrament of marriage.

To support his position, Cittadini relied upon well-known and respected authorities in moral theology and canon law: the Sicilian Theatine cleric Antonino Diana (1585–1663), a renowned moral theologian and casuist,[13] and the Spanish Dominican Juan de Torquemada (1388–1468), author of an influential commentary on Gratian's *Decretum* (c. 1140), one of the foundational texts of canon law.[14] Moreover, the competence of ecclesiastical courts over matrimonial matters had been strongly reaffirmed by the Council of Trent during its twenty-fourth session (11 November 1563), devoted to the sacrament and discipline of marriage. Among its canons *super reformatione circa matrimonium*, the Canon 12 declares: "If anyone saith, that matrimonial causes do not belong to ecclesiastical judges; let him be anathema,"[15] that is, he/she stands excommunicated.

Torquemada's writings also provided authoritative support for Maddalena's admonition to Antonio: even if he succeeded in murdering her, neither God nor Christian society would permit him to marry his lover Antonia. This warning referred to a specific principle of canon law: the *impedimentum criminis*, or "impediment of crime." According to canon law, a person who killed a spouse in order to marry another partner could be prevented from contracting that marriage. The prohibition was particularly severe when the intended spouse had participated in, encouraged, or knowingly benefited from the crime.

A long tradition of reflection on marriage, its indissolubility, adultery, and the killing of a spouse runs through the history of canon law from the early Middle Ages onward, particularly from the ninth century, when the debate was concerned above all with the uxoricide of a wife accused of adultery or of conspiring against her husband.[16] The prohibition was first consolidated in Gratian's *Decretum* (c. 1140),[17] reinforced in the glosses of the canonists, and given authoritative expression in Pope Gregory IX's *Liber Extra* (1234), drawing on the decretals issued by Alexander III (d. 1181) and by Innocent III (d. 1216).[18] It was further refined in subsequent commentaries. The sacramental nature

13 Diana, *Resolvtiones Morales*. P. IV, Tractato Primo, *De Immunitate Ecclesiastica*, resolutio XVI: *An iudex ecclesiasticus possit punire adulteros*?.

14 Torquemada, *In causarum decretalium*. Tomus tertius, 440.

15 *The canons and decrees*, 196. *Concilium Tridentinum*, IX, 968: *Si quis dixerit, causas matrimoniales non spectare ad iudices ecclesiasticos: anathema sit*.

16 Pieniądz, "Incmaro;" Vitali, *Profili*, 212–220.

17 *Decretum Gratiani*, p. II, C. 33, q. 2, c. 5: *Coniugia penitus interdicantur his, qui suas uxores occidunt*.; C. 31 q.1 d.p.c.3): *Hic subaudiendum est, nisi peracta post penitenciam et si nichil in morte viri machinatus fuerit, vel si vivente viro fidem adultere non dedit, sumpturum eam sibi in coniugem si viro eius superviveret. Unde in concilio Triburiensi legitur*; C. 31 q.1 c.5.

18 *Liber extravagantium decretalium*, liber IV, titulus VII, cap. III (X 4.7.3): *Non potest quis cum illa contrahere, quam uxore vivente cognovit, si machinata fuit in mortem uxoris, and cap. VI: Si quis mortua uxore contrahit cum ea, quam vivente uxore sine fidei datione cognoverat, tenet matrimonium, dummodo in mortem defunctae neuter fuerit machinatus*. On the works mentioned, *The History of Medieval Canon Law*; Reno, *Gregory IX*.

of marriage, already wounded by marital infidelity, was considered to be irrevocably violated by the killing of either husband or wife.

Yet not all acts of uxoricide were regarded as equally grave sins, nor were their consequences considered identical. In developing this argument, Torquemada drew upon the teaching of Bonaventure of Bagnoregio (1217/1221–1274), the eminent theologian, philosopher, and cardinal who was canonized in 1582 and proclaimed a Doctor of the Church in 1588. Bonaventure, and Torquemada with him,[19] distinguished among different motives for uxoricide: when a husband catches his wife in the act of adultery and kills her out of anger and vengeance; when a husband kills a wife whom he has come to despise because of personal defects or animosity; when a husband kills his wife because he wishes to marry another woman with whom he is already involved.[20]

In the first two situations, a papal dispensation given through the Penitentiary might theoretically remove the impediment of crime. In the third, however, the impediment was diriment and permanent. The adulterous couple could never validly marry one another because the intended marriage would be founded upon the crime itself. The underlying principle was simple: no one should derive an advantage from his own wrongdoing. The Apostolic Penitentiary received petitions from individuals who admitted having maintained an extramarital relationship with a partner whom they wished to marry after the death of the betrayed spouse (see also the contribution by Julia Burkhardt, no. 8). In order to obtain permission to marry, petitioners were required to declare that they had not participated in the spouse's death, using a formula that closely echoed the decretal of Pope Alexander III incorporated into the *Liber Extra*.[21]

The principle remained influential for centuries. Similar ideas survived in later European legal systems, demonstrating the remarkable longevity of this canonical tradition. For instance, in 1811 the "General Austrian Civil Code of Law" *(Allgemeines Bürgerliches Gesetzbuch*, ABGB) established: "68: A valid marriage cannot be concluded between two persons who, even without having committed adultery, have promised to marry one another, and when, in order to attain their object, only one of them has attempted

19 Torquemada, *In causarum decretalium*. Tomus tertius, 440.

20 Bonaventura a Bagnoregio, *Opera omnia*, vol. 6, 369; Torquemada, *In causarum decretalium*, t. III, 440.

21 Salonen and Schmugge, *A sip*, 51–52. Ostinelli, *Penitenzieria*, 213–214, no. 65 (18 March 1457): The spouses Bagrachus of Bormio and Grania petitioned for a dispensation allowing them to remain married despite having committed adultery before contracting marriage, *neutro machinante [in morte prime uxoris dicti Bagrachi]* ("provided that neither had plotted the death of the said Bagrachus's first wife"); 278–279, no. 174 (4 May 1464): Siena. Giorgio Canonica of Lugano had killed his wife and subsequently married another woman. He petitioned for absolution from the crime of uxoricide and for a dispensation permitting him to remain married to his second wife. The request was granted on condition that the second wife had played no part in the killing of the first: *Fiat de speciali, si 2° uxor non fuerit machinata in mortem prime uxoris* ("Let a special dispensation be granted, provided that the second wife did not plot the death of the first wife.").

the life of the spouse, who was a hindrance to the marriage, even supposing the murder was not really perpetrated."[22]

For vicar Cittadini, the existence of the impediment of crime clearly demonstrated that the case belonged within ecclesiastical jurisdiction. His argument, however, went further. He claimed that Antonio's statements suggested not only criminal conduct but also possible doctrinal error. Maddalena reported that her husband repeatedly dismissed the Church's authority to prevent his future marriage. According to her account, he insisted that no one could stop him from marrying Antonia, even if he killed his wife to do so. For Cittadini, such statements appeared to challenge the Church's power to establish and enforce matrimonial impediments. The Council of Trent had condemned those who denied that authority. Among the canons touching the reformation of marriage (*super reformatione circa matrimonium*), the 4th canon declares: "If any one saith, that the Church could not establish impediments dissolving marriage; or that she has erred in establishing them; let him be anathema."[23]

Consequently, Antonio's alleged refusal to recognize the validity of ecclesiastical impediments could be interpreted as evidence of doctrinal error and heterodox beliefs. The vicar therefore suggested that Antonio's views resembled positions associated with Martin Luther and other Protestant reformers. Whether Antonio actually held such beliefs is highly doubtful. Nothing suggests that a villager from Tuoro had read Luther's works or possessed any detailed knowledge of Protestant theology. Nevertheless, the accusation was strategically useful because it opened the possibility of involving the Holy Office.

In their effort to restore the dignity of marriage, Martin Luther and the other Reformers had reduced both the significance and the number of matrimonial impediments. In his work "On the Babylonian Captivity of the Church" (1520), Luther criticized what he regarded as excessive ecclesiastical restrictions.[24] In his "The Estate of Marriage" (1522), he was more explicit: "The sixth impediment is crime. They are not in agreement as to how many instances of this impediment they should devise. However, there are actually these three: if someone lies with a girl, he may not thereafter marry her sister or her aunt, niece, or cousin; again, whoever commits adultery with a woman may not marry her after her husband's death; again, if a wife (or husband) should murder her spouse for love of another, she may not subsequently marry the loved one. Here it rains fools upon fools. Don't you believe them, and don't be taken in by them; they are under the devil's whip. Sins and crimes should be punished, but with

22 *General Civil Code*, 17. Original German text: "Wenn zwey Personen, auch ohne vorher gegangenen Ehebruch, sich zu ehelichen versprochen haben, und wenn, um die Absicht zu erreichen, auch nur eine von ihnen dem Gatten, der ihrer Ehe im Wege stand, nach dem Leben gestellet hat; so kann zwischen denselben auch dann, wenn der Mord nicht wirklich vollbracht worden ist, eine gültige Ehe nicht geschlossen werden."
23 *The canons and decrees*, 194: *Si quis dixerit, ecclesiam non potuisse constituere impedimenta matrimonium dirimentia, vel in iis constituendis errasse: anathema sit*.
24 Luther, *On the Babylonian Captivity of the Church*, 6.18.

other penalties, not by forbidding marriage. Therefore, no sin or crime is an impediment to marriage. David committed adultery with Bathsheba, Uriah's wife, and had her husband killed besides. He was guilty of both crimes; still he took her to wife and begot King Solomon by her [II Samuel 11], and without giving any money to the pope!."[25] Nevertheless, Luther's "position does not seem to have found a unanimous following in practice. Most jurists and court decisions seem to have clung to the canon law, in some cases even widening the scope of the *impedimentum criminis* to encompass simple (and not, as in canon law, only aggravated) cases of adultery, thus drawing close to (what they took to be) the Roman-law position."[26]

Writing to the cardinal Barberini, vicar Cittadini did not derive his argument directly from Luther's writings, but from the works of Cardinal Roberto Bellarmine, one of the most influential defenders of Catholic orthodoxy during the Counter-Reformation. In his *Disputationes* (1586–1593) Bellarmine discussed Lutheran criticisms of the impediment of crime and defended the Church's position. "Luther criticizes the Church on account of this impediment in his book *On the Babylonian Captivity* (chapter on marriage), and Philip Melanchthon does likewise in the *Loci Communes*, under the title concerning marriage. Their argument is based on the example of David, who took Bathsheba as his wife, although he had previously defiled her through adultery and had her husband put to death, as recounted in 2 Kings (2 Samuel), chapter 11."[27]

Bellarmine then developed several arguments challenging the relevance of David's example. He emphasized that the impediment was established by ecclesiastical law. He further argued that the diriment impediment arose only when the murder of a spouse was committed with the intention of subsequently marrying the surviving partner. On these grounds, he concluded that Bathsheba had not conspired against her husband. This principle was especially relevant in Antonio's case because Maddalena portrayed Antonia not merely as a passive beneficiary of her uxoricide but as someone who knew of the plan and openly anticipated her rival's death.

The vicar's letter was therefore not intended as a comprehensive treatise on the impediment of crime or the inquisitorial jurisdiction. Rather, it was a practical attempt to persuade the Holy Office to interrogate Antonio regarding his beliefs and to claim authority over a case that had already been removed from the episcopal tribunal.

The Holy Office, however, was not persuaded. In August 1641, the congregation issued a decree stating that "the crime of uxoricide committed for the purpose of contracting marriage with another woman does not belong to the competence of the Holy Office."[28] Although it implicitly recognized the bishop's interest in the matter, it refused to assume jurisdiction. This outcome is significant because it demonstrates the limits of ecclesiastical authority even within the Papal States. Although church officials

25 Luther, *On the Estate*.
26 Lettmaier, "Marriage Law," 487. Witte, "The Reformation of Marriage Law."
27 Roberto Bellarmino, *Disputationes*, 217.
28 *Crimen uxoricidij ad effectum contrahendi cum alia matrimonium non spectat ad S. Off.m.*

could conceptualize the crime as an offense against marriage and discuss its theological implications, the Holy Office was unwilling to redefine a case of homicide as a matter of heresy. The case therefore remained in secular hands.

Through the Lens of Femicide

How does the story of Maddalena and Antonio relate to the concept of femicide? Can a seventeenth-century case of uxoricide be meaningfully interpreted through that category? The sources immediately raise the problem of historical terminology. The term *femicide* did not exist in the language of that time, nor did contemporaries possess a concept equivalent to the modern understanding of gender-based killing. In Italy, sporadic occurrences of the word '*femicidio*' can be found from the late seventeenth century onward, but without any political meaning. The contemporary meaning of the term was articulated clearly by the journalist Maria Adele Teodori, who appears to have been the first to use '*femminicidio*' in 1977.[29] The word was later included among the Treccani Dictionary's "Neologisms" in 2008,[30] entered Italian legal discourse in 2013 in the first-instance judgment concerning the murder of Stefania Noce, killed by her ex-fiancé in 2011,[31] and was finally established as an autonomous criminal offence under Italian law in December 2025.

The connection between Maddalena's case and the category of feminicide therefore does not lie in extending the modern term indiscriminately to all murders of a woman in the past. Instead, the heuristic value of the concept lies in its capacity to draw attention to historical systems of male domination and institutional complicity as well as the gendered framework that shaped both violence and its interpretation. The peculiar seventeenth-century structure of gender power in Italy is characterized by elements such as: the right of the *pater familias* to discipline and punish members of the household; inequalities stemming from greater male sexual freedom and the different treatment of adultery according to gender; legal and cultural attitudes that could mitigate responsibility or justify lethal violence against adulteress; the institutionalization of sexual exploitation through prostitution; unequal access to physical force, weapons, and violence; and the impossibility of dissolving marriage through divorce and remarriage.

However, this system of gendered power was not simply a realm of arbitrary male authority. Its strength derived precisely from its capacity for self-regulation. The case of Maddalena and Antonio reveals mechanisms of control, administration, and punishment, as well as the legal and theoretical foundations upon which they rested. These foundations emerge particularly clearly through the dispute between ecclesiastical and secular authorities over jurisdiction.

29 Teodori, "La tentazione."
30 https://www.treccani.it/vocabolario/femminicidio_%28Neologismi%29/. Last Accessed September 22, 2026.
31 https://www.ingenere.it/articoli/storia-del-femminicidio-di-una-giovane-femminista. Last Accessed September 22, 2026.

This jurisdictional dispute sheds light on the cultural assumptions underlying that particular form of femicide represented by uxoricide. Uxoricide was simultaneously a sin and a criminal offense. It involved the violation of divine law, canon law, and secular law. In the premodern Catholic worldview, the harm caused by the crime extended beyond the loss of human life. What was violated was also the sanctity of the sacrament of marriage, which meant that the Catholic Church itself could be perceived as a victim alongside the murdered woman.

At the same time, medieval and early modern theologians and canon lawyers distinguished between different degrees of gravity and responsibility in cases of uxoricide. Consequently, although secular jurisdiction over homicide ultimately prevailed—even within the Papal States, as demonstrated by the removal of Antonio's case from the bishop's court—the crime nevertheless retained a highly significant spiritual and religious dimension.

In fact, the killing of a wife could be understood as something far more complex: a crime involving adultery, sacramental marriage, ecclesiastical jurisdiction, and even suspected heresy. The story of Maddalena does not provide a simple example of femicide in the modern sense; rather, it reminds us that femicide is not merely a category for describing violence against women. It is also a tool for investigating how gendered systems of power have operated across time, while remaining attentive to the specific legal, social, and cultural frameworks that illuminate the historical foundations of gendered violence.

Further Questions

1. To what extent can the murder of Maddalena be interpreted as femicide rather than simply uxoricide?
2. How did canon law shape the understanding of violence within marriage?
3. What does the conflict between ecclesiastical and secular courts reveal about early modern justice?
4. What are the strengths and limitations of using judicial testimonies to investigate women's experiences of violence in the early modern period?
5. **Activity**
   Divide the class into small groups. Assign each group one of the characters of the case: Maddalena, Antonio, Antonia his lover, the episcopal vicar, the governor of Perugia; the cardinal Francesco Barberini. Each group prepares a short presentation of the case and its analytical issues from the point of view of its character, playing the role. They identify how the different sources describe and define the crime, who is portrayed as the victim, and which legal, religious, and moral arguments are emphasized. The class then discusses how the meaning of the same femicide changes as it moves from a victim's complaint to an ecclesiastical legal argument; how legal sources construct historical narratives and how institutional contexts shape the interpretation of gender-based violence. The class concludes by comparing past and present-day experience and category of femicide.

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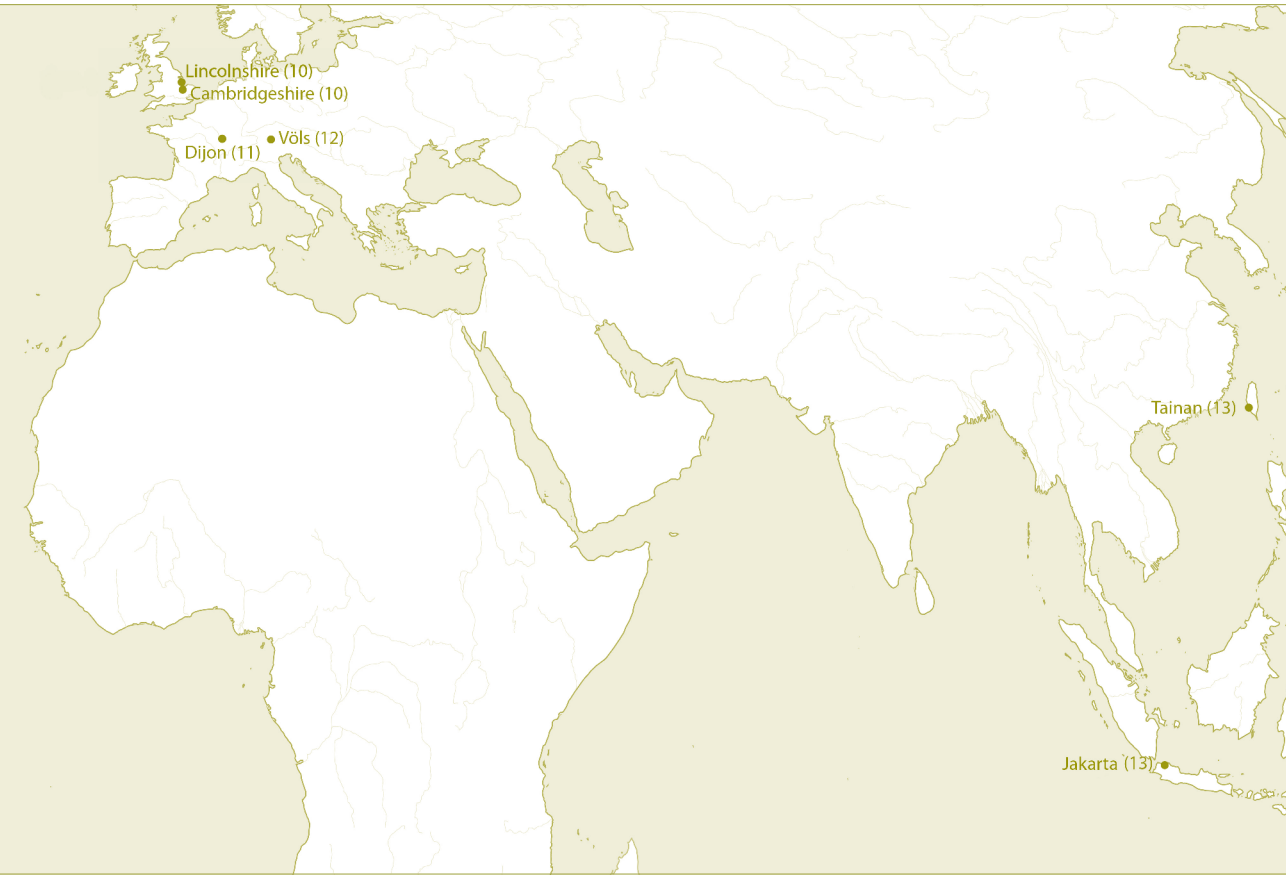
III What happened in court? Trial dynamics



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

10 Femicide and the Courts of Fourteenth-Century England

Sara M. Butler

Sources: English court records are notoriously brief and formulaic; however, a close reading can provide insight into attitudes towards femicidal violence. Below are a selection of materials from the coroner's rolls (inquests into sudden and unnatural deaths) and one record from a commission of *oyer and terminer* (intended to examine incidents of violence in a specific region).

Source 1: Excerpt from a Coroner's Roll. Investigation into the death of Alice wife of Alexander Dey, at Potterhanworth in Lincolnshire. T[he] N[ational] A[rchives] (Kew, Surrey), JUST 2/72, m. 3.[1]

Inquisicio capta apud Potterhanworth die Lune proxima post festum Sancti Jacobi Apostoli anno regni regis Edwardi tercii post conquestum quadragesimo octavo per sacramentum xii probi et legales homines dicti iiii[2] *villate propinquiores ville de Potterhanworth super visum corporis [*written above*: Alicia uxor] Alexandri Dey de Potterhanworth Qui dicunt quod predictus Alexander Dey die dominica proxima post festum Sancti Jacobi Apostoli predictum anno supradicto in camera sua propra apud Potterhanworth cum quoddam flagello predictam Aliciam uxorem suam super dorsum ipsius Alicie flagellavit Timens quod sed predicta Alicia de predicto Alexandro viro suo extra manum et potestatem dicti Alexandri usque ad ostium dicte camera evasit et ibidem de los greses [sic, de gressibus] dicte camere subito cecidit vsque ad terram Ita quod de terra non potuit resurgere eo quod collum suum eo solo casu frangebatur et non per flagellacionem dicti Alexandri Et sic predicta Alicia mortem suam habuit vt dicunt predict iurati etc.*

An inquest was held at Potterhanworth [Lincolnshire] on Monday next after the feast of Saint James the Apostle [25 July], in the forty-eighth year of the reign of King Edward the Third after the conquest [1374], by the oath of twelve honest and lawful men, the said four vills closest to Potterhanworth, upon the view of the body of Alice wife of Alexander Dey of Potterhanworth. They say that the aforesaid Alexander Dey, on the Sunday next after the feast of Saint James the Apostle in the said year in his own chamber at Potterhanworth with a certain whip whipped the back of the said Alice his wife. Fearing the said Alexander her husband, the said Alice escaped from the hand and power of the said Alexander as far as the door of the said chamber and there she suddenly fell from the steps of the said chamber to the ground so that she could not get up from the ground because her neck was broken by that single accident and not by the whipping of the said Alexander. And the said Alice met her death as the aforesaid jurors say, etc.[3]

1 The original sources in this chapter come from records written in a legal short hand. All abbreviations have been expanded to the best of my abilities. In the translated text, I have inserted punctuation and modernized names of people and places.

2 The medieval English do not seem to have realized that the Roman numeral for "four" is *iv*. Records regularly use *iiii*.

3 Because English court records were so formulaic, often English scribes simply wrote "etc." rather than including the rest of the formula.

Source 2: Excerpt from a Coroner's Roll. Investigation into the death of Maud wife of John French, at Landbeach in Cambridgeshire. TNA JUST 2/18, m. 57.

*Contigit ibidem die Mercuri proxima ante festum Sancti Gregorii Pape anno supradicto xxxv^to^ quod Matilda uxor Johannis Ffrinshe etate xl annorum et amplius obiit aliter mortem quam morte naturali Et super hoc accessit ibidem Edmundus de Ovyng coronatore domini regis die Dominica proxima post festum Sancti Gregorii Pape anno supradicto et habuit visum corporis predicte Matilda et diligenter inquisivit de morte eiusdem per iiii villatas proprinquiores scilicet Waterbeth Milton Cotingham Impyton una cum villate de Landbeth predicta et per xii juratores scilicet […] Qui dicunt per sacramentum suum quod distancia movebat inter predictum John Ffrinshe et predictam Matildam uxorem eius predicto die Mercuri post horam novam per mala verba ita quod ipse Johannes fuit in properocto castigasse predictam Matildam uxorem suam et precepit eam ictu tacerert et ipsa noluit sed cepit unum baculum et fecit insultum predicto Johanni viro suo per quod eidem Johannem traxit cultellum suum in defensionem suam et ipsa Matilda prosequebatur ipsum et fugeravit ipsum ubi non potuit evadere et cepit cultellum in manu sua et cuidebat manum suam ut caperet illa ab eo et indistande predicta Matilda currebat super cultellum viri sui ita quod dictus cultellus percussit [*inserted above: precii ob.*] dictam Matildam in ventre ex parte sinistra unde languebat ab illa hora supradicta usque die Jovis proxima sequente et habuit jura sua ecclesiastica omnia et tunc obit Et dicunt juratores quod ipse Johannes non habuit animum tunc interficiendum uxorem eius et sic non felonice Et statim post quam percussit uxorem eius se retraxit et fugit usque villa de Milton et receptatus fuit cum Johannes de Trappeston de Milton Et dicunt juratores quod ipse Johannes non habuit terras nec tenementa sed […] villate de Landbeth ad respondendum Et sunt iii vicini propinquiores Primus Johannes le Reve plegii eiusdem Johannes Eme et Johannes Sander Secondo Johannes Sexzene plegii eiusdem Johannes Belton et Willelmus Scot Tertil*

It happened there on the Wednesday next before the feast of Saint Gregory the Pope [3 Sept.] in the thirty-fifth year [1361] that Maud wife of John French, aged forty years and more died from a death other than her natural death. And regarding this Edmund of Oving, coroner of the lord king [in Cambridgeshire], came there on the Sunday next after the feast of Saint Gregory the Pope in the said year and held a view of the corpse of the said Maud and diligently inquired concerning her death by the four closest vills, namely Waterbeach, Milton, Cottenham, Impington together with the vill of Landbeach abovesaid and through twelve jurors [followed by the names of the jurors] who say on oath that a disagreement stirred between John French and the said Maud his wife on the said Wednesday after the hour of nine through bad words such that the said John was in haste to chastise the said Maud his wife and commanded her to keep silent with a blow and she did not wish [to do so] but took a staff and made an attack on the said John her husband by which the said John drew his knife in self-defense and the said Maud followed him and he fled from her until he could not evade [her] and he took his knife in his hand and guided his hand so that it took her from him and, without interruption the said Maud ran onto the knife of her husband such that the said knife stabbed the said Maud in the belly on the left side from which she languished from the said hour until the Thursday next following and she had last rites and then she died. And the jurors said that the said John did not have intent then to kill his wife and so it is not a felony. And immediately after he stabbed his wife without delay he fled to the vill of Milton and was received with John de Trappeston of Milton. And the jurors say that the said John had no lands or tenements but had [goods and chattels worth forty-five shillings and eight pennies] for which the vill of Landbeach will respond. And there are three nearest neighbors, the first John the Reeve is the pledge of the said John Eme, and secondly John Sander and John Sexzene are pledges for John Belton, and thirdly William Scot.

Source 3: Excerpt from a Coroner's Roll. Investigation into the death of Emma wife of William Harper, at East Deeping in Lincolnshire. TNA JUST 2/66, m. 9.

*Villates de Estedeping West Deping Langcoft et Baston presentant quod comitatus apud Estedeping die Jovis proxima ante festum Sancti Trinitate anno regni regis Edwardi tercii a conquestu xxiiii quod cum Willelmus Harper venit die Dominica proxima ante festum Pentecosten de villa de Burgh usque ad Estdeping in domo sua propra Et ubi Emma uxor sua sibi insultem fecit per verba contumeliosa et Emma set illum per gulam et tandem predictus Willelmus cecidit super predictam Emmam et per infortunium eam percussit cum quodam cultello et fecit unum plaga in tibia unde statim obiit sine eō [?] et predictus Willelmus statim post factum fugit Catalla nulla Beatrix Wyse primo invenit illum plegii predicta Beatrice Willelmus de Helsam [*cannot read two words*] predictii catalla 1 d Est Deping respondet pretium est vicecomes quod predictus Willelmus capiatur*

The vills of East Deeping, West Deeping, Langtoft, and Baston [Lincolnshire] present that at East Deeping, on the Thursday next before the feast of Holy Trinity [First Sunday after Pentecost] in the 24th regnal year of King Edward the Third since the Conquest [1350] that the said William Harper came on the Sunday closest before the feast of Pentecost from the vill of Burgh to East Deeping in his own home. And there Emma, his wife, attacked him with insulting words and Emma [took] him by the throat and finally the said William fell on the said Emma and by accident he struck her with his knife and he made a wound in her shin from which she immediately died without [last rites?] and the said William immediately after the fact fled. He has no chattels. Beatrice Wyse was the first finder [of the body]; pledge of the said Beatrice is William of Haltham, […] of the said chattel one penny for which East Deeping will respond. The sheriff arrested the said William.

Source 4: Excerpt from a record of *oyer and terminer*. Indictment of Nicholas Ringshall for the homicide of his wife Agnes, at Stoke Goldington in Buckinghamshire. TNA KB 9/5, m. 21.[4]

Presentant quod Nicholas Ryngeshale die Lune proxima ante festum Sancti Nicholi anno regni regnum Ricardi secundi primo Agnetem uxorem suam apud Stoke Goldyngton cum quadam corda lignavit et eam super quoddam lignum per duos pedes pependit et unum manipulum stramen ardens in secrete suis possuit a secrete sua predicta combussit Et ipsam sic pendentem cum quodam cultello in corpore suo vulneravit et statim obiit Et sic predictam Agnetem uxorem suam prefacte die anno et loco felonice interfecit et murdravit

They present that Nicholas Ringshall [Suffolk], on the Monday next before the feast of St Nicholas [6 Dec.], in the first year of the reign of King Richard II [1377], at Stoke Goldington [Buckinghamshire] Agnes his wife with a certain rope he tied her up and then with that rope he suspended her by her two feet and he put a burning bundle of straw in her private parts so that she was burned in her secret parts. And while she was hanging, he wounded her with a certain knife in her body so that she immediately died. And so, he feloniously killed and murdered the said Agnes his wife on the said day, year, and place.

4 This case is summarized and referenced in a footnote in Hawkes, "The 'Reasonable Laws,'" 68, note. 12.

Source 5: Excerpt from a Coroner's Roll. Investigation into the death of Giles Norreys, at the city of Leicester. TNA JUST 2/53, m. 3.

Inquisicio capta apud Leycestre die Martis proxima post festum Apostolorum Simonis & Judo anno regni regis Edwardi tercii post conquestum xliiii coram Johanne Norman et Rogero de Beby coronatores domini regis ville Leycestre per sacramentum [...] qui dicunt per sacramentum suum quod die Lune in festo Apostolorum Simonis et Jude anno supradicto sicut Johannes Draper de Leycestre et uxor eius fuerunt in domo sua discensio magna mota fuit inter eos ita quod predictus Johannes iratus fuit valde contra uxorem suam Egidius Nors de Oucheby barker vicinus eorum audiens tantam discensionem et magnum strepitum inter eos cogitavit verbis pacificis iram illorum mitigare et cum dictus Egidius ingressus fuit dictam domum causa pacis reformand prefatus Johannes Draper cum uno cultello felonice percussit predictum Egidium usque ad cor et dedit ei mortalem plagam de qua plaga dictus Egidius ibidem obiit precii cultelli ii d Et statim post dictam feloniam factam prefatus Johannes Draper fugit et fugiendo captus fuit et incarceratus sub custodia Johannis Cook ballivi Johannis Ducis Lancastria Item dicunt quod predictus Johannes Draper habuit catalla ad valencii viginti librarum et dicta catalla remanent in manibus Galfridus Clerk escheator domini Duc Lancastria que quidam catalla liberatus fuerunt eidem Galfridum per dictum Johannem Cook ballivum

Inquisition taken at Leicester [Leicestershire] on the Tuesday next after the feast of the Apostles Simon and Jude [28 Oct.] in the 44th regnal year of King Edward the Third since the Conquest [1370] before John Norman and Roger de Beby coroners of the king in the vill of Leicester, on the oaths of [followed by a list of jurors' names] who say on their oaths that on the Monday of the feast of the Apostles Simon and Jude in the abovementioned year as John Draper of Leicester and his wife were in his home, a serious quarrel broke out between them, so that the said John became very angry with his wife. Giles Norris of Ashby, barker [a tanner of leather], their neighbor, hearing such a dispute and great uproar between them, resolved to soothe their anger with peaceful words and when the said Giles entered the said house to restore peace, the aforementioned John Draper feloniously struck the said Giles with a knife to the heart and inflicted a mortal wound, from which the said Giles died on the spot. Price of the knife: two pennies. And immediately after the aforementioned felony was committed, the said John Draper fled, and while fleeing was captured and imprisoned under the custody of John Cook, bailiff of John, Duke of Lancashire. Also, they say that the said John Draper has goods worth £20 and the said goods remain in the hands of Geoffrey Clerk, escheator of the Lord Duke of Lancaster, from whom certain goods were delivered to the same Geoffrey by the said John Cook, bailiff.

Texts and Contexts

Four of these five sources are reports from coroner's inquests, that is, investigations carried out by the coroner and his jury into sudden and unnatural deaths.[5] The coroner came into existence in 1194 with the creation of the office under King Richard I (d. 1199). Deaths were typically announced to communities through the "hue and cry": the first finder (of the body) was required to raise the hue by running from the home of one neighbor to the next while making an abundance of noise. Those who heard the hue joined the

5 On the coroner, see Hunnisett, *The Medieval Coroner*. On the inquest, see Butler, *Forensic Medicine*.

procession up to the next four vills, the goal being to alert everyone in the vicinity that a crime had just occurred and possibly also flush out the perpetrator. As part of this process, an individual would be chosen to alert the authorities (bailiff, constable, or sheriff,[6] and county coroners). The coroner would hold the inquest upon arrival, usually a day or two after the body's discovery. In the meantime, the local bailiff was responsible for guarding the body and assembling an inquest jury composed of locals, preferably those who already had good information about what had transpired, or who lived closest to the scene of the crime.

The jury began its investigation before the coroner even arrived.[7] Death investigation involved several facets: interviews of all males over the age of twelve from the vill where the crime took place and the four neighboring ones; investigation of the site for blood, the weapon, footsteps, broken branches, etc.; and a view of the body, not an autopsy, but a thorough physical examination to discover bruising, ligature marks, and to measure each and every wound and determine which was the mortal wound (that is, which wound had in fact caused the person's death).

Each county had four coroners; usually two would preside over an inquest. Their qualifications for appointment were wealth, connections, and a history of office-holding. They arrived with a hired scribe in tow, and made sure the investigation was orderly and productive. The results of the investigation were recorded in the coroners' rolls, so named because the cases were inscribed one after the other on long pieces of parchment, sewn together, then tied into a roll, which would eventually be deposited at Westminster. Their findings functioned as an indictment (formal accusation). If the defendant was accused of homicide, he or she was incarcerated until trial in the county prison, often located in a castle or old Roman walls of the county seat. Bail was generally not available to those accused of homicide, which meant sitting in prison until a commission of justices appointed by the king arrived in town, which might be six months to a year away. However, most accused homicides fled immediately after commission of the crime and were never tried; Bernard McLane's fourteenth-century study suggests a rate of flight of roughly seventy-two per cent.[8] This figure tells us that men like John Draper, who were captured and tried, were distinctly unlucky.

One of the five sources presented above comes from a commission of oyer and terminer. This was a special commission by the crown for a group of justices to visit a specific region, usually where a complaint had been made that crime was getting out of hand. There they would set up court to hear (in French, *oyer*) and determine (*terminer*)

6 The word "sheriff" comes from an amalgamation of the words "shire" (or county) and "reeve." Each county had a reeve who was the chief officer of the crown, responsible for keeping the peace, administering the king's law and collecting taxes. Bailiffs usually worked for the sheriff; or for the local manorial lord. Some areas also had constables, who were responsible for overseeing the hue and cry, the arrest of accused criminals, and the punishment of small-scale crime.

7 See chapter one of Wang, *Making of Felony Procedure*.

8 McLane, "Juror Attitudes," 56.

cases. The process was significantly different than what we see in the coroners' rolls. They would listen to a jury of presentment, that is, a group of twelve to twenty-four local respectable men who were tasked with (among other things) reporting crimes that had happened in the area before the justices' arrival.[9] Their reports to the justices would function as indictments. The homicides they were reporting, then, had often happened some time before and may also appear in a coroner's inquest.

An important element shared by both processes is that jurors were never impartial; they were emphatically self-interested. Few criminals were hanged in medieval England. The majority of defendants were acquitted—studies demonstrate conviction rates for homicide ranged between 12.5 percent and 21 percent—because jurors were uncomfortable sentencing anyone to death.[10] Those hanged were typically repeat or career criminals and communities had given up hope that they could be reformed. What this means is that jurors knew there was a strong likelihood that the defendant would eventually return to life among them. Their reports were written to avoid burning bridges: condemnatory language was saved for those they suspected were going to be convicted. They were also willing to fictionalize the account of what happened, if it was necessary to ensure that their neighbor was released from prison.[11]

It is important to acknowledge the class-based nature of England's legal system. Nobles who committed murder (something that rarely happened—most nobles knew enough not to get their hands dirty and instead hired an underling to do the work for them) bypassed this system altogether.[12] Since Magna Carta (1215),[13] the ideal of judgment of one's peers meant that Parliament became the legal forum to adjudicate the crimes of the nobility. Members of the gentry sometimes appeared in the records of the English common law, although they had the most resources to flee rather than stand trial. The majority of those who appeared before the king's courts in criminal matters belonged to the peasantry, although there was great diversity in status (free, unfree) and financial well-being. The legal system was also inherently gendered. Women played no formal role. Only men could hold office (bailiff, constable, sheriff, coroner); only men could be appointed justices; and only men could be jurors. In the two former instances, those men were also men of status and wealth. When it came to inquest jurors, however, locality mattered more than social standing.

The five sources above all center on a homicide provoked by an episode of marital violence. As we will discuss below, most of these are not straightforward cases of femicide. Granted, with all-male juries who also just happened to be the defendants'

9 On juries, see Masschaele, *Jury, State, and Society*.
10 Bellamy, *Criminal Trial*, 69.
11 Green, *Verdict according to Conscience*, 45–46, 93.
12 Bellamy, *Bastard Feudalism*.
13 "Magna Carta" or "The Great Charter," included in statute books during the medieval period, is a foundational document issued by King John in 1215, but a product of negotiation between king and barons after a baronial revolt forced the king's hand. Ostensibly, the document limits the king's powers over his baronial subjects by guaranteeing certain liberties, including what some might describe as "due process."

neighbors, it is hard to imagine them producing truly damning indictments. They needed to report the death because otherwise the village would be fined by the crown. Convicted felons lost their movables and lands to the king, a process referred to as felony forfeiture.[14] Thus, every unaccounted body represented potential financial loss for the king which he took out on communities with hefty amercements when they failed to report them. However, neighbors could soften the blow by writing an indictment that was not felonious, meaning that the act had not been undertaken with "evil intent" and was thus not culpable.[15]

Making Sense of the Sources

The narration of these events is grounded in medieval perceptions of marital hierarchy. Upon marriage in medieval England, a wife's legal personality merged into her husband's through the process of coverture. This means that she did not exist independently at law and thus could not own property. The property she owned before marriage passed into her husband's hands and governance.[16] The indictments emphasize this disparity with the stories they tell. Alice and Alexander Dey were not in *their* home; they were in "his own chamber" (source 1, line 12) when he grabbed a whip and turned on his wife. William Harper struck Emma with a knife in William's "own home" (source 3, lines 9–10); John Draper and his unnamed wife were also "in his home" (source 5, lines 11–12). These descriptions are all deliberate. Underlining that it was the husband's home is a subtle reminder of his superior role in the family. The home was considered a microcosm of the state, the patriarch was a king in his own household.[17] A breach of the king's peace (good governance) resulted in indictment and trial, possibly even execution, before the king's justices; breaking a husband's peace surely merited severe chastisement. Barbara Hanawalt has referred to medieval marriage as a partnership.[18] Husband and wife were partners in marriage, but she was at best a junior partner, expected to listen to and obey the sage counsel of her more experienced and significantly wiser senior partner.

The wives in these accounts were regularly described in ways that made them seem disobedient and rebellious, even if those terms were not in fact employed. Alice wife of Alexander Dey was "escap[ing] from the hand and power" (source 1, lines 15–16) of her husband when she fell and broke her neck. This formulation is Biblical (Exodus 4:7) and usually refers to God's power. Applying it to a husband's power over his wife is also Biblical: a wife must submit to her husband as to the Lord (Ephesians 5:22–24). When chastised for using bad language, Maud wife of John French took up a staff and attacked her husband. It is hard to imagine a more rebellious act in this period. At a time when women were expected to be passive, silent, and obedient, jurors were likely

14 Kesselring, "Felony Forfeiture in England."
15 Kamali, "*Felonia felonice facta*."
16 For a good discussion of women's property and legal rights, see Loengard, "Common Law for Margery."
17 The home as a microcosm of the state is discussed also in my contribution no. 5 of this volume.
18 Hanawalt, *The Ties that Bound*, 205–223.

horrified by Maud's unruly behavior. When it comes to William and Emma Harper, the narration of their story is strategic: it begins with the moment that she insults and then physically attacks her husband. One suspects that some sort of exchange led up to that instant; yet beginning the narrative with Emma's violence turns William into the victim, even if that might not entirely be an accurate depiction of what happened.

In this respect, the final two cases stand out. Jurors clearly found Nicholas Ringshall's behavior disturbing. While jurors were content to dismiss Alexander Dey's and William Harper's actions as accidental and John French's as excusable (self-defense), when it came to Nicholas Ringshall they described him as acting feloniously and thus culpably. His act is not described as homicide, but as murder (source 4, line 13), a much more serious crime, deserving of the death penalty. Jurors deliberately inserted terminology like *murdravit* into indictments to signal to trial jurors that they believed the defendant should be convicted.[19] To the modern reader, Nicholas Ringshall's treatment of his wife sounds sadistic—it seems likely that jurors in the Middle Ages felt the same way. Ringshall's indictment was included in this chapter for a reason: in her study of English laws relating to domestic violence, Emma Hawkes included this indictment as an example of a typical case of a husband killing his wife.[20] However, nothing about this case is typical, or representative. Jurors likely found it every bit as graphic and disturbing as does a modern audience. Ringshall's behavior is in no way representative of men's treatment of women, and jurors appear to be taking a hard line by calling it murder.

The historian can discern much also about jurors' assessments from their use of language. These terse, formulaic accounts were usually free of emotional language. Jurors only included emotional descriptors when they were necessary to explain a person's actions, to blacken an individual's character, or to suggest that a person was not culpable. When they described Alice Dey running away from her husband, they note that she did so out of fear (source 1, line 14). The emotion explains why she fled and perhaps also why she was fleeing hastily so that she tripped, fell and broke her neck. Admittedly, suggesting that a wife feared her husband does not make Alexander look bad in the least: Christian society expected a wife to fear her husband. In comparison, when Giles Norris entered the home of John Draper, it was to "soothe" the "anger" he heard in John's and his wife's raised voices with "peaceful words" (source 5, lines 17–18). Giles' intentions were honorable: he hoped to "restore peace" (source 5, line 19) but ended up dead. In this instance, jurors have created an ambiguous narrative. They describe John as behaving feloniously (source 5, line 20), but the insertion of "anger" might well have been intended to excuse his behavior. In the medical theory of the time, anger is a product of hot blood; the fumes rising to the brain make rational thinking difficult. As a result, judges and juries across Europe were inclined to spare those who killed in hot blood. Sympathy with the defendant may seem inappropriate to a modern audience:

19 Bellamy, *Criminal Trial in Later Medieval England*; Tracy, *Medieval and Early Modern Murder*.
20 Hawkes, "The 'Reasonable Laws,'" 68, note. 12.

however, Giles entered John's home without permission and interfered with his right to govern his household. Thus, it is no surprise that jurors seem divided on whether they considered John guilty of felony homicide and instead have created a narrative that will allow trial jurors to judge for themselves.

Through the Lens of Femicide

It is entirely possible to look at all five of these cases and say that only one of them is a clear-cut case of femicide (Agnes wife of Nicholas Ringshall). Nonetheless, we need to recognize the importance of juror agency in the crafting of indictments and recognize how much the narration of events influences perceptions. More important still, these cases have much to tell us about femicidal violence and the culture that encouraged its use.

Alice wife of Alexander Dey may have been rebelling against her husband's governance, but his methods of discipline were unorthodox. Hitting one's wife with bare hands was acceptable; weapons usually were not.[21] A whip was inappropriate for chastising one's wife. Whips existed to keep animals in line. If Alice had not fallen and broken her neck, jurors might have taken an entirely different approach to narrating this event. In this indictment, they gave Alexander the benefit of the doubt. They could not be certain that he intended to whip his wife to death; although the fact that they felt it was necessary to make this point in the indictment demonstrates that it was a very real concern.

It is rare to find a case of self-defense in the plea rolls of medieval England in which the victim is male and the aggressor female. Presumably not many men were willing to admit that they had been beaten by a woman. And yet, this is very much what we discover in the indictment of John French. The narrative herein conforms to the expectations of the law for self-defense and was probably deliberately fabricated by the defendant or the jury. In order to justify a homicide as self-defense (and thus qualify for a pardon), the defendant had to demonstrate that he had not initiated the physical altercation; that he had fled out of fear rather than respond with blows; that he was backed into a corner so that when he did lash out it was because his life was in danger and he had no other choice; and finally, he needed to argue that the blow that killed the attacker was not intentional.[22] John's indictment adheres to the rules of the game, including having Maud run into his knife so that the knife stabbed Maud; John was essentially a passive participant holding the guilty weapon. The indictment also includes the statement that John did not intend to kill his wife (he lacked *mens rea*) and thus his actions do not amount to felony (source 2, lines 34–36). This assessment by jurors was critical: it was all too easy to equate flight with a confession of guilt. The only deviation is one of omission: nowhere is John said to have acted out of fear, however, given his relationship with the attacker this is not surprising.

21 Butler, *The Language of Abuse*.
22 Leland, "Pardons for Self-defense."

The death of Emma wife of William Harper has similar attributes. William has to defend himself against his violent wife; yet, instead of employing a typical elaboration of self-defense, jurors instead note that she died by accident (also excusable). Because of the compassionate retellings of these events, the actions of John French and William Harper were deemed excusable; both were eligible for the king's pardon (that is, the king' s mercy).[23] If these very same deaths were recounted in courts of the twenty-first century, it is likely that the stories would be different as would the judgments.

Turning the lens of femicide on the death of Giles Norris helps us to see that his death was unintentional, but only because he received the blow that may otherwise have slain John Draper's unnamed wife. Once again, the narration of events is meaningful. Jurors chose not to mention the knife in question until John thrust it into Giles' heart. Where was it before that? Was the knife already in his hands while he argued angrily with his wife? What is perhaps most important about the indictment of John Draper is that it gives us insight into domestic relations of the era. The medieval world had an understanding of privacy that did not incorporate the marital relationship.[24] Marriages were a collective endeavor: communities mobilized to bring couples together; communities also supervised marriages to keep them from getting unacceptably violent. Barging into a neighbor's home in the middle of a domestic dispute in order to restore the peace was supportive, not intrusive.

These accounts offer an imperfect understanding of the acceptability of violence in marriage in medieval England. The law permitted husbands to use violence against their wives, but that violence was not unbounded: killing one's wife was not discipline but homicide and had to be reported to the authorities as such. And yet, jurors tended to side with the defendants, suggesting that few wife-killers in medieval England were actually convicted for their crimes. Of course, that does not mean they were not punished. The indictment process itself was a form of punishment. The accused had his crime publicized widely; he was imprisoned until trial at a time when prisoners were expected to pay for their own incarceration (food, bedding, light, entry and exit fees); and, as we learned in contribution no. 8 of this volume, he was forbidden from remarrying.[25] It leaves one to wonder if the abuse always had to be as horrific as that perpetrated by Nicholas Ringshall in order to warrant conviction.

Further Questions

1. In this chapter, legal texts are not neutral records of "what really happened," but constructs, shaped for specific purposes and reinforcing specific power structures. How does this approach help us, as historians, to use court records as a guide to daily life in the Middle Ages?

23 Accused felons usually purchased pardons to avoid being executed; however, excusable grants were granted pardons by regular course of the law.
24 McSheffrey, *Marriage, Sex, and Civic Culture.*
25 Pugh, *Imprisonment in Medieval England.*

2. Legal records in medieval England were intentionally brief: parchment was expensive and the crown was chiefly concerned with monies collected rather than the crimes themselves. What do these records leave out? And how are those omissions significant when it comes to shaping our perceptions of medieval femicide?
3. By analyzing a collective of five cases rather than a single record, this chapter adopts a comparative approach. How does this broader scope enhance our interpretation of the legal data?

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11 Uxoricide in Dijon, 1465: Guillemot and Marion

Rudi Beaulant and Sara McDougall

Source: The following text is taken from the archives of the municipal court of Dijon, whose numerous preserved investigations and other records of legal proceedings and deliberations provide rich insight into the daily workings of urban justice in the late Middle Ages. This is one of many such investigations conducted by the substitute prosecutor of the city, Jaques Borestel, against a man named Guillemot Gauldry in 1465. We know of only a handful of cases of spousal homicide for Dijon, the sources documenting this tragic case are exceptionally detailed in their record of the killing, the investigation, and the aftermath of the crime. The archival record for this source is: Archives départementales de la Côte-d'Or (ADCO), B II 360/9.

Informacion faite le jeudi matin, XXIIe jour de novembre mil IIIIC LXV, par moy, Jaques Borestel, clerc jure de la court de monseigneur le duc de Bourgogne et procureur substitut de honorable homme Jehan Rabustel, procureur de la ville et commune de Dijon, en la presence de noble homme et saige Pierre Marriot, conseiller, general maistre des monnoyes de monseigneur le duc de Bourgogne et mayeur de Dijon, Pierre Cornille, eschevin, Hugues Beroingnot, Estienne Morellet, Perrenet du Prey, Jehanin Mirey et plusieurs aultres sergens de ladite ville, de et sur la mort de Marion, femme de Guillemot Gaudry, chevaulcheur de monditseigneur le duc, trouvee morte cedit jour, environ l'eure de sept heures devers le matin, sur ung lit, couchee toute nue, estant a terre en une chambre basse derriere en l'ostel de Guillaume Moisson, laquelle Marion a este descouverte des linceulx et couverture estans dessus elle sur le lit ou elle estoit couchee, par l'ordonnance de monditseigneur le mayeur, et visitee bien au long par toutes les parties de son corps par Menault de la Ryole dit Gascon et Jacot Roy, jurez barbiers cirurgiens

Information gathered the Thursday morning, 22nd day of November 1465, by me, Jaques Borestel, cleric sworn to the court of M. the Duke of Burgundy and substitute prosecutor for honorable man Jehan Rabustel, prosecutor for the city and commune of Dijon, in the presence of nobleman and wise Pierre Marriot, councilor, general master of monies for M. the Duke of Burgundy and mayor of Dijon, Pierre Cornille, alderman, Hugues Beroingnot, Estienne Morellet, Perrenet du Prey, Jehanin Mirey and many other sergeants of the said city, concerning and about the death of Marion, wife of Guillemot Gaudry, horseman of the stable[1] of M. the Duke, found dead this same day, at around the hour of seven in the morning, on a bed, lying all naked, that was on the ground in a low back room in the hostel[2] of Guillaume Moisson, that Marion was uncovered from the linen and covers that were on the bed where she was lying, at the orders of my aforementioned mayor, and carefully examined, all over the parts of her body, by Menault de la Ryole called Gascon and Jacot Roy, sworn barber-

1 Chevaulcheur: literally, a rider, one whose job it is to mount a horse and ride somewhere when the duke or some intermediary says so. It likely involved some level of caring for the ducal horses also. The Stable is a part of the ducal Hôtel.

2 This can mean home, residence, house, hotel...

de ladite ville de Dijon, lesquelz, apres ladite visitacion, ont trouve ladite Marion avoir este batue et frappee de plusieurs copz de dague et de grosses verges d'osieres en plusieurs parties de sondit corps, c'estassavoir a deux playes sur la teste, l'unne a la destre et l'aultre a la senestre, une aultre playe sur le front, une aultre playe sur l'ueil droit, une aultre playe ou coutte droit, une aultre sur la poitrine, une aultre ou muscle du bras, une aultre ou gras de la cuisse soubz la hanche, une aultre sur la greve de la jambe droitte, et sur les deux genoux, tous de dague et plusieurs concussions tout au long du doz, au long des bras, au long des jambes, faictes du plat de la dague ou de baston, comme aussi plusieurs fendures et entammeures faites du taillant de ladite dague sur les bras et jambes ou desdites verges d'osieres, lesquelles verges ont este trouvees sur ledit lit, usees de force de frapper, de tous lesquelz cops, concussions et batures mort est ensuye, comment ont rapporte lesdits jurez ; et dient ce rapport estre vray par le serement qu'ilz ont a ladite ville, de et sur laquelle mort j'ay examine les nommez cy apres qui en deposent sçavoir en la maniere qui s'ensuit.

surgeons of the aforementioned city of Dijon, who, after that examination, determined that Marion had been beaten and struck with many blows of the dagger and with a switch of big willow twigs[3] in many parts of her aforementioned body, that is to say with two wounds on the head, the one on the right and the other on the left, another blow on her face, another wound on her right eye, another on the right side, another on the chest, another in the muscle of her arm, another in the fat of her thigh, under the hip, another on the fat of the right leg, and on the two knees, all from a dagger, and many blows all over her back and her arms and her legs, and done with the flat of a dagger or with a stick, and also many cuts and wounds[4] done with the point of that dagger on the arms and legs or the aforementioned switch of willow twigs, those sticks were found on the said bed, broken from the force used to strike, all these blows, lesions and beating caused the death, as was reported by the said sworn experts and they said this report was true under the oath that they had to this city about and concerning this death I examined those named hereafter who deposed what they know in the manner that follows:[5]

Et premierement.
Girard Panserot, sergent de ladite ville et barbier, eagie de environ XLV ans, tesmoin requiz, interrogue et examine sur ledit cas, dit par son serement, donne aux Sains Euvangilles de Dieu, sçavoir dudit cas ce qui s'ensuit. C'estassavoir que la nuyt inmediate derrenierement passee, environ l'eure de mynuit, Guillemot Gauldry a envoye querir bien hastivement [p. 2] luy qui parle par ung valeton, serviteur de Poinçot Figuet,

And first of all
Girard Panserot sergeant of the aforementioned city and barber, aged of about 45 years, cited to testify, questioned and examined on the aforesaid matter, under his oath, given on the holy gospels of God, to say what he knows about the case that which follows: That is to say that the night just past, at around the hour of midnight, Guillemot Gauldry had urgently sent for him (page 2) who was testifying, by a

3 A switch, made of a bundle of wicker sticks. http://micmap.org/dicfro/search/dictionnaire-godefroy/osiere. Last Accessed September 22, 2026.
4 http://micmap.org/dicfro/search/dictionnaire-godefroy/entammeure. Last Accessed September 22, 2026.
5 On the margins: "Note that the body of this Marion was put under guard to have her subito by Denisot de Mastot, Guillemin Gaudry, and Hugues Beroingnot, and to put her body in sacred ground they took charge of doing, and that Hugues stored the movable property etc." *Nota que le corps de ladite Marion a este laissie en garde pour avoir son subito a Denisot de Mastot, a Guillemin Gaudri et a Hugues Beroingnot, et pour la faire mectre en terre sainte, lesquelz ont prins charge de ce faire et ledit Hugues de garder les biens meubles etc*. Christian burial, see also ADCO B II360/8, L 39 P 6 for another example, 7 January 1460/1461.

corduannier voisin dudit Guillemot, lequel valeton luy a dit que ledit Guillemot ly prioit qu'il alast vitement devers luy en son hostel, ce que il deposant a fait. Et a trouve ledit Guillemot en l'ostel et chambre derriere dessus declaires, et sa femme couchee sur ung lit au feu, vestue de sa chemise couverte de linceulx et de couverte, laquelle femme dudit Guillemot estoit treffort malade, lequel Guillemot a dit a luy deposant qu'il l'avoit batue et luy a monstree la pointe de sa dague, laquelle estoit plainne et couverte de sang, et luy a dit qu'il en avoit frappee sadite femme, luy priant qu'il la meist apoint. Et lors il deposant, en la presence dudit Guillemot qui tenoit la chandoille alumee, ledit valeton, une torche alumee, la femme dudit Poincet, Jacot Bergeret et sa femme presens, descouvra la femme d'icellui Guillemot, laquelle estoit sur toutes les parties de son corps si chargee de sang qu'il deposant ne sçavoit trouver ou estoient les playes que elle avoit, mais ledit Guillemot luy monstra toutes les playes declairees cy devant ou rapport desdits jurez, lesquelles il deposant mist apoint le plus tost que faire le peut pour estanchier le sang, et pour ce que ladite femme ne povoit parler mais neantmoins elle plaingnoit treffort la poitrine. Et apres que il deposant l'eust eue mise a point l'on envoya querir ung prebstre de Saint Michiel pour confesser ladite femme, et vit illec venir ung prebstre, lequel parla a ladite femme, et il deposant et les aultres dessusdits illec presens se tirerent arrieres. Et atant il deposant s'en retourna, et au jourduy matin a oy dire et veu que ladite femme estoit alee de vie a trespas, et a este present en la chambre de la secretenerie de la chappelle de monditseigneur le duc ou ledit Guillemot s'est retrait en franchise pour la mort de sadite femme, ou il a oy que ledit Guillemot a confesse et recongneu en la presence de plusieurs personnes que il avoit batue et frappee sadite femme de copz de dague, d'ung ners de beuf et de verges en la maniere que elle a este trouvee batue et morte, pour ce que elle se gouvernoit mal comme il disoit avec Jehan de Marnay, dont il s'estoit prinse a elle de

young menial, servant of Poincot Figuet, shoemaker, neighbor of the said Guillemot, that menial told him that the said Guillemot asked that he come quickly to him in his hostel, that which the witness had done and found that Guillemot in the hostel and back room already mentioned, and his wife lying on a bed at the fire dressed in her chemise covered with sheets and a blanket, that the said wife of the said Guillemot was really ailing, that Guillemot had said to him who was testifying that he had beaten her, and showed him the point of his dagger which was full and covered in blood and told him that he had struck his wife with it, asking him that he care for the wounds. And then he the witness in the presence of Guillemot who held a lit candle, the said menial who held a lit torch, the wife of that Poincet, Jacot Bergeret and his wife, present, uncovered the wife of this Guillemot who was on all the parts of her body so covered in blood, that he the witness did not know how to find where the wounds that she had were, but the said Guillemot showed him all the wounds declared above in the barber-surgeons' report, which the said witness cared for as well as he could to get the bleeding to stop, and while the said wife could not at all speak, nonetheless she indicated great pain in her chest. And after the witness had done what he could to care for the wounds, someone sent for a priest from Saint Michael to hear confession from the woman and there came there a priest who spoke to the woman and he, the witness and the others present, they moved away and at that he the witness departed. And that this next morning he had heard and seen that the said woman had died. And was present in the room of the sacristan of the chapel of M. the Duke, where the said Guillemot had taken franchise concerning the death of his aforementioned wife where he had heard that the said Guillemot had confessed and recognized, in the presence of many people, that he had beaten and struck his wife with blows of his dagger with a bullwhip[6] and the sticks in the manner that

6 *Nerf de boeuf*, either a bullwhip (or horsewhip), a sort of cattle prod, or perhaps a cow ligament.

paroles en remonstrant, et apres paroles desdites batures. Et plus n'en scet comil dit, senon touteffois que, a environ X ou XII jours, la femme dudit Guillemot envoya querir luy deposant pour la mettre a point d'ung cop de poing que ledit Guillemot luy avoit baille sur l'ueil, ce qu'il fit, et luy dit hier soir ledit Guillemot que ledit cop de poing estoit gary mais il luy en avoit bien baille des aultres.

she was found beaten and dead, because she had conducted herself badly, as he said, with Jehan de Marnay, about which he had had words with her in remonstrating with her and after these words these beatings, and he knew nothing more as he said. Except one thing that about 10 or 12 days ago the wife of the said Guillemot sent for him the witness to care for a blow of the fist that this Guillemot had done to her eye, that which he did. And he said last night the said Guillemot had told him that the blow to the eye was healed but that he had given her others.

[p. 3] Ledit Guillemot Gauldri, chevaulcheur de monseigneur le duc de Bourgogne, estant en franchise en la chambre de la secretenerie de la chappelle de monseigneur le duc de Bourgogne a Dijon, a este interrogue par moy, ledit Jaques, sur la mort de Marion, sa femme, a dit et recongneu en la presence de Aubriot Gastereaul, Philibert Ravyet, Jehan Penisse, Girard Panserot et aultres, en prenant a son aventaige et sa couleur aulcunes persuasions, ja soit ce que sadite femme fust bonne proudefemme comme l'on dit, que hier soir, environ l'eure de IX heures, il estoit venu de soupper de la ville et se print a remonstrer a sadite femme sur ung banc en sa chambre, laquelle se desvestoit et se vouloit couchier, que chacun se mouquoit de luy et d'elle, et que l'on le tiroit par les bras par devant et par derrieres par les rues, et luy disoit l'on a l'oreille que elle se gouvernoit mal et qu'il y meist remede, et que Jehan de Marnay la tenoit et repairoit avec elle et que elle s'en voulsist abstenir et garder pour son honneur, et aussi que elle estoit yvraise et que Philippe Douhet s'estoit plaint a luy que l'on luy avoit desrobe de son vin, laquelle luy avoit respondu qu'il n'en estoit riens, mais il luy dist que il sçavoit bien que elle estoit alee en l'ostel d'ung nomme George, demorant en la rue des Chanoinnes, qui est homme mal fame, maquereaul, et tient malvais convine en son hostel, ou elle avoit mene sa fille par la main et ou elle avoit

(page 3) The said Guillemot Gauldry horseman of the stable of M. the Duke of Burgundy, in franchise in the room of the sacristan of the chapel of the Duke of Burgundy at Dijon, was interrogated by me the aforementioned Jaques concerning the death of Marion his wife, who had said and admitted in the presence of Aubriot Gastereaul, Philibert Ravyet, Jehan Penisse, Girard Panserot, and others, in presenting in his defense and his "color" some mitigating factors. Even though his wife was a good respectable woman as was said, nonetheless last night around the hour of 9 o'clock he had come from dining in the city and took to remonstrating with his wife, on a bench in their[7] room, where she had undressed and wanted to go to bed, that everyone was mocking him, and her, and that one had taken him by the arms in front and back in the streets, telling him that it was being said that that she conducted herself badly and that he needed to correct her, and that Jehan de Marnay was keeping her and seeing her, and that she needed to stop and protect her honor. And also that she was a drunk and that Philippe Douhet had complained to him that she had stolen from his wife, to which she replied that it was false, but he said that he knew well that she had gone into the hostel of one named George, living in the Rue des Chanoines, who is a man of bad reputation, a pimp, and keeps

7 French, especially in testimony written in this way (he said that he was told that he) does not always make clear if it is the he or the she, but as used here it most likely refers to a shared room.

este et parle en une chambre a part avec ledit Jehan de Marnay plus de demie heure ; et ledit George faisoit en ce faisant chauffer en une aultre chambre ladite fille, la requerant que elle deist sur ce verite car il le sçavoit bien, laquelle luy respondit qu'il n'en estoit riens, mais sadite fille luy dist que si avoit, et luy dist aussi que elle deist verite. Et pour ce que sadite femme vit que il avoit enquis de son fait elle luy dist comil dit que puis qu'il avoit enquis de son fait et qu'il la pressoit si fort de luy dire se elle avoit este en l'ostel dudit George elle luy diroit verite, et luy recongneut que il estoit vray que elle y avoit este parle audit Jehan de Marnay, mais non pas pour aulcun mal faire mais pour le advertir qu'il se donnast garde dudit Guillemot, car il avoit voulente ou entencion de le tuer et de le faire excommunier pour certainne somme d'argent qu'il luy doit d'ung cheval que ledit Guillemot luy a vendu, a laquelle ledit Guillemot remonstra pour quoy elle l'avoit adverti de ce que dit est, et comme elle sçavoit qu'il avoit voulente de faire excommunier et de tuer ledit de Marnay, laquelle luy respondit que elle luy avoit ou dire que il tueroit ledit de Marnay. Et lors icelluy Guillemot remonstra a sadite femme que pour ce que l'on parloit d'elle il la vouloit envoyer, et failloit que elle s'en alast esbatre hors de ceste ville et emmener sa fille avec elle demourer en l'ostel de son pere, jusques a Pasques ou [p. 4] plus, et il luy bailleroit argent pour vivre et pour la faire conduire ; et cedit temps pendant la chose se oblieroit et n'en diroit l'on plus riens. A quoy respondit sadite femme comil dit que elle n'y entreroit ja et qu'il la vouloit faire infame, et ameroit plus chier aler au bordeaul publiquement que de soy en aler en l'ostel de sondit pere comme dit est, ou se elle ne s'en aloit au bordeaul elle s'en iroit avec ledit Jehan de Marnay qui luy donneroit sa vie, qui luy avoit promis qu'il ne la laisseroit point morir de fam. Et lors ledit Guillemot, ouyant lesdites paroles, fut tout impacient, mal meu et tempte de l'Ennemi, luy osta son godot qu'elle tenoit, la frappa d'ung gros ners ou vette de beuf plusieurs cops sur plusieurs parties de son corps, et apres la frappa

bad company in his hostel where she had taken her daughter by the hand, and where she had spoken in a room alone with that Jehan de Marnay, for more than a half hour, and in another room the aforesaid George, during this, keeping warm the aforesaid daughter, demanding about this that she tell the truth, since he knew it well, to which she replied that it was nothing, but the aforementioned daughter told him that yes it was, and he said also that she had to tell the truth, and since it was the case that the said wife could see that he had learned what she had done, and since he pressed her so strongly to tell him if she was in the hostel of that George, she would tell him the truth and admitted that it was true that she had gone to speak with the said Jehan de Marnay but not to do anything bad but to warn him to be on his guard about this Guillemot, since he had the wish or intention to kill him and to get him excommunicated for a certain sum of money that he had from a horse that the said Guillemot had sold him. About which the said Guillemot asked why she had warned him about this and how she knew that he had wanted to get excommunicated and kill that said de Marnay, to which she replied that she had heard him say that he'd kill the said de Marnay. And then the said Guillemot remonstrated with his wife that since everyone was talking about her he would have to send her away and she should go stay outside of this city and take her daughter with her and stay in the home of her[8] father until Easter or longer, and he would give her money for her needs and for the travel and during that time the things would be forgotten and no one would say anything more. To which she replied, the said wife, as he said, that she would not do it, and that she would prefer to be infamous and would like it more to go to the public brothel than to go into the home of the said father as he said, or if she did not go to the brothel she would go with the said Jehan de Marnay. who would provide for her, who had promised her that he would never let her die of hunger.

8 Once again, this could also be his father.

de sa dague quatre ou V cops sur plusieurs parties de son corps. Et ce fait envoya querir Girard Panserot, barbier, par ung valeton pour la mettre a point, et luy mesmes fut present a la mettre a point et monstra les playes qu'il avoit faite a sadite femme audit Girard qui la mist a point.

And then the said Guillemot hearing these words was so upset, enraged,[9] and tempted by the devil, took her godot,[10] that she had, and beat her with a big bull whip or beef tendon,[11] many blows on many parts of her body, and after struck her with his dagger, four or five strikes, on many parts of her body. And this done sent for Girard Panserot the barber by a menial to care for her, and he himself was present for this care, and showed the wounds that he had done to his wife, to that Girard, who tended to them.

Interrogue de quoy il l'a ainsi mutilee sur tous ses membres et au long du doz des costes, dit que a environ XV jours il la batit fort de verges pour ce que elle estoit yvre et pour autre faulte que elle luy fit, lequel Guillemot a plusavant confesse de sondit cas a la verite audit Aubriot Gastereaul, pour luy faire sa requeste pour l'envoyer devers monseigneur le duc de Bourgogne pour avoir de ce sa grace.

Asked why he had in that way mutilated her on all her limbs and all over her back and sides, said that about 15 days ago he had really beaten her with sticks because she was drunk and because she had in another way done badly as he said, that Guillemot had previously confessed about his crime to be true to the aforesaid Aubriot Gastereaul to have him make his request sent to M. the Duke of Burgundy, to seek pardon from him.

(sur le côté :) Informacion contre Guillemot Gauldry, chevaulcheur de l'escuierie de monseigneur le duc de Bourgogne, lequel Guillemot a tuee sa femme.

(on the side of the document): Information against Guillemot Gauldry horseman of the squires of M. the Duke of Burgundy this Guillemot had killed his wife.

Texts and Contexts

The surviving sources for fifteenth century Dijon, in French Burgundy, offer a uniquely rich record of municipal judicial activity. In this chapter, we take advantage of this richness to provide a detailed account of not only the prosecution and punishment of spousal homicide, but even its aftereffects for the victim and perpetrator, and their families.

The municipal authorities in fifteenth century Dijon assiduously, or perhaps even with herculean energy, sought to investigate and prosecute serious crimes of all sorts, including especially theft and murder.[12] While reported and prosecuted crime is only

9 Literally, badly intentioned, driven to do harm.

10 A *godot* could be a cup or tumbler, but also many different items of clothing, (jupon, cotillon, cotte are all offered as explanations in various medieval French dictionaries: a skirt, an overskirt, or a tunic. In this context we suppose it means a tunic: http://micmap.org/dicfro/search/dictionnaire-godefroy/godot; https://www.cnrtl.fr/definition/cotillon. Both Last Accessed September 22, 2026.

11 Again, this is either a bullwhip (or horsewhip given the man's profession) or actual cow ligament / beef tendon.

12 The mayor's office, or city council, of Dijon, was established by a charter first granted to the city by Duke Hugh III in 1183 and confirmed in 1187. The charter provides this new institution with fairly extensive privileges, including the rights of low, middle, and high justice. Some limitations and retained ducal powers included ultimate authority to execute criminals, which required the participation of a ducal provost. See further Beaulant, *Criminalité et justice*.

ever an imperfect window on actual crime rates, it seems most likely that spousal homicide in Dijon, perpetrated by either spouse, was rare, and viewed with special horror. Our case study makes this clear. Domestic violence, however, was another matter. Those in power, as husbands, fathers, or masters/employers, had every right and even duty to "correct" those they had authority over.[13] The "corrective" violence they inflicted, though, should not have risen to anything like the level of potentially fatal force. When it did, both municipal authorities and the community at large joined in efforts to prosecute and punish, if too little too late, as in this case.

Making Sense of the Source

On November 21 of 1465, Guillemot Gauldry, a horseman for the Duke of Burgundy's Stable, confessed to having brutally attacked his wife Marion, to beating and whipping and stabbing her, on his return from dining in the city that evening. Once Marion died, the following morning, Guillemot sought sanctuary in the Sainte-Chapelle, the ducal chapel in Dijon, and probably obtained the help of legal expertise in requesting ducal pardon. The city authorities immediately investigated, questioning witnesses and also the culprit, who testified from sanctuary. As we will see, the city authorities either did not consider Guillemot's pretext for killing his wife as sufficient justification, or they did not believe him (for the entire context, see the timeline below).

In the weeks that followed, Guillemot was summoned twice to appear before the mayor's judicial officers, the 9th and 24th of December, but he did not answer the summons.[14] Records of municipal deliberations document his contumacy. Another of their records, concerning a jurisdictional matter, notes that Guillemot had been taken out of the city by ducal authorities, without the permission of the city, and detained in the ducal prisons, first at Rouvres and then at Talant, ostensibly concerning a theft he had committed. From this document we also learn that the duke had granted pardon to Guillemot for the murder, and that this ducal pardon had been presented to the bailiff of Dijon, requesting approval of the act of ducal grace, a necessary final step.[15]

The path to pardon sought by Guillemot Gauldry has a good deal in common with the thousands of cases of pardons granted by ducal and royal authority in late medieval France and Burgundy.[16] First, like many others granted pardons, he had connec-

13 McDougall, "Fiction and Lies;" Feys, "A Hot-tempered;" Israeli and Kisluk, "Adultery." For domestic violence see, for example, Butler, "Attitudes to Domestic Violence;" Bednarski, "Keeping It in the Family?"; and Skoda, "Violent Discipline."

14 Archives départementales de la Côte-d'Or (ADCO), B II 337/2, fol. 82.

15 Archives municipales de Dijon, (AMD) C 6, cote 62. The primary purpose of this official document is, ultimately, to restore order between the municipal and ducal judicial procedures. For having arrested Guillemot without the town hall's authorization (a requirement since he was an inhabitant of Dijon) and for having then detained him in the ducal prisons (for the alleged theft), the officers of the bailiff of Dijon handed him over to those of the town hall. After releasing him for a few moments, the town hall officers in turn returned Guillemot to the bailiff's officers, who imprisoned him again while awaiting verification of his pardon.

16 Verreycken, "The power to pardon;" Gauvard, "*De grace especial;*" Beaulant, *Les pratiques de la grâce*.

tions to the duke or his officers, thanks to his job. The pardon request that obtained ducal approval has not survived, but based on what he testified to while in sanctuary, which is translated for this chapter, we can assume the supplication drew on the same conventions often found with other cases of pardoned spousal homicide. The petition likely sought, as indeed Guillemot had testified, to mitigate the crime on the grounds of justifiable rage at an adulterous and rebellious wife. It most likely also presented Guillemot as having tried to reconcile with his wife, having promised to take care of his wife and daughter, to protect the family from scandal. It probably maintained that he had acted only out of desperate rage and tempted by the devil, when she told him she would prefer to go to the brothel, or to the man he accused her of having an affair with, who he seems to have had some sort of dangerous rivalry with.[17]

However, as research on pardons from the late Middle Ages demonstrates, obtaining remission did not mean a definitive escape from punishment, even from execution. Pardon letters had to be ratified and approved by the local judicial authorities (in this case the bailiff of Dijon) and also the injured party or their kin, who had the right to compensation as well as the opportunity to challenge the pardon on the grounds of falsehood or other objections.

We do not have any record of these proceedings, any more than we have the ducal pardon itself. We know, nonetheless, that the pardon was denied. Why? Did Guillemot's account so distort whatever had really happened that the municipal officials could have rejected it as false? Were the letters judged to be forged or fabricated on false pretenses? Was he unable to provide satisfaction to Marion's kin, or did they refuse to accept compensation? Who, moreover, would have represented the "injured party" in this ratification process? Unfortunately, we cannot answer these questions. But there is a great deal more that we do know. Rejection of the pardon is demonstrated by the fact that Guillemot was indeed condemned to death. The evidence lies not in the register of punishments carried out by the city, but from yet another surviving source. The executioner, Estienne Poisson, was paid on May 1, 1466, for having put Guillemot to death "for the murder of his wife."[18] Guillemot's property, of a value estimated at 52 francs and 5 gros, were confiscated, now belonging to the duke, as followed the standard procedure for banishments and executions carried out in Dijon.[19]

The incredibly rich surviving sources for Dijon offer still more to learn about this sad history. Tax records reveal that Guillemot lived, at the time just before the killing, in the parish of Saint-Michel, probably on the Rue Chaudronnerie.[20] There is one last, haunting, hint as to life after death we can share. Marion and Guillemot's kin and neighbors took charge of the care of the couple's two daughters, Marguerite and Quantine. One Jacot de Guynant was named "tutor" for the girls, while their paternal uncle, Guille-

17 For more on the career of Jehan de Marnay see Beaulant, "Mobiliser son réseau."
18 ADCO, B 1744, fol. 594v–595.
19 ADCO, B 1744, fol. 197v.
20 ADCO, B 11498, fol. 30.

min Gauldry, and another man, named Thomas Boichenot, were named as curators of their property.[21] The fact that the act was dated to May 5, 1466, attested to the rapidity of the procedure to seek to provide some guarantees as to the security, and hopefully comfort, of these two unfortunate sisters.

Through the Lens of Femicide

The crime certainly can be understood in the context of gender-based violence. The husband viciously beat and killed his wife, claiming he did so for deeply gendered reasons. But we think it is important to recognize that the community and the court, by contrast, while it did tolerate domestic violence within some limits, did not see this killing as justifiable or pardonable. We do not, of course, know what really happened. Most of what we know about the crime comes only from perspective of the accused and confessed killer, Marion's husband, who offers what he or his legal advisor considered mitigating circumstances. Guillemot's testimony, from sanctuary, had already taken on the typical aspects of a pardon: Marion's extremely bad behavior, his justified anger, his efforts to forgive and offer a solution to protect the family honor, to care for her and send her to his father's even though she had risked not only her own chastity/reputation but her daughter's chastity. But in fact, it was not enough to excuse him. Moreover, alongside Guillemot's efforts to cast his deeds as justified, we have the fact of this detailed investigation, and the various signs of neighbors and others eager to try to help this woman, though not until too late. Wife beating, in this community, and other forms of domestic and interpersonal violence, was clearly tolerated to a terrifying extent, but wife killing was not. Despite Guillemot's connections to the duke, despite seeking and obtaining both sanctuary and legal advice in making a speedy and well-crafted request for pardon, this man was finally executed. This man was pardoned, as many killers were, but that did not mean that the community, or even the local authorities, tolerated or certainly condoned this behavior.

The harrowingly detailed record of the testimony of the medical examiner, and that of the neighbors, offers important information on the extent of Marion's injuries, the forensic efforts to establish exactly what Guillemot had done to kill his wife. The additional testimony about prior abuse, though, offers a sad reminder of the kind of violence that was, in fact, tolerated, not just when perpetrated against wives, but also against children or servants. Such violence outside the family household would be prosecuted far more readily, but this society recognized the right of a paterfamilias to "correct," offering wives and other victims of abuse only limited recourse, more than nothing, we should observe, but clearly, as in this case, woefully insufficient.

21 ADCO, B II 336/64, fol. 209.

Timeline of the case

- November 21st, 1465: Guillemot Gauldry murdered his wife Marion and then sought sanctuary in the Sainte-Chapelle.
- December 9th and 24th, 1465: The mayor and aldermen of Dijon summoned Guillemot twice to appear before the mayor's judicial officers.
- December 27th, 1465: Guillemot presented his pardon letters to the bailiff of Dijon, requesting its validation; he was imprisoned by the bailiff.[22]
- December 29th, 1465: The town hall has sent a request to the bailiff asking him to return Guillemot.
- January 18th, 1466: The bailiff's officers handed Guillemot over to the town hall officials in connection with a (supposed) theft case, and then the town hall officials restored Guillemot back to the bailiff's officers so they could verify his pardon.
- January 24th, 1466: The town hall honors the president of the Parliament of Burgundy, the bailiff of Dijon, his lieutenant, and the bailiwick's prosecutor, to thank them for having swiftly returned Guillemot and thus providing redress for the offense against the municipal court.[23]
- May 1st, 1466: Estienne Poisson, executioner of the bailiwick of Dijon, is paid for having executed Guillemot for his wife's murder.
- May 5th, 1466: The town hall appointed tutor and curators for the Guillemot daughters Marguerite and Quantine.
- May 7th, 1466: The town hall inventoried Guillemot's confiscated property.

Further Questions

1. Further research could reveal more information about this case, and about the fate of the daughters. How should we think about the efforts of communities to help those left behind?
2. How does this case compare to other known cases of spousal killing and violence?
3. How should we think about spousal homicide, and infanticide, in the context of other pardons and litigation, from other places?
4. How does knowing so much more about this example of a pardoned but executed wife killer help us to better understand the more popularly studied pardons, about which we know so much less?

22 This information and the next come from the register of deliberations: AMD, B 162, fol. 42–42v.
23 AMD, B 162, fol. 43.

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12 Witch-Hunting as Femicide? The "Völs Witch Trial" 1506–1510

Jörg Schwarz

Source: From July/August 1506 to July/August 1510 there was a trial at the court of Völs in Tyrol, nowadays a part of Italy (South Tyrol) which is known as the "Völs witch trial." The trial is involving a total of ten peasant women and maidservants, who were all questioned, probably under torture. The trial is so important because it is commonly regarded as the first Tyrolean witch trial. Though the sources are rather vague, we can presume that all women lost their lives being killed pursuant to an order by official authorities. The original document can be consulted at Tiroler Landesmuseum, Bibliothek des Ferdinandeum (Innsbruck), Dipl. 1226 V, fol. 34r-39r. Below we provide a preliminary translation and a transcription, that is based on the original documents and has been compared with the partial transcription found in Rapp, *Die Hexenprozesse*, 170. In his collection, Rapp includes various confessions by different accused women. This makes it possible to compare the confessions regarding their content and formulaic structure.

1	*Der Anna Jobstin von Obervöls Urgicht.*	The Confession of Anna Jobst of Obervöls.
	Anna Jobstin hat mit und ohne Marter bekannt am Erchtag[1] nach Udalrici Anno Sexto (1506)	Anna Jobstin, with and without torture, confessed on the second day after Udalrici in the
5	*im Beiwesen des Richters Berchtold von Lafah und der Geschwornen: Hans Mair, Niklas Vollungaur, Niklas Porgfaller, Leonhart Schneider, Leonhart Grafaher, Veit Haselrider, Peter Vasan, Siml Mahr, Baltasar Varaser, Leonhart Raim-*	year 1506, in the presence of Judge Berchtold of Lafah and the jurors: Hans Mair, Niklas Vollungaur, Niklas Porgfaller, Leonhart Schneider, Leonhart Grafaher, Veit Haselrider, Peter Vasan, Siml Mahr, Baltasar Varaser, Leonhart Raim-
10	*recht, Michl Tschoh, und mit dem Eid bestätigt:[2]*	recht, Michl Tschoh, and confirmed by oath:
	[…]	[…]
	Und Beke[nnt] wie sy durch des teuffels gespennst vor etlich Jarn auff Canzional[?] auff meins gen[?] Alm (an semstag) gefarn sey	And confessed how, through the devil's apparition, she traveled several years ago to Canzional[?][3] to my gen[?] Alm, on a Saturday, together with Wercherin Kesslerin,[4] and there
15	*damit gwesen wercherin Kesslerin daselbs ein Kalb verzert vnd wide[r] haimgefaren*	ate a calf and traveled home again

1 "Erchtag," also "Ertag," "Irtag" or "Eschtag," is the Austro-Bavarian term for "Tuesday," deriving from Middle High German "er(ge)tac," Old High German "eriōtag" and Greek "Ἄρεως ημέρα" (Áreōs hēméra) via East Germanic "arjausdags," meaning "day of the war god Ares," comparable to "Dienstag," the "day of the war god Zīo."

2 This first paragraph has been transcribed from Rapp, *Die Hexenprozesse*, 170.

3 It is unclear what this refers to.

4 "Kesslerin" refers to the wife of the "Kessler," a surname derived from the occupation of coppersmith or kettlemaker. This formulaic description applies to the further names she gives in the confession as well, such as "Casparin" or "Cassianin."

Weit[er] wie sy mit gewolken werben vil In (vergangen) Jaren gefaren, und wetter gemacht hab, aber aus wenig daselb[e]n abgefallen, und aus gedachtnus komen Und Beke[nnt] wie sy am Pfinztag[5] *vor vergannggnem Palmtag durch die teuflisch gespennst mit der Winklerin, Kesslerin, Cassianin, Casparin,[two further names follow], Und mer das sy mit in gedachtnus gehabn kann, gefaren uber die Wof*[6] *under den kam des grossen Wans[?] daselbs sy des Junkhmaisters Schneiders zue Bozn Kind, so Im Melchior Schneider gezogn hab, der winklerin zubracht, zerschenten, gesoten vnd gebraten, verzert und, ein kurze Zeit zulobn aufgesetzt, ist bald darnach gestorben.*[7]

Further, how she traveled on clouds a lot in previous years, and made weather,[8] but sometimes fell out of them, and cannot remember. And confessed how, through the devil's apparition, on Maundy Thursday before the last Palm Sunday she traveled with Winklerin, Kesslerin, Cassianin, Casparin, [two further names follow], and more whom she cannot remember, over the Wof,[9] and went mad[?], so that she brought Junkmeister Schneider's child, who was raised by Melchior Schneider, to the Winklerin, cut it up, cooked and roasted, and ate it, and it died shortly after being put on.

Texts and Contexts

Belief in witches features primarily in legal, theological and literary sources from the late Middle Ages and the early modern period—though, as we shall see at the very end of this article, it is by no means a phenomenon of the past. Belief in witchcraft—as Hildegard Gerlach sets out in her information-packed overview[10]—is an extraordinary cultural resource rooted in ancient cultural and historical layers.

But, this belief, as fascinating as it has always been, was (and still is) often accompanied by doubts, biases and prejudices. Alleged witches and sorcerers, that is, female and male persons with supposedly supernatural abilities, were understood as transgressing social norms and roles. This made them easy targets of social exclusion and persecution. Since around 1400, thousands of people, among them many women, were accused of witchcraft, persecuted and killed throughout Europe.[11] This is probably the reason why witch trials are a common reference point in current femicide debates, though this topic has been critically assessed by experts.[12] Many and various sources provide insight into the "logics" of premodern witch trials: historiographies, letters, court records, and treatises. Independent of the source type, we are often confronted with contemporary stereotypes and narratives used to support one side or the other. It

5 "pfinztac" from Greek and Gothic, or rather, Old High German for the "fifth day" – *paíntē dags/pémptē hēméra; roughly speaking "Pfünft'tag."

6 Rapp, *Die Hexenprozesse*, 145 has "Woff."

7 This narrative seems to be confirmed by at least one other confession that the "Oberharderin" made, see Rapp, *Die Hexenprozesse*, 143–145. With regard to the circumstances, it is however no surprise that all of the women confessed to more or less the same story.

8 "Made weather" refers to her controlling the weather to ruin crops (such as storms, drought, etc.).

9 A "Wof" may refer to a part of Melchior Schneiders property.

10 Gerlach, "Hexe."

11 Much research has been done on this topic, for general overviews see for example Behringer, *Hexen*, or Levack, *The Witch-Hunt*.

12 For example Opitz-Belakhal, "Hexenverfolgung" and Segato, *Territorium*, Introduction.

seems there is a strong correlation between 'belief in (or against) witches' and 'narratives.'[13] We therefore need to detect and explain these narratives, even in sources that claim to present objective truth.

To demonstrate the potential of this critical approach, let us look at the first witch trial in Tyrol, Austria, that took place in the village of Völs. We must leave our own time behind and go back to the 16th century. It is the latest part of the late Middle Ages or the earliest part of early modern period, depending on the personal point of view. Völs is in a part of Tyrol that nowadays (since the treaties after the First World War) belongs to Italy ('South Tyrol'). There is a famous, characteristically formed mountain beside it called the Schlern, and therefore the place is normally called "Völs am Schlern" (also to avoid confusion with other places of the same name).[14] The "Völs witch trial" name certainly came later. Nevertheless, based on important research on the subject, the name "Völs witch trial" is very well known.[15]

The case was heard between July/August 1506 to July/August 1510 at the Court of Völs am Schlern. The defendant was a woman called Anna Jobst. She had worked as a servant in various places and was employed in Obervöls at the time of the trial. Other defendants included Juliana Winkler (from Ums), Anna Oberharder, Dorothea Unterharder, Anna Mioler, Katharina Haselrieder, Katharina Moser, the (female) sacristan of St. Konstantin, Magdalena Astner and Kunigunde Bodenland. There were a total of 10 peasant women and maidservants.[16] All of them were arrested and brought before the court. They were interrogated between 1506 and 1510—both with and without the use of torture to procure their confessions. Among these was also Anna Jobst's confession, presented in excerpts above.[17]

The women's statements all sound similar. The devil—so the women allegedly claimed—had visited them whilst they were in a psychologically unstable state such as sadness, despair, suicidal thoughts, poverty, etc. The devil persuaded them to make a pact ("Teufelspakt") with him. They had subsequently committed all manners of misdeeds. There is talk of a witches' sabbath—they are said not to have travelled there on foot or by carriage. They are said to have flown there—on a broomstick? At the witches' sabbath there was also something to eat, but only stolen goods. There is talk of stolen livestock and pilfered fruit. The list of their misdeeds is endless—alleged misdeeds. They are said to have committed fornication—whatever that might actually mean. They are said to have indulged in card games—and for a long time, card games were held in very low regard. Card players were regarded as cheats. They are also said to have

13 Bausinger, *Erzählen*.
14 Riedmann, "Geschichte Tirols," 32, 53.
15 I owe my knowledge of this case to Hansjörg Rabanser's great book *Hexenwahn*, which provides a comprehensive account of the Tyrolean witch trials that remains unrivalled to this day. In the extensive documentation contained in his book, our case is listed as number 8, 197–198.
16 For women and their social roles in the late Middle Ages and in early modern times, see Wunder, "Frauen."
17 On the broader context of the Tyrolean Witch Trials see Scharler, *Hexerei*. On confessions under torture, see also the contribution by Julia Burkhardt, no. 26.

indulged in board games—but that didn't make things any better. It is also said that they influenced the weather. They are said to have caused storms—and when one realizes how crucial the weather was to the rural community, which depended on a good harvest, one also realizes just how insidious this accusation is. A poor harvest could cost lives in pre-industrial times.

There are also reports of a most peculiar matter that is difficult to interpret: Anna Jobst—one of the accused—is said to have been elected "Queen of Engeland"[18]—what is meant by this? Is it the Kingdom of England? Or is it—more likely—a village? We do not know and must leave the question open. At the heart of the matter, however, lies something that sounds utterly outrageous. The women are accused of repeatedly preparing and consuming children. I share the view of Hansjörg Rabanser, who believes that these were not real events. There is a very good reason for this assumption. It is said that the women brought the children back after 'they' had eaten them. Consequently, they must still have been alive at that point. But something must have—or rather, is said to have—happened to them. The children are said to have died shortly afterwards—could a negative spell have taken effect here? In this context, there are disturbing reports: the women are said to have abducted some children who were still unborn. The location of these abductions was almost always the immediate vicinity of the village of Völs. Well-known—even beyond the region—are the places of Kastelruth and Seis (Seiser Alm). Only one woman by the name of Anna Mioler—out of all those questioned—is said to have explicitly denied the charge of consorting with the devil. This gives some indication of the gravity of such an accusation. As already mentioned, the judgements from these trials have not survived. Nevertheless, we are by no means left in the dark—far from it. As Hansjörg Rabanser has already suggested, the women were executed[19]—and this is far more than mere speculation. For there is, so to speak, retrospective evidence: in the court records of those women who stood trial in 1510, 'our women' reappear. Not by name, mind you, but as a clearly identifiable group. For there is mention of those women who are said to have been executed as early as 1502.

Making Sense of the Source

In my opinion, this case is particularly fascinating in several respects. It dates from the beginning of the 16th century, thus just a short time after the writing of Heinrich Institoris's (c. 1430–1505) famous *Malleus Maleficarum*, the so called *Hexenhammer* which was written in Innsbruck.[20] An excellent biographical overview of the author of the *Malleus Maleficarum* is provided by André Schnyder and Franz-Josef Wortstbrock. The article remains indispensable to this day.[21] As we all know, the *Hexenhammer* plays a

18 Rapp, *Die Hexenprozesse*, 149, 157, 168, 174.
19 Rabanser, *Hexenwahn*, 198.
20 For an English translation of the *Malleus Maleficarum* see Maxwell-Stuart, *The Malleus Maleficarum*; For a study on the text, see Broedel, *The Malleus Maleficarum*.
21 Schnyder and Worstbrock, "Institoris;" on Institoris, see also Petersohn, *Konziliaristen*, 120.

very important role in the beginning of a phenomenon which is called *Hexenprozesse* ("witch trials"), a historical phenomenon in European History that refers less to the period traditionally known as the Middle Ages and more to the Early Modern period.[22]

The area around Völs was—as it seems—certainly in a state of upheaval at the time. In 1485, the Dominican friar Heinrich appeared before Georg Giser and, with Hilde, legitimized his claim under the papal witch-hunting edict, before setting off for Innsbruck.[23] In Innsbruck he initiated a witch-hunting trial in 1485.[24] The subject of our source is incredibly complicated—and it is full of clichés. Witch burnings are certainly among the most prominent clichés of the Middle Ages. The etymology of the word "witch" remains unclear to this day—at least not unequivocally. For Julia Gold in her brilliant monography on witches—it got off to a start with the famous dialogue from "Monty Python and the Holy Grail" (1979)[25]—it seems possible that the Old High German word *hagazussa* lives on in Middle High German as *hecse*.[26] There is a wide range of possible interpretations: There is the witch as an astrologically determined, amoral figure, the witch as a battle-hungry warrior,[27] or the witch as a false healer.[28] There is even the witch as an enemy of the state.

Institoris, the author of the *Malleus Maleficarum*, explicitly describes witchcraft as heresy.[29] According to a letter that Institoris sent to Pope Sixtus IV in 1484, it is a heresy, a deviation from the Christian faith, practiced by certain heretics—particularly certain women—who, in the face of *incubi*, renounce the Catholic faith (*ac quasdam alias heres, presertim muliercularum quarundam fidem katolicam erga incubos demones abnegantes*).[30]

As Jürgen Petersohn points out, a similar formulation appears in Pope Sixtus IV's so-called "Schlettstadt Letter of Indulgence" of 31 October 1483 as part of the petition report referred to (*alique hereses etiam quarundam muliercularum fidem abnegantium*).[31] Petersohn concludes from this that the characterization of witchcraft as heresy was a phrase typical of that period. He has rightly pointed out that, unlike contemporary literature and even the *Malleus Maleficarum* itself, Institoris does not employ a single, all-encompassing concept of witchcraft (*maleficia, striga, lamia, unholde*, etc.), but rather a structured definition—one that describes witchcraft. It is of outstanding

22 Schormann, *Hexenprozesse*, 22.
23 Rabanser, *Hexenwahn*, 196.
24 There is an English edition of selected documents regarding Institoris's Witch Hunts in Ravensburg and Innsbruck, see Mackay, *An Unusual Inquisition*.
25 Gold, *vnholden*, 1. "A witch! A witch! We've found a witch!' How do you know she's a witch? She looks like a witch! And she can fly! There are ways to find out if she is one! What are they? Tell us!"
26 Gold, *vnholden*, 32.
27 Gold, *vnholden*, 52–58.
28 Gold, *vnholden*, 47–52.
29 Petersohn, "Konziliaristen," 134.
30 For the edition of the letter, see Petersohn, "Konziliaristen," 122–126, quote at 123.
31 Petersohn, "Konziliaristen," 135.

importance to this analysis that witchcraft here is confined to women (*mulierculae*)[32]—the argument repeatedly put forward in some debates on the subject, namely that men lost their lives in the context of witch trials, is not to be found here. The other point which, again according to Petersohn, stands out, is the restriction to the offence of denying one's faith in the context of a pact with the Devil ("Teufelsbuhlschaft"). Indeed, there is a sort of canon within modern science defining what constitutes witchcraft. This includes so-called "harmful spells" (*maleficarum*) cast on people, animals and crops, as well as participation in witches' gatherings.[33]

Through the Lens of Femicide

This issue must be taken very seriously—even today. Witch-hunting was not merely a thing of the distant Medieval or Early Modern period. On the contrary: the persecution and murder of women who are discriminated against for being witches is still widespread today. It seems unbelievable, but it is true: The Catholic charity *Missio Aachen* has documented cases of witch-hunts in 46 countries around the world in 2025.[34] These countries include Papua New Guinea, Benin, Ghana, Tanzania and Niger. The witch-hunt has clearly not come to an end. It lives on right up to the present day. There are even good reasons to believe that witch-hunts have now claimed more lives than those in early modern Europe—even though it is difficult to compare these things exactly. According to estimates by the historian Werner Tschacher, at least 55,000 people have been killed worldwide since 1960 on charges of alleged witchcraft.[35] This figure demands careful reflection. After all, the waves of persecution between the 15th and 18th centuries are estimated to have claimed around 50,000 lives. One can only conclude, as Tschacher does, that the current scale of this kind of human rights violation remains far too little known.[36]

To conclude: I would like to emphasize that in the Völs region, many women were killed during the witch trials of the early 16th century. A telling example of this development is the case of Anna Jobst and her female co-defendants, who were presumably all killed—albeit on court orders and thereby justified by contemporary legal norms.

Gender and the gender-specific roles of the executed women seem to have been relevant categories in these trials. This raises questions as to whether we can categorize witch-executions as femicide. Another question is how the systematic study of witch trials can open new avenues to current femicide debates. These debates are complex, drawing from the hypothesis that the killing of women as witches is and remains an act of femicide. Based on both historical and current cases, and thus using diachronic comparisons, we can contribute new perspectives to this debate.

32 Petersohn, "Konziliaristen," 135.
33 Petersohn, "Konziliaristen," 135.
34 Graf, "Hexenwahn;" according to the Kölner Stadt-Anzeiger on August 9, 2025.
35 Graf, "Hexenwahn."
36 Graf, "Hexenwahn."

Further Questions

1. Are witch trials a good example of femicides, considering men were also persecuted?
2. Is it possible to compare premodern witch trials with modern cases? Can you find modern examples of with trials?

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13 Extraordinary Crime and Punishment: A Siraya "Child Murderess" in the Dutch East India Company Archives, 1630–1637

Femke Brink

Source: This source is a fragment of the 1637-appeal by Pieter Nuyts (Governor of Dutch Taiwan) against the Dutch Court in Batavia. In it, an indigenous Taiwanese woman, 'Poulehe', is alleged to have had an abortion.

[De accusaties] sijn suspect.[1] *Ende int bysonder t'geene hij seer wegens zeeckere vrouwe Poulehe in Sincan woonende. […] Tis alle gelijk een abusijff voorgeven.*[2] *[…]*

[The attestations are suspect], and especially the one concerning his actions against a certain Poulehe living in Sincan.[3][…] Everything is an abusive pretension. […]

Foij foij 'tsijn vuijlicheden. Den gedaagde schaamt hem voor uwe Edele achtbare oover daer aff te spreecken. Noch al ongeschickter gaet het buijten waerschijnlicheijt dat den eyscher seght gemelte concubijne bij den verweerder is swanger geworden. Ende naer acht maenden gedraagen hadden ende gebaarde haar kind verdaen ende vermoort heeft (o: grouwel). […]

Fie! Fie! This is filthiness. It embarrasses the defendant in refuting it before your honorable councilmen. Even less suitable and beyond likelihood, is that the prosecutor claims that the aforementioned concubine has been impregnated by the defendant. And after eight months carrying the child, had borne, done away and murdered her child (oh, horror!). […]

Soo verclaeren de ouders van dese geseyde concubijne in name Poulehe selven dat sij haer gehouden heeft bij andere Zincanderen ende verscheyde mans persoonen (waerdoor sij immers bekende notoire ende openbaere hoere te wese) ende daeromme niet te weten bij wien sij swanger was geworden.

As the parents of this aforementioned concubine named Poulehe declare themselves: she kept herself among other Sincanders and various men (therefore she was already known as a notorious and public whore), she cannot have known who impregnated her.

Twelck welde waerheijt can wese want als eenmael Aristippus oock van een hoere op getoogen

This is probably the truth, because Aristippus too was once blamed by a whore have been impregnated by him.[4] He answered her:

1 Gideon Brouwers, "Antwoort op den eijsch ende conclusie bij d.hr. Abraham wessingh fiscael van India jegens Pieter Nuijts gedaen voor mijne heeren den Achtb. Raedt van Jusititie, ende op 24en Feb. 1637 onderleght," appeal, call number 1.04.02, inventory number 9337, scan number 163, *Inventaris van het archief van de Verenigde Oost-Indische Compagnie (VOC), 1602–1795 (1811)*, Nationaal Archief, The Hague (hereafter NL-HaNa_1.04.02). The GLOBALISE Transcription Viewer has been used to keyword search this call number. The GLOBALISE transcription has been improved where necessary. All mistakes are my own.

2 Brouwers, "Antwoort op den eijsch ende conclusie," 164.

3 Sincan has since then been subsumed in the present-day city of Tainan, on the eastern side.

4 Aristippus (435 B.C.E – 365 B.C.E.) was a Greek philosopher born in Cyrene, in present-day Libya. For further information, see: Thomas J. Sienkewicz, *Ancient Greece*, 135–138.

wert dat sij van hem swaar ginch antwoorde hij: dat en is U niet mogelijk. Te weten, als door dickste haage ofte doornen eene overspeelige vrouwe die eenen Manne heef can haer vrucht eenen anderen niet tightighen. Want, in sulcken casus men presupponeert altijts voor het houwelick.

"This is just as impossible for you to know, as it is for someone to know which thorn had pricked him after an adulterous woman who has a. man cannot ascribe her fruit to another man. Because it is customary that in these cases, one always presupposes the marriage [as causing the pregnancy].

De heer Candidius secht dat de ouders van dese Poulehe getuijght ende hem gesecht hebben dat sij niet en is bij den verweerder, maer een ander swanger geworden. T'welck de waerheijt is. Waer uijt blijckt dat int schrijven deser interrogatorien wat qualick gehandelt is.

The gentleman Candidius says that the parents of this Poulehe have testified and said to him that she had not become pregnant by the defendant, but by another. This is the truth From this it seems that during the writing of these interrogations the handling was somewhat undesirable.

De ouders hebben geantwoort dat haer dochter nieten is by den verweerder swanger geworden, ende zoo heeft oock de heer Candidus dat vertolckt, want niemant heeft daer toe als hij alleende gebruijct[5] geweest.[6]

The parents have answered that their daughter had not become pregnant by the defendant, and this has been interpreted as such by the gentleman Candidius, since no one has been utilized for this except him.[9]

De commissaris [Bouwers] heeft gesegd dat de ouders niet en weten bij wien haer dochter is bevrucht geworden. […] Wie van beyden zal men hier gelooven?

[However,] the commissaris[10] [Bouwers] has said that the parents do not know by whom their daughter had been inseminated. […] Who out of these two should one believe?

De tweede getuijge seggen dat deselve haar kind verdaen heeft uijt het bevel ende begeeren hares mans die zij was in Zincan hebbende. Wel wat raeckt dit den verweerder? Maer alles schijnt niet wel waer te connen zijn, nochte te concorderen. Want voor eerst daer wort noch tijdt noch dach noch datum maandt ofte jaer genaamt wanneer dese execrabele ende abominabele daadt soude sijn geschiedt.

Two other witnesses say that Poulehee had driven out her child because of her Sincander husband's desire and command. Well, how does this concern the defendant? As everything cannot be true, nor be coherent. Because first of all, no day, date, month, or year on which this execrable and abominable [act] would have occurred is mentioned anywhere.

De Zincanders oock als vooren den gedaagde uwe Edele Achtbaren heeft bewese, staan als absolutelijk onder gehoorsaemheijt[7] ende wet ten des neederlantsch stants[8] in Taijouan. Ende

The Sincanders, as the defendant has proven to your honorable councilmen already, are placed under the absolute dominance and laws of the Dutch estate in Taiwan. Moreover

5 *Woordenboek der Nederlandsche Taal* (hereafter *WNT*), s. v. "Ghebruken II."
6 Brouwers, "Antwoort op den eijsch ende conclusie," 169.
7 *WNT*, s. v. "Ghehoorsamheit,"
8 *WNT*, s. v. "Stand,"
9 Brouwers, "Antwoort op den eijsch ende conclusie," 169.
10 In this context, the *commissaris* was a Company official who could be made responsible for various tasks when the need arose for them, see *WNT*, s. v. "Commies."

dienvolgende onder de Judicature des gouvernis aldaer noch naerder sijn daer een verknocht en verbonden door het aannemen des Chriselicken gelooff waarop sij gedoopt sijn […]. Het is het principaelste dat des Cristelicken gelooff hem Godes wil onderwerpen ende de wetten der overheijt ende Godt sorterende[11] *[…].*

Sulcx dat het te verwonderen soude wese dat dese misdaders noijt wettelijk zijn aangesproocken, nochte gecalangeert geworden. Naer rechten wort voor een ende t'selve gehouden een delict niet verhinderen dat tot ijmants amt te verhinderen gehoort ofte dat delict selffs perpetreeren.[12] *[…] De raad in Zincan verclaaren op haer aangenomen geloof dat Poulehe haar kindt heeft verdaen. [Andere getuigen bevestigen dit]. Wel waerom woort sij niet oock selfs bij Lege Pompea de Paricides aengesproocken ende gestraft?*[13] *Gelijck naer [Goddelijk en civiel] rechten sij daar over aangesproocken behoorde te worden […]. Ofte zielen des overheijts in Taijouan souden voor genen moeten uijt staan ende boeten […]. Ende dat niet met eene ordinaire doodt van vier swaerde galge ofte radt; maer haer beyden naijende in een ossen huijde met eenen haane, honde, slange, […] ende haar alsoo stortende inde zee daar ten dipste is. Als haar Godes clementen op aerden onwaerdich gemaect hebbende. Ende dat alles naer ouden wetten ende gebruijcken [was dit een misdaad]. Maar nooijt sijn de groove delincquanten eens aangesproocken nochte is een suer gesicht haar eens gegeven. Tweede […], zij is eene vande eerste die haer tot ons heef begeven ende haar*

, following their adoption of the Christian faith, in which they have been baptized, they have become more closely tied and bound to the government's jurisdiction there. It is most principal that those of the Christian faith subject themselves to God's will and engender[14] the laws of government and God.

It would then be remarkable that these criminals have never been admonished or accused by law. By law, he who does not prevent a crime that is his duty to prevent is considered to perpetrate the crime himself. The village council of Sincan declare on their adopted faith that Poulehe had driven out her child. [Other witnesses attest to this as well]. Well, why will she not be admonished and punished by Lege Pompea de Paricides?[15] By [Divine and civil] law, she was supposed to have been addressed about this. […] Otherwise, the souls under the government of Tayouan [in Taiwan] would have to be held responsible and punished for this. And not punished with an ordinary death by four swords, the gallows or the wheel, but by sewing both in the skin of an ox, together with a rooster, a dog, a snake and a monkey[16] and casting them into there where the sea is deepest, since they had scorned God's clemency on earth. According to all ancient laws and customs [this was a crime]. However, never have the Crude delinquents been admonished; they have not even been given a sour face. Secondly, […] she is one of the first who had turned to us, and she had even recited her prayers in the presence of the

11 *WNT*, s. v. "Sorteren II,"

12 Brouwers, "Antwoort op den eijsch ende conclusie," 170. Brouwers cites Seneca here: "*Qui non vetat peccare cum possit iubet*," [someone who neglects to punish the crime when able to, enables the crime].

13 Brouwers, "Antwoort op den eijsch ende conclusie," 170.

14 The literal translation for "sorterende" is "sorting." In this context, it refers to ensuring that the law is fulfilled. For ease of reading and understanding this has therefore been changed to "engenders."

15 Also the Lex Pompeia on Parricides, which punished any murder within a family with death, "According to the custom of our ancestors, the punishment instituted for parricide was as follows: A parricide is flogged with blood-colored rods, then sewn up in a sack, with a dog, a dunghill cock, a viper and a monkey; then the sack is thrown into the depths of the sea […]." For the full definition and translation, see: Moore, "Cruel and Unusual Punishment," 735–736.

16 My thanks to Sara Butler and Julia Burkhardt, who kindly aided me in finding out what the full punishment entailed.

gebeden selfs in presentie van de heer Gouverneur Putmans op sijn aancomen heeft geresiteert. Ende dat en daer oock ter zaacke niet: want tis jegens t'recht der natuijren ende aller volckeren alsoo de nature te verreeckenen. [Zoals de Lacedaemoniërs zijn] de Zincanders […] altijdt straffbaar geweest selffs eerder verwerder in Teijouan is gecoomen, bij des verweerders precesseurs ende eer is onderleght haar tot het Christendom te brenghen.[17] *[…].*

Lord Governor Putmans[18] on his arrival. In any case, this is not of any relevance: it is in the interest of the laws of nature and all of human society to set nature back in place. [Just like the Lacedaemonians][19], the Sincanders have always been culpable, even before the defendant arrived in Tayouan, even before the defendant's predecessors had decided to convert them to Christianity. They should also have been punished by the defendant, as was evidently alleged in the in the prosecutor's accusation given to your honorable councilmen.

Texts and Contexts

This excerpt is from a trial which mentions a certain 'Poulehe', a woman who lived under colonial Dutch rule in early seventeenth century Taiwan. It is an appeal made by the Governor of Taiwan, Pieter Nuyts, after he had already been dishonorably discharged and had been extradited as a prisoner to Japan in 1632. This appeal dates to 1637 and was filed in Batavia, right after Nuyts had returned from his imprisonment. More than eight hundred folios make up this call number, entirely concerned with Nuyts's trial. It includes oral interviews, including oral interviews with involved Dutchmen, translated testimonies made by Siraya people, and other documents from the original trial. Between complaints of embezzlement, diplomatic incidents with the Japanese shogunate and unjust violence against the indigenous Siraya. A summary of the allegations against Poulehe appears. Relevant to this story, is the fact that Nuyts had been accused of having an adulterous relationship with Poulehe, resulting in a pregnancy. The trial claims that when the pair had divorced, Poulehe had remarried and aborted this child, a crime punishable with death.

The *Vereenigde Oost-Indische Compagnie* ("Dutch East India Company," henceforth VOC) settled in Taiwan, or Formosa, as its first recorded colonizer in 1624. In the same year, the fortress from which the colony would be ruled, *Kasteel Zeelandia* ("Zeelandia Castle"), was built nearby in the village of Saccam.[20] From southwestern Taiwan, the Dutch rapidly expanded northwards, leading to a settlement colony that survived until 1662. The colonial archive produced by the VOC is among the earliest and most detailed sources of Taiwan's indigenous population, primarily the Siraya communities living in southwestern Taiwan. The Dutch write about the resistance of numerous autonomous Siraya villages against the colonial rule, with varying success. Besides the Siraya, the

17 Brouwers, "Antwoort op den eijsch ende conclusie," 171.
18 Hans Putmans, Governor of Dutch Taiwan, in office 1629–1636, see: Chiu, *The Colonial 'Civilizing Process'*, 24.
19 Another appellation for the inhabitants of the Ancient Greek state Sparta.
20 Chiu, *The Colonial 'Civilizing Process,'* 4.

early Dutch records write at length about the perceived threat to their trade presented by Chinese, Japanese and Spanish traders.[21]

The Governor Pieter Nuyts (1598–1655) has become an infamous figure in Taiwanese history. During his short office as Governor between 1627–1629, he had become responsible for a major diplomatic incident involving the villagers of Sincan and the Japanese traders present in Taiwan. In 1627, the Company announced steep anchorage dues for foreign ships. The Japanese, who had been trading with the Siraya well before the Dutch arrival, refused to pay these dues. Hamada Yahei (濱田彌兵衛), invited fifteen Sincandian men to supposedly join the Japanese on a headhunting trip. Instead, he brought them to Japan and presented them as formal ambassadors in Edo (modern Tokyo), hoping they would officially transfer sovereignty over Taiwan to the *shogun*, Tokugawa Iemitsu (德川家光). This plan failed, and in 1628 the men returned to Taiwan. On their return, they were immediately put in chains and taken prisoner by Nuyts in front of the village.[22] Nuyts proceeded to lower his standing among the villagers even further by launching a manhunt to catch Dika, the presumed leader of the fifteen men. After discovering that Dika had escaped, Nuyts ordered that Dika's and other houses in the villages be razed to the ground, threatening that he would burn everything if he was not given Dika.[23]

The somewhat amicable relationship between the Dutch and the Sincandians had completely broken down after Nuyts's orders. When Mattauw, a nearby Siraya village, launched a war against the Dutch in the summer of 1629, the Sincandians eagerly joined in, likely because of Nuyts' earlier violent conduct. To restore order to the war-torn colony, the Company sent Hans Putmans in September 1629 to replace Nuyts as Governor.[24] Governor-General Jacques Specx recalled Nuyts to Batavia (present-day Jakarta] to prosecute him for various misdemeanors during his office in Taiwan. Investigations were launched on 9 May 1630.[25] Nuyts was found guilty in 1632 and delivered as a prisoner to Japan, easing the tensions which had arisen because of the "Nuyts Incident."[26] The 1630 case and Nuyts' later appeal in 1637, partially translated above, remain in the *Overgekomen Brieven en Papieren* ("Received Letters and Papers," henceforth OBP), held by the National Archives in The Hague.[27]

As part of the investigation, in July 1630, the Dutch authorities in Batavia ordered the interrogation of anyone who might have incriminating information about Nuyts in Taiwan. According to standard practice, the interrogation results were transcribed and, if necessary, translated into Dutch. These were then copied multiple times.[28] The Com-

21 Chiu, *The Colonial 'Civilizing Process,'* 4.
22 Chiu, *The Colonial 'Civilizing Process',* 36–37.
23 Chiu, *The Colonial 'Civilizing Process',* 36–37.
24 Chiu, *The Colonial 'Civilizing Process',* 35–36, 38–39.
25 Blussé, "Bull in a China Shop," 105.
26 Blussé, "Bull in a China Shop," 96, 105.
27 For an explanation of "OBP," see Gaastra, "Geschiedenis van de archiefvormer," 36–39.
28 Gaastra, "Geschiedenis van de archiefvormer," 36–39.

pany employees in Taiwan also gathered and copied any personal correspondence, governmental records and miscellaneous documents that might be relevant. The final step was to bundle and seal the documents for transport to Batavia, where they were used for preparing Nuyts' case. This probably took place in late September or early October 1630. The original, unusable or less relevant documents would have likely remained in Taiwan.[29] In Batavia, this selection was then supplemented with new documents relating to Nuyts's prosecution and court case in Batavia. These were all copied and edited once more before being sent to the Dutch Republic.[30]

Prior to 1629, the VOC did not systematically keep detailed records of their exploits in Taiwan. After Putmans's arrival, uniformly structured record-keeping was introduced, but extensive criminal records do not exist for Taiwan.[31] Once the VOC was expelled from Taiwan by Zheng Chenggong in 1662, little documentary evidence of how the Zheng administration dealt with the abandoned Dutch archives exists.[32] Anyone researching Nuyts' actions and relationships within Taiwan itself is therefore reliant on the heavily edited OBP. Moreover, certain aspects of Nuyts' case are discussed in more detail by the *Eijsch ende Conclusie* ("Demand and Conclusion") of his appeal from 1637, than in the documents from 1630. The contemporary mechanics of archival production and temporal distance complicates not only our understanding of the "Nuyts Incident," but also our understanding of the ambiguous involvement, exploitation and possible death of a woman called Poulehe.[33]

To understand why this story of Poulehe's alleged abortion appears in Nuyts's court trial necessitates understanding the interaction between the Dutch colonial agenda and its actual practice in Taiwan. The original 1630 case filed against Nuyts relied on three arguments to implicate him: fraud, incompetence and tyranny. Whereas the first two charges could be relatively easily corroborated with the *VOC*'s financial and governmental records, tyranny was a less self-evident claim.[34] These complaints were introduced to underscore Nuyts's character as a malicious overlord, such as his alleged sexual exploitation of the female villagers in Sincan for an extended period of time. Nuyts, while already married to a Dutch woman, was accused of having an adulterous marriage with Poulehe "in the Siraya manner."[35] The investigation claimed that after a while, Poulehe divorced Nuyts. She soon married a Sincandian man and committed the "abhorrent" crime of child murder by aborting a pregnancy in the sixth or sev-

29 The copies sent from Taiwan to Batavia are (partially) available in NL-HaNa_1.04.02, inventory number 1100 and 1101. They were (partially) copied again in 1637, NL-HaNa_1.04.02, inventory numbers 9337 and 9338.
30 Blussé, "Inleiding," VIII–IX.
31 Blussé, "Inleiding," VIII–IX.
32 Ye, *The Colonisation and Settlement of Taiwan*, 18.
33 The Dutch clerks also spelled "Poulehe," as "Poulehee," "Poelehee," "Polahee," and "Poulahee."
34 Blussé, "Bull in a China Shop," 104–105. Regarding the interpretation of tyranny: throughout his 1637 appeal, offence is especially taken in instances where Nuyt's is accused of abusive of power. His defense is to position the Sincanders as agitators forcing his hand: Brouwers, "Antwoordt op den eijsch ende conclusie," 139.
35 Brouwers, "Antwoordt op den eijsch ende conclusie," 165.

enth month.[36] This anecdote appeared not only in the testimonies given by Company employees and ministers in Taiwan, but also in the testimonies of the *Tackakusach* (the male village council) of Sincan and Poulehe's mother, father, and sister.[37]

To modern eyes, it might seem strange that a seemingly unrelated event—an abortion which happened after Poulehe had already remarried—was used as evidence against Nuyts. However, Nuyts knew that his morality played an essential role in supporting or weakening his overall validity in front of a judge and jury. In other words, it was essential to disprove that he had held a concubine who had then murdered the fruit of their union. This allegation put Nuyts in an especially precarious position since it not only pertained to moral misconduct, but also to a possible murder. The Dutch judiciary system saw "child murder," which roughly corresponds to the modern concepts of abortion and infanticide, as a capital crime.[38] As it was not merely a murder among equals, but one committed by a mother against her child, the Dutch considered it a crime against Natural, or Divine law.[39] Importantly, the narrative framework that influenced Dutch legal practices saw these crimes as existential threats to the divinely ordained natural order of society. For example, adultery was usually surrounded with a "narrative of betrayal" and therefore punished more severely than other crimes.[40] Christian governments feared that societal chaos and the wrath of God would follow if they did not prevent the continued existential threat these criminals presented to society.[41] Another consideration is that "child murder" was an inherently gendered crime. In practice, this meant that women were the targets for prosecution and capital punishment.[42] As a result, two intertwined criminalities needed to be (dis-)proven in this court case. Nuyts had to prove himself as a morally upright Dutch governor, a goal complicated by Poulehe's possible criminality. His defence partially relied upon a surprising argument: Poulehe had possibly not been punished by anyone, before or after the trial, which proved that no crime had been committed at all—by Nuyts, at least.

Making Sense of the Source

Siraya practices surrounding gender, sexuality and family seriously challenged the Dutch colonial agenda in Taiwan. The monogamous, hierarchical and heterosexual

36 One testimony by two VOC soldiers describes the child that Poulehe had aborted as a "soontgen," "a little son." See: van Santen, "Interogatrum," scan number 43.

37 Poulehe's family's testimony is summarized in Brouwers, "Antwoort op den eijsch ende conclusie," scan number 171. A copy of the *tackakusach* testimony can be found in inventory number 9338, scan numbers 799–801. The testimonies of Poulehe's unnamed parents and her sister called "Poelesie," or "Polesie," were only referred to in NL-HaNa_1.04.02, call numbers 9337, 9338, 1100 and 1101, but there were no full copies found at time of writing. For the function of the *tackakusach*, see: Shepherd, *Marriage and Mandatory Abortion*, 52.

38 Schiebinger, *Plants and Empire*, 116. For the general prosecution of child murder in the Dutch Republic, see Faber, "Kindermoord," 224–240 and Van der Heijden, *Women and Crime*.

39 Pavlich, "Cape Legal Idioms," 48, Rose and Heijmans, "From Impropriety to Betrayal," 5.

40 Rose and Heijmans, "From Impropriety to Betrayal," 2, 5.

41 Parker, "Discerning Providence in the Indies," 146.

42 The categorization of child murder as an unnatural crime, or one falling within the "narrative of betrayal," was inspired by the "narratives of crime" theory pioneered by Rose and Heijmans.

relationship legitimized through holy matrimony, which the Dutch saw as the cornerstone of any civilized, Christian society, was diametrically opposed to Siraya expressions of gender and sexuality. For example, the Dutch equated the relatively relaxed attitudes with regards to premarital sex, marriage and divorce held by the Siraya to plain adultery. The Company also strongly disapproved of the superior social status generally enjoyed by Siraya women, as it undermined the divinely ordained superiority of the husband. As a monogamous marriage was seen as fundamental to societal stability within a Calvinist worldview, the Dutch treated transgressive Siraya women as existential threats to the colony. This was especially the case in the Dutch reaction to the institutionalized and frequent abortions in Siraya communities.[43]

Whereas in other territories Dutch ministers mostly worried about "heathen" sexuality leading to moral bankruptcy, it was the practice of abortion which fueled moral panic expressed by both ministers and Company employees in Taiwan.[44] The politically powerful *inibs* (elderly priestesses) who were, according to the Dutch, the major force behind the widespread practice of abortion. Their political and religious influence, combined with their emphatic support for acts such as abortion, made them a major concern to the Dutch. The Company therefore felt it necessary to undertake, among other policies, far-reaching actions aimed to control female behavior to expand and stabilize their control over the island. The consequent persecution of the *inibs* and harsh crackdowns on abortion has rather tellingly been described as a "clash between the two genders," or "gender war," in the historiography of Taiwan.[45] Later, the decline in abortion and almost complete diminishment of the *inibs* was lauded by Dutch ministers as proof that the Siraya had successfully been saved from their immoral, "heathen" ways.[46]

Within this context where Dutch authorities generally saw "heathen" morality as threatening colonial society, Nuyts's decision to also disprove the claims concerning his relationship to Poulehe and her aborted child was not surprising. If it could be established that Nuyts had left the abortion unpunished, then his inadequacy as Governor could be proven. An unpunished crime would have been shameful enough, but it would have been scandalous if this "child murder" was the result of a sinful relationship between Poulehe and Nuyts.[47] Since he was Governor, it would also reflect negatively on the entire Company if Poulehe's crime remained unpunished. Furthermore, the Company generally aspired to present itself as a financially and religiously profitable colonial power. Specifically, a Calvinist one. This self-fashioning was the result of the Protestant Reformation, which could not abide Catholicism spreading internationally, and the

43 This line of thinking heavily relies on the thesis outlined in Rose and Heijmans, "From Impropriety to Betrayal."

44 Parker, *Global Calvinism*, 136–137.

45 For the "clash between genders," see: Blussé, "The Eclipse of the Inibs," 74. For the concept of a "gender war" in Dutch Taiwan, see: Chiu, *The Colonial 'Civilizing Process'*, 211. Both authors offer better and more thorough explanations of the dynamics between the Dutch and Siraya women.

46 Chiu, *The Colonial 'Civilizing Process'*, 211.

47 Brouwers, "Antwoort op den eijsch ende conclusie," scan numbers 171–173.

Dutch Revolt against Habsburg Spain. The Dutch thus also aimed to convert as many "heathens" to Calvinism overseas as they could. After all, large-scale conversions of "heathen" populations were seen as proof that Calvinism held a natural superiority over the heretical Catholic faith.[48] Taiwan, where the Dutch had a relatively succesful colonial settlement and missionary activities, had quickly turned into a point of pride for the Dutch. Nevertheless, convincing the audiences at home that Taiwan was Calvinist and colonial success was not clear-cut. The endeavour depended on the incoming news from Taiwan. Especially the moral hygiene of its female converts—for example, their continued abortion practices—was used as a benchmark of missionary and political success.[49]

Hence, if Nuyts' alleged neglect or participation in this crime was true, he had deliberately spurned his political and moral obligations as a representative of a Christian government. At the very least, this damaged the VOC's reputation in front of Dutch and European onlookers. At worst, it might incur God's wrath on the colony. A Dutch Governor conducting himself as a lecherous tyrant in a bigamous relationship with a child-murdering heathen woman would therefore have been the ultimate loss of face for the Company, if true. Nuyts's grave mishandling of this double obligation, the geopolitical tensions surrounding Dutch Taiwan and the severity of Poulehe's alleged crime all heavily influenced the arguments in Nuyts's defence. If Poulehe had committed a child murder, she should have been punished swiftly and severely by any self-respecting Christian authority. Within the Dutch framework, it was seen as a crime abhorrent to the point of deserving an "extraordinary death." Nuyts tactic then, was to shift the blame onto the Company by playing out the hypothethicals of his relationship to Poulehe and her alleged abortion.[50]

As the excerpt shows, the appeal sets out to prove that there was no relation at all between Poulehe and Nuyts. This would refute the grave accusation of adultery and shift the responsibility for punishing this horrid crime from Nuyts to the Company. The appeal stresses that the timeline of Poulehe's abortion is uncertain, suggesting that Nuyts might no longer serve in the office by that time. If Poulehe had indeed aborted her child, the Company—not under Nuyts's supervision—had morally bankrupted itself as a Christian government by not executing her. If she had not had an abortion, her survival could be taken as proof that the Company had gone along with an obvious fabrication aiming to scapegoat Nuyts. In the end, the Company entirely rejected to entertain this reasoning. The verdict stipulated that Nuyts was to beg for forgiveness from God and Company on "his knees and with folded hands." He had to do this while an awl pierced his tongue, attaching him to a hook.[51] Poulehe appeared as nothing more than a hypothetical to be disproven by Nuyts's defence; her hypothethical relationship

48 Parker, *Global Calvinism*, 32, 74–76.
49 Parker, *Global Calvinism*, 117–118.
50 Brouwers, "Antwoort op den eijsch ende conclusie," scan numbers 171–173.
51 "43. Eijsch ende Conclusie fisci contra Pieter Nuijts Ged.e (10 oktober 1637)," The Hague: Nationaal Archief. Call number 1.04.02, inventory number 9338, scan number 1055–1062, therein 1061.

with Nuyts, her hypothethical abortion and the Government's hypothetical mishandling of her punishment. Neither the 1632 nor 1637 trial records definitively state what happened to her. Amongst others, this begs the question how incomplete, complex and gendered cases such as that of Poulehe should then be understood in the framework of Early Modern Dutch colonialism.

Through the Lens of Femicide

Poulehe's experience illustrates how indigenous gender and family practices were vulnerable to the colonial institutions that, through harsh policies, facilitated systematic violence against the locals, especially women. Throughout the 1620s and 1630s, the Dutch had employed various tactics to diminish the position of women in Siraya society in order to enhance political and religious control over the colony. To be a Siraya woman in this environment was to be the target of an aggressive policy that saw the eradication of the *inibs* and abortion as justifying any means that would realize this.[52] The concept of "femicide" is often reduced to a female homicide, wherein an individual kills a woman. Poulehe and other women accused of child murder in the VOC archives compel us to go beyond this narrow understanding of femicide.[53] Within the context of early Dutch Taiwan, Poulehe's unfortunate entanglement in Nuyts' legal battle with the VOC was not merely an unlucky coincidence. Rather, the severity and the particular form of death penalty imposed on her was a natural outcome of a legal system that actively diminished Siraya women's right to life. A newer conceptualization of femicide should be applied to understand how Poulehe can be seen as the victim of a femicidal legal system. This conceptualization sees femicide as more akin to "a female genocide (with the social subordination of a group being its aim), embedded in structural inequality."[54]

Whether or not Poulehe was executed matters less than the significance of her story in the context of early modern Dutch Taiwan and colonial courts. She was a woman who was placed under a foreign, colonial government that saw sexual morality as the penultimate hallmark and as an essential cornerstone of a civilised society. Especially indigenous women were put under scrutiny; the Company was anxious to safeguard its colonial authority in Taiwan and its 'face' in front of other Europeans. Their successes relied upon the sexual and moral subjugation of women such as Poulehe, who had grown up with radically different perceptions of what constituted morality. The VOC practitioners of law could instrumentalize this legal asymmetry to the detriment of accused women. In 1632, Poulehe's punishment would have served to secure Dutch sovereignty over the Siraya and to preserve their reputation as a morally upright, Calvinist colony. In 1637, the Company needed to prove that it had not neglected its duties as a Christian government by executing her in an "extraordinary manner" to redeem itself.

52 Blussé, "The eclipse of the inibs," 74–75. and Chiu, *The Colonial 'Civilizing Process'*, 210–211.
53 Hefti, *Conceptualizing Femicide*, 21. For the details of Hefti's new definition of femicide, see Hefti, *Conceptualizing Femicide*, 1–10.
54 Hefti, *Conceptualizing Femicide*, 21.

Whether Poulehe's final verdict was materialized or not does not change the historical fact that the Dutch employed the law to force indigenous women into a subordinate social position.[55] Across the Dutch colonial territories in Asia, various institutional tools of empire were employed to maintain the gender hierarchy along Calvinist lines. Besides the obvious moral imperative, the hierarchy's maintenance was important since access to financial, social, and political power was largely inherited through blood. The previously self-evident distinctions between the "colonizer" and the "colonized" quickly began to blur as European men entered sexual relationships with indigenous women.[56] To analyze the ways in which the Dutch tried to neutralize this threat is complicated by the sheer scope and diversity of cases present in the archives.[57]

Considering the Calvinist dimension of VOC law can result in a productive analysis of how the Company used capital punishment for women across time and space to assert their authority.[58] As Poulehe's case shows, the moral expectations governing the behavior of both colonizer and colonized, which were embedded in the Company's legal structure, were largely informed by Calvinist notions of crimes against nature. These expectations were then employed in various ways to both measure and demonstrate the moral health, and therefore the stability of the Dutch colony in Taiwan. Here, abortion was used as a yardstick for judging whether Nuyts or the Company had responded adequately to a crime that might risk the Company's control over Siraya women, tarnish its reputation as a Christian sovereign, and endanger the colony by inviting Divine punishment.

The Siraya practice of abortion is usually framed within a "narrative of betrayal" in the Dutch colonial record, throughout which the resulting Dutch abhorrence and repulsion is omnipresent. Nuyts lawyer's eager exhortation to fulfill an extraordinarily cruel execution is an example of this type of rhetoric. Besides demonstrating how Calvinist morality and emotions informed this case, Poulehe's example grants two important insights. First and foremost, that accusing a woman of the extreme crime of "child murder" was one of the legal practices which facilitated femicide in the interest of preserving the colonial authority of the Dutch. Moreover, although an indictment for child murder would always lead to capital punishment, it was the ever-shifting personal motivations of men that decided between a woman's life and death.

Further Questions

1. What factors (such as ethnicity, status, religion, relationships) might have improved or worsened Poulehe's persuaviness in front of a colonial court and judge?

55 Hefti, *Conceptualizing Femicide*, 2.
56 Rose, *Intimacy and Social (Dis)Order*, 3–4, 7.
57 Rose, *Intimacy and Social (Dis)order*, 18.
58 Rose, *Intimacy and Social (Dis)order*, 14.

2. Besides "child murder" (i. e. abortion or infanticide), what other crimes framed within a "narrative of betrayal" might have instrumentalized the lives of women in Dutch colonial practice?

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IV Narrative and visual representations



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

14 Rendered Invisible by Beauty: Virgin Martyrs

Alison More

Source: The anonymous painting below depicts the Enthroned Virgin and Christ Child in the company of four virgin martyrs: Katherine, Barbara, Apollonia, and Agnes. The figures are surrounded by angels. The figures look serene, but the four virgins ended their earthly lives by being subject to tortures. Medieval Christian art generally favors showing the martyrs in glory over graphic depictions of their stories. Bayerische Staatsgemäldesammlungen, WAF 500, Alte Pinakothek München: *Thronende Maria mit Kind, den hll. Jungfrauen Katharina, Agnes, Apollonia und Barbara und musizierenden Engeln* ("The Enthroned Virgin and Child, with the four holy virgins Katherine, Agnes, Apollonia and Barbara, and angels playing music"), ca. 1440.



Image and Contexts

This tondo (circular painting) is attributed to an anonymous master of the Cologne school (*Kölner Malerschule*) from about 1440, currently housed in the *Alte Pinakothek* in Munich. It is consistent with art that would be present in churches or religious houses. In this case, it is from a convent of Cistercian nuns known as Mariengarten. It is oil on oak, and approximately 85.8 cm. When we look at the painting, we see five figures who appear to be female. The woman in the center is holding a baby. The women are surrounded by nineteen small human-like figures. In order to understand the identities of these women and their significance to a medieval audience, it is necessary to consider individual details.

The figure in the center of the image appears to be seated on a throne. She has a halo, or circle of light around her head and is wearing a rich blue robe. The child on her lap also has a halo, which would be consistent with a portrayal of the Virgin Mary, or the earthly mother of the human Christ. In medieval art, she is often depicted as the *Sedes sapientiae*, that is the throne of wisdom on which the Christ child is seated.[1] The figure immediately to her left, in the top right position from the viewer's perspective also has a halo. She is holding a palm and a tower. She is dressed in red. The halo distinguishes her as a saint. The palm is associated with martyrdom and the tower with the story of St. Barbara, who was imprisoned in a tower before being killed by her father.[2] The figure below Barbara has a halo and is carrying a pair of pincers. The pincers are associated with St. Apollonia, whose teeth were removed as part of her torment.[3] The figure facing Apollonia has a halo and holds a book and a palm. There is a small lamb beside her feet. The palm identifies her as a martyr. The lamb is commonly associated with Agnes, as in Latin, lamb is *agnus* (or *agna* for a female lamb). The book is less common and is not exclusive to Agnes.[4] Instead, books were often associated with martyrs to show their commitment to scripture. The final female saint (as indicated by her halo) also holds a wheel and wears a crown. In some images, the crown can be a symbol of martyrdom; however, since all of the women depicted here were martyred, this is probably not our painter's intent. The wheel represents a form of torture, and is closely associated with St. Katherine, a princess of Alexandria who was tortured by the wheel before being killed for her Christian faith.[5]

The nineteen small figures have wings. One of them is playing with the Christ child, two are carrying the Virgin's crown, and one is in white facing the martyrs. Five have complete figures and thirteen appear to have a less distinct form. The wings indicate that these are angels. The disparate physical forms are consistent with medieval ange-

1 Forsyth, *Throne of Wisdom*, 1–8.
2 Rudy, "A Play Built for One," 57–59.
3 Winstead, *Virgin Martyrs*, 9–10.
4 Burrus, "Reading Agnes," 25–46.
5 Simon, *Katherine of Alexandria*, 45–115.

lology, or the study and classification of angels.[6] As explained below, medieval angelology was complex, and angels themselves played various functions. Here, they are playing instruments including a lute, tabor pipe, harp, drum, and fiddle. At the same time, two are crowning the Blessed Virgin, both of which would indicate a celebration.

Making Sense of the Source

Medieval paintings, particularly devotional paintings, often appear simple while containing multiple layers of meaning. They make use of a symbolic language drawn from scripture, scriptural exegesis (a form of scriptural interpretation), and tradition. Here, there are multiple stories being told. They should be considered for their unique contribution to the Christian imaginary and also read here as a new tale depicting something imbued with meaning by those who commissioned and viewed the work. In order to understand both the work and its messages, it is essential to devote some attention to each of the elements.

The central figure in the painting is the Virgin Mary, Christ's human mother. In early medieval art, the Virgin was commonly depicted holding the Christ Child in a pose commonly known as the "Seat of Wisdom" (*Sedes sapientiae*).[7] Here, the primary focus is Christ, and the Virgin is simply a vessel for enabling the Son of God to take on human flesh. This changed drastically around the twelfth century when Mary began to take on a new importance in medieval devotional culture. She was increasingly regarded as the patron and protectress of humanity. She was also seen as the *domina*, or female power of the heavenly kingdom, and like contemporary earthly queen mothers, a powerful intercessor with her Son. She became a prominent figure in art, devotion, and theology in the twelfth through fifteenth centuries.

The Marian veneration that was characteristic of the high Middle Ages should not be seen as institutionalized Mariolatry. Instead, writers of *vitae*, theological treatises and devotional texts emphasize that honoring the Virgin was simply another way of honoring her Son, and later medieval theologians did not consider this problematic.[8]

The honor that was attributed to her virginity accounts for her depiction here. This genre of painting was known as *Virgo inter virgines* ("the Virgin among virgins").[9] The new attention given to Mary also caused a renewed discussion of her perpetual and inviolate virginity: both before, during, and after giving birth to Christ, though modern scholarship questions how literal this might be.[10] Matthew's gospel depicts an angel confirming this to Joseph, her earthly husband.[11] Parabiblical literature, or texts showing biblical figures that are not in the official canon but were regarded as part of

6 Keck, *Angels & Angelology*.
7 Forsyth, *Throne of Wisdom*, 1–8.
8 Fulton, *From Judgement to Passion*, 225–228.
9 Delman, "Enclosed Gardens," 441–445.
10 Lillis, "Paradox *in partu*," 1–28.
11 Matthew 1:18–25.

the popular religious tradition, depict Salome the midwife who attended Christ's birth confirming Mary's virginity immediately after Christ's birth.[12] Similar texts portray Mary and Joseph living together in a chaste marriage—an arrangement often regarded as an important model.[13] These incidents are, at best, historically unverifiable but still became an important part of the Marian tradition.

In Marian biblical exegesis, or explanatory synthesis, it became common to interpret any passage emphasizing a woman's purity as having something to do with Mary. To many twelfth-century commentators, the descriptions of Solomon's Shulamite bride—"*Tota pulchra es*" and "*macula non est in te*"—were easily transferable to the Blessed Virgin, and other passages were often seen through a Marian lens.[14] The tondo depicts the Marian trope of an enclosed garden (*hortus conclusus*), a motif that draws upon this biblical text. The Song of Songs includes the verse "You are an enclosed garden, my sister, my bride; you are a hidden spring, a sealed fountain." This image and the equation of the garden and the Virgin is shown here and is typical of many later medieval texts and images.[15]

As well as the Virgin, it was also typical for other virgins to be included in the garden. After all, the *hortus conclusus* was an allegory for Mary's virginity, and by extension could be applied to other women who had shown their commitment to preserving their purity in service of Christ, their divine bridegroom. This would also be appealing to an audience of Cistercian nuns. Not only would these women have had a particular devotion to the Virgin Mary, but they would also have had the experience of leaving the secular world and entering a sacred space (or enclosure) where they could focus on prayer and contemplation. As is discussed in another chapter in this volume, the work of Christine de Pizan, the walled garden becomes a literal "City of Ladies" where the contributions of women are celebrated, and women are freed from the misogyny they were forced to endure in the earthly world.

The other virgins in the image each have their own story and are depicted with iconography that makes them clearly identifiable, often known as their "attributes." These are generally symbols closely associated with the saints. For virgin martyrs, they are often associated with the manner in which a woman was tortured or killed. Many aspects of their tales are interchangeable. Each of the virgins was known for her extreme beauty. Each was propositioned by a non-Christian official. Each was subjected to spectacular torture, which become both more gruesome and more detailed in the later Middle Ages and early modern period.

12 Lillis, "Paradox *in partu*," 1–28.

13 Elliot, *Spiritual Marriage*, 43–44, 48, 70, 177–178.

14 The equation of the Virgin with the Bride in the Song of Songs is complicated. Basically, the Song is read on multiple levels: a relationship between Christ and the Church, an equation of the Church *Ecclesia* and Mary (*Maria*), and a relationship between Christ and Mary. See Fulton, "Mimetic Devotion," 85–116.

15 *Hortus conclusus soror mea, sponsa, hortus conclusus, fons signatus* (Cant. 4:12). The other, more confusing bridal imagery in the Song is related to the analogical and synecdochical relationship between Mary and the Church.

In the top left Katherine of Alexandria is depicted with a wheel and a sword. Katherine's tale is typical of virgin martyrs. She was beautiful, of noble birth, and learned. At a young age she converted to Christianity and pledged her virginity to Christ. When the Emperor Maxentius held a public festival including sacrifices to the pagan gods, Katherine protested and insisted he acknowledge the one true god. Maxentius ordered fifty philosophers to debate this young woman. All were converted by her arguments and put to death. Maxentius then made sexual advances towards Katherine, who refused and was imprisoned and tortured on a wheel with blades. Through divine intervention, the wheel broke apart killing many who had come to watch the spectacle of Katherine's death. She was eventually beheaded.

This tale continued to be told throughout the Middle Ages and well into the modern period. There is, however, no historical evidence to support it. If there ever was an educated and noble virgin named Katherine who converted to Christianity, she left no documentary or material trace. Scholars think that she may have been a composite figure based on women described by Eusebius in his "History of the Church." Katherine's death is generally placed around 305, but this is based purely on tradition.[16] There is evidence of Katherine's veneration as early as the eighth century, consisting of icons in Naples and Rome, and a Carolingian legendary in Munich.[17] The earliest extant version of her Greek legend was written by Symeon Metaphrastes in the tenth century. Latin versions spread widely from the twelfth century onwards. About 1260, the Latin version of Katherine's tale was incorporated into the "Golden Legend" by Jacobus de Voragine.[18] This was a popular compendium of short lives of saints, and Katherine's cult spread even more widely and was common in the Germanic regions.[19]

Barbara is depicted in the tondo above with a tower and palm. The tower is integral to her story and is her most common attribute. The palm is a more general symbol of martyrdom. The origins of her cult are also unclear, and probably legendary. Tradition holds that she lived in Nicomedia (modern Turkey) during the third century. Her *passio* tells the tale of a young Christian woman whose father imprisoned her in a tower on account of her great beauty. Her father (who was later given the name "Dioscorus") objected to her devotion and had her tortured and killed. At the moment of her death, her father was struck by lightning.

As with Katherine, what little textual and material evidence for Barbara's cult is later and not historically verifiable. The earliest extant version of her story is in the writings of Symeon Metaphrastes from the tenth century. Later elaborations are more detailed, and numerous thirteenth-century vernacular versions of her tale exist. She was not included in the original "Golden Legend," but her story was so popular that it

16 Eusebius, *The History of the Church*.
17 München, Bayerische Staatsbibliothek, Ms. Clm 4554, lists the *Passio* of St Katherine, but the text is lost. See Beattie, "St. Katherine," 788, n. 15.
18 Simon, *Katherine of Alexandria*, 46.
19 Beattie, "Saint Katharine," 785–800; Simon, *Katherine of Alexandria*, 1–44.

circulated as part of many local or vernacular collections, particularly in the Germanic regions. It became a standard part of the "Golden Legend" after 1460. This version includes the name of her father, and the judge Marcian, who subjected her to a series of tortures, beginning with being publicly stripped and beaten with bull sinews, having salt rubbed in her wounds, being imprisoned, burned, and having her breasts cut off. When she persisted in her faith, she was beheaded by her own father (who was immediately struck by lightning). While less prominent than Katherine's cult, Barbara was extremely popular throughout the German regions as one of the fourteen holy helpers and three holy maids. Netherlandish and Germanic depictions of Barbara flourished between the fourteenth and sixteenth centuries.[20]

The third woman here, Apollonia, is depicted with pliers. She is often associated with the Virgin martyrs, yet tradition holds that Apollonia was an elderly deacon.[21] She was not tortured by authorities, but by an angry mob inciting violence against Christians. Members of this mob struck Apollonia in the face several times until her teeth were smashed. They then threatened to kill her unless she renounced her Christian faith. Apollonia refused and threw herself on their fire.

Apollonia's tale was originally recounted by Eusebius of Caesarea in his "History of the Church" as part of a letter from Dionysius of Alexandria.[22] The description tells us only that Apollonia is an elderly and admirable virgin who was subject to a beating that "broke out all her teeth." She then threw herself on a burning pyre instead of renouncing her faith. The version in the "Golden Legend" does not add to this significantly but does present her death as "resistance to worldly pleasures" and is careful to recount that she threw herself onto the fire after being inspired by the Holy Spirit. She remained a popular "helper" saint (specializing unsurprisingly in dental distress). Her name is among the twenty-eight most popular female baptismal names from fifteenth-century Bavaria.

The fourth woman here, Agnes, is not depicted with instruments of torture, but a palm and a lamb. The palm symbolizes her martyrdom. The lamb is a play on her name as the Latin for "female lamb" is *agna*. In the Christian tradition, the lamb is a symbol of Christ and also of innocence. At around the age of twelve or thirteen, Agnes dedicated her virginity to God. She remained steadfast in this vow even when pursued by the son of a Roman city prefect. Enraged at her rejection, the prefect had her stripped and sent to a brothel. Here, Agnes' hair grew to cover her nakedness and an angel instantly blinded anyone who looked at her in a lustful manner. She then miraculously survived a raging bonfire, only to have her throat cut.

There is significantly more information for Agnes's early cult than for the other women depicted here.[23] Ambrose of Milan (ca. 339–397), an early bishop whose thought was instrumental in shaping Catholic ideals of virginity recorded Agnes's tale in his

20 Cassidy-Welch, "Prison and sacrament in the cult of saints," 371–384.
21 Winstead, *Virgin Martyrs*, 9.
22 Eusebius, *History of the Church*, 276.
23 Burrus, "Reading Agnes," 25–46.

work "On Virginity" around 377. Ambrose's treatise opens with Agnes's death, where he praises her purity and resilience when faced with death. Instead of fear, Agnes longs to be united with her heavenly spouse to whom she remains loyal. There is also a slightly later and more detailed *vita* which circulated under the name "Ambrose." While it is unlikely to have been written by Ambrose the bishop of Milan, his name was well known and lent the text authority. "Ambrose's" version came to be the basis for the legends that circulated in multiple languages throughout the Middle Ages.

There is also early material evidence that Agnes was venerated. Her physical remains are thought to be in the Roman catacombs, and tradition says that the Church of Sant'Agnese fuori le Mura is built over the spot where her body lay. The Roman Church of Sant'Agnese in Agone in Piazza Navona is said to have been built on the spot where she was killed. She is mentioned in the writings of Church Fathers including Jerome and Augustine. Few biographical details are included in these texts, suggesting her story was already well-known.

The basic biographical details are secondary to a poem by Prudentius from ca. 405. Here, using what Virginia Burrus describes as "vivid eroticism" he highlights the sexual overtones of Agnes's torments, tormentors, and instruments of torture.[24] The framing of Agnes's torments in this text belongs to the genre of "Christian Romance" where torture and death is framed as a type of adventure, with the crown of martyrdom being framed as a reward. Agnes was an archetypal martyr. While there were several vernacular versions of her life, the basic details of her story were recognizable. Most importantly, she is consistently presented as a bride of Christ who chose death over defilement.

The painting is generally thought to have been commissioned by the house of Mariengarten in Cologne. Mariengarten was founded around 1220 and soon was affiliated with the Cistercians, although it was not officially part of the order.[25] The nuns were primarily from families connected with the lower nobility. The nuns here would have identified with this piece, as both a literal play on the convent's name Mariengarten ("Mary's garden") and as women who, like all nuns, were brides of Christ and welcomed into this special place. Themes of enclosed gardens were common in houses of nuns, as a sign of their enclosure (seclusion in the convent) and their devotion to Mary. The perfection invoked by combining the sensual pleasures of natural beauty with the spiritual realm became something of a metaphor for paradise and a way of linking the rewards of heaven with the purity and virginity that characterized the sisters' earthly lives.[26]

The stories of these women contain numerous areas of overlap. The basic details remain consistent, but there are many slight variations that would make these women more relatable to diverse audiences. Their stories are, on one level, narratives of resist-

24 Cf. Burrus, "Reading Agnes," 36–37.

25 For the Cistercian associations of Mariengarten see, Wiechmann "Witnesses of Passion in Cistercian Houses," 128–129. Cf. Boetticher, "Mariengarten," 375–390. For the problematic situation regarding the affiliation of women's houses with the order see Lester, *Creating Cistercian Nuns*.

26 Baert, "Late Medieval Enclosed Gardens of the Low Countries."

ance in which the saints stand firm and resist unjust authority. They are, on the other hand, tales in which young women are tortured. They served an important devotional purpose and the women they depict are venerated as heroic. Nevertheless, it is important to keep in mind that these were also tales of young women whose torture and death became a cause for celebration. The devotional popularity of these narratives reveals a connection between sanctity and gendered violence.

Through the Lens of Femicide

While early and, in many cases, quasi-legendary, the virgin martyrs became extremely popular in later medieval and early modern Europe. Even more than their lives, the manner of their deaths had entered the popular religious imaginary. Legends and art depicted the torments they had endured as a testament to their faith. In later medieval depictions, the violence is usually subdued and intimated. The instruments of their torture are on display as a reminder, but the women themselves generally at peace.[27] The horrors they endured to be united with their heavenly bridegroom are evoked rather than portrayed explicitly. In some ways, this can be seen as subversive in that death has no power over these women; in another, it simply makes their torments invisible. The beauty associated with the instruments of torture desensitizes the viewer (or hearer). The instruments of torture are so beautiful and so ubiquitous in a devotional setting that the pain is forgotten.

To a certain extent this is true of martyrs regardless of sex or gender. Nevertheless, the martyrdoms of women generally included an explicitly sexual component. All martyrs ostensibly died for their faith. The *passiones* of female virgin martyrs put a comparable emphasis on their desire to preserve the "treasure" of their virginity.[28] The *passiones* of the virgin martyrs typically include some threat of rape or attempt at seduction generally at the hands of one of the men involved in their torture. The virgin martyr becomes a virgin martyr at the point of her death. Prior to this time, she is simply a chaste woman, trying to preserve her chastity. At a certain point, this becomes as important as the intent to cling to faith.

In the *passiones* of virgin martyrs, the "choices" they are given are seldom as empowering in any objective sense. Agnes was a child who was preyed upon in a sexual manner. As detailed in the chapter on Maria Goretti (see no. 21 in this volume), this is still being presented as a laudable goal for Christian girls two thousand years later. There was no real freedom to choose and no real option to be anything other than victimized. The praise that is given to these women allows the appearance of a narrative of empowerment.[29] It also enables the narrative that unless a girl or woman is killed (or severely incapacitated) by an attacker she chooses rape over death. In this way, she

27 Winstead, *Virgin Martyrs*, 1–19.
28 This is discussed at greater length in the Chapter on St Dymphna, no. 25, in this volume.
29 Burrus, "Reading Agnes," 25–26.

becomes complicit in her own rape and/or murder. In the case of Apollonia, her "choice" appeared to be to throw herself into the fire before she was thrown in. In one sense it gives her some modicum of empowerment; in another, the end was inevitable.

Virgin martyrs are commonly portrayed as the spouses of Christ. In the cases of Agnes and Katherine this was always part of the narrative but became increasingly important as time passed. For Agnes, both Ambrose and Prudentius speak of how eager she was to join her divine spouse.[30] The romantic and even erotic descriptions of the love these women hold for their heavenly bridegroom and the peace they feel at death, again, desensitizes the audience to torture and normalizes the murder of girls and young women. The deaths are forgotten—rendered invisible by beauty.

Further Questions

1. What does it mean when violent death is covered by beauty?
2. Discuss the idea of death being presented as a reward.
3. What happens to our conversations about violence against women when a victim's moral character or "purity" becomes central to the story?
4. Compare the way virgin martyrs are discussed to the deaths or rapes of secular women in the modern world.
5. Consider how Apollonia throwing herself on the fire might relate to the case in the section "Suicide as Femicide."

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30 Cf. Burrus, "Reading Agnes," 25–46.

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15 The Dying Duchess: Maria of Brabant's Execution (1256) in Visual Sources

Julia Burkhardt

Sources: In 1256, Ludwig, the Duke of Bavaria, had his wife Maria of Brabant executed. Contemporary chronicles extensively speculated about the circumstances surrounding the event and repeatedly cited Maria's alleged adultery as the reason for the execution. In addition to the numerous written sources produced shortly after the event, Maria's death was depicted visually in later centuries. These visual sources shed a different light on the case and were strongly influenced by the era and context in which they were created. This article draws on two visual sources from Brabant (15th century) and Bavaria (17th century) to explore which images of a killed woman have endured over time.

Source 1: Jan van Boendale (1279–c. 1350), *Brabantsche Yeesten*. KBR Royal Library of Belgium, Ms. IV 684, baook IV, fol 21v.



Source 2: Matthäus Rader (1561–1634), Bavaria Sancta, Vol. II, 293. Universitätsbibliothek Heidelberg, Q 6935-8 A Folio RES::1–3.



Images and Contexts

In the Middle Ages, Bavaria was a duchy located in the southeast of the Holy Roman Empire. From 1180 onward, it was ruled by dukes from the noble family of Wittelsbach. In addition to Bavaria, the Wittelsbachs ruled the distant Count Palatinate of the Rhine, a region surrounding Heidelberg. Due to repeated rivalry among family members over power and territorial influence, the family's holdings were divided in 1255. In this first of several subsequent divisions, the younger Duke Henry XIII (reigned 1253–1290) received Lower Bavaria (Bavaria-Landshut) to the east. Meanwhile, his elder brother, the Count Palatine of the Rhine, Duke Ludwig II (reigned 1253–1294), received the Count Palatinate of the Rhine, as well as Upper Bavaria (consisting of the Bavarian Nordgau and Bavaria-Munich).[1] During this period, Ludwig II played a significant

1 Weiß, "Bayern."

role in Bavaria, the Palatinate, and the Holy Roman Empire. He served as the guardian of the last male Staufen heir, who claimed the throne after Emperor Frederick II died.[2] Through his extensive networks, Ludwig exercised great political and economic influence throughout the Empire. These networks established him as one of the most important political figures of his time.[3]

Ludwig's status became also evident in his marital alliances. His first wife was Maria of Brabant, the daughter of Duke Henry II of Brabant and Maria of Staufen. The bride thus represented a long-established dynasty and a family that ruled over Brabant, a region of great political, economic, and cultural influence not too far from the Palatinate.[4] Despite this union of two prominent families, we do not know much about how the marriage came about or the wedding itself, and even the date is uncertain. According to a few contemporary accounts, the marriage appears to have been arranged when Ludwig and Maria were children, which was a common practice at the time.[5] Very little is known about the life that Maria and Ludwig led after their wedding, and there is no record of them having children.

This changed abruptly in 1256 when Ludwig II had his wife executed near Donauwörth (historically known as *Werd*). Donauwörth is a town in northern Swabia. Nearby is Mangoldstein Castle, which was built in the 11th century and where the execution probably took place. News of the duchess's violent death appears to have spread rapidly. Contemporary chronicles and annals from the region recorded the event, and chroniclers from other, more distant parts of the Empire also reported on it.[6]

Structurally, this is easy to understand. With Maria's death, it was not only a member of the European nobility who passed away; together with her husband, she also represented an influential ruling elite. Therefore, the duchess's death was an act of immense political and social significance.[7] This makes it all the more interesting to see how contemporary observers narratively processed the event.[8] While some chroniclers simply recorded that the duchess had been beheaded, others linked the act to an order issued by Ludwig II. Others sought to offer explanations. This was not necessarily a matter of moral judgment, but rather of situating the act within the spectrum of offenses and punishments conceivable at the time.[9]

One possible explanation was the well-known motif of adultery, which could be punished severely according to contemporary norms. Various chroniclers state that

2 On the broader context, see Kaufhold, "Ruling Germany."
3 Holste-Massoth, "Handlungsspielräume." A detailed analysis is provided by Holste-Massoth, *Ludwig II.*
4 On contemporary ideas of dynasty and territory, see Caers/Stein, "The Territorial Perception."
5 Holste-Massoth, *Ludwig II.*, 64–67.
6 Holzfurtner, "Herzog Ludwig II." Holzfurtner states that non-Bavarian sources are significantly more detailed than reports originating from the region where the killing took place.
7 On methodological approaches to analyzing the deaths of rulers in medieval narrative sources, see Kamenzin, "Recent research."
8 On contemporary and later legends, see Holzfurtner, "Herzog Ludwig II." and Pfister, "Legende und Wirklichkeit."
9 For contemporary strategies for understanding and explaining acts of violence, see Mauntel, "Auf der Suche."

Ludwig II accused his wife of committing adultery with a member of his court. One story goes that Maria sent a letter to her alleged lover, but it was accidentally delivered to her husband instead. In a fit of rage, Ludwig subsequently had his wife and one (or more?) of her ladies-in-waiting killed at Mangoldstein Castle. Other sources cast doubt on the idea that this was a spontaneous act. They point out that Ludwig had been planning Maria's killing for weeks, though the reasons are unknown. These rumors were given credence by references to the ruler's bad advisors, a classic narrative motif of the time, or an unfounded suspicion that the unsuspecting duke had fallen for.[10] In each case, different parts of the story were highlighted. Sometimes Maria was the only one killed. Sometimes one or more of her ladies-in-waiting also died. Sometimes Ludwig acted under the assumption that he was doing the right thing, and Maria's death was described as lawful. Sometimes he knew that his accusations against Maria were unfounded. Sometimes he was the victim of bad advice. Regardless of their focus, these explanatory patterns regarding guilt and value judgments point in the same direction. Ludwig's personal involvement—or at least his responsibility for the act—was never denied. This is also consistent with the measures Ludwig II took afterward.

Shortly after Maria's execution, it seems that Ludwig II turned to Pope Alexander IV, apparently seeking absolution for his sins. The exact circumstances of this communication are unclear.[11] However, the sequence of events can be roughly reconstructed from two documents: one from one of Alexander's successors, Pope Clement IV and the other from Konrad II, the bishop of Freising. Alexander IV reportedly presented the repentant Wittelsbach with several options, including the founding of a monastery. Ludwig II took several steps to establish the monastery. Finally, in 1266, the Cistercian monastery of Fürstenfeld, located west of Munich, was established.[12] However, the clear connection between "execution" and "atonement through the founding of a monastery" cannot be substantiated. Though there are various vague references to Ludwig's act of atonement that make this interpretation plausible, the connection cannot be definitively established. Incidentally, Ludwig II reportedly earned the nickname "the Severe" (*der Strenge*) for the execution of his wife.

Although Ludwig II remarried four years after Maria's death,[13] this event had a lasting impact on the relationship between the noble houses of Wittelsbach and Brabant. In 1308, therefore, Ludwig II's son, Rudolf I, promised the Duke of Brabant, John of Brabant (grandson of Maria's brother, Henry III), that he would dedicate a Mass and an eternal light at Maria's grave in Donauwörth as atonement for her violent death.[14]

10 Holste-Massoth, *Ludwig II*., 67–68; Holzfurtner, "Herzog Ludwig II," 46–47.
11 A critical overview and discussion of the older literature is provided by Stöckle, *Zwischen Glauben und Herrschaft,* chapter II.2.
12 Czerny, "Memoria."
13 On his marriage with Anna of Silesia-Glogau, see Holste-Massoth, *Ludwig II.,* 70–72.
14 Böhmer, *Wittelsbachische Regesten*, 59–60.

Making Sense of the Sources

Several decades later, the story of Maria's execution was recorded in the "Deeds of the Dukes of Brabant" (*Brabantsche Yeesten*), a rhyming chronicle written in the mid-14th century. In the late Middle Ages, various rhyming chronicles in vernacular languages were written that focused specifically on the history of a family and the territory they governed.[15] The *Brabantsche Yeesten* are a prime example of this. The author of this text was Jan van Boendale, also known as "Jan de Clerk."[16] He was likely born at the end of the 13th century and died around 1350. In Antwerp, a major commercial center of the region, he served as town clerk and was closely connected to the city's elite. In this capacity, he undertook various journeys through Brabant. But Jan van Boendale also authored several chronicles and literary works in Middle Dutch, often in verse form. The most significant of these, in terms of both quantity and quality, are the *Brabantsche Yeesten*, a multi-volume history of the Dukes of Brabant, organized in order of succession, and the territory they ruled.

As early as the 14th century and again in the 15th century, the *Brabantsche Yeesten* were copied and disseminated. One particularly impressive copy is a manuscript kept in the Royal Library in Brussels, from which Source 1 is derived. This copy contains only a part of the entire chronicle, specifically Book IV (covering the period from the 11th to the 13th century), but it includes 79 elaborately designed color illustrations. The manuscript was likely created around the middle of the 15th century, about 200 years after Maria's death. Scholars have debated whether the illustrations were added later or copied alongside the text.[17]

As we can see in Source 1, the illustration covers nearly half of the page. The caption below provides information about the topic of this section: "Of the second daughter, her marriage and her death" (*Vander ander dochter, van haren huweleecke ende haer doot*).[18] The report in question comes from Chapter 10 of the Fourth Book of Chronicles, which discusses the accession to the throne of Henry II of Brabant and his family.[19] Having previously discussed his first daughter, Mathilde of Brabant, and included an illustration of her and her husband, the text now turns to Henry's II "second" daughter, Maria.[20] In accordance with the chronicle's underlying logic, the account unfolds from the duke and his family. Starting with Henry II one can identify a first, second, and third daughter. Below the heading, the relevant excerpt from the chronicle appears in the lower right corner of the page, written in two columns. It describes how Ludwig was misled by tales of Maria's adultery, arbitrarily ordering her execution and thus acting

15 Caers/Stein, "The Territorial Perception."
16 Stein, "The Antwerp Clerk."
17 For a detailed description and discussion, see Caers/Visscher, "The Illuminated."
18 Quoted (with translation) after the table provided in Caers/Visscher, "The Illuminated," here no. 23, 27.
19 van Boendale, *Brabantsche Yeesten*, ed. by Willems, 384–387.
20 However, the genealogical order is mixed up here, as Maria was actually the third daughter of the ducal couple, after Mathilde and Beatrix.

unjustly. Thus, the text already addresses several themes familiar to us from the chronicles, including the rumor of Maria's alleged adultery, the influence exerted on Ludwig by bad advisors, and the impulsive nature of the act. However, there are also aspects not found elsewhere with this degree of clarity, such as the emphasis on Maria's innocence and the indication that her fate was widely known and lamented in her own time.[21]

At first glance, the image, which dominates the page in both visual composition and size, resembles a traditional wedding scene. In the center are Ludwig and Maria, the couple, surrounded by a group of bystanders. This represents the union of not only two individuals but also the social entities they represent, such as a court, a family, or a domain. This type of image composition, featuring the same layout, appears in several places in this illustrated version of the chronicle.[22] Ludwig and Maria can be identified by the family coat of arms on their clothing (Bavarian lozenge, Brabantine lion). The couple is surrounded by various people. Three people stand behind Ludwig, and one stands behind Maria. Another person stands in the center of the background. They are all male and elegantly dressed, but they do not have any coats of arms that would allow identification.

All of the figures are depicted at roughly the same size. However, the focus is entirely on Ludwig and Maria. From the viewer's perspective, Ludwig is on the left. He is wearing a blue-and-white checkered robe, making him easily recognizable as a representative of Bavaria. His right arm is extended horizontally. He is holding a long sword in his hand, which he is thrusting into his wife's neck at this moment in the painting. Maria stands opposite him on the right side of the picture. She wears a blue dress with a cloak over it. One half of the cloak displays the blue-and-white Bavarian lozenges, and the other half features the Lion of Brabant. Her arms rest at her sides, and she stands upright. The massive sword pierces her neck, forming a stark contrast to Maria's slender physique. The tip of the sword can be seen protruding from the other side of the entry wound. Blood spurts from the wound and runs down her neck into her décolletage. Maria's mouth appears to be open, perhaps in shock. The man on her side of the painting has raised his arms defensively. In the foreground, a man dressed in red stands on Ludwig's side and places both arms on the shoulder of his sword arm. It is difficult to

21 Quoted after the edition: van Boendale, Brabantsche Yeesten, ed. by Willems, lines 771–784 at page 385–386: *Dander dochter, die hiet Marie, / Die hadde Heinrich, die Hertoghe vrie, / Aen den herthoge van Beyeren ghehuut, / Dies Brabant noch beruut; / Want die man liet hem bedrieghen. / Verraders, die gherne lieghen, / Die staken hem in sinen sinne / Dat sie plaghe anders minne; / Ende hi quam, med moede groot, / Ende sloech der vrouwen af thoot, / Sonder haer scout, sijt seker des, / Da heden daghes te wrkene es, / En si dat sie, als men seghet, / Met ghelde af si gheleghet*. I tried to translate the excerpt, but, of course, this translation only conveys the meaning; it does not replicate the original verse form: "The other daughter was named Marie. / Whom Heinrich, the noble Duke, had/ Married off to the Duke of Bavaria, / Which Brabant still laments. / For the man allowed himself to be deceived. / Traitors, who gladly tell lies, / Put it into his mind / That she was pursuing another love. / And he came, in great anger, / And struck off the lady's head, / Though she bore no guilt—be certain of that— / As is evident to this very day, / Unless it be, as some say, / That the matter has been atoned for with money."

22 Caers/Visscher, "The Illuminated," 19.

say whether this gesture is meant to dissuade or encourage the duke. The figure between Ludwig and Maria stands out from the others. Its face is pale and mask-like, reminiscent of a depiction of Death; maybe this an allegorical representation of the scene.

Although text and illustration address the same subject—Maria's execution—, they emphasize different aspects. The text addresses readers directly, emphasizing Maria's innocence. It creates a "we-community" from a Brabantine perspective that is largely founded on the memory of the duchess's unjust killing and has endured for centuries. On the other hand, the illustration does not draw attention to the story's legacy; rather, it focuses on the dramatic climax: the moment Maria is killed and transitions from life as a respected ruler to death. Thus, text and illustration offer distinct perspectives on Maria and her violent death. Read together, however, they reveal a memory of Maria that extends from the moment of her death to her stylization as a dynastic place of memory. Both the text and the illustration depict Maria's killing as a public event observed by different groups of people from various viewpoints. In the illustration, the audience is the people surrounding the couple. In the text, the audience is Maria, Ludwig, and their entourage on the one hand, and the people of Brabant mourning Maria's death on the other.

The story of Maria's execution enjoyed renewed popularity in the 17th century, particularly in Bavaria. In the accounts written during this period, however, the focus was not on Ludwig but on Maria, her innocence, and the injustice of her death. Thus, her fate served as evidence of her husband's misdeeds or as a reflection of her family's reputation and suffering. This narrative was adapted and disseminated across various media. For instance, in his travelogue, Augsburg diplomat and art collector Philipp Hainhofer recounted Maria's execution in his account of a visit to the ducal court in Munich in 1611. Hainhofer emphasized Maria's innocence, as well as Ludwig's guilt and repentance, thereby making the founding of Fürstenfeld Abbey plausible—an interpretation that brought together many motifs from medieval chronicles. He also embedded the story within dynastic logic, specifically the succession of Ludwig's wives. Since Hainhofer centered his narrative on Bavaria, Ludwig, rather than the ducal family of Brabant, took center stage.[23]

23 Hainhofer, "Reise," fol. 209v, https://hainhofer.hab.de/reiseberichte/muenchen1611#fol209v: *LVdwig [sic] der ander/ mit dem zunahmen Seuerus, das ist der Ernsthafftig/ ein Hertzog in Obern Bayrn/ deß Ottonis Sohn/ ein Churfürst vnnd Pfaltzgraf am Rhein/ vnnd hatte drey Gemahel die erste ward Maria/ ein Tochter deß Henrici deß andern diß Namens/ auß dem ersten Gemahel Maria/ die ein Stieff Tochter Sankt Elisabete deß Hertzogen zu Braband/ welche Er/ weil sie jm deß Ehebruchs halber verdächtig/ an der Thonaw den 18. Januarij enthaupten lassen/ dessen jhn hernacher gerewet/ weil sie vnschuldig vnnd Fromm gewesen,/ hat auch jhr zu Ehren das Kloster Fürstenfeld/ bey dem Fluß Ambra auffrichten lassen/ vnd mit stattlichem einkommen begabet.* My own translation of that passage reads "Ludwig the second, with the surname Severus, that is the Earnest, [was] a Duke in Upper Bavaria, son of Otto, an Elector and Count Palatine on the Rhine, and had three wifes. The first was Maria, a daughter of Henry, the second of this name, from [his] first wife Maria, who was a stepdaughter of Saint Elizabeth, of the duke of Brabant, whom he—because she was suspect to him on account of adultery—

Around the same time as Hainhofer, Jesuit Matthäus Rader developed a different perspective on Maria's violent death. Born in Innichen (South Tyrol) in 1561, Rader joined the Jesuit Order in Innsbruck in 1581. Initially, he served as an instructor at the Saint Salvator college in Augsburg. In 1612, he became a professor of rhetoric at the Munich College of St. Michael. In this capacity, he published numerous academic treatises on Latin and Greek authors. Starting in 1615, however, he began publishing one of his major works, the erudite Latin "Holy and Pious Bavaria" (*Bavaria Sancta et Pia*). The author intended to present the history of Bavaria from a confessional, or Catholic, perspective in this multi-volume work, which they later also translated into German.[24] In doing so, Rader struck a chord with the political elite of his time. In the 17th century, Duke Maximilian I tried to strengthen his position in the Empire by promoting Counter-Reformation measures.[25]

Rader's work closely linked the history of Bavaria with the Catholic faith and sought to highlight Bavaria's special sanctity. To this end, he wrote biographical sketches of individuals whom he believed to be holy or worthy of veneration. In four volumes published between 1615 and 1628, Rader presented the lives and works of 203 individuals in chronological order. The length and level of detail in these hagiographies, which were written by Rader himself, vary considerably. While some are brief and cursory, others span several pages. However, textual descriptions are not the only medium in Rader's work. Most of the hagiographies are accompanied by a single-page copperplate engraving; in total, there are 142 illustrations.[26] Raphael Sadeler, a copperplate engraver from Flanders, and his son of the same name created the illustrations in cooperation with Munich court artists Peter Candid and Johann Matthias Kager.[27] The volumes of *Bavaria Sancta* were books produced with great care and attention to detail. Leading theologians, artists, and printers contributed to their creation. Therefore, this was not a niche production for a small audience, but rather a comprehensive publishing project aimed at a broad public. The books' exquisite craftsmanship reflected their thematic focus on the sanctity of Bavaria.

The second volume of the work, published in Munich in 1624, contains the life of Maria of Brabant on pages 298 through 307 under the title "On Maria of Brabant" (*De Maria Brabantina*). The text begins with the illustration shown in Source 2. From the instructions that Rader gave to the artist Matthias Kager regarding the design of the illustrations, we can infer his vision for the visual presentation at least roughly: "The image depicts an Elector of the Rhine who was also a Prince of Bavaria [and Maria],

had beheaded by the Danube on the 18th of January. Of which he afterwards repented, because she had been innocent and pious. [He] also, in her honor, had the monastery of Fürstenfeld erected by the river Amper and endowed it with a stately income." On Hainhofer's life, see Wenzel, *Philipp Hainhofer*.

24 Rader, *Heiliges Bayer-Land*.

25 On Rader and the political context of his time, see Schmid, "Die 'Bavaria sancta'."

26 For a detailed analysis, see Mayerhofer, *Kupferstiche*.

27 On Candid's and Sadeler's cooperation, see Volk-Knüttel, *Peter Candid*, 65–70 and Mayerhofer, *Kupferstiche*, 29–76.

whom the prince had beheaded. It also depicts a noble young lady named Helica whom the prince stabs with a small knife himself and the court masters being thrown from the tower onto the streets."[28]

Following the cover illustration, there is a blank page and, starting on page 300, an extensive Latin account of Maria's life, her marriage to Ludwig, the story of his jealousy and the letters, and, above all, her execution at his own hands.[29] The illustration (source 2) is framed. The caption above the image, "Saint Maria, Wife of Ludwig the Severe, Duke of Bavaria," refers to the event of 1256. Below the image and outside the frame are Latin verses that describe Maria's death in an abstract way but clearly attribute the blame to Ludwig. The verses' main message is that chastity will always be recognized and honored.[30]

The illustration depicts all the protagonists and spectators in an antique style. Unlike the illustration that accompanies Jan van Boendale's text (source 1), this one does not situate the story in the artist's own time. Instead, by using a representational style that was popular in the 17th century, the story is removed from both its own time and the time of its interpreter, Rader. In the foreground, Maria lies on the floor, covered by a blanket. She has already been killed: Her head lies next to her body, and blood spouts from her neck. However, her posture and facial expression resemble those of a sleeping person. To her right, a man (probably Ludwig?) sheathes a long sword after the deed. A priest kneels over Maria, holding a cross. On the left side of the painting are mourning women, possibly from Maria's circle. The background opens up to reveal an antechamber where other women, perhaps maids, are being attacked, one of them even being stabbed. The composition emphasizes Maria's defenselessness, as well as her calm and humble demeanor—thus portraying her as a martyr to be venerated (see also the contributions by Alison More, nos. 14, 18, and 21). As Matthias Mayerhofer demonstrated, Rader followed a pattern throughout his work that recurred here. In particular, depictions of martyrdom were intended to evoke sympathy in the reading public. However, what is interesting about the example of Maria is that the duchess did not die for her faith or confession, which was otherwise typical of martyrs. Yet, it was precisely because of the cruelty of the act and the innocence of the victim that the depiction appealed to the audience emotionally.[31]

28 Mayerhofer, *Kupferstiche*, Appendix II, no. 3 at page 3: *Fisiert ein Churfürsten bey Rhein die zugleich ein Bayrfürst gewest, wölche der fürst khöpfen lassen. Ein ede Jungckhfraw Helica, die ersticht er selber mit ein meserle, die hofmaistern, last er zum thurn auf die gassen werfen.*

29 Rader, *Bavaria Sancta*, 298–307.

30 Rader, *Bavaria Sancta*, 298: *Nulla lues mortale genus tam dira fatigat, / Quam male, de fida coniuge, nota fides. / Principis innocue thalami sacra foedera princeps / Percitus ingenti laesa furore fremit, / Et ruit in ferrum sceleratque crurore secures,/ Dumque ream credit, se facit ipse reum. / Tutatur caelum castos, patet impius error: / Non caret ulla suo teste pudicitia.*

31 Mayerhofer, *Kupferstiche*, 101–102.

Through the Lens of Femicide

Despite the many inaccuracies and contradictions in the written accounts of Maria of Brabant's death, one thing is certain: The duchess was killed in 1256, either on her husband's orders or by him. Although the killing took place in a public setting of the ducal entourage, it occurred within the castle that was accessible only to family and court members. This context alone merits examination from the perspective of femicide, because it highlights the multifaceted responsibility of individuals and groups. The story of Maria and Ludwig is exceptional in terms of the diversity of sources and explanations: The most recurring motif in the sources is undoubtedly Ludwig's jealousy (see also the contribution by Julia Bühner, no. 22). It reflects contemporary ideas about husbands' superior position in the household, as well as their right to control and punish their wives. Gender-specific roles were thus combined with specific rights and expectations for wives and husbands, respectively. In this context, Ludwig's severe reaction to Maria's alleged infidelity was understandable, if not excusable. This is also evident in the subsequent textual and visual adaptations of the story. The different accounts of Maria's killing were developed depending on the context and narrative intent in which they were created, each emphasizing different aspects.

Another perspective on femicide is offered by the fact that visual depictions of Maria's killing were created at various times. These images allow us to understand which aspects were intended to capture viewers' attention or appeal to their emotions. Visual sources offered their own interpretation, but they were also always to be read in conjunction with the textual account. Thus, various images emerged that were intended to preserve the story of the dying duchess for posterity.[32] Depending on the artists' perspectives and interests, distinct interpretations emerged.

For example, since Jan van Boendale's chronicle focused on the Dukes of Brabant and their family, Maria's death was reported in this context, drawing attention to the political dimension and consequences of this act. The chronicle situates Maria firmly within the family structure, describing her transition from daughter to wife—a shift between gender-specific roles. In the marriage, Ludwig becomes weak, susceptible to bad advice, and distrustful of his wife. This portrayal, with its classic narrative tools, makes it plausible that Ludwig, in his rage, could not control himself and killed his own wife in a fit of emotion. Conversely, it contrasts with the description of Maria, who is portrayed as innocent, calm, and pious. Ultimately, she emerges from the story as a heroine. The pictorial representation follows this logic but places slightly different emphases. Instead of focusing on Maria's family, it highlights her dynastic connection to Ludwig, observed by several individuals. The depiction of the killing is provocative and shocking due to the size of the sword, the visible blood, and the duchess's dignified posture at the moment of her death. The composition features a classic dynastic couple whose harmony is disrupted by Ludwig's violent act. This powerful illustration shows

32 Hamling, "Visual and material sources."

that gender-based violence was not limited by origin or social status; it was omnipresent in all social circles.

Two centuries later, Matthäus Rader invoked different justifications, though these too were anchored in gendered conceptions of roles. The pictorial representation he commissioned depicts the subordination of Maria and her ladies-in-waiting to Ludwig's authority. Once again, viewers are presented with a courtly scene including not only Ludwig and Maria and their servants but also a priest. The priest is positioned at the center of the image, and his posture and raised cross draw attention to the dimension of faith. Maria appears as a humble and devout woman who has fallen victim to her husband's wrath. It is precisely in this that her personal martyrdom is revealed—a martyrdom that, in Rader's view, made the duchess worthy of veneration.

Both sources are effective because they openly depict the horror and cruelty of the killing. Viewers see either the killing of a woman or a dead woman, and they are meant to derive a message from the scene: the memory of the unjustly killed woman or her pious and exemplary way of life (see also the contributions by Aliyah Parsons, no. 16, and Valentina Moro, no. 27). Significantly, Maria has no voice or agency in either depiction. It is solely her killing and her mutilated body that transform her into a significant figure for posterity. This raises fundamental questions about the aestheticization and normalization of violence against women. It also illustrates how visual sources, with their own interpretations, can powerfully appeal to, attract, or deter—and continue to do so today.[33] A detailed examination of images of a dying duchess may encourage reflection on the visual ubiquity of violence against women today.

Further Questions

1. Research whether you can find another example of a noblewoman who was killed by her husband. Analyze the context and relationships among the characters in your example. Then, compare your findings with those regarding Maria of Brabant.
2. Look for additional written and visual sources on the execution of Maria of Brabant. What key themes and messages do these sources convey? Compare your findings with those in the two sources in this article.
3. Visit a museum of your choice or browse an online exhibition. Look for images depicting violence against women. Then, determine if there are any similar forms of representation or patterns.

33 Jablonka, *La culture*.

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16 The Weight of Silence: The Exceptional *peine forte et dure* of Margaret Clitherow in 16th Century York

Aliyah Parsons

Source: John Mush was Margaret Clitherow's chaplain and was one of the two priests she had harbored, the crime that led to her arrest. This same man would then go on to write the primary source from which most of our knowledge about her case stems, *A True Report of the Life and Martyrdom of Mrs. Clitherow*, just months after her death in 1586.

I: Thus she turned all things to her good, and sucked honey out of the cruelty of her enemies. They persecuted and she thereby learned patience; they shut her up into close prison, and she learned thereby to forget and despise the world; they separated her from house, children, and husband, and she thereby became familiar with God; they sought to terrify her, and she thereby increased in most glorious constancy and fortitude insomuch that her greatest joy was to be assaulted by them. (372)

II: Her indictment was read, that she had harboured and maintained Jesuit[1] and Seminary priests, traitors to the Queen's Majesty and her laws, and that she had [heard] Mass, and such like. Then Judge Clinch stood up, and said: "Margaret Clitherow, how say you? [Are you] guilty of this indictment, or no?" Then she [being] about to answer, they commanded her to put off her hat, and then she said mildly with a bold and smiling countenance: "I know no offense whereof I should confess myself guilty." The judge said: "Yes, you have harboured and maintained Jesuits and priests, enemies to her Majesty." The martyr answered: "I never knew nor have harboured any such persons, or maintained those which are not the Queen's friends. God defend I should." The judge said: "How will you be tried?" The martyr answered, "Having made no offense, I need no trial." They said: "You have offended the statutes, and therefore you must be tried;" and often asked her how she would be tried. The martyr answered: "If you say I have offended, and that I must be tried, I will be tried by none but God and your own consciences." The judge said: "No, you cannot so do, for we sit here," quoth he, "to see justice and law, and therefore you must be tried [by the country[2]]." [...] The judge said: "Good woman, consider well what you do; if you refuse to be tried by the country, you make yourself guilty and accessory to your own death, for we cannot try you," said he, "but by order of the law. You need not fear this kind of trial, for I think the country cannot find you guilty upon this slender evidence of a child[3]." The martyr still refused. [...] The judge said: "We must

1 Both Jesuits and foreign-trained priests were named in the *Jesuits, etc. Act 1584*, which is why these specific groups are mentioned here. This act ordered all Catholic priests and Jesuits to leave the kingdom within 40 days or be punished by death for high treason. This is the same act that made harboring these priests a felony, see *Jesuits, etc. Act 1584, 27 Eliz. 1 c. 2*, accessible via vLex UK.

2 This means "jury trial."

3 The testimony against Margaret was given by a young boy and only because he had been humiliated and threatened with torture. Without adult male testimony and robust physical evidence, the judge reiterates that she would have a good chance of being acquitted if she goes to trial.

proceed by law against you, which will condemn you to a sharp death for want of trial." The martyr said cheerfully: "God's will be done: I think I may suffer any death for this good cause." Some of them said, seeing her joy, that she was mad, and possessed with a smiling spirit. Mr. Rhodes also railed against her on the Catholic faith and priests; so did also the other Councillors, and Mr. Hurleston openly before them all said: "It is not for religion that thou harbourest priests, but for harlotry;" and furiously uttered such like slanders, sitting on the bench. (413f.)

III: (Puritan[4] preacher called Wiggington says:) "My lord, take heed what you do. You sit here to do justice; this woman's case is touching life and death,––you ought not, either by God's laws or man's, to judge her to die upon the slender witness of a boy; nor unless you have two or three sufficient men of very good credit to give evidence against her. Therefore, look to it, my lord, this gear goeth sore." The judge answered, "I may do it by law." "By what law?" quoth Wiggington. "By the Queen's law," said the judge. "That may well be," quoth Wiggington, "but you cannot do it by God's law;" and he said no more. The judge, yet desirous to shift the thorn out of his own conscience into the whole country, and falsely thinking that if the jury found her guilty his hand should be clear from her blood, said again, "Good woman, I pray you put yourself to the country. There is no evidence but a boy against you, and whatsoever they do, yet we may show mercy afterward." The martyr still refused. [...] Then the judge said, "If you will not put yourself to the country, this must be your judgement: "You must return from whence you came, and there, in the lowest part of the prison, be stripped naked, laid down, your back upon the ground, and as much weight laid upon you as you are able to bear, and so to continue three days without meat or drink, except a little barley bread and puddle water, and the third day be pressed to death, your hands and feet tied to posts, and a sharp stone under your back. [...] I do it according to law, and tell you this must be your judgement, unless you put yourself to be tried by the country." [...] "How say you, Margaret Clitherow? Are you content to put yourself to the trial of the country? Although we have given sentence against you according to the law, yet we will show you mercy, if you will do anything yourself." (417)

V: They asked her also if she thought in her conscience that she was with child. She said she knew not certainly, and would not for all the world take it on her conscience that she was or she was not, but as she thought rather she was than otherwise. (…) Her kinsfolk and friends labed much all that week to cause her to say directly that she was with child, but she would never affirm it of any certainty, but said she would not dissemble with God and the world, for that she could not tell certainly whether she was or no. Upon Wednesday the sheriff of York came to the judge, Clinch, and demanded what he should do with her. The judge answered, "She may not be executed, for they say she is with child." Rhodes, Meares, Hurleston, Cheeke, and the rest urged sore that she might be executed according to judgement and law. And Mr. Rhodes said, "Brother Clinch, you are too merciful in these cases; if she had not law she would undo a great many." Then Judge Clinch said, "If she be with child, I will not consent Ithat she shall die." "Then," quoth the sheriff, "my lord, I shall make a quest of women[5] to go upon her." "It needeth not," quoth the judge; "call four honest women, which know her well, and let them try it." The four women upon the Thurs

4 The Puritan movement emerged under Elizabeth I and, as the name suggests, sought to further reform the Church of England and "purify" it from practices remnant of Roman Catholicism. For an elaboration on the significance of it being a Puritan voice speaking out against the authorities in her favor, see Dillon, *The Construction of Martyrdom*, 294.

5 A "quest of women" refers to a jury of matrons. These were respectable married women with experience of childbirth with the principal task of physically examining a convicted felon to determine whether she was pregnant. The need for a jury of matrons mostly arose in situations in which a woman sentenced to death claimed to be pregnant, also called "Pleading the belly," see Butler, *More than Mothers*.

day came to the martyr, and returned as they could perceive or gather by her own words. That night, or the next day, Hurleston, the Councillors, and ministers, who most greedily thirsted after her blood, came to Clinch in his chamber and said, "My lord, this woman is not to have the benefit of her condition, for that she hath refused trial by the country, and the sentence of death is passed against her." The judge answered, "Mr. Hurleston, God defend she should die, if she be with child; although she hath offended, yet hath not the infant in her womb. I will not for a thousand pounds, therefore, give my consent until she be further tried." Hurleston urged still and said, "She is the only woman in the north parts, and if she be suffered to live, there will be more of her order without any fear of law. And therefore, my lord, consider with yourself," quoth he, "and let her have law according to judgement passed, for I will take it upon my conscience that she is not with child." The judge would by no means consent; but, thinking to wash his hands with Pilate,[6] referred all to the Council, and willed them to do their own discretions; and at his departure he commanded to stay the execution till Friday after, which was the twenty-fifth of March and the feast of our Lady, and then to do as they should think good, if in the meantime they heard not from him to the contrary. (418ff.)

V: The martyr said: "You charge me wrongfully. I die not desperately nor willingly procure mine own death: for not being found guilty of such crimes as were laid against me, and yet condemned to die, I could but rejoice; my cause also being God's quarrel. Neither did I fear the terror [of the] sentence of death, but was ashamed on their behalfs to have such shameful words uttered in the audience as to strip me naked, and press me to death among men, which methought for womanhood they might have concealed. (426)

VI: When they saw that they could not persuade her, nor make her yield in anything, they brought in ridiculous slanders against her, and told her how the boy had confessed that she had sinned with priests, and that the priests and she would have delicate cheer, when she would set her husband with bread and butter and a red herring. When she heard these words, she smiled and she said: "God forgive you for these forged tales; and if the boy said so, I warrant you he will say as much more for a pound of figs." But principally they urged her to confess she had offended her husband. The martyr said, "If I have offended my husband in anything but for my conscience, I ask God and him forgiveness." Still they urged her to confess some fault against him, thereby to slander herself. (427)

VII: There were present at her martyrdom the two sheriffs of York, Faucet and Gibson, Frost, a minister, Fox, Mr. Cheeke's kinsman, with another of his men, the four sergeants, which had hired certain beggars to do the murther, three or four men, and four women. (430)

VIII: Sheriff Gibson, abhorring the cruel fact, stood weeping at the door. [...] Then Fawcet commanded her to put off her apparel; "For you must die," said he, "naked, as judgement was given and pronounced against you." The martyr with the other women requested him on their knees that she might die in her smock, and that for the honour of womanhood they would not see her naked; but that would not be granted. Then she requested that women might apparel her, and that they would turn their faces from her for that time. The women took off her clothes, and put upon her the long habit of linen. Then very quietly she laid her down upon the ground, her face

6 The judge refers to the famous scene in Mathew's gospel (27:24) in which Pilate, the Roman prefect, washes his hands when Jesus is condemned, therefore washing away his personal responsibility for an innocent man's death.

covered with a handkerchief, the linen habit being placed over her as far as it would reach, all the rest of her body being naked. The door was laid upon her, her hands she joined towards her face. Then the sheriff said, "Nay, you must have your hands bound." The martyr put forth her hands over the door still joined. Then two sergeants parted them, and with the inkle strings,[7] which she had prepared for that purpose bound them to two posts, so that her body and her arms made a perfect cross. [...] After this they laid weight upon her, which when she first felt, she said, "Jesu! Jesu! Jesu! Have mercy upon me![8]" which were the last words she was heard to speak. She was dying in one quarter of an hour. A sharp stone, as much as a man's fist, put under her back; upon her was laid to the quantity of seven or eight hundred-weight at the least, which, breaking her ribs, caused them to burst forth of the skin. Thus most victoriously this gracious martyr overcame all her enemies, passing [from] this mortal life with marvellous triumph into the peaceable city of God, there to receive a worthy crown of endless immortality and joy. This was at nine of the clock, and she continued in the press until three at afternoon. (431f.)

Texts and Contexts

The *True Report of the Life and Martyrdom of Margaret Clitherow* was written in direct response to Margaret Clitherow's death by a man who not only knew her personally, but who was involved in the acts that led to Margaret's arrest. John Mush, her confessor, was one of the two Catholic priests whom she was accused of harboring. Margaret's trial was the first of its kind, as the crime of which she was accused had been legislated two years prior (in 1584) and she was the first to be executed for it.[9] Following her execution on May 25, 1586, authorities had discovered, arrested, and sentenced to death Mush and the other priest, Francis Ingleby, although Mush was ultimately able to escape from prison. Remaining in York, he wrote his account of Margaret's life and death shortly afterwards. The author's close involvement in the events he describes lends the text a particularly valuable perspective. Unlike many other hagiographical narratives, this source is based on what Mush himself had experienced and his direct knowledge of both Margaret and the circumstances surrounding her death. As Tony Morgan points out, John Mush does not shy away from telling the reader what he does not know, nor does he fill in the gaps by making things up.[10] This makes his account tenable in a way that most hagiographies are not.[11] At the same time, his personal involvement is an indication of his bias, which must be taken into consideration when analyzing the information he gives. Mush's account is a hagiographical text, intended to present Margaret as a Catholic martyr, although Margaret was not officially canonized until 1970.[12] As will be discussed later in this chapter, the text includes many of the characteristics of hagiographical narratives. John Mush may not have been the only author of this work. Ryan McDermott proposes that John Mush merely wrote the first part of the text, describing the virtues that made Margaret saintly. As for the second author,

7 "Inkle strings" refers to woven bands used to fasten clothing, shoes, etc.
8 This could be a biblical allusion to the good thief, who was crucified next to Jesus, see Luke 23:39–43.
9 Butler, *Pain, Penance and Protest*, 1.
10 Morgan, *Power, Treason and Plot,* 154.
11 See also the contribution by Alison More, no. 18.
12 Paulus PP. VI, *Canonizatio*.

he points to Margaret's fellow prisoner William Hutton, whom he believes may have written the account of her passion and death.[13]

Margaret's fate was shaped by the ongoing religious and political turbulence within the kingdom. England's infamous split from the Roman Catholic Church under Henry VIII happened in 1534, a mere fifty years before Margaret's execution. Under the Tudors, England went through a period of religious turmoil, with official religious beliefs leaning towards Catholicism under Mary, then regaining some Lutheran and Calvinist characteristics under Elizabeth. This resulted in harsh persecution of those who remained loyal to Rome by Margaret's lifetime. Her prosecution therefore took place within a context in which religious conformity was closely tied to political loyalty and Catholic resistance was increasingly regarded as a threat to the state.[14] Before Margaret, the English Catholics of this period had but one other female martyr, the Countess of Salisbury, who was executed during the reign of Elizabeth I's father, Henry VIII.[15]

Making Sense of the Source

Mush includes an interesting passage early in the text. He directly compares the negative experiences Margaret endured to the positive effect they had on her and her faith, even going so far as to say "her greatest joy was to be assaulted by them [the authorities]" (I, line 5). By presenting her hardships as a spiritual benefit, Mush establishes how he intended his work to be understood: as a legitimization of Margaret's sanctity and martyrdom. After her indictment is read, which accuses her of harboring Catholic priests and participating in Catholic worship practices, Margaret repeatedly refuses to enter a plea. Rather than submitting to trial by jury, she wishes to be judged only by God and by the consciences of those present. When the judge speaks of the court having to "proceed by law" (II, line 18) if she does not enter a plea, he is referring to the legal consequences of her silence.[16]

Under English law, defendants who refused to plead could not be tried. Accordingly, they were to be subjected to the *peine fort et dure*, which, in its most virulent form, meant being pressed to death under heavy weights with a sharp stone under one's back. In most cases, it was a tool of coercion to make a person agree to plead, and rarely applied.[17] Margaret was therefore not convicted and executed for harboring priests, but because she refused to plead before the court. John Mush suggests Margaret may have refused to plead in order to spare her family from testifying against her, thereby making them active participants in her unjust conviction and execution.[18]

13 McDermott, *The Sanctity of Margaret Clitherow,* 525.
14 This is why the source mentions Margaret's defiance being against the Queen's law and Catholics being enemies of the queen several times.
15 Dillon, *The Construction of Martyrdom*, 294.
16 Known as "standing mute."
17 Butler, *Pain, Penance and Protest*, 4–5.
18 Mush, *A True Report*, 436.

The account repeatedly emphasizes the tension between the members of the court regarding her case and treatment. A puritan preacher named Willington is said to have appealed to the judge, arguing that the evidence against Margaret was not substantial enough to warrant this kind of procedure and that such a sentence would be unjust, saying the judge "cannot do it by God's law" (III, line 6). Even the description of her execution begins with the sheriff "abhorring the cruel fact" and weeping at the sight of her (VIII, line 1). Regardless of whether the discussion happened as Mush reports, its inclusion serves an important rhetorical purpose: The justness of the proceedings is portrayed as contested, thus even her contemporaries perceived the handling of her case as unjust and unnecessarily extreme.

After further refusal by Margaret, the judge attempts to coerce her into entering a plea by describing the punishment that awaited her for her continued silence in detail and assures her that even if a jury should find her guilty, the court would show mercy (III, line 19), presumably in an attempt to find a legal way out of the conundrum they found themselves to avoid public outrage. By executing Margaret, they would be turning her into a martyr for the Catholic faith. The court was conflicted about what would be worse: Letting her live and possibly inspiring others to follow in her footsteps, or execute her and give the Catholics a martyr. The conversations between the judge and the other participants reflect the tension between legal procedure, fear of political ramifications, divine law, and personal hesitation due to moral opinions. This is further intensified when Margaret's rumored pregnancy becomes a topic of discussion. During one of her interrogations, she was asked "if she thought in her conscience that she was with child." She herself gave no direct confirmation, although she implied that she could be pregnant (IV, lines 1–3). While Judge Clinch refused to sentence her to death if she was indeed pregnant, several other members of the Council were determined to make an example out of her. They insisted on condemning her regardless of this circumstance, saying she "is not to have the benefit of her condition" because they feared that her resolution would inspire others if left unpunished (IV, lines 8–9, 16–17).

Margaret herself condemns the actions of the court.[19] She emphasizes both the injustice of being sentenced to death for something other than the crime of which she was accused, and the humiliation within certain aspects of the punishment itself. She refers to the fact that the sentencing would have her be punished naked among men, which she sees as a shameful decision on the part of the court (V, lines 5–6). Furthermore, the way the *peine forte et dure* is applied in Margaret's case strays from the usual way this punishment as enforced. Though justices rarely commanded anyone to undergo *peine forte et dure*, it had existed since the early thirteenth century and persisted until the eighteenth century.[20]

19 In hagiography, saints are often the mouthpiece for God. By recounting Margaret's denunciation of the court, John Mush may be implying that God himself is condemning the court's actions.
20 Butler, *Pain, Penance and Protest*, 5.

The normal procedure was a private execution in the dungeon; but, for women, the punishment was usually lessened to a diet of one sip of dirty water one day, and a small amount of food the next until death by starvation, rather than being pressed to death. Margaret's death was meant to be a spectacle, tailored to her unique situation, to deter any other Catholic dissidents from harboring priests. In what could possibly be a last attempt at justifying the harshness towards her and ruining her reputation, accusations were brought up against her morality. She was accused of having "sinned with priests" (VI, lines 2–3) and urged to "confess she had offended her husband" (VI, lines 6–7). According to Mush, Margaret's husband John's reaction to learning his wife's sentence was that of a man who dearly loved and respected her, not one who suspected her of infidelity with priests or other offenses.[21]

Mush's account describes the day of her execution in detail, showing the hagiographical intention of the author, comparing her suffering to that of Christ and using common motifs from saints' lives. The account states that beggars, "three or four men, and four women" (VII, line 3) were hired to carry out the sentence. In front of an audience of her peers, Margaret was led to her execution. She begged to at least be allowed to wear her smock, so "that for the honour of womanhood they would not see her naked" (VIII, lines 4–5), but as they were making a public example of her, her request was denied. The way her hands are described to be bound "to two posts, so that her body and her arms made a perfect cross" (VIII, lines 12–13) and the narrative of her death being a "marvellous triumph" (VIII, line 18) reference Christ's death on the cross. Margaret's case is unique, and Sara Butler convincingly argues that "Margaret's experience of the *peine* very much represents the exception, not the rule,"[22] the execution itself, the publicity of her death, and her nakedness being some examples of this. As explained above, the *peine forte et dure* was intended as a means of convincing reluctant defendants to enter a plea rather than as a regularly applied punishment. After several failed attempts to persuade her, the Council had little choice but to make an example of her. Some argue that Margaret's behavior both before and throughout the trial could be seen either as overstepping the boundaries of what a pious woman should be, or, the way John Mush frames it, as an ideal of female piety. Her actions make her both a strong and resilient defender of the faith, but also a woman who is insubordinate towards her Protestant husband and stubborn before the court.[23]

Through the Lens of Femicide

When applying the "lens of femicide" to this source, new perspectives emerge. Every aspect of Margaret Clitherow's story is inherently tied to her gender and her body.

21 Mush, *A True Report*, 418.
22 Butler, *Pain, Penance and Protest*, 4.
23 See Lake and Questier, *The Trials of Margaret Clitherow,* 199–200, for a more detailed discussion of different perspectives on gender and religion in her case.

The accusation against Margaret concerned a woman's crime.[24] Harboring priests was something that took place within the household. She created the spaces to hide them without her husband having knowledge of her doing so. This made her crime a domestic plot, and therefore one only a woman could commit.

From her arrest to her execution, every argument made both against Margaret as well as those in her favor is based on her female body. Margaret's religious convictions and her standing as a known recusant made her a potential martyr figure. Authorities attempted to discredit her standing within the Catholic community as such by accusing her of harlotry and disobedience. The allegations of sexual misconduct were used as a means to undermine her moral authority. The first example of this is in II, lines 22–33, where a councilmember accuses Margaret of harboring the priests not for religious reasons, but "for harlotry." In VI, lines 2–3, 7–9, the councilmembers even go so far as to claim the boy who had confessed her crime had also confessed that she had "sinned with priests" and they "urged her to confess she had offended her husband" and "to confess some fault against him, thereby to slander herself." Bringing up sexual misconduct also functions as a secondary basis for punishment. Even if Margaret had been acquitted of harboring priests, confessing to sexual misconduct could have subjected her to separate proceedings before an ecclesiastical court, as such offences remained under church jurisdiction. They also point to her femininity being tied to immorality and as something dangerous, making her inclined to ungodly behavior, thereby also making her unworthy of martyrdom.

Another central aspect pertaining to Margaret's body is the debate around her potential pregnancy. The mere possibility of Margaret being pregnant caused division within the Council. Though she never confirmed the claim, even the implication of such a circumstance made a difference in how the judge and the councilors approached her case. Judge Clinch refused to execute a woman that was with child, saying that "although she hath offended, yet hath not the infant in her womb" (IV, line 19). It is important to note that even if they had found her to be pregnant, this would only have only postponed her execution until the birth of the child rather than prevent it altogether. The judge's hesitation therefore reflected a desire to protect an innocent child and cannot be understood as reluctance to execute a pregnant woman for her sake. Some of the other councilors insisted on her being "executed according to judgement and law" (IV, line 9), calling the judge "too merciful in these cases" (IV, line 10). One of them, Mr. Hurleston, explains why making an example of Margaret is of such importance in IV, lines 20–22, saying that "She is the only woman in the north parts, and if she be suffered to live, there will be more of her order without any fear of law." This shows that even before her last arrest and execution, Margaret was well-known in and around York. The fear that she might empower other women was reason enough for them to urge execution, even if they risked making a martyr out of her.

24 Binczewski, *Power in Vulnerability*.

Womanhood is brought up twice throughout the account, though, always by Margaret herself. First, in V, lines 5–6, when she criticizes the punishment the judge had explained would await her. She speaks out against the fact that she is to be stripped naked and executed among men, which she had thought "for womanhood they might have concealed." The second time is much later in the source, but in the same context. When being led to her execution, Margaret and "the other women[25] requested him[26] on their knees that she might die in her smock, and that for the honor of womanhood they would not see her naked" (VIII, lines 3–5). Their begging was for naught; the only concession granted was for Margaret to be undressed by women while the men averted their gaze momentarily (VIII, lines 5–7).

While the *peine forte et dure* was a severe punishment regardless of the sex of the condemned, Mush repeatedly stresses the additional indignities with Margaret's execution. Margaret was the first (and last) person to endure this type of execution in public. Stripping her down and executing her publicly while naked sent a powerful message. The visibility of her horrific death also functioned as a powerful deterrent, making sure others would be more willing to enter a plea if accused instead of risking the same fate. Her death was staged as a public spectacle that was exceptional in every way. In doing so, the authorities emphasized her femininity while simultaneously making an example out of her, meant to influence the future behavior and decisions of her peers.

The focus on Margaret's body is at the heart of this court case: accusations of sexual immorality, her presumed pregnancy, and the humiliation of dying naked among men. While the gendered elements of her case operated within a broader framework of religious conflict and legal coercion rather than independently of these circumstances, applying the lens of femicide makes it clear just how important her gender was within the narrative of her trial and execution. The account of Margaret Clitherow's death, her treatment during the proceedings, and how her contemporaries perceived the case was directly tied to her status as a woman.

Further Questions

1. John Mush's explanation why Margaret insists on standing mute and refusing a trial is her wish to keep her family from having to testify. What other factors may have played a role?
2. The authorities use Margaret's body as the basis for their arguments. What are other instances of the female body being targeted and/or shamed by judicial systems?
3. How does John Mush's dual role as author and participant shape the boundary between legal report and hagiography in this account?

25 It is not explained who these other women are. They could possibly be the four female beggars who had, alongside three or four men, been hired to carry out the execution, see VII, line 3.
26 Him being Mr. Fawcet, one of the councilors.

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17 Race, Slavery, and Violence in *A Hundred and One Nights*

Kristina Richardson

Source: This excerpt comes from the frame tale of a collection of premodern Arabic stories called *A Hundred and One Nights*. It belongs to the so-called "wiles of women" genre of classical Middle Eastern literature. It also encodes prevailing anxieties about black male sexuality. Taken from: *A Hundred and One Nights*. Ed. and trans. by Bruce Fudge. New York: New York University Press, 2016, 6–12.

قال: فنظر ابوه فيما يصلح لابنه من السفر وخرج على باب المدينة ونزل بقرب المنازل منها ثم ان الفتا لما تودع من ابنة عمه نسي في داره بعض حوايجه فقال للشيخ: يا سيدي نسيت في داري حاجة فتربص حتى اعوذ اليك.

ثم انه اتى الى منزله فوجد باب داره مفتوحا فدخل الدار وصاح بابنت عمه فلم تجبه فاتى الى سريره ورفع الستر ونظر فاذا بابنت عمه نايمة والى جانبها اسود نايم معها.

فلما راها على تلك الحالة حيل بينه وبين عقله فرد يده على قايم سيفه ودبحهما وجعل راس الجارية على صدر الاسود وراس الاسود على صدر الجارية وانصرف الى الموضع الذي ترك فيه الشيخ فلما وصل ونظر فيه الشيخ فوجده قد تغير لونه وشكله ثم ان الشيخ سال الفتا عن امره فكتم الفتا عليه امره ولم يطلع احدا على حاله

وسار حتى وصل الى السفينة.

فمشوا في البحر اياما والفتا ما يزداد كل يوم الا تغيرا.

فبينما الفتى ذات اليوم متفكرا فيما اتفق عليه من ابنة عمه وكيف وجدها مع الاسود اذ اذهبت عقله وكاد ان يموت غما مما اصابه من الفكرة فقام على قدميه واقبل يدور بالدار من مكان الى مكان.

[*He sees the Indian king's wife, the queen, and her forty slave girls playing music in a garden.*]

The merchant got everything his son needed for the trip [to India] and, when the time came, the young man left by the city gate and camped nearby. But then, having bid his father and his wife farewell, he realized that he had left behind something he needed. "Sir," he said to the Indian [king], "I have forgotten something at home! Please wait until I get back."

Upon his return, he found the door open. He entered and called for his wife. She did not answer. He pulled back the curtain at his bed and saw his wife lying asleep next to a black man.

Seeing her like this, he lost his mind. His hand went straight to the hilt of his sword and he killed them both. He placed the girl's head on the black man's chest, and the black man's head on the girl's chest. Then he returned to the Indian. The old man looked at him and noticed a change in his color. Something was different. But the youth would not answer his questions about what was wrong, and stayed like this until they reached the ship.

They were at sea for many days, and each day the youth's appearance changed for the worse.

…

One day [in India] the youth was thinking about how he had found his wife with the black man, and could take it no more—the grief was killing him. He began to wander through the house from room to room.

[He sees the Indian king's wife, the queen, and her forty slave girls playing music in a garden.]

ثم ان الجارية صاحت بالجوار صيحة فلم يبق منهن حولها
واحدة الا فرت واختفت واذا بالجارية قد قامت ومشت
في البستان حتى وصلت الى الشجرة العالية العظمى الذي
تقدم وصفها فدخلت تحتها وضربت برجلها الارض واذا
بالدفة قد ارتفعت على فم دهليس وخرج منه اسود مثل
النخلة السحوقة ام الفرع اللحوق وقد تهدلت شفتاه
وتبرقت عيناه.
ثم ان الجارية صاحت بالجوار صيحة فلم يبق منهن حولها
واحدة الا فرت واختفت واذا بالجارية قد قامت ومشت
في البستان حتى وصلت الى الشجرة العالية العظمى الذي
تقدم وصفها فدخلت تحتها وضرب برجلها الارض واذا
بالدفة قد ارتفعت على فم دهليس وحرج منه اسود مثل
النخلة السحوقة ام الفرع اللحوق وقد تهدلت شفتاه
وتبرقت عيناه.
قال لها: يا ابنة الزانية تركتني ها هنا اقاصي حياض الموت
واشتغلت بطعامك وشرابك.
فقالت له: يا سيدي وحق راسك علي ما كنت الا مشغولة
باشغال الملك وما كان غرضي الا نقتله ونهلكه لكي انفرد بك
فما قدرت على ذالك ولا وجدت اليه من سبيل وانا عازمة
على قتله واعمل الحيلة في هلاكه. قال: فتبسم الاسود عند
ذلك وقهقه في ضحكه وقال لها: لله درك ما خفيت علي
محبتك. ثم ضرب بيده على الجارية واضطجعها على الارض
وقعد منها مقعد الرجال من المراة.

[The young man informs the king that the queen is also having a sexual affair with her black slave. The two hide in hopes of catching the queen again with her slave.]

...فبينما هما كذلك واذا بالجارية قد صاحت على الجواري
فهرين واختفين واقبلت الجارية الى الشجرة المذكورة
فضربت برجلها الارض وارتفعت الدفة عن فم الدهليس
وخرج منها الاسود فضرب بيده على يد الجارية وعاتبها على
مغيبها عتابا شديدا فاعتذرت له مثل عذرها الاول فقضى
حاجته منها والملك ينظر اليه.
فقال له الفتى: كيف رايت ايها الملك؟ فقال له الملك: لا
ملام عليك.
ثم ان الملك نزل ودخل الى قصره فاخذ الجارية والجوار
التي كنا معها فضرب رقابهن واحضر الاسود فقتله واخذ
راسه وراس الجارية وجعلهما في طاسة ووجههما للفتى
الخرصاني. فلما دخل عليه ونظر الى الراسين فقال له: ايها
الملك ما هذا؟
قال: هما راس الاسود والجارية.
ثم ان الملك حرم على نفسه زواج النساء.

Then the woman shouted and the slave girls, each and every one of them, quickly took cover. She walked through the garden to the lofty tree just described and went under its branches. As she beat the ground with her foot up rose a trapdoor and a black man came out. He was very tall, as big as a date palm or the heavy bough of a tree, and had lips that drooped and eyes that glowed.

"You leave me here," he said, "you daughter of a whore, to suffer the agonies of death while you are busy eating and drinking?"

She apologized, saying, "My lord, I swear on your head, I was busy with the king. My only goal is to kill and destroy him so that I can be with you! But I haven't been able to do it—I just haven't found a way. But I am determined to kill him and be done with him."

The black man smiled and laughed loudly.

"Excellent! Then your love for me is still strong!"

Then he struck the woman with his hand and laid her out on the ground and did to her what man does to woman.

[The young man informs the king that the queen is also having a sexual affair with her black slave. The two hide in hopes of catching the queen again with her slave.]

…The two of them waited, then all of a sudden the young woman shouted and the slave girls fled and hid. She approached the very same tree and stamped her foot on the ground. The trapdoor to the underground chamber was raised and out came the black slave. He grabbed her by the hand and rebuked her violently for her absence. She apologized as she had done the first time, then he had his way with her as the king looked on.

"What do you think, Your Majesty?"

"You are not to blame," said the king.

Then the king went back down to his palace. He had the woman and the slave girls that were with her seized and beheaded. Then he summoned the black slave and killed him. He put the heads of the slave and the young woman in a bowl and sent them to the youth. When the youth came in and saw the two heads he exclaimed, "Your Majesty! What is this?"

"Those are the heads of the black slave and the woman," he said.

Then the king forswore marrying women.

Texts and Contexts

A Hundred and One Nights (*Kitāb Mi'at layla wa-layla*) is a collection of 17 stories that probably dates to Abbasid Iraq (750–1258), making it older than its more famous and longer counterpart *A Thousand and One Nights*.[1] The collections are structured very similarly. *A Hundred and One Nights* opens with an eastern Iranian merchant who sends his son to travel with a wealthy Indian king back to his kingdom. Before departing, the merchant's son discovers his wife sleeping beside a black male slave. In anger and humiliation, he kills them and beheads their corpses. The merchant's son and the king arrive in India, and while roaming the king's palace, the young visitor discovers the queen plotting with her enslaved black lover to kill the king. He divulges the plot to the king, who murders the queen and her slave then swears off marriage. After some time, the king relents on his promise, opting to remarry a new wife every day then kill her before day's end. Eventually, only two women are left in the kingdom, Dīnārzād and Shahrzād (or Scheherazade), who are the daughters of the king's trusted advisor. Over 101 nights, from dusk to dawn, Shahrzād, regales the king with adventure stories, forestalling his intention to kill her at daybreak.

While Shahrzād's nightly narrations are well known, fewer readers may be aware of the femicide that preceded the nights of story-telling and its entanglements with race (blackness) and legal status/class (enslavement). Some of this unfamiliarity may have roots in scholarly culture. Adam Talib has shown that specialists have been trained to downplay sexual violence, coercion, and enslavement in their readings of premodern Arabic poetry. Teachers may also feel unequipped to broach these sensitive topics. Talib urges readers to be "free to unlearn" their training by taking the simple step of naming explicit and implicit phenomena.[2]

Making Sense of the Source

This story fits comfortably in the genre of 'wiles of women' (*kayd al-nisā'*) stories in premodern Middle Eastern literatures. The genre takes its name from the Qur'anic story of the Pharaoh's wife's seduction of Joseph. "This must be an example of the cunning of you women (*kaydakunna*). Truly, your cunning is so shrewd!" (Q 12:28). As Farzaneh Milani has argued, in these tales (non-black) male intelligence is constructed as clever, creative, and strategic, and leading to positive results. Female intelligence, on the other hand, is wily, scheming, and manipulative, resulting in tragic consequences. The ideal woman is a sexual object who is excluded from positions of power and even the public sphere.[3] The femicidal logic of *A Hundred and One Nights* lies in the king's extreme exclusion of women from public, by murdering nearly all the women in his realm. (By eliminating women, black men could no longer pose any threat to marriages

1 Irwin, "Introduction," xxi. The compilation itself may be an adaptation of a Chinese Buddhist tale that had been translated into Sanskrit in the third century.
2 Talib, "Unlearning the Aesthetics of Malicious Joy," 341.
3 Milani, "The Mediatory Guile of the Nanny in Persian Romance," 184, 188.

or households.) Shahrzad's storytelling tames the king's extreme murderous impulse and restores balance in the kingdom. In this way, the story reads as a fantasy of male control over female bodies.

Though a single source is presented here, I encourage the reader to consider it as part of a larger corpus. The art historian Margaret S. Graves has argued that when museums display individual Islamic tiles, as one would a Renaissance Italian painting, "they suffer from loss of context. … This critical aspect of the design—its capacity to create visual overwhelm through a complex repeating pattern—is virtually impossible to reconstruct from an orphaned tile."[4] We can apply the same principle to stories about femicide. They were not told, nor were they intended to be understood, in isolation. *A Hundred and One Nights* itself is a compilation of stories, many of which have misogynistic themes. It is only in the aggregate—in viewing a wall of tiles or perusing a themed primary-source reader—of medieval Arabic literature that we begin to understand the cultural force of these stories and the anxieties around sexuality, marriage, and household they expressed.[5]

In addition to gender relations, race and legal status are salient aspects of this tale. The author only describes the male slaves as "black" (*aswad*), a descriptor that encompassed people of sub-Saharan Africa and southern Indian Ocean islands. However, three contextual clues indicate that the men were Zanj, or non-Muslim captives from the East African interior. Their main port of entry in the Middle East was Basra in southern Iraq. They performed agricultural work, mostly on date palm plantations, and menial outdoor labor, like fetching water or milking animals. First, the queen's lover is described as "very tall, as big as a date palm," (line 41) conjuring associations with the stereotypical labor of Zanj in Abbasid Iraq. Second, he "had lips that drooped," (lines 42–43) a physiognomic description that was only applied to East Africans. For instance, the ninth-century Basran writer al-Jahiz claimed to be able to see inside the mouths of black eunuchs because their "lips hang down and protrude outwards."[6] Third, a sexual relationship between a royal woman and her slave would have read as a taboo inversion of status. The slave's blackness only "adds infamy and perversity to the disorder."[7] The taboo against mixed-race sexual relations preserved long-existing social hierarchies but was frequently expressed in sources as a matter of personal preference. al-Jahiz noted that "a Zanj man and woman rarely desire marriage with strangers. … The same holds true for your white men, who can barely summon enthusiasm to reproduce from Zanj women."[8] A group of tenth-century Basran philosophers, who called themselves the Brothers of Purity, also remarked: "blacks don't find the charms of whites attractive, or

4 Graves, *Invisible Hands*, 70.
5 See Goldman, "Representations: The Wiles of Women Literature: Overview," for a survey of medieval 'wiles of women' tales that range across Middle Eastern languages. Some of these tales feature femicide.
6 Al-Jāḥiẓ, *Kitāb al-ḥayawān*, i, 119.
7 Bencheikh, "Le roi, la reine et l'esclave noir," 27.
8 Al-Jāḥiẓ, "The Boasts of the Blacks over the Whites," 20.

whites those of blacks."[9] However, Rachel Schine found the punishment of black male slaves in popular Arabic epics (*sīra*) to follow a disciplining logic. "The slaves are being punished in the *sīra* not so much for their thievery and dissimulation as for their ambitions to advance in the social ranks through marriage to Arab women."[10] In *A Hundred and One Nights* the incompatibility of these unions is signaled through punishment, as well as the treatment of the corpses. After the merchant's son beheads his cheating wife and her slave, "he placed the girl's head on the black man's chest, and the black man's head on the girl's chest" (lines 14–15).

Through the Lens of Femicide

Forty-two women are murdered in this tale—two wives and forty female slaves. The wives are murdered for committing adultery, and the forty slaves are collectively punished for passively participating in the queen's deceptions.

Crucially, murdering an adulterous spouse and their sexual partner is not an expression of Islamic legal norms, but represents a fantasy of total male domination. In fact, the Qur'an indicates that to make a lawful accusation of adultery, one must also produce four eyewitnesses to the act of penetration or other proof like a pregnancy or a confession. Anyone who makes a false accusation or fails to meet the legal minimum of proof is to receive eighty lashes (24:4). As for those found guilty of fornication: "As for female and male fornicators, give each of them one hundred lashes" (Q24:2).

While the Qur'an does not advocate for the death penalty, at least one hadith claims that the Qur'an originally included a verse that recommends the stoning of adulterers. Over time, people apparently forgot it and dropped it from their recitations.

> Verily Allah sent Muhammad with truth and He sent down the Book upon him, and the verse of stoning was included in what was sent down to him. We recited it, retained it in our memory and understood it. Allah's Messenger awarded the punishment of stoning to death (to the married adulterer and adulteress) and, after him, we also awarded the punishment of stoning, I am afraid that with the lapse of time, the people (may forget it) and may say: We do not find the punishment of stoning in the Book of Allah, and thus go astray by abandoning this duty prescribed by Allah. Stoning is a duty laid down in Allah's Book for married men and women who commit adultery when proof is established, or if there is pregnancy, or a confession.[11]

Islamic law is formed on the basis of the Qur'an (God's direct speech) and hadith (Muhammad's speech, actions, and gestures). These texts are given equal weight in jurisprudence and, taken together, create a system that is complicit in the killing of

9 The Brothers of Purity, *The Case of the Animals Versus Man*, 113.
10 Schine, *Black Knights*, 185.
11 Al-Qushayrī, Ṣaḥīḥ *Muslim*, Book 29, Hadith 21. https://sunnah.com/muslim:1691a. Last Accessed September 22, 2026.

men and women. However, the merchant's son and the king do not follow the proper procedure of approaching a judge with witnesses. Instead, these figures enact a vigilante fantasy of private domestic male control over the bodies and lives of enslaved and free women and enslaved black men.

Further Questions

1. How do the interactions between the queen and her black slave upend norms and expectations that govern relations between men and women or between enslaver and enslaved?
2. The author foregrounds the emotions and bodily reactions of the two husbands and the queen's male slave, whereas women's feelings and physical reactions are excluded. How do these emphases structure your experience of these scenes? Do you sympathize at all with the women's choices or emotional lives?
3. In this tale non-black male intelligence is constructed as clever, creative, and strategic; it leads to positive results. The intelligence of women and black men, on the other hand, is depicted as wily, scheming, and manipulative, resulting in tragic consequences. The king's solution is to exclude nearly all women and black men from the domestic and public spheres. Compare the figure of Shahrzād, whose ingenuity as a storyteller preserves her life, her sister's life, and that of untold numbers of women in the realm. How does the tale validate her intelligence?

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V Instructions



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

18 A Feminist on Femicide? "The passio of Saint Christine" as Interpreted by Christine de Pizan

Alison More

Source: The tragic tale presented here is a retelling of St. Christine's *passio*, or tale of martyrdom from *Le livre de la cité des dames* ("The Book of the City of Ladies," c. 1405). The work begins portraying the author, Christine de Pizan, reading an unnamed book comprised primarily of misogynist rhetoric. Fortunately, Christine is rescued from this by three virtuous ladies—Reason, Rectitude, and Justice—who narrate the stories of virtuous women from history. Their aim in doing so is to build an allegorical "City of Ladies" where women are protected from male slander. The passage below is taken from Book III of the *livre*, where Lady Justice welcomes the virgin martyr St. Christine into the allegorical city.

Book III, Chapter X, Life of St. Christine[1]

La benoit vierge sainte Christine fu de la cite de Tir, fille de Urban, maitre de la chevallerie. Celle pour sa grant biauté estoit tenue enclose de son pere en une tour, et avoit elle douze pucelles. Et avoit fuit faire [son pere] un moult bel oratoire [de ydoles] pres de la chambre de Christine adfin que elle les acurast. Mais elle, qui encore estoit si enfant comme de l'age de xij ans, estoit ja inspire de la foy de Jhesu Crist ne des ydolles ne faisoit compte dont ses pucelles s'esmerveillerent, et souvent l'admonnesttoyent de faire oublacion.

The blessed virgin Saint Christine came from the city of Tyre and was the daughter of Urban, master of the knights. On account of her great beauty, her father kept her enclosed in a tower with twelve maidens. He also had a very beautiful [pagan] oratory built next to Christine's chamber so she could worship the idols. But although she was a child of around twelve, she had already been inspired by the faith of Jesus Christ, and she ignored the idols which her companions marveled at and often urged her to pay homage [to their gods].

Au derrain, comme son pere sceust que sa fille ne voulsist aourer les ydolles, trop fu dollent et moult l'en reprist. Et elle dist qu'elle offreroit voulentiers a Dieu de ciel. Et celluy cuida que elle voulsist dire a Jupiter, et fu Joyeux et la voulst baisier; mais elle s'escria: "Ne touches a ma bouche, car je vueil offrir offrande nette a Dieu celestre." […]

Eventually, when her father discovered that his daughter refused to worship the idols, he was deeply upset and rebuked her. She told him she would willingly make an offering to the God of Heaven. Thinking that she was referring to Jupiter, her father was delighted and wanted to kiss her, but she cried out: "Do not touch my lips for I wish to make a pure offering to the God of heaven."

1 The French is taken from Curnow. Ed. *The 'Livre de la cité des dames,'* 1000–1010.

Aprés ce, comme Christine veist [par sa fenestre] plusieurs povres christiens mendiens au pie de sa tour et elle n'eust que eulx donner, elle ala querre le[s] ydolles de son pere, qui estoyent d'or et d'argent, et les froissa toutes et donna les pieces aux povres. Et quant son pere sceut ceste chose, il la bati tres cruellment. Et elle disoit plainement qu'il estoit decu d'aourer ces faulx ymages, et qu'il n'estoit qu'un seul Dieu en Trinité, et que celluy aourer on devoit; lequel elle confessoit, ne pour mourir autre n'aoureroit.

After this, when Christine saw [from her window] that many poor Christians were begging at the foot of her tower and had nothing to give them, she went to fetch her father's idols. They were made of silver and gold, so she smashed them to pieces which she gave to the poor. When her father found out about this, he beat her severely. Christine, however, told him plainly that he was deceived to worship false idols because there was only one God in the form of a Holy Trinity and that he alone should be worshipped. She declared her faith in him and insisted she would worship no other, even if it cost her life.

Dont luy, enragié sur elle, la fist lier de chayenes en mener batant par les places et puis mettre en charter. Et luy meismes voulst ester juge de celle cause; si la fist l'endemain amener devant luy et la mença des tous tourmens se elle n'aouroit les ydolles. / Et après ce qu'il vid bien que pour priere ne pour menaces ja ne la tourneroit [73b] il la fist toute nue estrandre par bras et par jambes et tant batter que douze hommes se recreurent dessus.

Enraged by her response, [her father] had her bound in chains, beaten through the public squares, and put into prison. Wanting to try the case himself, he had her brought before him the next day and threatened her with every kind of torture if she refused to worship the idols. And after he saw that neither pleas nor threats would turn her, he had her stripped bare, stretched out by arms and legs, and beaten so severely that twelve grown men exhausted themselves.

Et tousjours lut demandoit le pere se elle s'aviseroit, et lui dist: "Fille, pitié naturelle destraint durement mon couraige de ainsi tourmenter toy que es ma char; mais la reverence que j'ay a mes dieux me constraint a ce faire pource que tu les despites." Et la sainte vierge respondi: "Tirant, que je ne doy appeller pere, ains annemy de ma beneurté, tourmentes hardiement la char que tu as engendree, car ce puez tue bien faire; mais a l'espirit, cree de mon Pere qui est ou ciel, n'as tu pouvoir d'atouchier par nulle temptacion: car Jhesu Crist, mon Sauveur, la garde."

All the while, her father kept asking if she would change her mind saying: "Daughter, natural affection means that it breaks my heart to torment you so, you who are my own flesh. The reverence I have for my gods, however, obliges me to do this because you insult them." The holy virgin replied: "Tyrant! I should not call you father but enemy of my happiness! Shamelessly torture the flesh you brought into the world, because that you can certainly do. As for my spirit created by my Father in Heaven, you have no power to harm it as Jesus Christ my Savior protects it."

Le cruel pere plus forcené, fist apporter une roue que il avoit fait faire, et fist celle doulce enfancelle estre liee dedens et mettre feu dessoubz, et puis fist gitter huille bouland a grant planté sur son corps. Et celle roue tournoit sure elle, qui toute la froissoit.

The cruel father now more enraged ordered a wheel to be brought out. The wheel was one that he had specially made. He had the gentle child bound inside it with a fire set underneath. He then had boiling oil poured over her body in great quantities as the wheel turned crushing her.

83b "Mais Dieu, Pere de misericorde, ot pitié de sa servant sie envoya son ange, qui rerompi tous les tourmens et estaigny le feu, et la vierge delivra saine en entiere, et occist plus de mil tirans felons que la regardoyent sans pitié, blasfemant le nom de Dieu.

But God, father of mercy, took pity on his servant, sending his angel who broke apart all the instruments of torture, and extinguished the fire delivering the virgin safe and sound. And [the angel] killed more than a thousand treacherous pagans who had been watching her without mercy, blaspheming the name of God.

Et son pere luy demanda: "Diz moy, qui t'a enseigné ses malefices?" Et elle respondi: "Tirant sans pitié, ne t'ay je pas bien dit mon pere Jhesu Crist m'a apris ceste pacience et toute droitture en la foy de Dieu le vif. Et pour ce despite je tous tes tourmens et vaincray en la vertu de Dieu tous les assaulx du diable." Et celluy, vaincru et confus, la fist gitter en une tres orrible et obscure chartre.

Christine's father asked her: "Tell me: who taught you this sorcery?" and Christine replied: "You merciless tyrant, did I not tell you that it is my Father, Jesus Christ, who taught me this steadfastness and righteousness in the faith of the living God? Because of this, I despise your torments. With God's help, I will withstand the assaults of the devil." Defeated and disgraced, he had her thrown into horrible and dark prison.

[…] [73c] Urban ne savoit que faire d'elle et ne finoit de pourpense quelz manieres de tourmens faire luy pourroit. A la parfin, come tout anuyez, pour en estre deliveré luy fist mettre une grosse pierre au col et la gitter en la mer.

[…] Urban did not know what to do with her and never stopped thinking of what kinds of torments he could inflict on her. In the end, he was completely worn out and exasperated. To be rid of her, he had a heavy rock tied around her neck and ordered her thrown into the sea.

Mais ainsi comme on l'y tresbuschoit, les anges la prisdrent et elle s'en alloit sure l'eaue aveques eulx. Adonc pria Christine a Jhesu Crist, levant les yeux au ciel, que il luy plust qu'en celle eaue receust le saint sacrament de baptesme qu'elle desiroit moult a avoir. Et adonc descendi Jhesu Crist en propre persona grant compagnie d'anges et la baptisa et nomma de son nom Christine la couronna et luy mist un estoile resplandissant sur son chief, et la mist a terre.

Just as they were throwing her in the water, the angels caught her and she walked on the water with them. Lifting her eyes to heaven, Christine then prayed to Jesus Christ asking that these waters might grant her the holy sacrament of baptism that she had so desperately wanted. Then Jesus Christ incarnate came down with a large company of angels. He baptised her, named her "Christine" after himself, crowned her and placed a shining star on her head before returning her to shore.

Et celle nuit Urban fu tourmentez du diable et mourut.

That very night, Urban was tormented by the devil and died.

283c La benoitte Christine, que dieu vouloit recepvoir par martire, laquel chose elle desiroit, fu ramenee pas les felons en la chartre. Et le nouvel juge, nommé Dyon, qui savoit ce qui estoit fait d'elle, la fist venier devant luy et la couvoitta pour sa biauté. Mais quant il vid que belles paroles riens n'y valloyent, il la fist derechief tourmenter. Et fist emplier une grant chau

The blessed Christine, whom God wished to receive as a martyr—something that she also longed for—was taken back to prison by her torturers. A new judge, named Dion, who knew what had happened to her brought her before him. He desired her for her beauty, but when he saw that flattering words had no effect, he had her tortured once again. He ordered a

diere d'uille et poiz a grant feu dessoubz, et la fist gitter dedens, le chief dessoubz, et iiij hommes la tournoyent dedens a grans crocs de fer.

great cauldron filled with oil and pitch and a roaring fire lit beneath it. Then he had her thrown into the cauldron, headfirst, while four men turned her using iron hooks.

Et la sainte vierge chantoit a Dieu melodieusement et mouquoit les tourmenteurs et menaçoit de paines d'enffer. Et quant le felon juge ayre vid que ce riens ne luy valloit, la fist pendre par les cheveux, qu'elle avoit longs et bloncs comme or, en la place devant tous.

But the holy virgin sang sweet hymns to God, mocking her torturers and threatening them with the pains of Hell. When the judge realized this did nothing to advance his cause, he had her hung by her long golden hair before everyone in the public square.

Environ elle acoururent les femmes, qui, plourant par pitié de veoir un telle tendre enffancelle ainsi tourmenter, si crioyent au juge en disant: "Cruel felon, plus que beste sauvaige, comment puet avoir conceu en cuer de homme tant de cruauté contre Pucelle tant belle et si tendre?"

Women ran up to her weeping to see a sweet young girl tortured in this way. They shouted to the judge saying, "You cruel villain, worse than a savage beast! How could any human heart conceive of so much cruelty against a maiden so beautiful and tender"

[…] Le tiers juge vint après, nommé Julien, et fist prendre Christine […] sy fist faire un grant feu autour d'elle. En ce feu demoura par trois jours […] Ey quant le feu fu consommé, elle s'en sailli toute saine. Le juge fist admener les serpens et fist gitter sur elle deux aspis – quisont serpens qui mordent et enveniment merveilleusement – et deux grosses couleuvres. Mai ses serpens se laissierent cheoir a ses pies, les estes enclinés, sans luy mal faire. Et deux autres horribiles serpens nommez gievres furent laissiees aler; et ils se rendirent a ses mamelles et la lechoyent.

[…] The third judge called Julian, arrived and had Christine seized […] He ordered a large fire built around her. She remained in the fire for three days. […] When the fire had burned out, Christine emerged unharmed. Then the judge had snakes brought in and ordered two asps—which are snakes that bite and poison immediately—and two large adders thrown at her. The four snakes fell at her feet with their heads bowed and did her no harm. Then two more horrible snakes known as vipers were released. They suckled at her breasts.

Et Christine regardoit ou ciel et disoit: "Je te rens graces, sire Dieu, Jhesu Crist, qui m'as tant daigné exaucier par tes saintes vertus que les serpens horribles congnoissent en moy ta dignité." […] Adonc celluy, qui doubta le juge, les cuida harer sur elle; et ilz luy coururent sur et l'occirent […]

Christine looked up toward heaven and said: "I give thanks to you Lord Jesus Christ, for having deigned to protect me through your holy virtue, so even these horrible snakes recognize your dignity through me." […] Frightened of the judge, the snake keeper tried to force his snakes to bite Christine, but they turned on their keeper and killed him instead.

Le juge, […] dist a Christine: "Tu as assez demonstré tes ars magiques." Et elle respondi, hors du scens: "Se tes yeux veissent les vertus de Dieu, tu les creusses." Et adonc celluy, forcenant, luy fist errachier les mamelles, et tantost en yssi laict en lieu de sanc.

The judge […] said to Christine: "You have shown enough of your magic arts." Besides herself, she replied: "If your eyes would see God's virtues, you would believe them." Now enraged, the judge had her breasts torn off, but milk flowed from her wounds instead of blood.

Et pource que elle sans cesser nommoit le nom de Jhesu Crist, il luy fist coupper la langue; mais mieulx que devant et plus cler parloit adés des choses divines et beneyssoit Dieu, en le regraciant des benefices que/ [74b] il luy donnoit. Et commença a faire son oroyson que il luy pleust a la recepvoir vers luy et que la couronne de son martire fist achevee.

Because she kept repeating the name of Jesus, he had her tongue cut out, but this caused her to speak even better and more clearly than before, speaking of divine things, blessing God, and thanking him for all the favors he had given her. Then she began to pray, pleading with God to take her to him and grant her the crown of martyrdom.

83e Adonc une voix du ciel fu ouye disant: "Christine, pure et nette, les cieux te sont ouvers, et la raign sans fin t'est appareillié, et toute la compaignie des sains beneist Dieu pour toy, car tu as des ton effance soustenu le nom de ton Crist." Et elle gloriffiot Dieu, les yeux vers le ciel. La voix derechief fu ouye, qui disoit: "Viens Christine, ma tres amee et tres elite fille et reçoy la palme et couronne pardurable et le guerdon de ta hennable vie en la confession de mon nom."

Then a voice was heard from Heaven, saying: "Christine, pure and unblemished, the heavens are open to you, the eternal kingdom has been prepared for you, and the entire company of saints praises God for you, because you have defended the name of your Christ since you were a child." Christine glorified God, her eyes raised to Heaven. And then the voice was heard again, saying: "Come, Christine, my beloved and chosen daughter, receive the palm and everlasting crown and the reward for your honorable life in the confession of my name."

Et le faulx Julien, qui ceste voix ot ouye, blasma les bourriaulx et leur dist qui ilz n'avoyent pas assez pres couppee la langue de Christine; si luy couppassent si pres que tant ne peust parler a son Crist. Si luy errachierent hors la langue et luy coupperent jusques au gavion. Et celle cracha le coupon de sa langue au visaige du tirant et luy en creva l'ueil. Et luy dist aussi sainement que oncques mais: "Tirant, que te vault avoir couppee ma langue adfin que elle ne beneysse Dieu, quant mon esperit a tousjours le beneystra et le tien demourera perpetual en maleysson? Et pource que tu ne congnois ma parole, c'est bien raison que ma langue t'ait aveuglé." Adonc elle, qui ja veoit Jhesu Crist seant a la dextre de son Pere, fina son martire par deux flesches qui luy furent lanciees, l'une au costê, l'autre vers le cuer. Et un sien parent que elle avoit converti enseveli le saint corps et escript sa glorieuse legends.

Hearing this voice, the villainous Julian blamed the torturers and told them they had not cut Christine's tongue short enough. They should cut it so close, he said, that she could no longer speak to her Christ. So, they tore out the rest of her tongue, cutting it off at her gullet. Christine spat out what was left into Julian's face and put out his eye with it. Speaking as clearly as ever, she said to him: "Do you really think, you tyrant, that cutting out my tongue will stop me from blessing God when my soul will eternally bless him and yours will be damned forever? You failed to heed my words, so it is only fair that my tongue has blinded you." Then she who already saw Jesus Christ sitting to the right of his Father, ended her martyrdom when two arrows hit her, one in her side and the other in her heart. Her saintly body was buried by one of the relatives she had converted, and it was he who wrote down her glorious legend.

Texts and Contexts

The text presented here is the martyrdom of St. Christine. Like all *passio* narratives, or tales of martyrdom, the text involves the death of a Christian.[2] As is typical for female virginal saints, it is somewhat gratuitous in the violent acts that are recounted and their link with female sexuality.[3] The version here is written by a later Christine, Christine de Pizan (1364–ca.1430) who was a prolific author and fierce critic of the misogyny of her age.[4] When considering the place of this text in the history of femicide, it is important to look at both the tale of Christine, and the treatment of the story by the woman who recognized the saint as her patron.[5]

St. Christine was the daughter of a pagan tyrant named Urbanus who governed the city of Tyre (modern Lebanon). Concerned that his daughter's beauty might lead her astray, he locked Christine in a tower for her protection with twelve dedicated pagan companions and a private pagan temple. Christine, however, had become Christian. Upon learning of his daughter's embrace of the Christian faith, Urbanus was angered. When she took apart images of his gods to feed the poor, he instigated the series of punishments described in the passage.

Though Urbanus ultimately died after being tortured by the devil (lines 109–110), Christine was not free. A new judge named Dion took over Urbanus' mission to convert Christine, and had her boiled in oil, attacked with iron hooks and hung by her hair publicly (lines 120–130). A third judge named Julian took over at this point. His innovation was to have her attacked by four snakes (lines 143–151). Instead of striking Christine, the snakes lay at her feet until she commanded them to leave in God's name. Julian then ordered Christine's breasts to be torn from her body and her tongue ripped from her mouth (lines 168–170). Like the other torments, these served only to highlight the power of the Christian god as milk flowed from her chest and she continued to speak clearly without her tongue which she threw at Julian. She was eventually killed after being hit by two arrows (lines 210–215), which commonly feature in depictions of the saint.

The version of her tale that is presented here was written in 1405 by Christine de Pizan (1364–ca.1430).[6] This text was part of her *Le livre de la cité des dames*, or "Book of the City of Ladies." This text was part of the *Querelle des femmes*, or ongoing literary debate about the rights of women, and probably written in response to the misogynistic portrayal of women in Jean de Meun's *Roman de la rose*, written around 1275. At the beginning of the *livre*, Christine depicts herself reading a book, likely the *Roman*, that details the vile and unnatural habits of women. Just when she is beginning to despair, three virtuous ladies—Lady Reason, Lady Rectitude, and Lady Justice—relate tales of virtuous women, each of whom forms part of a virtual "City of Ladies," or refuge for

2 Elliott, *Roads to Paradise*, 1–36.
3 Perkins, *The Suffering Self*; Grig, "Torture and Truth," 321–326; Winstead, *Virgin Martyrs*, 6–13.
4 Cooper-Davies, "Christine de Pizan," 173–180.
5 Brownlee, "Martyrdom and the Female Voice," 115–135.
6 Cooper-Davies, "Christine de Pizan," 173–180.

women against the misogyny of the world. In the third book of the *livre*, Lady Justice welcomes the Virgin Mary into the City of Ladies and asks her to defend the women.[7] The Virgin accepts and enters the city accompanied by a retinue of female saints who advance the narrative of the virtue and courage of women. At the center of Christine de Pizan's description of this group is St. Christine.[8]

Making Sense of the Source

Current scholarly consensus holds that the legend of St. Christine of Tyre is pious fiction.[9] There have been searches for the historical Christine which have largely been unsuccessful. Bones purported to be her relics are displayed annually in the Italian town of Bolsena, which claims to have been Christine's historical home. As Nicola Denzey Lewis points out, however, these remains are unlikely to have any historical connection to the saint. Lewis reminds us that not only was the historical "Tyre" in modern Lebanon, but there are several of Christine's relics (including an entire skeleton) scattered throughout the globe.[10] The evidence for Christine's existence was so sparse that she was excluded from the 1969 recension of the General Roman Calendar.[11] Nevertheless, despite (probably) not existing, Christine has had a significant cult lasting from around the fourth century and has persisted into the modern world.

Christine's story was originally told as a formulaic *passio* narrative and dates from around the fifth century.[12] The original text contains few details of the tale that became a litany of torment. In later medieval and early modern renditions, Christine's tormentors—the tyrant of a father and the two wicked judges—are so formulaic as to be better read as pantomime villains than historical figures.[13] The torments they inflict begin with beating and imprisonment, and develop to include being bound with chains, tormented on a wheel, boiled, flayed, set upon by snakes, and having her tongue cut out. After (improbably) surviving this ordeal, she was given her heavenly reward after being pierced with two arrows.

Martyrdom is one scenario that is typical of early hagiography or account of saints' lives in the early Church. The word "hagiography" literally means "holy writings" (*hagios – graphia*) but it is used to refer to only tales of the saints. It is written to advocate for a particular ideal or set of ideals.[14] Formulaic accounts of the tortures leading to martyrdom are referred to as *passio* narratives from the Latin *patior* or "to suffer." Unlike longer *vitae*, a term meaning "lives" in Latin and generally used for the account

7 Christine de Pizan, *Le livre de la cité des dames*, 189–191.
8 Christine de Pizan, *Le livre de la cité des dames*, 203-208. On the structural significance, see Brownlee, "Martyrdom and the Female Voice," 116–117.
9 Lewis, "Sex," 55–57.
10 Lewis, "Sex," 55, n. 6.
11 Lewis, "Sex," 60.
12 Efthymios Rizos, "Cult of Saints, E07744."
13 Lewis, "Sex."
14 Elliott, *Roads to Paradise*, 5–10; Blumenfeld-Kosinski, "'Femme de corps,'" 157.

of the life of a saint, they are not concerned with presenting the story of a saint, but simply the moment at which they were willing to die for their faith. As such, the narratives are highly formulaic and reveal little of their subjects other than their commitment to Christianity and, in the case of female martyrs, sexual purity.[15]

Passio narratives in the early Church function as a highly stylized liturgy of suffering designed to present the martyr through the lens of *imitatio Christi*. These texts are less concerned with the historical particulars of the victim's life than with the theatre of death, where the martyr's body becomes a site of resistance against tyranny. The structure of *passio* narratives incorporates the elements of *interrogatio* (the trial or interrogation about their faith), the *tormenta* (escalating tortures), and the final transitus (death and rebirth in heaven). They portray the death of a saint as a victory for Christianity that validates and strengthens the Church.

The *passio* narratives differed significantly between male and female saints. While all martyrdom necessarily portrayed a somatic theology, the bodies of female martyrs were portrayed as both vulnerable and sexualized.[16] The preservation of virginity became both a concrete sign of their integrity and a means of linking them to Christ, who was often described as their heavenly bridegroom. The nuptial imagery that was common to these texts has its roots in the accounts of the vestal virgins, who were "betrothed" or given to the gods they served in a ceremony resembling a wedding. The same imagery was taken over by the Christian tradition.[17] As she was asserting that she belonged to Christ and was subject to him rather than secular or familial authority, the martyr's refusal to submit to sexual violence or forced marriage becomes a rejection of social structures. The *tormenta* serve to enhance the connection between the female martyrs and their bodies, while presenting an eroticized narrative of suffering to preserve their virginity or sexual purity.

As a text designed to capture the minds of audiences, Christine's story certainly belongs in the realm of hagiographic romance, or perilous tales of implausible feats which feature saints. The trope of a beautiful young woman determined to cling to her truth regardless of the consequences is rendered immediately memorable. The textual instability underscores that the text should not be seen as history but is part of the genre of hagiography, or more specifically, Christian romance.[18] This set of texts related tales of fantastic adventures and enduring horrendous torments, something that seems disproportionately true for female characters.

From about the eighth century onward, versions of Christine's tale were embellished and began to include more extensive and eroticized depictions of torments. In the study of early Christianity, this is often regarded as a narrative of resistance. Although the tormentors want the saint to conform to social norms and worship acceptable gods,

15 Elliott, *Roads to Paradise*, 11–15.
16 Winstead, *Virgin Martyrs*, 6–13.
17 Undheim, *Borderline Virginities*, 31–75.
18 Cf. Cazelles, *The Lady as a Saint*, 1–88, and 138–150.

the saints resist. Their fidelity to the Christian God and love of Jesus Christ empower them to bear witness to their belief. As Judith Perkins writes "Bruises, wounds, broken bodies provided unassailable, palpable evidence of realized power."[19]

For understanding the version of the Christine story told here, it is also important to consider the role of Christine de Pizan as author. As mentioned earlier, her *livre de la cité des dames* was written in response to an ongoing debate about the contributions women made to their society.[20] In part three, Lady Justice details the holy women or "handmaids" who had earned the right to live in the *Cité*. These stories are not unique compositions, but variations on well-known stories, directly modelled on the *Speculum historiale* ("Historical Mirror") by Vincent of Beauvais (d. 1264), with some influence from the *Legenda aurea* ("Golden Legend") compiled by Jacobus de Voragine (d. 1298).[21] The variations introduced by Christine ensure that her female subjects are unruly and distinct agents, making direct choices to defend their faith and ridiculing their male oppressors.

Narratives empowering women were certainly important to Christine. The question of women's moral standing was debated in theological and intellectual circles in the late fourteenth and early fifteenth century, and Christine herself was fully immersed in such circles. After leaving her native city as a child, she had been raised in the French court where she was trained in writing, philosophy and rhetoric. Her father was court astrologer and physician to King Charles V, and Christine was part of a vibrant literary and intellectual culture. After being widowed and struggling to support a young family, Christine established a network of literary patronage and book production that is remarkable both in content and method of production.[22] She is the author of at least 30 major works as well as numerous poems and shorter treatises on a variety of topics ranging from mythology, good governance, political theory, and devotional treatises.[23] At the same time, she oversaw a network of manuscript production. Her *livre de la cité* allows us to see a pro-feminine take on femicide that is not always readily familiar.[24]

Through the Lens of Femicide

We must consider both St. Christine's story and Christine de Pizan's interpretation of it. St. Christine's story has existed from the fifth century well into the modern world. On the one hand, it is a tale of torture and abuse; on the other, a miraculous narrative of resistance. As an author and pro-feminine public intellectual, Christine de Pizan seems

19 Perkins, *The Suffering Self*, 113.
20 Cf. Cooper-Davies, *Christine de Pizan*, 94–123.
21 Cf. Blumenfeld-Kosinski, "'Femme de corps,'" 157–175.
22 Cooper-Davies, *Christine de Pizan*, 23–51.
23 Cooper-Davies, "Christine," 173–180.
24 While Christine was certainly a champion of women's rights, there is debate about whether she can be called a "feminist." For a discussion of the debate see, Cooper-Davies, "Christine," 178–179.

to have been well aware of the torture but interested in re-telling the tales as narratives of resistance and the associated implications.

When the cult of virgin martyrs grew in popularity in the high and later middle ages, praise for their strength, faith, and resistance precluded any outrage over their tortures. Sadly, the same has often been true in the modern world and their images are still displayed in Churches and instruments of their torture are often used in public celebration.[25] As Lucy Grig points out, these tales became increasingly formulaic, and their strength came from being repetitive, recognizable, and grounded in the *imitatio Christi*.[26]

Christine's torments are too formulaic to be realistic. As well as being implausible, the torments she endures are interchangeable with other virgin martyrs, and with the tortured maidens of secular romance. The overlap between lives is not uncommon. For instance, as Karen Winstead points out, the *passio* narratives of St. Lucy and St. Regina are virtually identical.[27] As Christine's story leaves late antiquity and heads into the medieval and early modern world, the torments become increasingly detailed to the point of improbability. Christine and her sisters Lucy, Agatha, Agnes, and others were created by male clerics to promote and protect a patriarchal version of Christian history in which women lacked power, agency, and voice.

The virgin martyrs of antiquity are worth some attention. Christine details the fate of Katherine of Alexandria, who was renowned for her learning. She was tortured on a wheel for her steadfast refusal to accept marriage or conversion and was eventually beheaded. St. Lucy and St. Agnes were both tortured in flames and sent to brothels to be defiled. Later legends had Lucy's eyes torn out. Both saints were eventually killed by a dagger to their throats. Agatha was tortured and her breasts were cut from her body. She was then dragged across a bed of pottery shards and hot coals.[28] These women, including those Christine de Pizan places in her city, were constructed to project a message of radical spiritual autonomy achieved through enduring violence. By asserting their betrothal to Christ, these women reframed virginity as a form of resistance.

For the issue of femicide, it is vital to note that it was not the narrative of empowerment that has prevailed, but the removal of feminine power. Instead of being "unruly women" with the potential for disrupting norms and destabilizing authority, the virgin martyrs are models of feminine submissiveness: their resistance could not prevent their deaths; their defiance against authority was in service of maintaining purity.

The disempowerment through religious narrative is particularly evident in the celebration of St. Christine in the modern world.[29] In the town of Bolsena in northern Italy, St. Christine is honored and remembered. Despite having no historical link with the town, the fictive legend described above has secured her place in their culture. As

25 Winstead, *Virgin Martyrs*, 1–2.
26 Grig, "Torture and Truth," 322.
27 Winstead, *Virgin Martyrs*, 1, 1 n. 2; Cf. Grig, "Torture and Truth," 321–326.
28 Winstead, *Virgin Martyrs*, 6–13.
29 Lewis, "Sex," 51–71.

Nicola Denzey Lewis describes, each year her feast is celebrated both liturgically, and with "a series of *tableaux vivants*" depicting the torments Christine faced at the hands of men. There is a certain amount of pageantry as the town prepares: elaborate costumes are created, snakes are "brought in from the local pet store," the young men perform "months of devotion at the gym" in preparation for the roles of torturers. Girls and young women aspire to hold the role of a "Christine."[30] Each year six girls between the ages of eleven and eighteen are chosen to be part of the tableaux depicting Christine's torments. The "Christines" are beaten, immersed in a cauldron, and tortured with snakes. Christine's bloody tongue is raised before a cheering crowd. As Lewis points out, the resulting spectacle both depicts and propagates problematic patterns of power, patriarchy, and suffering, as prevalent in the modern spectacle as in the historical texts.

Looking at Christine de Pizan's rendition reminds us that the subversive element of the virgin martyrs' stories was honored. These were *viragines* (powerful women) who were rendered as passive virgins.[31] Christine de Pizan cites Vincent of Beauvais as her source for the story of St. Christine. The versions are quite similar, but notably Christine removes St. Christine's mother from the list of people involved in her torment. She also positions Christine's story in the central point of her third book, something that Kevin Brownlee states emphasizes importance in medieval French literature.[32] Furthermore, as Renate Blumenfeld-Kosinski points out, Christine follows Vincent's *Speculum* but replaces his historical framework with a "polemic pattern that introduces each group of saints as a direct response to the standard misogynist reproaches" that she articulates earlier. In this way, her use of saints is directly connected to her idea of a city as a shelter for women from the attacks of their day.[33]

More importantly, Christine is depicted as subversive. For Christine, being thrown in the water with a stone around her neck becomes a means of securing her desired baptism (lines 100–102). She sings while being boiled in a cauldron. The snakes sent to harm her turn on their handler (lines 146–151). She spits the root of her tongue in her tormentor's face and asks, "Did you really think, you tyrant, that cutting out my tongue would stop me?" (lines 203–206) The same patterns of defiance are evident in Christine de Pizan's other martyrs who are welcomed into the City of Ladies. St. Christine's voice was never taken, and in Christine de Pizan's rendition, she has both power and agency. The *livre* itself does not seem an obvious place to look for examples of pre-modern femicide, but Christine subverts tropes of the genre empowering virgin martyrs and making them agents of defiance rather than passive victims of torture.

Rather than dying for being a woman, Christine ostensibly died bearing witness to her Christian faith. Indeed, the tales of early Christian martyrs include both men and women. There is, however, a marked difference in how the tortures of male and female

30 Lewis, "Sex," 67–68.
31 Cf. Burrus, "Reading Agnes," 26.
32 Brownlee, "Martyrdom and the Female Voice," 115–116.
33 Blumenfeld-Kosinski, "'Femme de corps,'" 158.

saints are presented. When we look closely at Christine's punishments, we find that her tormentors are as concerned with her being female as they are with her being Christian. At the beginning of the narrative, her father imprisons her in a tower for fear of what might come of her great beauty. When she continues to anger him, he parades her through the streets and later has her naked body publicly beaten. Her second tormentor was attracted to Christine and only began his torments after she resisted his advances ("Flattering words had no effect," lines 114–115). When she is tormented by snakes, they are depicted hanging off her breasts, which are later ripped from her body (lines 148–151). Christine's physical purity is explicitly invoked when she is welcomed into heaven. It is not simply a person who is being tortured, but a woman in an explicitly sexualized body. There is no way to be certain whether Christine de Pizan was conscious of the perpetual eroticization of women's sufferings in her re-telling of this tale, but the elements are striking.

The status of "martyr" and "virgin martyr" are far from identical. The status of "virgin martyr" is intrinsically linked to the saint's body and sexuality. In many cases, the tortures are portrayed in a manner that eroticizes the body. The eternal virginal status is only secured at the moment of death. As most recent scholarship on virginity has made clear, before that point, virginity is portrayed as something to be protected and performed.[34] In a *passio* narrative, the audience is always aware that the martyrdom is inevitable, but it was necessary to fight to preserve virginity, which was only a fixed state after death. The torments endured by women almost always included some that were sexual, generally focused on the breasts or public nudity. The threat of rape was always present. The threat to the martyrs' virginity seems to have been as undesirable as the threat to their lives.[35] This same rhetoric can be found in more recent Catholic hagiography. Maria Goretti (1890–1902) died because of injuries she sustained resisting a sexual assault. Her 1950 canonization process praised her as a "lily of Purity" and she was held up as a model for young Catholic women. While she certainly carried out acts of ordinary piety in her young life, Pius was particularly struck with Maria's death.[36] His 1954 encyclical *Sacra virginitatis* encourages the choice of death over sexual defilement, stating: "In truth, virginity gives souls a force of spirit capable of leading them even to martyrdom, if needs be: such is the clear lesson of history which proposes a whole host of virgins to our admiration, from Agnes of Rome to Maria Goretti."[37] This model of favoring purity over death can be found in various religious traditions.

34 Undheim, *Borderline Virginities*, 1–30.
35 Winstead, *Virgin Martyrs*, pp. 6–13; Burrus, "Reading Agnes," 25–46.
36 Samerski, "The Saints of the Pope," 66–67.
37 Pius XII, *Sacra virginitatis* (https://www.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_25031954_sacra-virginitas.html, Last Accessed September 22, 2026.), par. 28.

Further Questions

1. How does the focus on violence and sexuality in the *passio* narratives of female saints reflect broader cultural attitudes towards the female body?
2. Does Christine de Pizan's emphasis on St. Christine's resilience make this a story of resistance? What else could she have emphasized or changed?
3. What does the symbolism of St. Christine throwing her tongue at her torturer say about the way women's speech is valued?
4. Do acts such as the festival for St. Christine's feast preserve an important part of religious culture or perpetuate a culture of misogyny?

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19 A Father Teaches his Daughters about Marriage

Sara M. Butler

Source: "Of a roper's wife who was false to her husband." An excerpt from a book of conduct literature, compiled by a fifteenth-century knight for his daughters. This is in the style of an exemplum (a sermon story), followed by a brief sermonizing lecture.

I wolde ye knew an ensaumple of a Ropers wiff that was not trew in kepinge of her mariage to her husbonde; and there was a false bauude that was her godsib, and toke mede of a Riche lecherous prioure to gete the ropers wyff to do his foly with her, the whiche the bauude entreted her to. And thanne, for yeftes and juelles that the Prioure gaue to the wiff, and for the entysing of the bauude, the wiff graunted hym to do her foule lust togedre. And therefor it is a true sawe, that a woman that takithe yeftes of ani man, sekith her selff.

I wish to tell you the *exemplum* of a ropemaker's wife that was not loyal in keeping of her marriage [vows] to her husband; and there was a false bawd[1] that was her godmother, who took gifts from a rich, lecherous prior to get the ropemaker's wife to do his folly with her, the which the bawd entreated her to [do]. And then, for gifts and jewels that the prior gave to the wife, and because of the enticing of the bawd, the wife granted him to do his foul lust together. And therefore it is a truism, that a woman who takes gifts from any man, looks out [only] for herself.

And so it happed on a night that the prioure come to lige bi the wiff whanne her husbonde was aslepe; and whanne the prioure had done his foule delit, he rose, and wolde haue gone his waye, and the fyre light sodenly in the chemeney, and the good man sawe hym goo oute. And he sterte up and asked what that was. And his wiff saide she wost neuer; but the good man was in gret sorw and heuinesse, and ferde lest hys wyff had done amys. And the wiff, whiche was fułł of malice, yede and spake and tolde the bauude, her godsib, ałł how it happed. And the bauude bade lete her allone with hym, and she wolde excuse her welł ynow. And she aspied he was going to the londes, spenyng his cordes, and came afore hym with a rocke under a gerdełł spynning black wołł. And whanne he come, she hadde on her rocke white wołł, and within a litełł while of blacke wolle. And ałł way as he come to and from she changed her wołł.

And so it happened on a night that the prior came to lie by the wife while her husband was asleep; and when the prior had done his foul delight, he rose, and would have gone his way when the fire lit suddenly in the chimney, and the good man saw him go out. And he rose up and asked what that was. And his wife said she did not know: but the good man was in great sorrow and heaviness, and he was afraid that his wife had done something wrong. And the wife, who was full of malice, went out and spoke and told the bawd, her godmother, all that had happened. And the bawd asked her to let her be alone with him, and she would find a way to excuse her. And she saw that [the roper] was going to the lands, spinning his cords, and she came before him with a distaff under her belt spinning black wool. And when he [next] came, she had on her distaff white wool, and within a little while [she changed to]

1 A "bawd" was a procurer or go-between.

What!" saide the good man, "godsyb, me thought right now ye had a rocke of blacke wułł under youre gerdełł." "Nay, forsothe," said she; and after he come agein, and she had chaunged her rocke. "What, godsib, me thought right now, ye spanne whit wolle." "What, godsib," saide she, "what aylithe you? y trow there be sum thinge wronge with you; yt hathe be to night a night that folke wened that they haue sayne thinges the whiche were none suche. I trow," quod she, "ye aile sumwhat, it nis not aright with you." And the good man wende she had said sotħ, and saide to her bi mouthe, "By my trouthe, godsib, y wende y had sayne to night gone oute of my chaumbre a blacke thinge, y not what." "A! godsib," quod she, "it was no thinge but the day and the night that stroue togedre; and there was gret lyghteninge." And thus she apesed the good man of his thought by her falshede.

black wool. And all the while, as he came to and fro, she changed her wool. "What!" said the good man, "godmother, I thought right now [that] you had a distaff of black wool under your belt." "Nay, forsooth," said she; and after he came again, and she had changed her distaff. "What, godmother, I thought right now, you spun white wool." "What, godson," said she, "what ails you? I know there must be something wrong with you; it has been tonight a night that folk thought that they have seen things the which were nonesuch. I know," she said, "you ail somewhat, it is not right with you." And the good man believed she said the truth, and said to her out loud, "By my truth, godmother, I believed I had seen tonight a black thing leaving my chamber, I know not what." "Ah! Godson," she said, "it was nothing but the day and the night that strove together; and there was great lightening." And thus she appeased the good man of his concern by her falsehood.

Another tyme it happed that he rose erliche, and he wende to haue take a litełł poke atte hys beddes fete, to haue gone to the market iij myle from hys hous, forto haue brought home fisshe; and he toke the prioures breke, and putte hem in his sleue. And whanne he hadde bought that he wolde haue atte the market, he wende to take oute his poke, and to haue putte inne his fysshe, and he fonde that it was a breche. And whan he sawe it, he was fułł of anger and sorugħ. And whanne the monke was ryse that laye betwene the bedde and the wałł, hym lacked hys breche, and fonde no thinge but a litteł poke. And whanne the wiff wost therof, she was fułł of sorugħ, for she supposed wel that her husbonde had take the brecħ instede of the litełł poke. And she yede to her godsib, the bauude, and tolde her that was behapped, and praied her of her helpe; and the bauude said to her, "Ye shałł take a breche on you, and y wiłł take another, and whan youre husbonde comithe home, I wołł telł hym that ye and y werith breches." And whanne the good man was comen home, ałł fułł of heuinesse and sorw, the fals godsib come to welcome hym home, and

Another time it happened that he rose early, and he went to pick up a little pouch from the foot of his bed to go to the market three miles from his house, in order to bring home fish; and he took the prior's breeches, and put them in his sleeve. And when he had bought what he wished to have at the market, he went to take out his pouch, and to have put in his fish, and he found that it was [a pair of] breeches. And when he saw it, he was full of anger and sorrow. And when the monk had arisen, his breeches, which had lain between the bed and the wall, were missing, and he found nothing but a little pouch. And when the wife realized what had happened, she was full of sorrow, for she supposed well that her husband had taken the breeches instead of the little pouch. And she said to her godmother, the bawd, and told her what had happened, and prayed her to help; and the bawd said to her, "You shall put on breeches, and I will put on another [pair], and when your husband comes home, I will tell him that you and I wear breeches." And when the good man had come home, all full of heaviness and sorrow, the false god-

asked hym "what chere," and asked hym yef he hadde aught lost of his good, for he made so heui chere; and he saide "Nay, me ayleth sumwhat ellis." And so she dede so moche with hym, that he tolde her what hym ayled, and how he had founde a breche atte his beddes fete. And whanne she had herde hym, she beganne to laugħ, and saide hym, "Godsib, now y see welł ye be deseyued, and in wey to be tempted to do my godsib youre wyff shame, and youre selff, thorugħ fals supposinge. And therfor leue it; y sure you that there nis not a truer wiff to her husbonde in this towne, nor kepithe her selff clenner nor trulyer to her husbonde; for in good sothe she and y weren breches for because of the harlotis that handelithe women, and takithe hem hastely bi thaire priuite. And that ye may see that this is true, seithe youre selff." And she toke up her clothes, and shewed hym how she was breched; and [he] saw she saide sothe, and beleued her.

mother came to welcome him home, and asked him, "how do you feel?," and asked him if he were anxious about losing his goods, for he had a heavy face; and he said, "No, something else ails me somewhat." And so she carried on so much with him, that he told her what ailed him, and how he had found breeches at the foot of his bed. And when she had heard him, she began to laugh, and said to him, "Godson, now I see well you have been deceived, and are tempted to do my goddaughter, your wife, shame and yourself, through a false assumption. And therefore leave it, I assure you that there is no more loyal a wife to her husband in this town, nor one who keeps herself more pure and faithful to her husband; for in truth she and I wear breeches because of the rogues who grab at women and take them by their private parts. And that you may see that this is true, see for yourself." And she lifted her clothes and showed him how she was wearing breeches; and he saw what she had said was true and believed her.

And thus that fals bauude, his godsib, saued the wiff twies, that he might haue no knoulache of his wiffes falshede; but atte the laste the deuełł wołł that the orible synne shulde be know. The good man thought that his wiff went ofte to the priori, and she had not to do there, and he defended her, in payne of her lyff, she shulde no more come there, for it was not his wiłł that she yode thedir for no thinge. And so on a tyme, to saye what she wulde do, her husbonde saide he wolde gone oute of towne; and he hidde hym priuely to loke what she wolde do. And she, that was fułł of synne, and tempted with the deuełł, yede anone with the prioure; and her husbonde saw, and yode after her and brought her ageyn, and saide, "here, dame, thou hast broke myn comaundement." And thane he yode into the towne, and made couienaunt with a surgeon to hele two broken legges; and whanne had had done, he come home and toke a pestełł and brake bothe his wyfes ys leggys, and saide to her, "atte the hardest, for a while, thou wilt not goo ferre, and breke myn comaundement, nother y fynde the contrarye."

And thus that false bawd, her companion, saved the wife twice, that he might have no knowledge of his wife's falsity; but in the end, the Devil wills that the horrible sin should be known. The good man thought that his wife went often to the priory, and she had nothing to do there, and he commanded her, on pain of her life, that she should not go there anymore, for it was not his will that she should go there without reason. And so one time, to see what she would do, her husband said he would go out of town, and he hid himself privately to watch what she would do. And she that was full of sin, and tempted by the Devil, went quickly to the prior; and her husband saw, and went after her and brought her [home] again, and said, "here, woman, you have disobeyed my command." And then he went into the town, and made an agreement with a surgeon to heal two broken legs; and when he had one, he came home and took a pestle and broke both his wife's legs, and said to her, "at the worst, for a while, you will not go far, and disobey my command, neither I find the contrary."

And thanne he brought her a bedde. And there she laye so longe tiłł the deułł tempted her; for, whanne she was almost hole, she made the prioure come lye with her ther she laye, euene by her husbonde bi night in the bedde. And the good man douted hym that there was sum man with his wyff, and made semblaunt that he had slepte, and routed; and whanne they were doing the foule dede of synne, he hastely toke oute a long kniff and persed hem bothe thorugħ into the bedde. And thus he slougħ hem bothe in doinge this orible synne. And whanne he had done, he called his neygħboures and the officres of the lawe, and sheued hem what he had don; the whiche saide, ałł with one uoys, that it was wel done to ponisshen hem in suche wise.

And then he brought her to bed. And there she lay so long until the Devil tempted her; for, when she was almost recovered, she made the prior come lie with her there where she lay beside her husband by night in the bed. And the good man doubted that there was some man with his wife, and he pretended that he was asleep and snored; and when they were doing the foul deed of sin, he quickly took out a long knife and pierced them both through, [pinning them] to the bed. And thus he slew them both in doing this horrible sin. And when he had done, he called his neighbors and the officers of the law and showed them what he had done; they said, all with one voice, that he had done well to punish them in such a way.

And thanne thei had moche meruaile that she wolde loue and take that gret fatte black foule prioure, and lefte to loue a goodly yonge man, wise and riche, that she had to her husbonde; but mani woman farithe as the femałł of the wolff, that chesithe to her mate the foulest wolff of ałł that ben in the wode. And so dede the leude woman, thorugħ temptacion of the deuełł, chase this foule monke. And therefor take hede, the more the synne is abhominable the egerlyer thei be tempted bi the deuełł, as he that was a man of religion, and she a wedded woman. And so it farithe by a woman, yef she synne with her kynne or godsyb, the nere thei be of kyn the gretter is the temptacion, and the more sinfułł brenning wiłł thei shałł haue. And therfor it is a trew prouerbe, þat "the potte may goo so longe to water, that atte the laste it is broken;" as this leude woman that had her husbonde ten tymes fairer thane the prioure the whiche she toke, and that she was ascaped bi the helpe of the false bauude her godsib of ij suche periles that her husbonde hadde founde by her, and after that she had broken her husbondes comaundement, and therfor he

And then they wondered how she could love and sleep with that great, fat, black,[2] foul prior, when she could love the good, young man, [who was] wise and rich, that she had married; but many women behave like a female wolf who chooses for her mate the foulest wolf[3] of all in the forest. And so did the lewd woman, through temptation of the Devil, chase this foul monk. And therefore take heed, the more the sin is abominable, the more eagerly they are tempted by the Devil, as he that was a man of religion, and she a wedded woman. And so a woman behaves, if she sins with her kin or godfather, the more closely related they are, the greater is the temptation, and the more sinful burning lust they will have. And therefore it is a true proverb, that "the pot may go so often to the water, that at the last it is broken;" [4] as this lewd woman who had a husband ten times fairer than the prior with whom she took up, and that she was aided by the help of the false bawd her companion from two such instances in which her husband had discovered [her lies], and after that she had disobeyed her husband's command, and there

2 The descriptor "black" is meant to refer to his clothing: as a Benedictine prior, the priest would have worn a black wool habit.

3 Wolves often symbolized outlaws, that is, those who lived on the fringes of society.

4 This saying warns about over-reliance. Even if something has worked time and time again, it will eventually fail you.

brake her legges, and yet she wolde not be chas
tised. And therfor, doughtres, here ye may see
that it is foly, and the temptacion of the deuełł,
that temptithe and enflamithe the hertis of
folke to do this orible synne of lecherye, the
whiche ys a foule stinking synne.

Notwithstonding, doughters, be ware bi this
woman, and of her afore in this boke, and that
ye take no man saue youre husbonde, and that
ye take no yeftes, nor leuithe none euełł coun-
saile, as dede this woman of her godsib. Now
haue y shewed you diuerse ensaumples of the
Bible, and of gestys of kings, and of other
thinges, how that lecheri and the disguisyng of
youre array displesid God, and how ałł the
world was stroied therfor, saue .viij. persones,
and how Sodom and Gomor, and other .v.
Citees, was brent in stinking sulfure, and sank
to hełł, and how moche werres [and] man-
slaughter hathe fałł and fallithe there from day
to day, and how the synne of lechery stinkithe
afore God and his aungeles. And takithe hede
how the uirgines had leuer be martered rather
thanne they wolde do that foule synne, for no
yefte, nor for no promesse, that might be made
to hem; as seint Katerine, seint Margarete, seint
Luce, elleuene thousand uirgines, and other
mani uirgines, the whiche were to long to
compte the tenthe party of her fermete, for they
ouercome the deuełł and hys temptaciones,
and wanne the kingdom of heuene. And y saie
you, doughtres, it is no maistri to absent you
from that synne, yef ye wołł use you to kepe you
clene. And this shałł helpe to kepe you, that is,
to loue and drede God and youre husbonde,
and bethenke you what sorw, harme, and worl-
des shame hathe and may fałł therof, and ye
do amisse; and how ye lese the loue of God, and
of youre husbonde, kyn, frendes, and of ałł the
worlde that knouithe you and heres therof; and
therfor, doughters, yef temptacion assailethe
you, haue mynde day and night to make recis-
tens ageynes hem, to kepe you clene and ferme
in goodnesse. And bethenke what ye are, and
whennes ye come, and what shame and dis-
honour may fałł you yef ye do euełł.

fore he broke her legs, and yet she would not be chastised. And therefore, daughters, here you may see that it is folly, and the temptation of the Devil, that tempts and enflames the hearts of folk to do this horrible sin of lechery, the which is a foul, stinking sin.

Notwithstanding, daughters, be warned by this woman['s story], and of other examples like her before in this book, and that you sleep with no man save your husband, and that you take no gifts, nor listen to evil counsel, as did this woman from her godmother. Now have I shown you diverse examples from the Bible, and of the stories of kings, and of other things, how that lechery and dressing in fancy clothes displeases God, and how all the world was destroyed because of it, save eight people, and how Sodom and Gomorrah, and another five cities, were burnt in stinking sulfur, and sank to Hell, and how much war and manslaughter has fallen and falls to this day still, and how the sin of lechery stinks before God and his angels. And take heed how the virgins had rather be martyred than do that foul sin, for no gift, nor for any promise that might be made to them; as Saint Katherine, Saint Margaret, Saint Lucy, eleven thousand virgins, and other many virgins, the which were too many to count the tenth part of their strength, for they overcame the Devil and his temptations, and won the Kingdom of Heaven. And I tell you, daughters, it is no great accomplishment to keep yourself from that sin, if you will keep yourself pure. And this shall help to keep you, that is, to love and fear God and your husband, and reflect upon what sorrow, harm, and worldly shame have and may befall because of it, and you go astray; and how you lose the love of God, and of your husband, kin, friends, and of all the world that knows you and hears of it; and therefore, daughters, if temptation assails you, take care day and night to resist against it, to stay pure and firm in goodness. And reflect upon what you are, and where you come from, and what shame and dishonor may fall upon you if you do evil.

Texts and Contexts

The story of the ropemaker's unfaithful wife is an *exemplum*, that is a sermon story, or a moral instructive tale, originally created by a member of the clergy to accompany a sermon on the importance of chastity. For the medieval layperson, mass in the Middle Ages was an alienating experience. Performed in Latin (a language that few laypeople would have comprehended), the clergy stood with their backs to the congregation behind a rood screen (that is, an ornamental partition that separates the nave—where the parishioners stood—from the chancel, where the mass was taking place). Thus, parishioners could not understand the words being spoken, nor could they see what was going on.[5] The only part of the service directed towards the congregation was the sermon, which usually centered on teaching proper Christian behavior, enhanced with a sermon story or two to offer parishioners guidelines for action.[6] When preaching to the congregation, the preacher would have presented the story as something that happened to actual people, often people he pretended to know, to make the sermon real and its moral relevant to the lives of his parishioners. Homiletic *exempla* were the mass media of the Middle Ages. As Joan Young Gregg writes,

> Like a popular medium in any age—Hollywood of the 1930s and 1940s and television in our own day immediately come to mind—the homiletic exemplum was an artifact that both mirrored and shaped the cultural notions of its audience. It was a witness to the assumptions and prejudices, the cognition and unconscious projections of its society.[7]

Collections of *exempla* circulated throughout Christendom in Latin codices, with the expectation that the local priest would translate what he needed into the vernacular (the local language).[8] As John Arnold describes it, "Ecclesiastics traded these stories among themselves as useful kindling for the spiritual fires they had to stoke."[9] What this means is that an audience of parishioners in Durham (England) was listening to the same sermon story as an audience in Gubbio (Perugia), for example, although not at the same date and time. The purpose was to create a shared moral culture across Europe.[10]

Jacques Berlioz has dubbed the exemplum a "verbal icon."[11] The stories tend to be similar in composition. They are simple, predictable, and easily memorized. The unnamed characters are flat and two-dimensional; it is plain to see who is the hero and who the villain. There is always a moral to the story which is underscored through dra-

5 To see what a rood screen looks like and how it was used, visit "Devon Rood Screens," (2023–26), https://devonroodscreens.uk/index.php. Last Accessed September 22, 2026.
6 Burkhardt, "Die Welt in Geschichten," 219.
7 Gregg, *Devils, Women, and Jews*, 21.
8 For *exempla* collections, see the online database *ThEMA: Thesaurus Exemplorum Medii Aevi.*
9 Arnold, *Belief and Unbelief*, 31.
10 One of the most popular collections of *exempla* was Caesarius of Heisterbach's *Dialogus Miraculorum*. For the transmission and longevity of the collection, see Smirnova, *Medieval Exempla in Transition*.
11 "L'icone verbale." Berlioz, "Les Ordalies dans les *Exempla*," 316.

matic action: sinners die gruesome and horrific deaths to teach listeners the dangers of engaging in sin. Gregg refers to this as the "*exempla terrible* […] grisly cautionary anecdotes featuring details of the punishments accorded sinners."[12] Others were drawn from legends, fables, saints' lives, and miracle stories. And because they were often one of the few parts of the service communicated in the vernacular, for most Christian men and women, they were the high point: they listened with rapt attention.

This particular sermon story had become so fashionable, it was included by Geoffroi IV de la Tour Landry (d. c. 1402/1406), a French knight banneret and a widower, in the book of instruction he was writing for his three daughters, purportedly a companion text to the one he wrote for his sons, which has not survived from the era. Entitled *Livre pour l'enseignement de ses filles du Chevalier de La Tour Landry*, the book was written in French beginning in 1371, and blends stories with moralizing lessons in order to instruct his daughters on appropriate behavior for good Christian ladies at court.[13] Instructional guides like this belong to the category of conduct literature, which became popular among the elite in medieval society who often did not raise their children themselves.[14] In 1483, William Caxton (d. 1492) translated the book into English as *The Book of the Knight of the Tower*; the following decade, Marquard von Stain (d. 1495/1496) translated it into German as *Der Ritter vom Turn*. As the multiple translations, and over twenty surviving manuscripts, should suggest, the story, and the book from which it was drawn, had an exceptional readership in late medieval Europe. Conduct literature of this type offers historians a window into expectations for noblewomen; however, because this exemplum (or variations of it) originates in a collection of *exempla* used by preachers across Europe, its moral crosses class lines.[15]

The story centers on a good man, a ropemaker by trade, married to a false woman who has an even more dishonest godmother. A rich and lusty prior employed the godmother to act as a bawd, a procuress, to find him a lover. Through gifts and jewels, the godmother helped him to win over the ropemaker's wife, who proceeds to engage in sex with the prior in the family home while her husband is asleep. The good man nearly discovers her treachery on two separate occasions, but she is saved by the godmother, who convinces him that he is unduly suspicious of the most loyal wife in town. The husband then decides to test his wife by telling her that he is going out, then hiding to see what she gets up to. When he sees her going to the priory, where he has forbidden her to go, he follows her and brings her back home. To prevent her from disobeying him again, he broke both of her legs; but even that did not stop her. She summoned the prior and the two had sex while they believed her husband was asleep. The husband awoke; feigned sleep until he was certain that his wife was doing what he thought she

12 Gregg, *Devils, Women, and Jews*, 10.
13 For a modernized version, see Barnhouse, *The Book of the Knight of the Tower*.
14 See Ashley, "Gender and Class," 160–178.
15 See "TC0174, Compilatio singularis exemplorum," *ThEMA*, https://thema.huma-num.fr/collections/TC0174. Last Accessed September 22, 2026.

was doing. He drew a long knife and stabbed it through the couple, pinning them to the bed. The husband then called neighbors and officers of the law to come see what he had done and why, and they all applauded his good work. At this point, the story transitions into a sermonizing lecture in the knight's own voice and addressed to his daughters, warning them not to behave like the woman in this story if they wanted to go to Heaven.

Making Sense of the Source

The ropemaker, his wife, and her godmother are composite characters, drawn from the wide variety of gendered stereotypes current in late medieval Europe. The women are greedy, deceptive, self-centered, and disobedient: mirroring the sins of the Biblical Eve. Much like Eve, the ropemaker's wife does not know a good thing when she is confronted with it, otherwise she would have been content with her decent and attractive husband ("the good, young man, wise and rich," lines 150–151) rather than lusting after the Benedictine prior ("great, fat, black, foul prior," line 149).[16] The godmother thinks only of riches and is more comfortable lying than telling the truth. That she is the wife's godmother is also deliberate: rather than teaching her Christian conduct and belief as a godparent is expected to do, she teaches her goddaughter deception and falsehood.[17] The collusion between the two women is a key part of this story. The *exemplum* warns that women should not counsel other women or be trusted in groups because when women cluster, they are a conspiracy; they do so to undermine the patriarchy. Women in groups are typically depicted as dangerous: sharing a man's private secrets, encouraging deceit and manipulation, being irreverent of the church and authority, and plotting a man's downfall.[18]

The prior is also typecast: medieval men found it difficult to believe that any man could renounce sex, even out of devotion to God. They simply did not trust men of the cloth around their wives, and thus the randy clergyman became a stock character in medieval literature.[19] Nor did the church trust clergymen to uphold their vows: sermon stories frequently demonized priests and monks as a warning to them that they were not immune from sin. Finally, the ropemaker is the paradigm of the good Christian and the good husband. When he realizes that his wife has been unfaithful, he feels anger, but it is righteous anger, tempered with sorrow; thus, we know that when he breaks her legs, he does so not out of revenge, but to chastise her appropriately and to deter her from sinning again. For the wife, the good man represents God: the source makes this explicit when it states that she must "love and fear God and [her] husband"

16 For a discussion of Eve in conduct literature, see Amos, "The Gentrification of Eve," 197–210.
17 Dinn, "Baptism, Spiritual Kinship, and Popular Religion," 93–106.
18 See Lochrie, "Between Women," 70–88.
19 The stock character was not entirely divorced from reality: McSheffrey, "Whoring Priests and Godly Citizens," 50–70; Armstrong-Partida, *Defiant Priests*.

(line 209). Learning to obey one's husband is just the first step towards learning to obey God; both are necessary for salvation.

The sermon that concludes the story and draws out its moral lesson relies on scare tactics, reminding the daughters that God, out of anger at the "foul stinking sin" of lechery (line 179) has destroyed the world before and can do so again. More important still, an adulteress risks losing the love of God and her "husband, kin, friends, and of all the world that knows" and "hears about it" (lines 213–215)—in a world in which your reputation (*fama*) was everything, this was a powerful reminder that adultery endangered everything a person valued and thus was just not worth it.[20] Finally, the author holds up the role models to which every woman should aspire, namely, the early Virgin Martyrs, Katherine, Margaret and Lucy, all saints from the early days of the church who died rather than have sex with their pagan tormentors (see also the contribution by Alison More, no. 14).[21] Of course, the author does not address the fact that his daughters will never be in a position to keep their virginity, as he needs to marry them off in order to make productive alliances for his career and lineage.

The one character in the story that we have not yet discussed is the Devil. He is mentioned six times as the tempter behind the wife's actions. The association between women and the Devil, once again, is founded on Genesis: why did the Devil choose to speak with Eve and not Adam?[22] Eve's role as temptress also mirrors what we normally see with the Devil, implying similar spiritual failings. Women's supposed weak moral fiber and intellectual inferiority made them vulnerable to diabolical influence. The late medieval period laid the theological foundation for the Witch Hunts of the early modern era: in *exempla*, storylines frequently associated women with the Devil, although in a wide variety of ways. The Devil—the great seducer of minds—might choose to disguise himself as a woman; but women also appear possessed by demons, praying to the Devil, and as the Devil's lover.[23]

At the heart of this story is a strong belief in women's hypersexuality. Medieval medical theory corroborated the notion that women are drawn to sex because of their humoral makeup. Men's bodies, on the one hand, are the definition of good health: by nature, and in ideal conditions, they are hot and dry. Women's bodies, on the other hand, are inherently cold and moist, desperately seeking foods and activities (such as, sexual intercourse) that bring them warmth.[24] The moralizing lecture in the last third of the story, however, implies that women were also drawn towards unnatural sexual relationships: "And so a woman behaves, if she sins with her kin or godfather, the nearer

20 Harper, "Punishing Adultery," 167–184; Karras, "The Regulation of Sexuality," 1010–1039; Bullough, "Medieval Concepts of Adultery," 5–15.
21 Winstead, *Virgin Martyrs*.
22 Still the best discussion of the subject of Eve and the devil and its impact on ideas about women is Frugoni, "The Imagined Woman," 336–422.
23 See chapter two of Gregg, *Devils, Women, and Jews*. On the medieval foundations of the early modern witch hunts, see Kieckhefer, "Magic and its Hazards," 12–31.
24 Cadden, *Meanings of Sex Difference*.

they be of kin the greater is the temptation, and the more sinful burning lust they will have" (lines 159–163). Admittedly, this comment seems to appear out of left field: the story has nothing to do with incest, why suddenly draw it into the conversation in the conclusion in a way that suggests women are chiefly responsible for initiating incestuous relationships?[25] Was the knight equating incest to sex with a clergyman, that is, two highly sinful and forbidden encounters? What is especially awkward is that these remarks about incest are written by a father for the instruction of his daughters.[26] The underlying goal would seem to be to drive home the natural abnormality of women's sexuality. The female wolf who chooses "the foulest wolf" (line 153) is not that far off from women of the human race, and an excellent justification for why women should not be trusted to choose their own spouses.

Through the Lens of Femicide

Marriage in the Middle Ages was a hierarchical relationship. English law conceived of a woman's husband as her "baron" (lord).[27] Hierarchy was not typically equated with tyranny, though. A woman was expected to obey and serve her husband; but equally, a husband had to provide for and instruct his wife. This reciprocal ideology is an important backdrop to understand the violence of this story. A husband killing his wife because she was adulterous sounds tyrannical, but not in the context of this story. Here, the husband's behavior is entirely reasonable. He has been the perfect husband. He has given his wife every chance; he has tried to reform her behavior and forbid her from frequenting places where she might engage in sin. And yet, as the narrator makes clear, there is nothing that he can do because the wife is "full of malice" (line 25), "full of sin, and tempted by the Devil" (line 120), even when she is told to refrain from sin "on pain of her life" (line 113–114) she cannot stop herself. Her "falsity" (line 109) is accentuated by carrying out these sinful acts right under her husband's nose: she brings the prior into the bed where her husband is sleeping not once, but twice. Even broken legs do not stop her from sinning. The outrageousness of her behavior is critical to justifying uxoricide. Nothing short of death was going to be able to curtail this woman's behavior.

Wife-killing was legal and/or tolerated in most regimes across Europe, although the circumstances were narrow: a husband might kill his wife and her lover if he walked in on them while they were having sexual intercourse (and thus he was an eyewitness to her betrayal).[28] The *exemplum*, then, conforms to the legal requirements (see also my contribution. no. 5). Yet, even if uxoricide was licit, the church tried its best to argue it was not what God would want. Hincmar of Rheims (d. 882), a Frankish jurist and

25 Modern studies show that men are more likely than women to initiate incest. For example, see Yildirim *et al.,* "Evaluation of Social," 693–697.

26 This statement provides an interesting contrast with Saint Dymphna, whose entourage presents incest as something that she should be doing for dynastic purposes. See the contribution by Alison More, no. 25.

27 Butler, "Discourse on the Nature," 24–44.

28 "Lex Julia," Digest.48.5; Watson, *The Digest of Justinian, Vol. 4*, 318–330. See also my contribution, no. 7.

theologian, reminded his readers that Jesus judged the adulteress mentioned in the Gospels as guilty, but declared "she deserved to be freed both from the punishment of stoning and from the guilt of the crime."[29] Recognizing the havoc that uxoricide might wreak on families and communities, John Duns Scotus (d. 1308), a Scottish Franciscan philosopher, described uxoricide as

> a greater evil than the good of indissolubility, since uxoricide is a harm to the murdered wife and a grave wrongdoing on the part of the one who murders her. It would also be an evil to the commonwealth as a whole because it would be an occasion of perpetual disharmony and strife on account of the anger of the wife's parents against her killer. And families would be constantly torn apart, since after the man is killed either by his adversaries or by the law, that family and the children's upbringing would be destroyed.[30]

The church could not compel secular authorities to repeal their legislation, but they could make the case that it was not in society's best interests for a man to act as judge and executioner in his wife's adultery.

Having said that, the power a husband wielded over his wife as presented in this *exemplum* is extraordinary. When he breaks her legs, it is not because he has proof that she is an adulteress, or even that he thinks she is; it is because she disobeyed him. Perhaps we are supposed to believe he is a good provider because he first makes sure that he can find a surgeon to heal her; regardless, whether reading that in the Middle Ages or in the present day, it is a disturbing degree of power over the body of his wife. What did medieval parishioners think when they heard one of the only educated people they knew, their parish priest, an important figure of authority in the community, telling them it was acceptable to break a wife's legs, and even kill her if her sinful behavior warranted it? The church may have believed that stories like this set a high bar for uxoricide, but in some villages it may have introduced the possibility that killing one's wife was acceptable, even righteous. Unfortunately, we will never know just how detrimental the broad dissemination of this *exemplum* actually was.

More interesting still is the bawd's explanation for why she and the ropemaker's wife have been wearing breeches. She claims it is to thwart the rogues who grab at women's private parts. The audience listening knows this to be a lie, but they also know that she had to come up with something believable to convince the ropemaker that his wife was not having an affair. The believable story, then, is a bunch of thugs who make it their business to touch women inappropriately when they go into public places. That this is the believable lie tells us audiences would have been familiar with this experience: is that what women had to endure while they went about their public work?

29 Hincmar of Rheims, "On Punishing and Rooting Out."
30 Scotus, *Ordinatio* 4.33.3, in his *Selected Writings*, 314.

The story of the ropemaker's false wife has much to teach us about gender relations within marriage and within society at large, as well as the importance of chastity, honesty, and obedience in Christian society. Nonetheless, the package in which they are presented is disconcerting in terms of the husband's excessive power over his wife's body and life (see also the contribution by Julia Burkhardt, no. 20). And yet, this is one of the stories that Geoffroi IV de la Tour Landry chose to include for his daughters' edification, to make sure that they learned how to be good Christian wives and mothers.

Further Questions

1. Even if the preacher claimed that the story was true, how does the story-telling format influence the reception of its moral? Would audiences have been inclined to accept that a husband had these rights over his wife?
2. Two of the three main characters in this story are women and both are villains. How might women in the audience listening to this story have reacted to hearing such negative portrayals of women?
3. Quite apart from the moral, what did this exemplum teach you about gender roles within the family and within society?
4. This story seems to suggest that gender differences are naturalized; they are part of an inborn, unchanging essence. What are the dangers of this kind of ideology?

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20 A Daughter Teaches Fathers: Remembering Uxoricide in a Renaissance Epitaph

Julia Burkhardt

Source: In the 15th century, an epitaph commemorating "A Wife Killed by Her Husband" was composed in Italy in the form of a short verse poem. In it, the victim, a woman named Christina, recounts her own killing on her wedding night from a *post-mortem* perspective. The text was copied by hand and printed numerous times during the 15th and 16th centuries. This resulted in slightly varying versions, each with its own emphasis. Based on a 16th-century copy from Poland, I am tracing the meaning and function of the text in various versions. I transcribed the text from the digitized manuscript, compared it with a few other transcriptions, and carefully added punctuation. The translation is also my own.

1	***Uxor a marito occisa***	**A Wife Killed by Her Husband**
	Immitis ferro secuit mea colla maritus	My cruel husband severed my neck with the sword,
5	*Dum propero nivei solvere vincla pedis,*	As I hastened to unbind the fastenings of my snow-white foot,
	Durus et ante thorum nuper quo nupta coivi,	The evil man, even [standing] before the marriage bed where I had lain [with him] as a bride,
	Quo cecidit nostre virginitatis honos.	Where the honor of our virginity fell.
10		
	Discite ab exemplo Christine, discite patres,	Learn from Christina's example, learn, fathers:
	Ne nubat fatuo filia vestra viro.	Do not let your daughter marry a foolish man.

Texts and Contexts

In the 16th century, a verse text about a woman named Christina, who recounts being killed on her wedding night, was copied into a composite manuscript. It was just one of the many texts compiled in the book, which is currently part of the collection at the Kórnik Library in Poland. Its approximately 430 pages contain nearly 900 texts of various lengths, including poems, letters, mnemonic verses, and epitaphs.[1] Such composite or multiple-text manuscripts were common in medieval and early modern Europe, where the tradition of handwriting, copying and combining texts remained prevalent.

1 The signature is PAN Biblioteka Kórnicka, rkp. 243. For a detailed description, see the information provided in the library catalogue: "Listy i wierszy."

In this way, a single composite book could bring together diverse texts of varying lengths. Sometimes, longer texts were transcribed in their entirety and given a title or the author's name. Other times, short excerpts from such works were included, as well as brief texts that could not be attributed to a specific period or author. Today, we are accustomed to focusing our attention on complete works. However, this does not align with premodern European reading practices. In those times, composite manuscripts containing various texts — from different genres or periods, in longer or abridged versions — were produced according to the scribe's logic, placing them within a new interpretive context.[2]

The codex containing the verse text about Christina belonged to Stanisław Górski (c. 1497–1572), a Polish cleric who had a brilliant career at the royal court and even rose to the position of secretary to Queen Bona Sforza (1494–1557). Among his contemporaries, Górski was known for his passion for collecting. He gathered various documents on Polish history and preserved them in extensive collections, such as the "Acta Tomiciana," a comprehensive collection of government documents from the reign of King Sigismund I (1467–1548) for which he was responsible.[3] In this regard, the composite manuscript containing the text about Christina very well represented his interests. However, we do not know how it came into his possession. In terms of content, the manuscript can be divided into two main parts. The first part contains letters by the Polish poet Andrzej Krzycki (1482–1537), and the second part contains mainly epigraphs and poems.

In this very second section—as the initial piece on the reverse side of folio 419—we also find the text about Christina. While no author is identified, a heading provides insight into the content: *Uxor a marito occisa*— "A Wife Killed by Her Husband." This form of presentation fits into the broader context of the codex. Various short verse texts and epitaphs, most of which are not attributed to any author, precede and follow this text. The text's placement within the codex suggests a classification as an epitaph, which would make it easier to understand. The term "epitaph" generally refers to media used to commemorate the deceased. Examples include tomb inscriptions and works of art featuring text and imagery in churches. In keeping with this diversity, epitaph designs could vary considerably. Epitaphs may refer to specific individuals, placing them in a particular time period and social context. Alternatively, they may tell stories about fictional characters whose lives are recalled as examples to follow or as warnings.[4] In Górski's Codex, epitaphs mainly appear as short verse texts commemorating the lives or achievements of individuals—both real and fictive.

The brief text about Christina's fate does not allow for a specific identification. We learn neither who Christina was exactly nor where and when she lived. In this case, it

2 For an introduction to this topic, see the contributions in Friedrich and Schwarke, *One-Volume Libraries*.
3 von Güttner-Sporzyński, "From Vilified Queen."
4 See, for example, the findings on Late Medieval France: Swift, *Representing*.

must remain unclear whether Christina was a real or a fictional person. However, the text itself and its history over the centuries provide clues as to why such a story might have been considered worth remembering in the circles of the Polish royal court during the Renaissance and beyond.

Making Sense of the Source

The first clues are in the text's structure: The epitaph is written in the first person, as evidenced by the possessive pronoun *mea* ("my") in line 3 and the conjugated verb *coivi* ("I had lain [with my husband]") in line 7. The six verses thus reflect Christina's perspective. She recounts the events of her wedding night in a *postmortem* voice: Christina tells the reader that, after she spent her wedding night with her husband and had sexual intercourse for the first time, she wanted to undo her shoelaces (lines 5–9). Suddenly, her husband cut her throat with a sword (line 3). However, this chronology only becomes apparent upon reading the first four verses together. The text itself follows a different logic. It begins with the shocking revelation of Christina's killing at the hands of her husband. This states that Christina is already dead when she conveys her message in verse. On the other hand, it places the focus on the "what" (the killing) and the "who" (her husband as the perpetrator). The contextual information necessary for understanding is only provided at that point, and it includes the "where" and "when" (the wedding night after the marriage, the bedroom). The last two verses transform Christina's brutal story into a lesson for others. They offer an urgent warning to fathers to protect their daughters from marrying imprudent husbands and, consequently, from facing a similar fate (lines 11–13). The reference to "Christina's example" is open to interpretation. It could mean that Christina turns to the fathers herself, or it could shift the perspective from her, who speaks in the first person, to the author. Similarly, it remains unclear who Christina is addressing. The "fathers" are not specified in terms of social status, time, or region. Instead, the term sounds absolute, as if Christina were addressing all present and future fathers who have a daughter.

In premodern times, stories about domestic and intimate partner violence were depicted in various media, such as historiography, poetry, sermons and exempla stories, visual representations, music, treatises or leaflets.[5] Thus, readers, listeners, and observers were able to learn about and engage with the phenomenon of gender-based killings in various ways. Information about real or legendary cases was rarely simply neutral. Instead, it was interpreted and evaluated within the context of the respective legal, social, and cultural norms of the time. The way the audience was addressed depended on the medium in question and ranged from direct appeals and general moralizing to deeply alarming scenarios. These conversations not only addressed specific cases but also prompted people to reflect on their circumstances. A certain form of sensational-

5 For a case study on medieval England see, for example, Cooper, *Rape and Consent*. For a diachronic perspective, see Jablonka, *La culture*.

ism or fascination with the horrific probably also played a role in their appeal. Descriptions of gender-specific killings or femicidal violence revealed toxic social dynamics within families or neighborhoods, shocking details of the killings, and judgments of the perpetrators. Thus, these narratives, whether textual or visual, served multifaceted functions. In every case, they illuminated the problem and situated it within premodern social realities. Often, the stories concentrated on the perpetrator, either because the cultural logic of that time inherently centered on men or because more could be said about the consequences the perpetrators faced. Christina's epitaph differs from these perpetrator-oriented narratives. It gives the victim a voice, enabling her to tell her own story. Even after her death, Christina has the power to educate future generations and therefore potentially bring about social change.

Although the text focuses on a woman's perspective, it is likely that it was written by a man. Evidence of this can be found in the text's manuscript tradition prior to its transcription in Górski's Codex, which scholars have traced back to the mid-15th century.[6] According to the study by French philologists Callu and Naar, copies of Christina's epitaph are contained in at least 24 different manuscripts kept in various European archives and libraries. They believe the text was originally written in the 1460s by Antonio Capodilista (ca. 1420–1489), an Italian scholar from Padua, who presumably transformed a piece of local history into a humanist verse.[7] According to notes in a 15th-century manuscript from Oxford, Callu and Naar state that Christina was the daughter of Paulo of Sassoferrato from Padua and Bellena Veneta. The note frames the story in explicit and clear moral categories: Christina is depicted as a morally outstanding young woman who was married to the insane Nicolas of Bergamo. He then unjustly and viciously killed her after their wedding.[8]

Shortly after the epitaph was composed, it seems that the text was quickly distributed throughout Europe, as evidenced by the large number of copies from a wide variety of social and cultural contexts. One of the earliest copies was probably produced in Cracow.[9] This may explain how the text found its way to Poland, where it was copied again in the following decades and eventually ended up in Górski's codex in the early 16th century. Several times, the text was included in collections that focused on particular types of texts. These included humanist poems, inscriptions, and epitaphs. One example is the printed collection compiled by the 16th-century Protestant theologian Nathan Chyträus (1543–1598), which included epitaphs and inscriptions from various European regions. Here, the text about Christina was listed in the first part, among the "Italian and Roman monuments and inscriptions."[10]

6 See the detailed analysis by Callu/Naar, "*Furore*." The following section on manuscript distribution draws primarily from their results.
7 On Capodilista's life, see Ruffino, "Capodilista."
8 Callu/Naar, "*Furore*," 108. The same information is provided by Tournoy-Thoen, "Le manuscript," 20.
9 Callu/Naar, "*Furore*," 110.
10 Chytreus, *Variorum*, 15. See also page one, where the Italian focus is evidenced: *Italica et quidem primo monumenta Romana*.

In addition to the widespread and diverse circulation of the text, another aspect is noteworthy. Over time, the text changed in two ways, namely its length and the identification of the killed woman. However, the core remained consistent, and synonyms were found for only a few individual words. The differences in length always concern the same verses. In Górski's Codex (and also in other manuscripts or in the printed version by Chyträus), the text has six verses. Other copies, however, contain eight verses, as the findings by Callu and Naar show. The two additional verses are typically inserted between the reference to the loss of virginity and Christina's final plea to the fathers: "I call the benevolent gods to witness that I have not deserved death by any fault of mine; yet here I lie, slain by the lot of my own fate."[11] In this passage, Christina pleads her innocence, calling upon divine authorities as witnesses to it. At the same time, she sees herself as at the mercy of fate. This lends the text an additional layer of meaning. On the one hand, it addresses thoughts about guilt and responsibility that are hinted at, but not explicitly stated, in the shorter version through the reference to the cruel act committed against the dutiful wife. In the two additional verses, Christina describes herself as someone at the mercy of fate who ultimately lies helpless on the ground. This conveys a sense of helplessness; despite her exemplary behavior and piety, she cannot escape her cruel death. This point is not mentioned at all in the shorter version. The shorter version focuses more on the impact of the act than on its placement within a larger, more meaningful context.

The second significant change in the text involves identifying the killed woman. Some versions refer to her as Justina instead of Christina.[12] An obvious explanation seems to be the connection to the narrative tradition from Padua, or rather the text's place of origin. There, Saint Justina of Padua (died c. 304), an early Christian martyr, was considered the patron saint of Padua. The use of her name could have reinforced the local context. However, there is no evidence of this in the manuscripts, so there is no valid explanation as to who Justina was. A later adaptation of the text, however, includes attempts to identify her: The epitaph version featuring Justina also appears in a work by Spanish Humanist Juan Luis Vives (1492–1540).[13] In 1523, Vives published a comprehensive treatise on the education of girls and women: "The Education of a Christian Woman" (*De Institutione Feminae Christianae*). He dedicated this work to Catherine of Aragon, the Queen of England and first wife of Henry VIII.[14] At the time, Vives was living in England. In addition to conducting research at Oxford University, he served at the royal court as the tutor to Princess Mary, Catherine and Henry's daughter. His book is divided into three parts dedicated to virgins, wives, and widows, each reflecting the different social statuses of women. This structure echoes Vives's approach to edu-

11 Callu/Naar, "*Furore*," 109: *Nec culpam meruisse necem bona numina testor, Sed jaceo fati sorte perempta mei.* Own translation; for a more poetic translation, see Vives, *De institutione*, 193.
12 On the versions with Justina, see Callu/Naar, "*Furore*," 112–113.
13 On Vives and his work, see the contributions in Farazzi, *A Companion*.
14 On Catharine, see the latest monograph by Earenfight, *Catherine*.

cating women and girls. According to Vives, their education should be fundamentally linked to their central role as wives.[15] Therefore, he focused on gender-specific roles, the associated legal, social, and cultural expectations and moral codes. As Ljungqvist has demonstrated, Vives based his ideas on a strictly patriarchal understanding of family hierarchy. In his opinion, fathers or husbands had the right to dispose of women's lives and bodies entirely.[16]

Against this background, Vives discussed marriage from various perspectives, balancing praise with potential dangers. In chapter 15 of the first book, he dealt with ways "on seeking a spouse."[17] The chapter offers general advice and provides various historical, mythical, and biblical examples to instruct women to obey their parents when arranging a marriage, obey their husbands during marriage, avoid luxury and idleness, and prepare their bodies for motherhood. Vives explicitly stated his belief that women were obligated to obey and be subordinate to their husbands. He cautioned women against paying attention to poor or unsuccessful men, stating that they may lead to neglect or even danger. In this context of warning, Vives presented the epitaph after recounting Justina's story. In his own narrative, he identified Justina as a "noble Roman virgin" and used her as an example for innocent women married to "rich but stupid and raging madmen."[18] Vives recounted that Justina's husband, who remains unnamed throughout the chapter, became "suspicious of his bride's exceptional beauty." On their wedding night, when he saw her exposed neck, he became jealous and "butchered the young maiden and new bride."[19] Following this description, Vives simply attached the epitaph, noting that it provided information about the crime. Further sections of the chapter follow. Although they do not explicitly refer back to the text, they continue to comment on the danger a violent man poses to his wife. The focus is on the possibility of transmitting this madness to future generations or of it rubbing off on the wife's character. This discussion forms the basis for the subsequent arguments advising women to seek morally upright men.[20] In the final section of the chapter, Vives discussed the advantages and dangers of love and attraction. He concluded that the consent of both parties was essential for a successful marriage.[21] Vives dedicated an entire passage of his chapter to Justina's story and the epitaph, yet the focus never fully shifts to Justina herself. Her fatal fate is intended to deter other women. According to Vives, Justina's example should teach other women to carefully seek husbands, thus obeying their fathers'

15 Jacobi, "Juan Luis Vives."
16 Ljungqvist, "Female Shame."
17 Vives, *De institutione*, 177–209: "On seeking a spouse" (*De quarendo sponso*).
18 Vives, *De institutione*, 192 (Latin text) and 193 (English translation).
19 For Vives's own narrative, see: Vives, *De institutione*, 192. *Iustina, nobilissima Romana virgo, aetatis suae puellas forma supergressa, cum locupleti quidem sed stolido et furenti viro in matrimonium esset tradita, de excellenti illa specie in suspicionem marito venit, qui candidissimae uxoris cervicem conspicatus inclinantis se ad exuendum calceum, furore ex zelotypia correptus, teneram puellam et novam coniugem obtruncavit.*
20 Vives, *De institutione*, 194–201.
21 Vives, *De institutione*, 202–209.

wishes. Despite addressing a female audience, Vives recounts the story focusing on the mad husband whose lethal actions cannot be avoided. In his narrative, women have influence only if they act within the context of contemporary norms and expectations.

Through the Lens of Femicide

The epitaph about Christina/Justina and its many copies and adaptations demonstrate that people in the 15th and 16th centuries were captivated by her tale. The fate of the innocent woman who was slain by her husband with a sword in her marital bed seemed to appeal to a variety of interests and contexts of interpretation.

Examining the case through the lens of femicide clarifies questions regarding social structures, family hierarchies, and gender-specific role expectations. Regardless of the version, Christina appears as a woman who fulfilled her marital duties and bore no guilt or committed no offense. It is her husband's mental disposition that leads to the killing, as he cannot (or will not) control his impulse to act, which results in him reaching for his sword. The text focuses on Christina and her fate. It empowers her to speak for herself and recount her story. Her final message to the fathers establishes her as an example and a mediator between past and future times, and men in the present moment are expected to learn from her.

Framing the text as an epitaph brought the distant fate of the killed woman into the respective present for each reader or viewer, prompting them to engage with the story (see also the contributions by Kristina Richardson, no. 17, Sara Butler, no. 19, and Rike Szill, no. 30). This highlights the functional nature of the epitaph. Christina's story did not have to be tied to a specific person or time. Instead, the vagueness of the key facts allowed the story to be situated in almost any context. At any time and in any place, there must have been a Christina who fell victim to her husband's jealousy or anger. Reading her epitaph made sure that people were aware of that.

Further Questions

1. Christina may have been a real person with a real life, or she may never have existed. Discuss how this uncertainty might have shaped the interests of contemporary Renaissance readers. Also, debate how this knowledge changes or influences our understanding of the text.
2. Conduct research to see if you can find other epitaphs or poems commemorating the violent death of a woman. Then, analyze their narrative structure, paying special attention to their focus (victim or perpetrator?). Compare your findings with the results regarding Christina's epitaph.

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21 Martyrdom or Femicide? Considering the Story of Maria Goretti

Alison More

Source: The tragic tale presented here is excerpted from the proceedings of Beatification for Maria Goretti (1890–1902). She is a young Catholic saint and venerated as a martyr. Maria died from injuries she sustained when trying to resist sexual assault. Maria is hailed as a "lily of purity" for choosing death over sexual defilement. The source below is from the Apostolic Letter issued by Pope Pius XII on April 27, 1947, formally declaring the beatification of Maria Goretti. She was canonized (declared a saint) in 1950.

Christiani palmarum martyrii, quibus inclyta Christi Sponsa nullo non tempore decorata redimitaque fuit, ne hac quidem aetate nostra, turbidissima sit quamvis licet atque teterrima, exempla desunt aetherio splendore micantia. Unus quidem omnium maximus triumphus ille habendus est, quem suae ipsius vitae dono atque immolatione aliquis obtinuerit: qui triumphus, pie sancteque effuso sanguine purpuratus, haud parum saepe martyrii nomine decoratur. Quod si in martyre parvae aetatis fragilisque sexus naturalis debilitas accesserit, huiusmodi martyrium ad verae ac magnificae apotheoseos celsitudinem per se ipsum assurgit.

The Christian triumphs of the martyrs—with which the illustrious Church, the Spouse of Christ, has been decorated and crowned at all times—are not lacking even in this age of ours, however turbulent and foul it may be. They are shining examples gleaming with celestial splendor. Indeed, that one triumph must be considered the greatest of all which someone obtains by the gift and sacrifice of their very life; this triumph, made royal by blood shed in a holy and righteous manner is often graced with the name "martyrdom." But if, in a martyr, the natural weakness of a tender age and a fragile sex is added, a martyrdom of this kind rises by its own merit to the loftiness of a true and magnificent acclaim.

Quod quidem in parvula atque humillima, eodemque tempore permagna ac celsissima romani agri incola evenit, Maria Goretti, quae, ad castitatis suae candidum florem tuendum illibatumque servandum, heroica virtute contendere, pati, vitamque ipsam una cum sanguine fundere non dubitavit.

Eidem propterea verba illa aptissime congruere videntur, quae Sanctus Ambrosius Beatae dicavit Agneti: "Mirentur viri, non desperent; parvuli, stupeant nuptae, imitentur innuptae." [1]

This is precisely what occurred in a young and most humble, yet at the same time exceedingly great and sublime, inhabitant of the Roman countryside, Maria Goretti. To protect the radiant flower of her chastity and to preserve it undefiled, she did not hesitate to strive with heroic virtue, to suffer, and to pour out her very life along with her blood. Therefore, those words of Saint Ambrose concerning the Blessed Agnes seem to apply to her: "Let men marvel, let them not despair; let the young be amazed, let the married marvel, let the unmarried imitate."

1 Office of St Agnes.

Iure igitur meritoque "Exsultet gaudio pater iusti, gaudeat pater tuus et mater tua, et exsultet quae genuit te!"[2] *Pater nempe tuus, o nimis felix, nimis o beata puella, tecum una laetetur in caelis, dum mater tua, aeque ac mater angelici illius Aloysii, fortunatissima, nobiscum gaudio gestit in terris. Exsultet et Italia parens, demissam iam erigens venustissimam frontem, cui per te niveis purpureisque litterulis bina nomina inscripta sunt illa: "Fortitudo et decor."*[3]

Rightly and deservedly, therefore: "Let the father of the just rejoice with joy, let your father and your mother be glad, and let her who bore you exult!" Indeed, O joyful, O blessed girl, your father rejoices with you in heaven, while your most fortunate mother—just like the mother of the angelic Aloysius [Gonzaga]—leaps with joy with us on earth. Let your homeland, Italy, also exult, now raising her bowed and most beautiful brow, upon which, through you, these two words have been inscribed in white and purple letters: "Strength and righteousness."

Maxime autem Italiae filiae, quarum dulcis floret iuventa, puro velint inspicere obtutu suum propriumque femininae et iuvenilis virtutis nitidissimum exemplum, quod ex malo eminet, velut ex umbris lumen. Exemplum, inquimus, et praesidium; nam, si pro omnibus Deus "mirabilis in Sanctis suis" praesidium in ipsis constituit et exemplum, peculiare sane in Maria parvula collocavit pro puellis corrupti huius et cruentissimi saeculi, cuius vel ipsum limen innoxio sanguine suo respersit illa.

Most of all, let the daughters of Italy, whose sweet youth is now in bloom, gaze with a pure vision upon their own brilliant example of feminine and youthful virtue—an example that stands out from evil like light from the shadows. An example, we say, and a protection; for if God, who is "wonderful in His Saints," has established in them an example for all people, in the young Maria, he has a perfect example for the maidens of this corrupt age, the very threshold of which she sprinkled with her innocent blood.

In oppido "Corinaldo" vulgo nuncupato, in Picenis, intra Senogalliensis dioeceseos fines, sito, Aloysius Goretti et Assumpta Carlini, coniuges, divitiarum atque ceterorum bonorum expertes, sed Fidei Christianarumque virtutum thesauris affluentes, cubiculum suum, quasi hortum conclusum sanctimoniae fructibus olentem, postridie idus Octobres anno supra millesimum octingentesimo nonagesimo, fragranti mystico lilio exornatum, clementissimi Dei benignitate, conspexerunt, ob suavissimam in lucem editam filiolam, cuius statim tutelaris angelus, sicuti opinari fas est, symbolicam coronam niveis purpureisque floribus, castitatis et martyrii triumphum praenuntiantem, gaudens intexuit.

In the town commonly called Corinaldo, situated in the Marches within the boundaries of the Diocese of Senigallia there was a married couple, Luigi Goretti and Assunta Carlini, who did not have much, yet abounded in the treasures of faith and Christian virtue. On October 16, 1890, through the kindness of most merciful God, the birth of a sweet little daughter made them see their bedroom as an enclosed garden fragrant with the fruits of holiness, adorned with a sweet-smelling mystical lily. The child's guardian angel, as it is right to believe, immediately and joyfully wove for her a symbolic crown of white and purple flowers, foreshadowing the triumph of her chastity and martyrdom.

2 *Proverbs 23: 24–25.*
3 Proverbs 31:25.

Parentes autem eius, Fidei Christianae praeceptorum observantissimi, infantulam, nulla interposita mora, lustralibus aquis abluendam curarunt, eidemque, erga Deiparam Virginem pietate atque amore quam qui maxime aestuantes, pulcherrimum suavissimumque Mariae […] adiecto nomine Teresiae. […]

Her parents, who were most observant Christians, immediately had their daughter baptized. Stirred by the greatest possible piety and love toward the Virgin Mother of God, they bestowed upon her the most beautiful and sweet name of "Maria" [...] adding also the name of Teresa.

Cum posthac familiola Goretti migrare necessitate coacta fuerit, Corinaldense lilium candescere ac fragrare coepit in agro romano […] in domo rustica Mazzoleni Comitia, quam eius coloni, videlicet Aloysius Goretti et Ioannes quidam Serenelli cum Alexandro filio, matre orbo, viginti circiter annorum, habitabant communiter.

When, after this, the little Goretti family needed to move, the lily of Corinaldo began to grow white and fragrant in the Roman countryside. There the family lived together in the Mazzoleni farmhouse, which was occupied in common by its tenant farmers, namely Luigi Goretti and a certain Giovanni Serenelli, along with his son Alessandro, a youth of about twenty years who had lost his mother.

Dilectissimo parente orbata paulo post, vix decennis, candida Ancilla Christi non persentire non potuit necessitatem Dei "Patris orphanorum et tutoris viduarum."[4]

Bereft of her most beloved father shortly thereafter, when she was scarcely ten years old, the pure handmaid of Christ could not but deeply feel the need for God, "the father of orphans and defender of widows."

Matri vero, viduitatis maerore et familiaribus angustiis oppressae, assidua ac sollicita curarum particeps adfuit, solaminis angelus. Boni erat ingenii docilisque; verecunda aeque ac decora, ut mater ipsa testatur; nunquam ei non oboedivit, nihil ei molestiae seu displicentiae intulit umquam, nihil immo non tentavit ut eam filiali studio laboribus levaret. Fratribus autem et sororculis, quorum sibi conciliavit amorem munere amico, fuit altera mater. Ceteris vero modestiae illius insigne praebuit exemplum, quam Apostolus notam esse vult omnibus hominibus.[5] *[…]*

To her mother indeed, who was weighed down by the sorrow of widowhood and domestic hardships, she stood by as a constant and solicitous partner in her worries—an angel of consolation. She was of a good and docile disposition; as modest as she was beautiful, as her mother herself testifies. She never disobeyed her, never caused her any trouble or displeasure, and left nothing untried to relieve her of her burdens as a dutiful daughter. To her little brothers and little sisters, whose love she won by her gentle care, she was a second mother. To all others she offered a signal example of that modesty which the Apostle wants to be known to all men.

Crescebat aetate, sed celerius in illa sapientia progrediebatur, quam sapientibus absconditam et prudentibus, revelatam dicit Dominus a Patre benignissimo parvulis.[6] *Quod de ea*

She grew in age, but she progressed even more rapidly in that wisdom which the Lord says is hidden from the wise and prudent but revealed by a most gracious Father to little

4 Psalm 67:6.
5 Philippians 4:5.
6 Matthew 11:25.

testatum legimus: "Vetulae similis erat" nonne liturgiam resonat Agnetis: "Infantia quidem computabatur in annis, sed erat senectus mentis immensa"?

ones. Does not that which we read testified of her—"She was like a little old woman"—echo the liturgy of Saint Agnes: "Her infancy indeed was counted in years, but the maturity of her mind was immeasurable"?

[…] Non ita multo post, cum unam ex duodecim, quas ad sacram Eucharisticam primam Dapem commensales habuerat, et iuvenculum quemdam ad aquae fontem audisset turpia ultro citroque facere verba, cumque matri suae hoc retulisset horrescens, monita ab ea, respondere non dubitavit se necari malle quam obscena dicere verba. Quod pudoris propositum quid ab eo differt, quod primaevae Ecclesiae Virgines purpureae coram iudicibus profitebantur: "Malo mori quam foedari"?

Not long after [she had made her first communion], when she had heard one of the twelve girls she had as companions at her first Holy Eucharistic Feast, exchanging foul words with a certain young man by the water spring. When she had reported this to her mother in horror as she had been warned of such things, Maria said she would rather be killed than speak obscene words. How does this resolve of modesty differ from what the crimson-robed virgins of the early Church used to profess before the judges: "I prefer to die rather than be defiled"?

Quod ut ipsa ad effectum etiam adduceret, mox occasio, sic disponente Deo, oblata est illi. Cum enim puella, etsi tenera, statura tamen esset satis alta et formosa, cumque iuvenem contubernalem, vitiis contaminatum voluptatibusque omnino deditum, fugere non posset, ne maximo quidem pudore suo maximaque modestia turpissimum eius cohibere valuit obcaecatumque desiderium.

She was soon offered an opportunity to bring this resolve into effect. For although the girl was tender in age, she was nevertheless quite tall in stature and beautiful. Since she could not escape the young man sharing her household, she was unable, even with her utmost modesty and greatest virtue, to restrain his most foul and blinded desire.

Ab eo itaque frustra semel et iterum tentata, hanc oblatam habuit denique optionem; ut aut virtutis iactura vitam servaret, aut iactura vitae servaret virtutem. Vitam, solam vitam abiecit, in altero saeculo inveniendam, custodiendam in vitam aeternam.

When his repeated attempts against her had failed, she was presented with this final choice: either to save her life by the loss of her virtue, or to save her virtue by the loss of her life. She cast away her life alone, so she would find it in the next world, and keep it unto life eternal.

Die enim quinta Iulii mensis, eodem quo diximus anno, daemon iuvenem invasit. Qui, cunctis ad opus agreste vix reversis, reversus extemplo domum solus, ab inscia virginis matre interim in labore suffectus, puellam, cui iam iniunxerat ut suum ipsius indusium acu sarciret, sororculae somno invigilantem extra ianuam in summa scala, sollicitatam, vi in cubiculum abreptam, negantem, negantem, negantem, et supra pueriles vires insanae concitataeque libidini resistentem, pudicitiae vel sub ferro

For on the fifth day of the month of July, in the same year we mentioned, a demon possessed the young man. While everyone had returned to their field work, he immediately returned home alone—having replaced the unsuspecting mother of the virgin at her labor. The girl, whom he had already ordered to mend his shirt with a needle, was watching over her little sister who was asleep outside the door at the top of the stairs. He propositioned her and forcefully dragged her into the bedroom.

consulentem, in tenacia sancti propositi perquam obstinatam, in simplicitate cordis clamantem: "Quid facis? Peccatum est! Ibis ad infernum! ", qua erat crudelitate imbutus, beluarum ritu iracundia effervescens, totumque acerbitatis suae virus in eam effundens, acutissimo pugione seu quadrangula quadam subula ad hoc comparata vulneribus quatuor supra decem aliaque plaga multiplici confodit.

She refused, refused, and refused, resisting his insane lust beyond a child's strength, caring for her modesty even at knifepoint. She remained utterly steadfast in her holy purpose, she cried out in the simplicity of her heart: "What are you doing? It is a sin! You will go to hell!" Steeped in cruelty and boiling over with rage like a wild beast and pouring out the whole venom of his bitterness upon her, he stabbed her with a very sharp dagger or a four-sided awl, inflicting fourteen stab wounds alongside multiple other injuries.

Pectusculum virgineum ipsumque cor innoxium, quae ferrum transfixit, peccatum, "turpe peccatum" non penetravit! Heroica puella barbare obtruncata, suo ipsius cruore madida, humi iacet; foedissime necata, sed invicta; vulneribus terebrata, sed intacta; lethalis ipse pugio, costam eius vehementissime percutiens, flexus est; at candidissima "puritatis Martyr," firma constantique eius voluntate neque fracta neque flexa, semianima iacet, sed suo micabit in aevum sublimi purpurata triumpho.

The iron blade pierced her innocent maidenly breast and her heart, but she was not touched by the vile sin. The heroic girl was barbarously wounded and drenched in her own blood. She lay murdered upon the ground yet was unconquered. She was pierced with wounds, yet untouched. Even the lethal dagger which struck her rib with great violence was bent; but the most white "Martyr of Purity," was neither broken nor bent in her firm and constant will. Although she lay half-dead, she will shine forever, robed in the crimson of her sublime triumph.

O mirabilis virtus, quam Dei famula, in ipso Pretiosissimi Sanguinis die, sacravit in aeternum, suo commixto cum Sanguine Agni, in quo stolae Sanctorum dealbantur! […] ut in Quo nomine dulcissimo vitam inchoaverat, in ipso vitam et finiret: vitam profecto brevem, sed gloriosissimam. Etenim exiguae vitae anni, quos in angelica innocentia emensa est, omnibus potissimumque puellis in exemplum usque quaque nitebunt, duodecim instar siderum circum caput Deiparae Virginis mystice fulgentium.

O wondrous virtue, which the Servant of God, on the very Feast of the Most Precious Blood, consecrated for eternity, mixing her own blood with the Blood of the Lamb, in which the robes of the Saints are washed white! So that, in that most sweet name in which she had begun her life, in that very name she also finished it: a short life, but most glorious. For the few years of life she passed in angelic innocence will shine everywhere as an example to all, especially to young girls, like twelve stars mystically gleaming around the head of the Virgin Mother of God.

In caritate suum Dei Famula conclusit curriculum; in caritate proximi, cum vitam suam tallenti ignoverit ex corde, velut Iesus ipse latroni in paradisum recipiendo; […] In caritate "qua maiorem nemo habet"; qua videlicet "animam suam ponit quis pro amicis suis."

The Servant of God closed her life's course in charity: in love for her neighbor, since she forgave her murderer from her heart, just as Jesus forgave the thief to be received into paradise. This was a love "greater than which no one has"; the love by which "a person lays down their life for their friends."

Hoc profecto sensit illico christiana plebs fidelium, quae virgini pauperculae non quidem iusta funebria persolvit, sed triumphum detulit ornatissimum ; cui mox undique terrarum catholici consenserunt omnes, larga quoque stipe collata, ex qua selectum in coemeterio sepulcrum primo, dein vero, a die vicesima octava lulii mensis anno millesimo nongentesimo vicesimo nono, nobilius in aede Mariana de Gratiis monumentum, sub custodia Neptunensium alumnorum Sancti Pauli a Cruce, reconditas exuvias virgineas asservarunt. […]

Her sacrifice was immediately felt by the Christian faithful, who did not merely perform funeral rites for the poor little virgin, but honored her with a triumph. Catholics from every corner of the earth contributed generous offerings for burial—first in a chosen grave in the cemetery, and then, from the twenty-eighth day of July in the year 1929, in a more noble monument within the Marian Shrine of Our Lady of Graces, under the custody of the Nettuno sons of Saint Paul of the Cross, [the Passionists].

Texts and Contexts

The text presented here tells the story of the popular Catholic saint, Maria Goretti (16 October 1890–6 July 1902). The document above is the Apostolic Letter confirming her beatification or declaring her a suitable model for veneration in the Church.[7] As such, it is not concerned so much with recounting the details of her life but drawing attention to those things which deemed her suitable as a model of holiness. This section will recount what we know of Maria's life, and the nature of the Apostolic Letter will be discussed in the analysis section.

Maria Goretti was born to Luigi Goretti and Assunta Carlini in 1890 (lines 68–69, "Luigi" is "Aloysius" in Latin). She was the third of seven children, and the eldest daughter. Her early life was marked by poverty and hardship. Around 1900, the Goretti family moved to the malaria-ridden Pontine Marshes in the Roman countryside.[8] They shared a house with a father and son, Giovanni and Alessandro Serenelli. Luigi was employed as a tenant farmer on land owned by the wealthy Mazzoleni family. Assunta attended to household duties for her family and the Serenellis while heavily pregnant. The situation was dire, and they endured constant lice, hunger, and illness.[9] The Pontine Marshes had a high rate of malaria, which caused Luigi's death in 1900.[10] On his deathbed, Luigi begged Assunta to take the children and return to her family home. The economic reality of her situation meant that this was impossible. Instead, Assunta took Luigi's place in the fields, and her eldest daughter, Maria, took over caring for the household. She became a "second mother" (*altera mater*, lines 107–109) to her younger siblings, and a housekeeper to the Serenellis. As she later confided in her mother, it was around this time that Alessandro Serenelli began making sexual advances to the

7 Woodward, *Making Saints*, 15–20.
8 For a discussion of the conditions see, Spina, *Aspetti e problemi dell'Agro Romano*, 67–104.
9 Details are recounted in Alberti, *Maria Goretti*, Chapters 7–8; Guerri, *Povera santa*, 16–77. For a summary of the many documents, see Claassen-Luttner, *Witnessing*, 1–17. For discrepancies, see Young, "Virginity," 475.
10 Guerri, *Povera santa*, 45–50.

then ten-year-old Maria. He promised to kill her unless she kept these private.[11] The Apostolic Letter praises the way she accepted her circumstances.

Silence could not buy Maria's life for long. On 5 July 1902, Alessandro gagged Maria and attempted to rape her. When she resisted, he stabbed Maria fourteen times with an awl. He left her in the family kitchen. She was discovered bleeding and with torn clothes. In hospital, she said to her mother: "Mama, Mama, Alessandro has slaughtered me."[12] Maria was immediately taken to the *Fatebenefratelli* hospital by cart, where she endured surgery without anesthetic. Fr. Temistocle Signori, the priest who had given her first Communion, now gave her last rites. At this time, he asked whether she forgave her attacker, and she responded emphatically in the affirmative. She developed blood poisoning and died the next day.[13]

Maria's case immediately caught the attention of the Italian media, and her funeral became a public event (lines 215–220). She was buried in a grave donated by the city. She was transferred to the Passionist shrine after her canonization. The event was marked by a public procession from the hospital and attended by the public. Maria Goretti was canonized on 24 June 1950 by Pope Pius XII. Her canonization was the first held outside of St. Peter's basilica to accommodate the crowd, estimated at around 250,000 people. The cause for canonization had been widely supported at the grassroots level, and Italian society seemed to embrace the young saint. As is discussed in more detail below, she was lauded as a pontifically-approved model for young Catholic women in 2003 and 2013, and one of the patrons of World Youth Day (an international gathering of young Catholics) in 2008.

Making Sense of the Source

Life on farm in the Pontine Marshes in the late nineteenth and early twentieth century would have been harsh. Maria's existence would have involved filth, squalor, and domestic labor.[14] Neither she, nor her parents could read. Her brothers' heads were shaved to prevent lice, but Maria did not have the same luxury. The family lived with constant risk of malaria, which caused Luigi's death, making Maria even more vulnerable. At this time, Maria began to experience sexual harassment on a regular basis. Her attacker grew increasingly insistent, eventually resulting in her death. While the harshness of her life is masked by the language of sanctity, the reality is hinted at when the Apostolic letter mentions her need for God who was father of orphans and protector of widows (line 94–96). Maria found refuge in her faith and embraced the local devotion to the Madonna delle Grazie, whose image had been in Nettuno since the sixteenth century. Despite her functional illiteracy, Maria was permitted to receive her first communion

11 Assunta Goretti. Interview by Joseph Stella, Pius Costanzi, Josephus Salvatori, Session XXI. Quoted in Claassen-Luttner, *Witnessing*, 12, n. 21.

12 Guerri, *Povera santa*, 115. ("Mamma, mamma, Alessandro mi ha scannata!").

13 Guerri, *Povera santa*, 115–116.

14 Guerri, *Povera santa*, 16–77; Spina, *Aspetti e problemi dell'Agro Romano*, 64–107.

earlier than the customary age of twelve. As fate would have it, it would seem that she received her beloved eucharist only once.[15]

The documents that tell both parts of this story are largely connected to the proceedings surrounding her canonization and (to a lesser extent) the documents from Alessandro Serenelli's original trial. Not surprisingly, the two versions of events are often contradictory and much of the story is left to conjecture. It is important to consider the original purpose of each document when considering its role both in Maria's story and the creation of her legend.

At his original criminal trial, Alessandro advanced the contradictory positions that his actions were entirely normal, and that he was fending off a sexual attack from the eleven-year-old girl. Unsurprisingly, the judge was not convinced. Alessandro was sentenced to serve thirty years. His testimony at the process for Maria's canonization presents a very different picture, one that stresses her purity and his culpability. The contradictions between his two accounts were not seen as rendering his later testimony suspect, but evidence of the fullness of his conversion. The original documents seem the tale of a troubled young man, who did not have a healthy understanding of human relationships. They also seem directed at securing his freedom. The contradictions are generally read as evidence of his growth and conversion.

As is explored elsewhere in this volume (see my contributions on Dymphna, no. 25, and St Christine, no. 18 in this volume) saints' lives are known as hagiographic *vitae*. The genre takes its name from the Greek *hagios* (holy) and *graphia* (writings). The stories are not straightforward biographies. Rather, they are constructed in such a way as to depict a portrayal of sanctity or place their subject in a tradition of holiness.[16] The same is certainly true of testimonies connected with a process of canonization, which often provide the source material for vitae. While Maria was undoubtedly pious and active within her Catholic community, much of the rhetoric connected with purity and forgiveness is formulaic and likely represents the desire to promote ideals as much as the ideals themselves, for spiritual, social, or political reasons.[17]

In the Catholic tradition, "beatification" is part of the administrative process towards canonization or officially recognizing someone as a saint.[18] In order to be certain that those officially declared saints by the Church were worthy of this honor, the Catholic Church has a process for verifying sanctity that was initiated at the Fourth Lateran Council in 1215. This process was refined after the Council of Trent. Despite a twentieth-century push towards historical accuracy and the scientific method, the procedure remained largely unchanged until the Pontificate of John Paul II. "Beatification" is the

15 There seems to be some discrepancy over the precise date that Maria made her first communion. Commissione di Studio Istituita dalla Congregazione per le Cause dei Santi, *A Proposito di Maria Goretti*, 65–72. Cf. Claassen-Luttner, *Witnessing*, 2–3, and 2, n. 3.
16 Elliot, *Reading the Roads*, 1–36.
17 Woodward, *Making Saints*, 122–124.
18 Woodward, *Making Saints*, 85–86.

final step in this process before canonization. It is the official authoritative papal declaration that a person has lived a life of heroic virtue and is worthy of being granted the title "Blessed" (*beata*/*beatus*). This status allows limited public veneration, often locally or in specific religious congregations. It is only after canonization that the universal Church recognizes an individual as a saint.

Unlike a bull of canonization which often focuses on miracles attributed to the saint, the declaration of beatification tells the story of a saint's life, emphasizing aspects of holiness. In the case of Maria, her purity is emphasized, although the Apostolic Letter uses the words *fortitudo* and *decor* (lines 40–41). At first glance, "strength" and "beauty" do not appear to be what is being praised. However, the words themselves have a wider history and a very definite moral aspect. The Roman Cicero and later the theologian Thomas Aquinas saw *fortitudo* as both the willingness to act against injustice and the ability to endure suffering. Maria's other strength, *decor*, ostensibly means "beauty" or "dignity," but also carries the sense of behaving in a righteous manner.[19] Maria was widely hailed as a "martyr of purity" (line 187) and ostensibly chose death over defilement.

The account of her beatification emphasizes her exemplary virtue. It places her in the tradition of virgin martyrs, with specific reference to the early Church martyr, St Agnes.[20] Agnes was killed around 304 CE at the age of 12 or 13. In her lifetime, practicing Christianity was punishable by death. This is the official reason Agnes was tortured and eventually killed. Nevertheless, Agnes' sex and sexuality both played a significant role in her death. Renowned for her beauty, Agnes had caught the eye of Procopius, the son of a Roman prefect. When she refused his advances and insisted that she was betrothed to Christ, he reported her to the authorities for being Christian. As a mercy, she was sent to a brothel rather than face execution. Here, a miraculous divine light instantly blinded any man who approached her with lustful intent, and she was able to maintain her purity. Outraged, the Roman officials condemned her to be burned alive at the stake. She survived this too, as the fire would not touch her. She was ultimately killed with a sword.[21]

At the point of Maria's canonization, Agnes had been a popular saint and model of purity for over sixteen hundred years. In his late fourth-century treatise *De virginibus*, Ambrose the bishop of Milan praised her as a model of Christian virtue. Agnes, like the later Maria, was praised for her steadfastness, commitment to the Christian faith, and virginal purity. In Ambrose's telling, preserving her virtue was a definite and defiant choice, making Agnes an ideal model for Christian womanhood. Her remains are preserved in Rome in the Church of *Sant'Agnese fuori le mura*. She is patron of thousands of schools, hospitals, and churches.

19 Aquinas, *Summa theologiae*, Second part of the Second Part (II–II), Q. 124, Art. 5.
20 Young, "The Imperishable Virginity," 477.
21 Burrus, "Reading Agnes," 25–46.

The documents detailing Maria's beatification, canonization, and spread of her cult emphasize the connection with Agnes. The two girls both maintained their physical purity at the cost of their lives and both were venerated for this choice. Unlike Agnes, Maria lived in the modern world and was held up as a witness that the old models of sanctity were still relevant. Pope Pius XII again invoked the comparison with Agnes in his 1954 encyclical, *Sacra virginitatis*, where he wrote, "In truth, virginity gives souls a force of spirit capable of leading them even to martyrdom, if needs be: such is the clear lesson of history which proposes a whole host of virgins to our admiration, from Agnes of Rome to Maria Goretti."[22]

As a model, Maria was deemed more relatable than Agnes, precisely due to her humble background and experience of the modern world. Maria's docility, quiet strength, purity, and fervent commitment to forgiveness were repeatedly invoked by Catholic youth organizations.[23] In the wake of the growing influence of secularism and the advent of artificial birth control, she represented a commitment to pure Christian virtue. The Apostolic Letter lauds her as an example (lines 45–50). In his homily for her canonization, Pius XII stated that "our sons and daughters…admire your heroism and want to be your imitators in the fervor of faith and incorruptible purity of morals.[24] Maria continued to be presented in this light into the twenty-first century. In a 2002 the letter commemorating her death, Pope John Paul II writes, "Pope Pius XII of venerable memory pointed to Maria Goretti as 'the sweet little martyr of purity' because she did not break God's commandment despite being threatened by death. What a shining example for young people!"[25] In a 2013 General audience, Benedict described her as, a "virgin and martyr, a girl who, in spite of being very young, was able to show strength and courage against evil." He went on to add, "I invoke her for you, dear *young people*, so that she may help you to choose good always, even when it is to your cost."[26]

As a model, Maria was ideal. She was popular with the people, and her cult was being promoted in both the religious and secular worlds. Outside of the Church, Maria's story was told in film and literature. In 1949, the year before Maria was canonized, the film *Cielo sulla palude* ("Heaven over the Marshes," 1949, dir. Augusto Genina) was released to a very mixed reception. It won awards the year it was released for best Italian film and best director as well as a special award for its spiritual contribution. However, its non-mystical portrayal of sanctity was not well-received by international audiences. Nevertheless, it kept the global conversation about Maria very much alive and facilitated the construction of an iconic Maria who conformed to the feminine ideals of

22 Pius XII, *Sacra virginitatis*, par. 28. Cf. Samerski, "The Saints of the Pope," 66–67.
23 Rego, "No! No! It is a Sin!"; Young, "Virginity," 497.
24 Pius XII, "Nella esaltazione alla Gloria dei Santi di Maria Goretti," 122.
25 John Paul II, "Maria Goretti: Example for Young People," 121.
26 Benedict XVI, "General Audience."

fragile beauty as much as the constructions of feminine sanctity.[27] There has even been some suggestion that photographs from her original autopsy were removed from her original dossier as the image they presented was more consistent with a girl who had experienced hardship than a serene model of feminine sanctity.[28] Since there are few photographs of the historical Maria, her cult could construct an image of conventional beauty, which emphasized her youth, beauty and innocence.[29] Further films were produced for television in 1974 (*Maria Goretti*, 1974; *Maria Goretti*, 2006, dir. Giulio Base). A 2025 short film (Rewritten: The Story of Saint Maria Goretti), focuses mainly on the guilt and pain experienced by Alessandro Serenelli. These films have kept Maria in the popular imaginary and have gone some way to ensuring that the myth of feminine purity remains a part of western culture.

Conceiving Maria as a saint seemed fairly straightforward. The idea of Maria as a martyr, was less evident, despite Pius XII's continual use of this title. The word "martyr" means "to bear witness" and comes from the Greek "martus" or "witness in a trial." The early martyrs earned their crowns for dying for their Christian belief. The men who murdered and tortured the early martyrs were intent on preserving the honor of the pagan gods and maintaining social order. While equally tragic, Maria's story was different. Her murderer, Alessandro Serenelli, was not persecuting her beliefs but her person. He was (at least nominally) Catholic and converting Maria does not seem to have been on his mind. Nevertheless, popes from Pius XII onwards hailed Maria as a martyr. However, even they acknowledged that she was not completely traditional. Instead, she was lauded as a martyr of purity and a martyr for the modern world. The traditional concept of "martyrdom" was established in an age of persecution. As mentioned above, the writings of Thomas Aquinas broadened the concept of dying for faith, to include other Christian virtues: in Maria's case, chastity. Maria offered a witness to heroic virtue, "even declaring 'I would rather die than sin.'"[30] Her autopsy confirmed that she was physically a virgin, showing that she had successfully kept her virtue when faced with Alessandro's attacks.[31] Maria's witness was not to her faith, but her purity, hence the title of "martyr of purity" (line 186).

The other major component of her sanctity is Maria's forgiveness of Alessandro.[32] While widely praised in hagiography and a central part of her story, the only evidence for this is her priest's testimony that she affirmed this when he gave her last rites, and Alessandro's later claims to Maria appearing in visions to forgive and guide him, signified by her gift of 14 lilies, one corresponding to each of her wounds.[33] He later com-

27 Cardullo and Bazin, "Cinema and Theology." For further discussion of images of Maria see, Giacomini and Serra, *Dalla santa all'assassino*.
28 Guerri, *Povera santa*, 82.
29 Giacomini and Serra, *Dalla santa all'assassino,* 185–192.
30 Mauro dell'Immaculata, *Una storia vissuta*, 46.
31 Alberti, *Maria*, p. 164. Cf. Claassen-Luttner, *Witnessing*, 118–119.
32 His story is told in DiDonato, *The Penitent*.
33 Cf. Giacomini and Serra, *Dalla santa all'assassino*, 195.

missioned a wooden sculpture of this incident.[34] By all accounts, Alessandro became a model prisoner after this vision. When he was released from prison, Alessandro became a Capuchin lay brother.[35] He was not present at Maria's canonization, preferring to remain in his friary out of penitence, but had actively participated in the process by contributing his testimony. He wrote a Spiritual Testament, which was found by the Capuchins after his death in 1970. In this, he expressed sorrow for his crime and acknowledged Maria as his protectress. He has been widely lauded as an example that no one is beyond redemption.[36]

Through the Lens of Femicide

The martyrdom of a eleven-year-old child has been promoted as a model for imitation in the modern Catholic Church. The idea that the virtue of women and girls is linked with chastity has been problematic throughout Christian history. It is also problematic that a woman's worth is connected to her sexual status. It is a violation of women's dignity and autonomy. When it is applied to Agnes and other virgin martyrs from the early Church, this indignity is often (and easily) dismissed by virtue of being so far in the past that it no longer represents reality. Maria's example shows us that temporal distance cannot explain the widespread celebration of girls being murdered to preserve patriarchal ideals of purity.

The Apostolic Letter mentions that Maria was given a choice: defilement or death (lines 135–140). Maria was a vulnerable eleven-year-old child who was facing assault by an adult male. Submitting to rape at knifepoint under these circumstances would in no way equal "consent" or "defilement." To assert otherwise enables the idea that a rape survivor who is not seriously injured has consented. Whether or not Alessandro had succeeded in his aim of raping Maria, she had countered his assault with a clear refusal. The idea that it would be possible to consent to rape, or that somehow resisting to the point of death is heroic (or even necessary) is a myth perpetuated by a culture that still accepts and promotes femicidal violence for women who fall short of arbitrary ideals. That this "choice" was repeatedly held out as a model into the twenty-first century, shows how pervasive the purity ideal has become in western society.

Alessandro's claims that he was seized by a demon (line 156) or an "uncontrolled passion" (as it was portrayed in the media) is problematic.[37] It is often presented as absolving him of some responsibility. It suggests that he was also a victim and lacked agency. This reading renders the incident a tragedy rather than an act of violence. Maria told

34 Claassen-Luttner, *Witnessing*, 142–143.
35 Giacomini and Serra, *Dalla santa all'assassino*, 192–206.
36 Alberti, *Alessandro*, 319–320. For an extended discussion, see Giacomini and Serra, *Dalla santa all'assassino,* 192–206.
37 The Apostolic Letter claims a "demon" (line 180 above). Newspaper accounts attributed it to an "uncontrolled passion." (Terziana "Maria Goretti e il mito della verginita," 60).

her mother that Alessandro had propositioned her on at least two previous occasions.[38] He threatened to kill her if she revealed what he had done. At the very least, this suggests a premeditated pattern of behavior rather than "uncontrolled passion." Ultimately, Maria's silence would not protect her. It is entirely possible that she feared for her life. It is also possible that she kept silent knowing that her family would be unable to survive without the (limited) assistance they received from the Serenellis. In any case, sexual violence was used as a threat to control and manipulate a child.

It is only recently that many of the damaging aspects of Maria's legacy and cult are being re-examined through a trauma-informed lens. In her critiques of the sexual abuse scandals rampant in the Catholic Church, Kathleen Sprows Cummings points to the many retellings of Maria's story and puts forward the idea of Maria as patron of "Safe Environments."[39] Jessica Cayenne Claassen-Luttner's careful and nuanced doctoral dissertation asks the question about how Maria's legacy can be adapted to meet the needs of the Church in the modern world in a meaningful way.[40] Her work included archival research, comparing disparate documents, and working with the religious communities in Nettuno, who she thanks in her acknowledgements.[41] Her story is complicated, but Maria herself is a beloved and popular figure.

Maria is also officially honored for forgiving Alessandro. When asked whether she forgave him, she answered, "Yes, for the love of Jesus."[42] As a victim of trauma who was fighting blood poisoning, it is unlikely that Maria would have been entirely coherent and able to forgive even if she had wanted to. Nevertheless, Maria's forgiveness of her rapist has become an intrinsic part of the portrayal of her sanctity. It has been hailed as "radical." Alessandro certainly saw this as a sign of her goodness, purity and strength. Nevertheless, holding unconditional and immediate forgiveness as an ideal places a burden on survivors of sexual violence. The idea that a survivor shows their innate goodness by forgiving their attacker perpetuates the disempowerment that permeates and perpetuates violence.

The figure of Alessandro is important when considering Maria's story through the lens of femicide. While the various hagiographic accounts as well as the beatification document excerpted above condemn his crime, more emphasis is generally placed on his conversion. The accounts of his redemption remind the audience that Alessandro was a hostile prisoner when he was first incarcerated. After a vision of Maria in which she forgave him and exhorted him to change his life, Alessandro began working towards rehabilitation. This path would ultimately see him living a religious life as a

38 Assunta Goretti. Interview by Joseph Stella, Pius Costanzi, Josephus Salvatori, Session XXI. Quoted in Claassen-Luttner, *Witnessing*, 12, n. 21.
39 Cummings, "Memory," 211–230. For a discussion about reclaiming Maria's memory and finding new ways to honor her legacy see Claassen-Luttner, *Witnessing*, 148–182.
40 Claassen-Luttner, *Witnessing*, 3–4.
41 Claassen-Luttner, *Witnessing*.
42 Claassen-Luttner, *Witnessing*, 69–70.

Capuchin lay brother.[43] His legacy embraces the idea that no one is beyond redemption and that change is always possible. The Serenelli Project is a group working to help formerly incarcerated men re-adjust to society.[44] Alessandro Serenelli appears in workbooks and tools designed to rehabilitate men who are addicted to pornography or otherwise in need of rehabilitation.[45] All instruments make it clear that his road back to community and society was through Maria, and he was forever grateful for the role she had played in his redemption. In these re-tellings of the story, Maria's violent death is presented as tragic, but a necessary step on Alessandro's spiritual journey. In this re-telling, Maria becomes a supporting character in the story.

If Maria's legacy is to become something that is part of dismantling the purity culture, the toxicity of Alessandro's actions must be emphasized along with his later rehabilitation. At the same time, it is important to remember that he was also affected by the environment in which he found himself. His biographer Pietro di Donato recounts Alessandro's reasoning for assaulting Maria:

> Supposing he had been […] one of the wealthy ruling class. One never or rarely heard of the rich and powerful being punished for an act of passion. If Marietta had submitted he would have made a habit of it. Sooner or later she would have become the mother of his child […] [H]e would have married Marietta and perhaps developed a sentiment for her."[46]

In one strand of Alessandro's initial testimony, his advances towards Maria were simply part of the natural order of things. It was Maria's reluctance that caused her death rather than his actions. He asserted in his original trial that he had given her "every opportunity" to submit to his desires. To Alessandro, rape culture was "normal" and resistance problematic.[47] Although he later moved away from this position the fact that he had held it has disturbing implications for the autonomy of young women in twentieth-century rural Italy and the expectations of normality among young men from that period. From the perspective of dismantling a culture of femicidal violence, Alessandro's story suggests that the education of young men might be more important than forgiving them.

Maria's martyrdom was not about faith but ideals. For girls like the early Agnes, Christina, and their sisters, tortures had as much to do with their sexuality as their faith. The threat of rape was present throughout their ordeals, and the texts were clear that dying to preserve their virtue was an honorable thing. As Maria's case shows, this toxic rhetoric has affected Christian ideals into the modern world. It is only through

43 Di Donato, *The Penitent*, 150–155.
44 https://serenelliproject.org/our-model/.
45 Scott, *Clean of Heart*, 99–108; Lee, "Vision of Light," 323–326.
46 DiDonato, *The Penitent*, 107.
47 Messing-Dysert, "Rape Culture," 176–188.

education and empowerment that this can be changed. For Maria, death or defilement was never a choice. She was a child who suffered sexual violence and died as a result.

Further Questions

1. Maria is compared with Agnes, an early virgin martyr from the early Church. What does it mean when stories of violence towards women play such a prominent role in religion?
2. What happens to our conversations about violence against women when a victim's moral character or "purity" becomes central to the story?
3. Is Maria's forgiveness of Alessandro a harmful pious ideal or an example of restorative justice?
4. What is the significance of the image of Maria being reframed to conform to standard ideals of beauty?
5. Can the story of Maria be adapted to the needs of the modern world?

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VI Femicide and family constellations



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

22 Walled in for a Joke? The Unknown Fate of Jeanne du Fayel, Wife of Jean de Béthencourt, Conqueror of the Canary Islands

Julia Bühner

Sources: This contribution discusses the case of Jeanne du Fayal who was married to Jean de Béthencourt, conqueror of the Canary Islands. At the beginning of the 15th century, Jeanne seems to have died due to the mistreatment by her husband Jean. The two sources, an excerpt from a chronicle and an excerpt from parliamentary minutes, offer us insight into gender roles between spouses in the private sphere, where men acted as governors, judges and executors.

Source 1: This is an excerpt taken from a chronicle entitled *Le Canarien*, reporting on the conquest of the eastern Canary Islands, Lanzarote, Fuerteventura and El Hierro, between 1402 and 1404. The excerpt is taken from the very end of the narrative, when the conqueror Jean de Béthencourt returned home and what he did then to his wife, Jeanne du Fayel. The original French text was taken from: Serra Ràfols, Elías and Cioranescu, Alejandro. Eds. *Le Canarien. Crónicas francesas de la conquista de Canarias (Tomo II)*. Texto B. La Laguna, Tenerife: Régulo, 1959, 355–361. The translation is my own.

Et dedens une espasse de temps Messire[1] Regnault de Bethencourt revint de l'ostel du duc Jehan de Bourgongne, cellui qui fut tué à Monterau-faut-l'Yonne. Y cellui Regnault estoit son grant mestre d'ostel pour l'heure, et vint voir sa femme, qui estoit à Rouvray, laquelle se nommoit dame Marie de Bryauté. Et quant il sceut que Mons. / son frere estoit venu, le plus tost qu'il peut il s'en ala vers lui et firent grant chere[2] l'un à l'autre, et anssi devoient il bien faire, car ilz n'estoient que eulx deulx de pere et de mere, yssus de Messire Jehan de Bethencourt et dame Marie de Braquemont. Et n'avoit Mons. de Bethencourt, roy de Canare[3], nulz enffans; si estoit sa femme belle joune dame et il estoit ja

And after some time, Sir Regnault de Béthencourt returned from the house of the Duke of Burgundy, who was killed at Monterau-faut-l'Yonne; the said Regnault was at that time his chamberlain. And he came to see his wife, who was in Rouvray, whose name was Lady Marie de Bréauté. And when he learned that his brother had arrived, he came to him as soon as he could, and the two were reunited affectionately, as they should have been, for they were nothing more than two siblings of the same father and mother, children of Sir John de Béthencourt and Lady Marie de Braquemont. And Monseigneur de Béthencourt, King of Canaria, had no children. His wife was a

1 Meaning here the title "sir" (*messire*). Béthencourt was both a knight and a noble, before distinct social groups, the differentiation disappeared during the late Middle Ages. See Duby, *The Chivalrous Society*, 95.
2 For an overview of Medieval French dictionaries see: https://www.mediaevum.de/links/woerterbuecher/afrz (Last Accessed September 22. 2026). For the explanations in the following footnotes, the "Dictionnaire du Moyen Français (1330–1500)" was consulted. *Chere* meant here in the sense of *visage*, *air*. The brotherly relationship is described as affectionate, and their common lineage is stressed. See also lines 25 and 26.
3 His title as "lord" or even "king" of the Canary Islands varies in different sources. See Bühner, *Neue Welten*, 302–307.

fort ancien.[4] *Elle estoit yssue de ceulx de Fayel d'entour Troyes en Champaigne. Il ne demoura guyere que le dit seigneur et Regnault de Bethencourt son frere [eussent] grosse noise ensemble; et pour ung nyent, laquelle noise fit biaucoup de mal à Madame de Béthencourt et au dit Messire Regnault dit Morelet.*

beautiful young lady, and he was already very old. She was a descendant of the Fayels, near Troyes in Champagne. It did not take long for the said lord and Regnault de Béthencourt, his brother, to have a great quarrel over nothing, which quarrel did much harm to Lady Béthencourt and to the said Lord Regnault, called Morelet.

Avint que a Grainville la Tainturiere le dit Regnault estoit venu veoir son frere Mons. de Bethencourt et fesoit grant chere et joyeuse. Et Madame de Bethencourt, qui estoit joyne et joyeuse dame, se jouet à Mons. de Bethencourt et a Messire Regnault son frere. Avint que elle dit à Mons. de Bethencourt son mary: – Si ent esté une chose plus licite et plus propre[5] *que je eusse eu en mariage Messire Morelet vostre frere et vous eussiés eu ma seur, sa fame: car elle est biaucoup plus vielle que je ne suis et Mons. vostre frere est plus joune que vous. Et icelle parolle qu'elle dit, elle ne le disoit que en/ joyeuseté. Mais Mons. de Bethencourt ne luy print pas et pour ycelle parrolle en avint de bien grans maulx. Car tout premierement elle ne fut à l'amour de son mary, et elle s'aparceut bien tost; et aussi fit Messire Regnault son frere, lequel il falut qu'il s'en allast hors de son hostel, et ne vouloit Mons. de Bethencourt jamés veoir son frere, pour yceulx parrolles, dont il n'en povet més. Il ne luy avoit pas fait dire, il estoit tout esbahy. Et s'il estoit bien esbahy, encore l'estoit plus la dite dame de Bethencourt. Anssi e'estoit une bien terrible chose à ung homme, de se corrosser si terriblement pour une ytelle parolle qu'il ne se faisoit que par joyeuseté. Le dit seigneur entra eu une si grant jalouzie de son propre frere de pere et de mere, que toutes les plus belles' robbes de la dite dame, dont il y en avoit de dras de soye de plusieurs sortes et de bien riches, il brula au feu tout devant elle.*

It so happened that in Grainville-la-Teinturiere, the aforementioned Regnault had come to visit his brother Monseigneur de Béthencourt, and they got along very well and were very affectionate with each other. And Madame de Béthencourt, who was a young and very cheerful lady, enjoyed spending time with Monseigneur de Béthencourt and Monsieur Regnault, his brother. It happened that she said to Monsignor de Béthencourt, her husband: "It would have been more lawful and appropriate for me to marry Mr. Morelet, your brother, and for you to marry his wife, my sister-in-law, because she is much older than me, and Monsignor, your brother, is younger than you." And those words she spoke were only meant as a joke, but Monseigneur de Béthencourt did not take them that way, and those words caused great harm. For first of all, she lost her husband's love, and she soon realised this, as did Monsieur Regnault, his brother, who was forced to leave his home. And Monsignor de Béthencourt did not want to see his brother anymore, because of those words, for which he was not at fault: he had not ordered them to be said and was very surprised. And if he was very surprised, Madame de Béthencourt was even more so. And in fact, it was a very terrible thing to see a man who had become so angry over a word that was only said in jest. The said gentleman became so jealous of his own brother, stemming from the same father and mother, that

4 The age is highlighted here: *belle joune* (beautiful and young) versus *fort ancient* (very old), as also in the "joke," see lines 31–36.

5 *Licite* is here meant in the sense of "lawful, permitted by law" and *propre* in the sense of "suitable" or "correct," addressing both the legal and the normative dimension, that can also imply social or cultural expectations.

he threw the lady's most beautiful dresses, among which were some made of various kinds of very rich silk, into the fire in her presence.

Vous povés bien pensser qu'il lui deut bien faire mal, non pas tant pour les robbes seullement, mes pour la / maniere dé faire le dit seigneur. Le dit seigneur la fit mener à Bethencourt et la il la mist en une prison tout amurée et le fesoit pousser de boire et menger. Elle eust biaucoup de mal sans l'avoir deservy, car c'estoit une dame de fort bonne renommée. Le dit Sr. n'avoit nulle cause de luí faire si grant tort. Quant au regart de Messire Morellet, frere du dit seigneur, il n'eust osé vertir autour Mons. son frere. Une journée advint que Madame de Bethencourt envoia querír Messire Morellet, lequel vint vers elle à Bethencourt et la la trouva amurée et en prison, dont il fut tout esbahi. Elle lui a dit: A, mon frere, je souffre biaucoup de destresse à cause de vous, dont vous ne may n'en povons més. Je vous prie, mettés y remede. Ma seur, se dist il, mon frere m'a mande que jamés je n'amanderé de chose qu'il 'ait et qu'il vendra tout par despit de moy. S'il le fait, il fera mal, car je ne lui ay pas desservy. Je suis tout esbahy de se qu'il a bouté ung ytelle fantazie en sa teste. C'est l'anemy[6] d'enffer qui est marry des biens qu'il a fait: il est cause d'avoír sauvé maintez ames et l'anemy. d'enffer en est courssé et met paine d'avoir la sienne, car si ne se modere et il meurt en se point, il mest son ame en grant / danger. Mon frere, se dit madame, je vous prie metés paine de moy mestre hors d'ícy, et parlés à lui, se vous povés. – Ma seur, se dit Messire Regnault, je 'le feray. Il me menasse, mais je n'ay pas pour de luy.

You can well imagine how much harm this did her, not so much because of the dresses, but because of the behaviour of the said gentleman. The said gentleman had her accompany him to Béthencourt and there he threw her into a completely closed prison and ordered her to be given food and drink. She suffered greatly without deserving it, for she was a lady of very good reputation. The said gentleman had no reason to do her such great injustice. As for Monseigneur Morellet, brother of the said gentleman, he would not have dared to prowl around his brother, his Lordship. One day, Madame de Béthencourt sent for Monsieur Morellet, who came to see her at Béthencourt and found her locked up and imprisoned, which surprised him greatly. She said to him: "Alas, brother, I suffer great evil and misfortune because of you, even though neither you nor I are to blame. I beg you to remedy this." "My sister," so he said, "my brother charged me that never I take from him anything that he has and that he would sell everything out of spite for me. If he does so, he will be wrong, because I have never done him any harm. I am very surprised that he has got such a fantastic idea into his head. The devil of hell, who is bothered by goodness, did this: he was the reason so many souls were saved, and the devil of hell is angry with him and is trying to win his soul, because if he does not moderate himself and dies in this state, he puts his soul in great danger." "Brother," said the lady, "I beg you to do everything possible to get me out of here. Speak to him, if you can." "Sister," said Mr. Regnault, "I will do so. He threatens me, but I am not afraid of him."

Il advint que une fois Mons. de Bethencourt venoit de Graínville à Bethencourt et Messire Regnault partoit de Bethencourt et s'en aloit

It happened one day that Monseigneur de Béthencourt was coming from Grainville to Béthencourt, and Sir Regnault was leaving

6 Here meaning the devil.

cuidant encontrer Mons. de Bethencourt son frere et anssi fit il. Ilz s'entrenconterent en ung lieu que on appelle le Val de Bethencourt, et passerent res à res[7] *l'un de l'autre. Et quant Mons. de Bethencourt vint bien pres de son frere, le dit Sr. de Bethencourt ouvrit à deulx maine sa pourtrine et dit à son frere: Tieng, mon frere, frappe la; et non autre chose lui dist. Il fault bien dire que le dit Sr. estoit fort troublé en son esperist quant il dit ycelle parolle. Son dit frere passa oultre sans un mot dire, car il ne seut parler. Il ne faut pas demander se tous deulx estoient bien troublés. Autres fois le dit Regnault de Bethencourt trauva maniere de faire la paix de lui et de Madame de Bethencourt. Mais se ne fut pas que le dit Regnault n'y eut grant dommage, car le dit / Seigneur de Bethencourt engaga et vendit plusieurs de ces terrés, tant que. le dit Regnault de Bethencourt en fut presque tout desherité et n'amenda de guiere de chose de son frere aisné, lequel Regnault estoit et devoit estre son propre heritier, car il mourust sans nulz hoiers de son corps.*

Béthencourt with the intention of meeting Monseigneur de Béthencourt, his brother, and so it was. They met at a place called Val de Béthencourt, in the forest of Béthencourt, face to face, until they touched. And when Monseigneur de Béthencourt came very close to his brother, the said Monseigneur de Béthencourt uncovered his chest with both hands and said to his brother: "Strike me here, my brother." And he said nothing else to him. Needless to say, the said lord was very troubled in spirit when he uttered those words. His said brother continued on his way without saying a single word, for he could not speak; needless to say, both were greatly agitated. Once again, the said Regnault de Béthencourt found a way to make peace between himself and Madame of Béthencourt, but this did not happen without the said Regnault suffering great harm, because the said Lord of Béthencourt pawned and sold several of his lands, to such an extent that the said Regnault de Béthencourt was almost disinherited and gained almost nothing from his elder brother, although he was and should have been his sole heir, since he died without any direct heir.

Les noises furent appaisées, car il n'y avoit nulle raison. Et vescut le dit seigneur de Bethencourt, conquereur des ysles de Canare, une espasse de temps. Il eut des nouvelles des dites isles et s'atendoit qu'il y retourneroit de bref; mais onquez puis n'y retourna. Il out nouvelles que ses deulx barges estoient perdues en la mer, qui apportoient marchandises et nouvyautez du pais. Il eut eu des nouvelles plus tost qu'il n'a eus de messire Maciot, se n'ut esté l'aventure des dites barges qui ont este perdues. Ung jour advint qu'il fut malade en son chastiau de Grainville et voiet bien qu'il se mouroit. Il envoia querir plusieurs de ces amis, et especiallement son frere, qui estoit son plus prochain et son heritier, et avoit entencion de lui dire biaucoup de choses. Madame de Bethencourt estoit ja piessa trespassée. Il demandoit par plusieurs fois ou estoit son frere, il ne venoit point. Quant il vit qu'il ne

The disputes were settled, because there was no reason for them. And the said Lord of Béthencourt, conqueror of the Canary Islands, lived for some time. He received news from the islands and hoped to return to them soon, but he was never able to return. He received news that his two barges had been lost at sea while bringing goods and news from the country. He would have received news from Lord Maciot more quickly as long as he had them, had it not been for the accident involving the barges that were lost. One day, he fell ill at his castle in Grainville and could see that he was dying. He sent for several of his friends, especially his brother, who was his closest relative and heir. He intended to tell him many things. Madame de Béthencourt had already passed away, long before. Several times he asked where his brother was, as he had not arrived.

7 Here probably meant in the sense of *face à face* or *nez à nez*.

venoit point, il dist en la presence de ceulx qui y estoient, que c'estoit la chose qui plus lui touchoit la concience, que le tort et desplaisir qu'il avoit fait à son frere et qu'il savoit bien qu'il ne l'avoit point desservy. Je voy bien que je ne le verré jamés plus; mais je vous charge que vous lui dissiés qu'il voyse à Paris sieulx ung nommé Jourdain Guerat el qu'il luy demande ung coffret de lettres[8] que je luy ay baillé en ces enseignes qu'il luy a dessus escript: ce sont les lettres de Grainville et de Bethencourt. / Tantost apprés ces parolles, il ne fut guere qu'il ne rendist l'ame. Son dit frere vint ainssi qu'il se mouroit et ne povet ja plus parler.

When he saw that he was not coming, he said in the presence of those who were there that it was the thing that mattered most to his conscience. The injustice and displeasure he had caused his brother, and that he knew full well that he did not deserve it. "I see that I will never see him again, but I entrust you to tell him to go to Paris to the house of a certain Jourdain Guérat and ask him for a small chest of letters that I entrusted to him, with these signs written on it, which are the letters from Grainville and Béthencourt. Immediately after saying those words, it did not take long for him to expire. His brother came when he was already dying and could no longer speak.

Source 2: This is a small excerpt from several minutes from a meeting of Parliament held at the Archives Nationales de Paris, transcribed by Alejandro Cioranescu and Elías Serra Ràfols: Documentos No. 81. 1405, enero 21, Paris. Vista en el parlamento de la causa de Jeanne du Fayel contra Robert de Braquemont, in: *Le Canarien. Crónicas francesas de la conquista de Canarias* (Tomo I). Edited by Elías Serra Ràfols and Alejandro Cioranescu. La Laguna, Tenerife: Régulo, 1959, 418–419. The translation is my own.

Entre dame Jehanne du Fayel d'une part et messire Robinet de Braquemont d'autre part.

Between Lady Jehanne du Fayel on the one hand and Sir Robinet de Braquemont on the other.

Dict Jehanne qu'elle est moult noble et noblement s'est maintenue et gouvernée avec son mari. Mais le dit Bethencourt moult durement l'a gouvernée et tenue, car closement et repostement[9], sans ce qu'il voulsist qu'elle fust ne ne conversast avec son pere n'avec ses amiz, et aultre proposé selon son impetration[10]. Et conclut que attendu qu'elle n'a de quoi vivre, que les loz soient faiz et joisist comme elle doit et ait les XX livres qu'elle doit avoir selon l'accort fait entre les parties et les fruiz et dommages, interests et despens; et en cas de delay, provision, et aultre, selon son impretation.

Jehanne states that she is very noble and has behaved and conducted herself nobly with her husband. But the said Bethencourt has governed and controlled her very harshly, keeping her closely confined and restrained, without allowing her to converse with her father or her friends, or anyone else, according to his wishes. And she concludes that, given that she has no means of support, the payments should be made and she should receive the XX livre she is owed according to the agreement between the parties, as well as the fruits and damages, interest, and expenses; and in the event of delay, provision, and other matters, according to his wishes.

8 *Letters*, but also meaning *charters*, here very likely the title deeds of his lands and property.
9 *En cachette, d'une manière cachée, secrètement, futivement*. See Art. "repostement," in: *Dictionnaire du Moyen Français (1330–1500)*. http://zeus.atilf.fr/dmf/. (Last Accessed September 22, 2026).
10 Here in the sense of *favour* and *permission*.

Texts and Contexts

In 1402, two nobles stemming from Normandy set sail with a seamanship from La Rochelle to further explore, conquer and convert the indigenous population of the Canary Islands, an archipelago vaguely known since antiquity and situated offshore of today's western coast of Morrocco. Whereas the personal motives of Gadifer de La Salle and Jean de Béthencourt, both experienced crusaders and adventurers, are hard to decipher, there are various connections to be drawn between France and the Canarian archipelago.[11] One of those connections is through Béthencourt's cousin, Robert de Braquet de Braquemont (c. 1355–1419), a Norman navigator, military commander, and envoy of the French King who financed the expedition which led to Béthencourt's appointment as *señor de las yslas de Canarias*,[12] granted to him as a fief (an estate held on condition of feudal service) by the Castilian King Henry III. After having subdued the indigenous population of Lanzarote, Fuerteventura and El Hierro, Jean de Béthencourt left the governing of these territories to a nephew, Maciot de Béthencourt.

The first source above is an excerpt taken from a chronicle called *Le Canarien*, written by two clergymen accompanying the conquering army. It is taken from *Texto B*, one of two existing versions of the chronicle. *Texto B* (for "Bethencourt") was written around 1490 on behalf of an ancestor of Jean de Béthencourt, Jean de Béthencourt V (see fig. 1), who "manipulated it so that its content glorifies his uncle."[13] Although *Le Canarien*[14] is the first chronicle to report on European Atlantic expansion,[15] it is still written in the manner of a traditional crusader's chronicle, as a knightly adventure with the mission to convert infidels.[16] It is accompanied by eighty-five pen and ink drawings and reports not only on the immediate years of the conquest (1402–1404), but also on the establishment of French rule on the archipelago, as well as supposed explorations of other islands, the coast of Barbary, and a visit by Jean de Béthencourt at the papal court. Furthermore, *Texto B* tells us about his return to France and his death in 1425.[17] The manuscript was first edited by Pierre Bergeron in 1629/30 and is today kept in the *Bibliothèque municipale de Rouen*.[18]

11 See Bühner, *Neue Welten*, 10–11.
12 Privilegio de labrar moneda a favor de Bethencourt, 75.
13 Cebrián Latasa, *Ensayo para und Diccionario Biográfico de Conquistadores de Canarias*, 121.
14 For a brief and handy introduction to the source and the different manuscripts, also available in English see: López Alonso, "The Essentials (II)."
15 See Aznar/Corbella/Pico, "Introducción," XV–XVIII.
16 See Bühner, "Orcein, Sugar, and Slaves" (to be published in 2027).
17 Cebrián Latasa, *Ensayo para und Diccionario Biográfico de Conquistadores de Canarias*, 118.
18 See Alonso Morales, "Jean Le Verrier," 1–19.

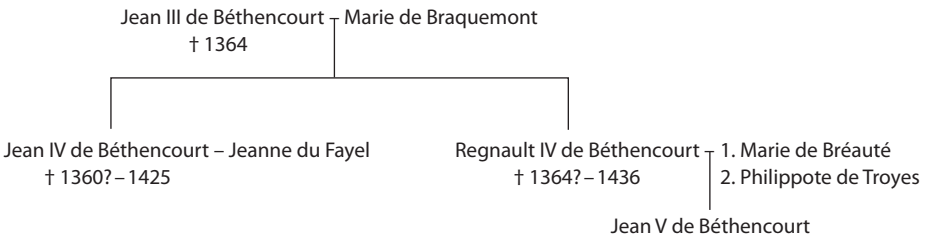

Fig. 1: Members of the Béthencourt family who appear in the sources and their relationship to one another.

The conqueror of the Canary Islands, Jean de Béthencourt IV was born in Grainville in the 1360s. Only a couple of years later, his mother, Marie de Braquemont, gave birth to another son, his brother Regnault de Béthencourt, who appears in *Le Canarien* with the epithet *Morelet*. In 1392, Jean married Jeanne du Fayel,[19] daughter of Guillaume du Fayel. The marriage remained childless, so that *Texto B* was compiled under the direction of his brother's son, Jean de Béthencourt V, as indicated by figure 1.[20]

The second source is a transcript of the minutes from a meeting of Parliament, held at the *Archives Nationales de Paris*[21] and edited by Alejandro Cioranescu and Elías Serra Ràfols in the first part of their three-volume edition of *Le Canarien* from 1959, from which both source excerpts were taken.[22] It hints at a juridical process that took place before the civil court of Paris during Béthencourt's absence, a quarrel over financial issues between the conqueror's wife, Jeanne du Fayel, and Robin de Braquemont, the financial backer of the Canarian expedition. It is the first of five surviving documents, recording the case from January 21, 1405, until the sentence was pronounced on February 27 of the same year.[23]

Both sources indicate that Jeanne du Fayel was treated violently by her husband, but for different reasons. Whereas the chronicle provides us with a whole story of femicidal violence ultimately leading to the victim's death and embedded into a knightly

19 We know the date because of an entry in an account book recording the wedding presents of the Duke and the Duchess of Burgundy. See Documentos No. 40. 1392, enero 30, Paris. Mandamiento de Luis, duque de Orléans […] para ofrecerla al señor de Béthencourt, el día de su casamiento, 355–356.

20 Cioranescu, "Introducción: Le Canarien," 126.

21 See Documentos No. 81. 1405, enero 21, Paris. Vista en el parlamento de la causa de Jeanne du Fayel contra Robert de Braquemont, 418–419.

22 There is a newer edition of *Le Canarien* from 2003. It is also a translation of the original French manuscript into modern Spanish. The transcription and translation are accompanied by colored scans of the original manuscript. Although this is a great advantage of the edition, the transcription is full of editorial signs, making it harder to read than the version of 1959, which is therefore preferred here.

23 Documentos No. 81. 1405, enero 21, Paris. Vista en el parlamento de la causa de Jeanne du Fayel contra Robert de Braquemont, 418–419; Documentos No. 82. 1405, enero 21, Paris. Vista en el parlamento de la causa pendiente entre Jeanne du Fayel y Robert de Braquemont, 419; Documentos No. 83. 1405, febrero 2, Paris. Vista en el parlamento de la causa entre Jeanne du Fayel y Robert de Braquemont, 420; Documentos No. 84. 1405, febrero 7, Paris. Vista en el parlamento de la causa entre Jeanne du Fayel y Robert de Braquemont, 421; Documentos no. 85. 1405, febrero 27, Paris. Sentencia del parlamento de Paris en el pleito de Jeanne du Fayel, esposa de Jean de Béthencourt, con Robert de Braquemont, 421–424.

chronicle of conquest, the minutes from the process are less imaginative but require more contextualization.

Making Sense of the Sources

From at least the time of the figure of Antigone in ancient mythology (see the contribution by Valentina Moro, no. 27), the image of the imprisoned woman became a popular motif that made its way also into medieval hagiography and literature. In the ancient period, imprisonment was understood as a death penalty, while in the Middle Ages it turned into a prison sentence, where the convict was given food and water. Because prisons on continental Europe were often not convenient for a long-term stay, the sentence was carried out in the form of house arrest. Among others, it was used as a penalty for adultery.[24]

The accusation of adultery is also present in *Le Canarien*, in the joke Jeanne du Fayel made that led to her immurement (line 31 ff.): Because of their age difference it would be more convenient for her to be married to her husband's brother Regnault, and, vice versa, for her sister-in-law to be Jean's spouse. Although the source does not make it explicit, the harmless joke might have been considered a form of verbal violence, sparking Jean's jealousy and leading him to believe that his wife was having an affair with his younger brother during his absence.

Already at the beginning of the chronicle, when Jean returns to France, the chronicler characterizes Jean as old and his wife Jeanne as young, beautiful and cheerful (lines 15–16). Furthermore, he mentions their childlessness.[25] By burning her clothes and walling her in, Jean damaged both his wife's status and reputation: Jeanne is turned from a fine lady into a captive condemned for adultery. But as the source indicates, she did not deserve this fate because she was not guilty of the crime of which Jean accused her (lines 66–68). Nonetheless, to the contemporary reader or listener, Jeanne's non-judicial confinement was legitimate, because forms of control by a man were generally "portrayed as the natural or proper condition of women and girls."[26] In the medieval patriarchy, on the one hand, men were governors, judges and executors in regard to the behavior of female family members.[27] On the other hand, "wives caught at adul-

24 See Schempf, "Art. Einmauern," col. 1301.

25 Pérez Saavedra adopts the no-evidence-based thesis that Jean de Béthencourt suffered from leprosy which led to impotence. According to this theory, he was motivated to search for the Canary Islands because, since antiquity, the islands had been described as a paradise with a favourable climate for their residents. Saavedra underlines the possibility by saying that Jean had a young and attractive spouse but no descendants. He combines the information on the misappropriation of Jeanne with the narrative of *Le Canarien* to a psychological interpretation of the Béthencourt's martial disagreements: "it would make any psychoanalyst think of sexual inferiority complexes, where impotence could have been present" ("harán pensar a cualquier psicoanalista en complejos de inferioridad sexual, donde la impotencia podría estar presente"). Pérez Saavedra, "Las Islas Canarias," 197.

26 Seabourne, *Imprisoning Medieval Women*, 18–34.

27 This is also feasible in the moment where it is said that Jean "governed" (*gouvernee*) his wife too harshly.

tery could be privately chastised, perhaps, but should be forgiven,"[28] as Sara McDougall has remarked was regular procedure in late-medieval France. Whereas Béthencourt's punishment of his wife might have appeared to medieval audiences as legitimate, his persistence presumably led to her death and was a break with conventional behavior.

The chronicle includes a dialogue between Jeanne and her sole visitor during imprisonment, her husband's brother Regnault who suggests that Jean was driven mad by the devil trying to possess his soul. The devil was taking revenge because Jean had saved so many infidel souls during his conquest and conversion of the people of the Canary Islands (lines 83–91). Thereby the story of Jeanne's immurement frames the chronicle, starting with the Canarian undertaking intending to convert infidels and containing an instruction to Christian faith, finally concluding with a eulogy in praise of Bethencourt's great deeds.[29] Moreover, Jeanne is not the only one suffering because of Jean de Béthencourt's sudden insanity. Because of Jeanne's jest, both she and Regnault had lost Jean's love (lines 41–44). Whereas Jean burns his wife's fine clothing in front of her eyes and then walls her in, Regnault is banned from the mansion (lines 43–47) and fears disinheritance as Jean begins to sell his lands (lines 119–125). As a younger son, often forming a "class of dispossessed and disaffected youth,"[30] Regnault depended on his older brother's financial welfare. But whereas fraternal discord–which seems to be more important in the narrative than the marital dispute–featured also nearly in a duel (lines 100–115) was settled after a couple of years (lines 130–133) and Regnault inherited his brother's property (lines 153–163), Jeanne and her husband never reconciled. Instead of regretting and accepting her fate, Jeanne begs to be freed by which, in the logic of medieval storytelling, she might have automatically sealed her fate (lines 75–78). Whether she was ever freed remains uncertain. All we learn from the chronicle, just mentioned in passing, is, that she died years before her husband (lines 146–147).

In the early twentieth century, the historian Buenaventura Bonnet y Reverón analyzed the case in greater depth, highlighting that it was more about money than about madness, salvation, mistrust or adultery.[31] He argues that there was no big age difference between Jean and his brother Regnault, only three or four years, making the alleged joke by Jeanne du Fayel implausible.[32] Instead, Bonnet y Reverón points out that Jeanne

28 McDougall, "The Transformation of Adultery," 495.

29 See Bühner, *Neue Welten*, 89–94.

30 Drell, "Aristocratic Economies," 329.

31 In contrast, other historians of the eighteenth to the twentieth century have little to say to this passage: Viera y Clavijo, "Historia de Canarias, Vol. I," 585: "Era esta señora de la casa de Fayel, establecida cerca de Troyes en Champaña, y, aunque joven y dotada de gracias naturales, murió con el sinsabor de no dejar hijos a su marido." Darias y Padrón, *Noticias generales históricas*, 50: "En los últimos años de su vida, afligiéronle grande infortunios: La muerte de su amada esposa...;" 141 and 67. Löher, *Das Kanarierbuch*: "Herr Johann hatte, während er schon über die Vierzig war, eine sehr junge schöne Dame geheiratet aus dem Hause der du Fayel in der Champagne, die entweder seinen Ehrgeiz stachelte oder ihm sonst im Hause Verdruss machte." And: "Allein in den vollen Becher der Heimatsfreude wurde ihm bald Wermut genug gegossen. […] Seine junge Frau, die schöne Dame du Fayel starb." Seabourne, *Imprisoning Medieval Women*, 18–34.

32 Bonnet y Reverón, *Las Canarias y la conquista franco-normanda* I, 99.

was contractually entitled to a quarter of all income from the lands and properties of the Béthencourts,[33] encumbered with mortgages to finance the conquest of the Canary Islands.[34] Whereas the Franco-Normans conquered the archipelago, his uncle Robin de Braquemont, also his major financier, got into quarrel with Jeanne leading to a case debated at the civil court in Paris in 1406. As we learn from the minutes, Jeanne claimed that her husband did not provide for her properly (lines 11–12).[35] This is also highlighted in the sentence, which states that Jean de Béthencourt broke his promise to his wife and by not giving her provisions diminished her social status: *nichilominus dictus de Bethencuria promissa facere totaliter denegaverat, in dicte eius uxoris ac status eiusdem diminutionem et iactuaram…*[36] Moreover, she describes being poorly treated by her husband who kept her isolated from her relatives and friends (lines 6–11), pointing out that the story in *Le Canarien* is not just a figment of the chronicler's imagination, but has roots in reality. The claim of Jeanne's isolation and poverty (see also the contribution by Julia Habermann, no. 2) might have been transformed by the chronicler into imprisonment and shabby dress. In regard to the timeline, the femicidal violence happened according to the chronicle after Béthencourt's return, the minutes however indicate that violence began even before his journey to the Canary Islands, because the process took place during his absence.

So, the marital dispute might have been caused by economic issues, in the chronicle covered by a supposedly verbal faux-pas, and may have intensified after Béthencourt's return. According to Bonnet y Reverón, "the baron had not calculated his resources for the conquest of the Canary Islands. He believed that his wife and brother would accept and share with him the sacrifices that his adventure would cost him, and that Robert de Braquemont would not demand timely interest on the money he lent him; but it all turned out to be a vain illusion."[37] Moreover, he interprets the alliance between Regnault and Jeanne as a coalition of heirs, who must watch as Jean squanders the family fortune on his adventures.[38] But according to the minutes and the process' sentence, Jeanne was advocating only for her own rights. Regnault does not appear; Robin de Braquemont tries to prove that he, as Jean's main creditor, had a preferential right to his nephew's

33 It says so in the sentence: *modum provisionis et pro statu […] quartam partem fructuum universarum terrarum quas pro tunc dictus de Bethencuria tenebat et possidebat una cum vigiliti librarum turon, annuis super eisdem fructibus propter dictam quartam partem levandis*, see: Documentos no. 85. 1405, febrero 27, Paris. Sentencia del parlamento de Paris en el pleito de Jeanne du Fayel, esposa de Jean de Béthencourt, con Robert de Braquemont, 422.

34 See Bonnet y Reverón, *Las Canarias y la conquista franco-normanda I*, 100.

35 Béthencourt even sold her dowry. When he left on conquest, he left her without financial resources and with a mountain of debts. See Cioranescu, "Introducción: Le Canarien," 129.

36 Documentos no. 85. 1405, febrero 27, Paris. Sentencia del parlamento de Paris en el pleito de Jeanne du Fayel, esposa de Jean de Béthencourt, con Robert de Braquemont, 422.

37 "El barón no había calculado sus recursos para la realización de la conquista de las Canarias. Creyó que su mujer y su hermano aceptarían y compartirían con él los sacrificios que le costara su aventura, y que Roberto de Braquemont no le exigiría puntualmente los intereses del dinero que le prestara; pero todo se convirtió en vanas ilusiones." Bonnet y Reverón, *Las Canarias y la conquista franco-normanda I*, 101.

38 Ibid., 102.

income. In the end, Jeanne's rights and priority for the income were acknowledged by the civil court of Paris.[39]

In their dispute recorded in the minutes, Jeanne claims that she had concluded a contract with her husband (lines 14–15), provides documents as evidence, and refers to Norman customary law to substantiate her claims (*par la coustume de Normandie*). Braquemont counters that Béthencourt–still on the archipelago–was alive, thus subtly referring to the widow's pension to which Jeanne would no longer be entitled.[40] According to the *Grand coutumier de Normandie*, lineage and blood ties were generally preferred over marriage bonds, but spouses could create a contract in case of separation. One suspects that might be what is happening in the background here. In Normandy, law recognized two types of separation: the *séperation de corps* (corporal or bodily separation) and the *séperation d'habitation* (separation of residence). In view of Béthencourt's dangerous adventure, the couple might have decided to agree upon a contract of this nature, putting the wife in the "position of a widow" who could "from that time on, and without the advice or consent of her husband, manage her own property."[41]

To get hold of her money, Bonnet y Reverón has argued, Jean had to imprison his wife, which ultimately led to her death: "Furthermore, we strongly suspect that due to the harsh conditions of prison, the suffering, and the complete abandonment of the unfortunate wife, she fell ill and died prematurely."[42] He estimates that she was imprisoned for five or six years before dying in 1411, making Jean de Béthencourt her executioner. Furthermore, Bonnet y Reverón suspects that Béthencourt was ostracized by his relatives and the French court due to his actions towards his wife, although there is no evidence to support this thesis.[43] Nonetheless, it is remarkable that in a chronicle dedicated to celebrate the deeds of Jean V de Béthencourt's ancestor, the chronicler intertwined such a dishonorable story. It can therefore be assumed that the story had roots in reality and the conqueror's descendent hoped to legitimize Jean's behavior towards his wife by emphasizing his great deeds for the Catholic faith.

Through the Lens of Femicide

Jeanne du Fayal very likely died due to the mistreatment by her husband Jean. Thereby, in contrast to direct and intentional femicide, the conqueror escaped accountability due to his indirect and passive approach, leading to his wife's "unfortunate" death, nonethe-

39 Documentos no. 85. 1405, febrero 27, Paris. Sentencia del parlamento de Paris en el pleito de Jeanne du Fayel, esposa de Jean de Béthencourt, con Robert de Braquemont, 424.
40 Documentos No. 83. 1405, febrero 2, Paris. Vista en el parlamento de la causa entre Jeanne du Fayel y Robert de Braquemont, 420.
41 See Poirey, "The Role of Lineage in Matrimonial Union in Normandy," 73 and 81.
42 "Además, temenos la vehemente sospecha de que a causa del rigor de la cárcel, de los sufrimientos y del complete abandon en que estuvo la infeliz esposa, enfermó y murió prematuramente." Bonnet y Reverón, *Las Canarias y la conquista franco-normanda I*, 102.
43 Ibid., 103.

less still a femicide.[44] Thereby, the sources present two motives for Jean's deeds, both highlighting that Jeanne was killed because of being a woman: (1) by indicating adultery in form of a jest, a love affair between Jeanne and her brother-in-law Regnault and (2) by being the wife of a nobleman, having a right to provisions (dower) or property brought into the marriage (dowry).

Moreover, the sources offer us insight into gender roles between spouses in the private sphere, where men acted as governors, judges and executors. Once again, we have an example, in which the salvation of a man's soul was more important than a woman's life (see also the contribution by Simona Feci, no. 9), and more important still, brotherly love and family ties outweigh conjugal love and marriage bonds.

Further Questions

1. What do you think: To what extent did spatial distances, female independence and male war experience, debts and distribution of property favour violence against women in conjugal constellations?
2. What parallels or differences can you identify when comparing Jeanne's fate to other cases of immurement presented in this volume?

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44 See Feys, "A Hot-tempered, Capricious, Jealous and Compassionless wife," 437.

Documentos No. 84. 1405, febrero 7, Paris. Vista en el parlamento de la causa entre Jeanne du Fayel y Robert de Braquemont, in: *Le Canarien. Crónicas francesas de la conquista de Canarias* (Tomo I). Edited by Elías Serra Ràfols and Alejandro Cioranescu. La Laguna, Tenerife: Régulo, 1959, 421.

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23 "The Cry of the Daughters of Our People Has Been Heard": A Medieval Rabbi Drafts an Ordinance against Wife-Beaters

Aviya Doron

Source: A proposed communal ordinance (in Hebrew: *takkanah*) drafted by the rabbi Peretz ben Elijah of Corbeil (d. c. 1295), one of the major rabbinic authorities of northern France at the end of the thirteenth century, stipulated that any Jew could be compelled, on the application of his wife, to bind himself under the ban not to beat her. The draft was supposedly circulated for the approval of "the great sages of the land." Yet, no evidence survives that the ordinance was ever ratified. The text is preserved through its quotation in full in a responsum, a written rabbinic ruling issued in answer to a legal question, of the sixteenth-century rabbi Binyamin Ze'ev of Arta (printed Venice, 1539) and was edited, with an English translation, by Louis Finkelstein in 1924. Line numbers in the margin refer to the English translation.[1]

The cry of the daughters of our people has been heard concerning the sons of Israel who raise their hands to strike their wives. Yet who has given a husband the authority to beat his wife? Is he not rather forbidden to strike any person in Israel? Moreover R. I(saac) has written in a responsum that he has it on the authority of three great Sages, namely R. Samuel, R. Jacob Tam and R. Isaac, the sons of R. Meir, that one who beats his wife is in the same category as one who beats a stranger. Nevertheless have we heard of cases where Jewish women complained regarding their treatment before the Communities and no action was taken on their behalf.

We have therefore decreed that any Jew may be compelled on application of his wife or one of her near relatives to undertake by a ban (herem) *not to beat his wife in anger or cruelty or so as to disgrace her, for that is against Jewish practice.*

If anyone will stubbornly refuse to obey our words, the Court of the place to which the wife or her relatives will bring complaint, shall assign her maintenance according to her station and according to the custom of the place where she dwells. They shall fix her alimony as though her husband were away on a distant journey.

If they, our masters, the great sages of the land agree to this ordinance it shall be established. Perez b. Elijah.

1 Finkelstein, *Jewish Self-Government*, 216–217 (text and translation), 69–71 (discussion).

Texts and Contexts

Jewish communities in Christian Europe enjoyed considerable judicial autonomy in internal matters such as marriage, family relations, and other communal issues. Such cases could be adjudicated in Jewish courts according to the halakha, the evolving body of Jewish law rooted in biblical and rabbinic sources and developed through the Mishnah, the Talmud, subsequent legal interpretation, and communal legislation.[2] Alongside this, communities also enacted legislation of their own, often in response to contemporary needs. An important form of such legislation was the *takkanah*, an ordinance enacted by a single community or by a synod of communities. Such ordinances could be, at times, enforced by the ban (*herem*), which excluded the offender from aspects of religious, commercial, and social life of the community.[3] Among the best known ordinances of this kind are those attributed to Rabbenu Gershom of Mainz around the year 1000, including prohibitions on polygyny and divorce against the wife's will, which had a lasting impact on Jewish marital practices in northern France and Germany.[4] The text presented here belongs to the same genre, but has survived only in a draft form, as its concluding clause, soliciting the agreement of "the great sages of the land," indicates a proposal awaiting ratification rather than an enacted law.

Its author, Peretz ben Elijah, lived and taught in Corbeil, a small town south of Paris, in the closing decades of the thirteenth century, between the Talmud burnings of the 1240s and the first major expulsion of the Jews from the kingdom of France in 1306. The expulsion was not the end of Jewish presence in France, as Jews were readmitted twice in the course of the fourteenth century before the final expulsion of 1394, but it broke up the world in which Peretz had worked, the network of communities and schools of northern France.[5] He was among the leading authorities of his generation, in contact with his counterparts in both France and Germany, Meir of Rothenburg among them, and his rulings and annotations circulated widely.

The legal tradition on which Peretz and his contemporaries drew was rooted in the Talmud, yet on the question of wife-beating it offered general principles rather than an explicit directive. It forbids violence between Jews and makes an assailant liable to his victim, and it expects a husband to honor his wife, in a well-known phrase, more than himself.[6] Yet medieval societies, Jewish and Christian alike, conceived of the household as a hierarchy whose head might discipline those subject to his authority: children,

2 Chazan, *The Jews of Medieval Western Christendom*, and *The Cambridge History of Judaism*, vol. 6; on Jewish law and its history, Hayes, *The Cambridge Companion to Judaism and Law*.

3 Barzen, *Taqqanot Qehillot Šum*.

4 Grossman, *Pious and Rebellious*; on the family structures they shaped, Baumgarten, *Mothers and Children*.

5 On the intellectual world of the Tosafists, Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*; on Peretz himself, Urbach, *Ba'alei ha-Tosafot*, vol. 2; on the political setting at the time, Chazan, *Medieval Jewry in Northern France*; on the expulsions, Dorin, *No Return*, and Jordan, *The French Monarchy and the Jews*.

6 Sanhedrin 58b; Yevamot 62b; for discussion, Grossman, "Medieval Rabbinic Views," and Wolf, "Educational Beatings."

servants, and, in many traditions, wives.[7] For children, the Talmud obligates a father to educate his son while permitting measured physical discipline in the course of that duty.[8] For wives the Talmud provides no parallel duty of education. Medieval jurists, therefore, had to determine whether wives fell within this hierarchy of household discipline or stood outside it.

In France the question had been settled long before Rabbenu Peretz wrote. The dictum he cited, that one who beats his wife stands in the same legal category as one who beats a stranger, reached him through a responsum[9] transmitting the ruling of the three grandsons of Rabbi Sholomo Yitzhaki (known by the acronym Rashi), the great eleventh-century commentator on Bible and Talmud, among them Rabbenu Tam, the preeminent French authority of the twelfth century. Its legal meaning is that marriage confers no immunity, a husband who strikes his wife is an assailant like any other, liable to her for the same payments and exposed to the same communal sanctions, and she holds a claim against him as any injured party would. The German school of Peretz's own time went further and held that marriage aggravates the offense rather than excusing it. Meir of Rothenburg (known by the acronym Maharam, c. 1215–1293) reasoned that because a husband is obligated to honor his wife "more than his own body," a blow against her violates this positive marital duty on top of the general prohibition of assault, and is therefore a graver offense than a blow against a stranger. He characterized the practice as "the way of the Gentiles," and prescribed the ban, flogging, and, for the habitual offender, the loss of the offending hand,[10] while jurists of his circle held that a wife-beater could be compelled to divorce his wife with payment of her marriage settlement (*ketubah*).[11] Not all scholars and jurists of Jewish law followed suit, as from the fourteenth century onward several authorities outside France and Germany permitted a husband's "educational" beating under defined conditions. The Franco-German rule thus represents the strict position within medieval halakhic rulings, not necessarily the common one.[12]

The handling of the same problem in Christian society, amid which Jews lived, offers instructive comparisons. Canon law and secular custom generally conceded to a husband a right of "reasonable" correction of his wife, so the question before Christian courts was not whether a husband might strike her but where lawful chastisement

7 On the medieval household as a hierarchy of authority and discipline, Bennett and Karras, *The Oxford Handbook of Women and Gender in Medieval Europe*; on the husband's right of correction, Butler, *Language of Abuse*.

8 On fatherhood and paternal discipline in medieval Jewish society, Levinson, "Situated Fathering"; the contrast between the rulings on children and those on wives is developed by Wolf, "Educational Beatings," 106–108.

9 Responsa (singular responsum; Hebrew *she'elot u-teshuvot*, "questions and answers") are written rulings issued by rabbinic authorities in reply to legal questions submitted to them; the genre is a principal source for the social history of medieval Jewish communities. On the genre as a historical source, Soloveitchik, *She'elot u-Teshuvot ke-Makor Histori*.

10 *Teshuvot Maharam*, Prague ed., no. 81.

11 Wolf, "Rulings on Compelling a Divorce."

12 Wolf, "Educational Beatings," 95–102.

ended and cruelty began. The ecclesiastical courts, which held jurisdiction over marriage, could not dissolve a valid union, but they did hear wives' complaints of cruelty, and when a woman's safety could no longer be presumed they could order a judicial separation "from bed and board" (*a mensa et thoro*), sometimes with maintenance; husbands could also be made to swear, on pain of forfeiting monetary pledges, to treat their wives well, which is not far from the conditional ban proposed here.[13] In both Jewish and Christian legal traditions, then, the marriage could not be dissolved at the wife's initiative, in both there was a procedure for her complaint, and in both the most a court could give an endangered wife was distance from her husband and support from his property. The difference between the two systems lay in where the line was drawn. Canon lawyers drew it within marital violence, between licit correction and punishable excess; the Franco-German rabbis denied that licit correction existed at all.

Making Sense of the Source

The ordinance opens in the register of biblical lament, using the "cry" (*tsa'akah*), which is the Bible's term for the appeal of the oppressed that ascends directly to God when man's institutions fail to respond, such as the cry of the widow and the orphan whom Israel is warned not to afflict, the cry attributed to the victims of Sodom.[14] By opening with the cry of "the daughters of our people… heard," the proposed ordinance assimilates beaten wives to the Bible's paradigmatic category of the oppressed and places the communities that ignored them in the position of those whom scripture holds accountable. The rhetorical question that follows, "who has given a husband the authority to beat his wife?," rejects the conceptual framework of marital correction in its entirety. The text does not argue that husbands have corrected excessively, but denies that any corrective authority was ever conferred.

The significance of the draft lies less in its legal content than in its occasion. The preamble concedes that the existing law had proved ineffective: women had brought complaints before their communities "and no action was taken on their behalf." A normative legal document here records the inadequacy of its own institutions, a form of testimony that prescriptive sources rarely supply. It evidences both that wife-beating among Jews was common enough to generate repeated complaints, and that the communal legal system did not reliably respond to them.[15] Rabbenu Peretz's answer is procedural, and each of the draft's three provisions removes one of the obstacles on which earlier complaints had foundered. First, the complaint no longer depends on the wife

13 On the right of correction, Brundage, *Law, Sex, and Christian Society*; on marriage litigation in the English and northern French ecclesiastical courts, including separation *a mensa et thoro*, Helmholz, *Marriage Litigation*, and Donahue, *Law, Marriage, and Society*; on sureties and the policing of marital violence, Butler, *Language of Abuse*.

14 Exodus 22:21–23; Genesis 18:20–21; cf. Exodus 3:7.

15 On women as litigants in the Jewish courts of thirteenth-century Ashkenaz, Furst, "Marriage Before the Bench"; for Jewish women's marital grievances before Jewish and Muslim courts in the Islamic world, richly documented in the Cairo Geniza, Zinger, *Living with the Law*.

alone; she or one of her near relatives may initiate proceedings, since a beaten wife may be unable to come forward herself. Second, once a complaint is made, the husband is compelled to bind himself under a conditional ban (*herem*) not to strike her again; a further blow activates the ban of itself, so that a hesitant community has nothing left to decide. Third, if he persists even under the ban, the local court must allow the wife to live apart from her husband while he continues to support her, with her maintenance calculated "as though her husband were away on a distant journey." Finkelstein recognized in this last provision a deliberate legal fiction, designed to create something Jewish law did not otherwise contain, that is, a separation without divorce. Under Jewish law, only the husband can grant a divorce, so a court could not promise a battered wife freedom to remarry.[16] However, through this device, it could promise her physical distance from her husband and financial support that did not depend on his consent.

The operative clause closes with the formula "for that is against Jewish practice (line 11)." The phrase deploys the same rhetoric as Maharam's "way of the Gentiles," implying that the practice of wife-beating is foreign, and abstention from it is constitutive of Jewish identity. Both formulations assign the violence to the surrounding society, whose law did in fact license marital correction. This rhetoric reflects an attempt to use the treatment of wives as one of the marks by which Jews distinguished themselves from their Christian neighbors.[17] Such a claim was perhaps more polemical than it was descriptive, as the preamble's own record details Jewish women's complaints of violence against them, reflecting the distance between ideal and practice.

While the sources concur that beating one's wife is forbidden, they locate the wrong differently. The French dictum grounds the prohibition in the ordinary law of assault: the wife is protected because she is a person in Israel, not because she is a wife. Maharam's reasoning proceeds in a different direction. In his interpretations, marriage aggravates the violence, because the husband owes his wife an honor he owes no one else. Absent from all of these is the argument familiar from Christian condemnations of domestic killing, that the perpetrator usurps a judgment over life that belongs to God alone. In these cases, the wrong is assault, breach of a marital duty, and betrayal of how Jews are supposed to behave.

Through the Lens of Femicide

Although no killing occurs in this source, it bears directly on the concept of femicide. Research on the killing of women treats the lethal act as the endpoint of a continuum of gendered violence and asks what mechanisms a society possessed, or failed to possess, for arresting movement along that continuum. The ordinance documents such mechanisms at the moment of their redesign. Peretz's draft proceeds from the premise

16 On divorce in Jewish law in accessible form, Biale, *Women and Jewish Law*.

17 On lived religion and the permeability of the Jewish–Christian boundary in Ashkenaz, Baumgarten, *Practicing Piety*, and the essays in Baumgarten, ed., *Beyond the Elite*; on acculturation and the mutual shaping of Jewish and Christian self-definition, Marcus, *Rituals of Childhood*, and Yuval, *Two Nations in Your Womb*.

that no authority to strike a wife exists, and treats the husband who does so not as a domestic judge who has exceeded his mandate but as an assailant whom the community is obliged to restrain. The ordinance is constructed to interrupt escalation. It intervenes at the first complaint, renders the sanction automatic, and detaches the wife's material dependence from her assailant before further harm can occur.

The preamble also records an attempt, by the women themselves, to draw the line between chastisement that would be endured and abuse that would not. The women whose cry it reports were not objecting to conduct the law permitted, for the Franco-German rule already forbade it. Instead, they were asserting that violence their communities tolerated in practice had exceeded what they were prepared to accept. In a world where a measure of domestic "correction" was widely tolerated, and in the surrounding society lawful, the complaints located that boundary well below the threshold of lethal violence and assigned the duty of maintaining it to the community rather than to the household.

The proposal was nonetheless limited in important respects. The sanction still left the marriage intact: separation with maintenance secured the wife's person and her support but did not allow her to remarry, since the divorce remained the husband's to grant. Enforcement then depended entirely on communal will, the very institution whose failure the preamble records, and a community unwilling to act on a woman's complaint might have proved equally unwilling to enforce her maintenance award, or the ban for that matter. The draft, moreover, may never have become law, with no medieval source citing it, and it survives only through its quotation, three centuries later, in a responsum of Binyamin Ze'ev of Arta, a rabbi active in Ottoman Greece. Asked about a husband who beat his wife, Binyamin Ze'ev reached back to the French draft and cited it as authority for proceeding against him, so that a text with no known legal force in its own time came to serve as legal precedent nearly three centuries later in the Ottoman Mediterranean.[18] That transmission indicates that protections the legal tradition produced could remain unratified, and it illustrates how slender is the documentary basis on which our knowledge of medieval violence against women, especially within a minority community, rests. What the source documents is thus not a community free of such violence but a jurist who registered the complaints, named the failure of his own institutions, and attempted to construct a procedure whose operation did not depend on communal goodwill.

Further Questions

1. The women's "cry" reaches us only as summarized by a male jurist in a legal preamble. What can historians recover of women's voices and agency from sources written entirely by men, and where does that recovery risk becoming projection?

18 *Sefer Binyamin Ze'ev*, no. 88. For the persistence of the problem among early modern Italian Jews, Adelman, 'Wife-Beating among Early Modern Italian Jews.'

2. The draft's conditional ban and maintenance order resemble, in function, a modern protective order and support award: they offer safety and money, but not freedom. What does this suggest about what legal systems, medieval and modern, treat as the achievable goal in protecting women from violent partners?
3. Maharam calls wife-beating "the way of the Gentiles," and the ordinance calls it something "against Jewish practice," while Christian moralists could equally condemn cruelty as unchristian. What is the goal of describing violence against women as something other people do, and what does that rhetoric conceal?

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24 Killing Pregnant Indigenous Women. Two Criminal Cases from Seventeenth-Century New Spain

Elena von Ohlen

Source: The following sources are excerpts from two unedited case files preserved in the Mexican National Archive's *Fondo Criminal* and are provided in my modernized English translation. In both cases, pregnant Indigenous women were killed shortly before giving birth. In the first source, Gerónima María is assaulted by a colonial official, resulting in miscarriage or stillbirth and her own death. In the second source, María de Vargas is killed by her own husband who was allegedly involved in an illicit relationship with another woman.

Source 1: Archivo General de la Nación, Fondo Criminal, Vol. 580, exp. 1., fols. 18f–22f.

Joseph de Seli por Juº Bentura Alcayde de la carsel de pueblo de Ocuyoaca[c], marido que fue de Geronima Maria. Difunta natural del dichho puº al bario de San Martin en la mexor bia y forma que [h]aya lugar y le conbenga digo que el Dia de pasqua de Reyes en la noc[h]e que agora paso deste presente año estando durmiendo fui a casa de mi pte Pedro [R]amires teniente de alcalde mayor de la provincia de Metepequec y pregunto por el y aviendole Respondido la d[ic]ha geronima maría que no estaba en casa sin mas ocasion que este el d[ic]ho teniente la afió del queaypilo y la hecho en el suelo y la arrastro y con la espalda desnuda le dio muchos sintarasos. Con ber que estaba Preñada y en dias de parir disiendole que le diese las llaves de la carsel del d[ic]ho puº o le mostrase a donde estaba el d[ic]ho su marido y porque le respondio que no sabia de esa ata la marro las manos y le mdo que le llebase a casa del alcalde del d[ic]ho puº a casa del Regdor Juº de leon como en le llebo sin darsela para que se pusiese las naguas. Y el d[ic]ho maltratamiento que asi le fiso enfermo la d[ic]ha Geronima maria y bino a morir dentro de dies y seis dias que fue ayer martes veinte y dos deste presente mes de henero que fallecio en que el d[ic]ho Pº Ramirez cometio delito atros y grave y

Joseph de Celí, on behalf of Juan Ventura, warden of the jail in the town of Ocuyoaca[c], who was the husband of the late Gerónima María, a native of said town, from the San Martín neighborhood, in the best manner and form possible and as is appropriate, state that on the night of Epiphany, which has just passed this year, while she was sleeping, Pedro Ramírez, deputy mayor of the province of Metepequec, came to their house and asked for him; and when the said Gerónima María replied that he was not at home, for no other reason than this, the said deputy grabbed her by the hair, threw her to the ground, and dragged her, and with his drawn sword struck her many times, even though he saw that she was pregnant and about to give birth, telling her to give him the keys to the town jail or to show him where her husband was.

And because she replied that she knew nothing of him, he bound her hands and ordered that she be taken to the house of the *alcalde* of the said town, or that of the *regidor* Juan de León, as indeed he had her taken, without allowing her time to put on her skirts. And as a result of the mistreatment he thus inflicted upon her, Gerónima María fell ill and died within sixteen days, which was yesterday, Tues-

para que sea castigado desde luego premisos los Requisitos. tos de derecho nesesario que r ello del criminalmiento
[…]

day the twenty-second of this present month of January, on which day the said Pedro Ramírez committed an atrocious and grave crime; and so that he may be punished without delay, I submit the necessary legal requirements, I therefore bring a criminal complaint against him.
[…]

(V) En que la ciudad de mexico a veinte y nueve dias del mes de yenero de mil y seiscientos y dieznueve anº Jusephe de Celi en nonbre de Jus Bentura yndio alcalde de esa carcel del pueblo de ocuyoacac en la querella que tiene dada contra de d[ic]ho Ramirez teniente de alcalde mayor de la provª de metepeque presento por testigo a un yndio que mediante alonso [f/h]ernandez y antonio del castro interprete de estar real audiencia dixo llamarse felipe matias y ser natural del pueblo Juan Panoaya al barrio de San Juan y pues labrador del qual resevi juramento por dios nuestro señor por la sen[ñ]al de la cruz y el eso hizo prometio de dezir verdad y preguntado por el tenor de la querella // dixo que conoce al d[ic]ho Juan Bentura yndio y conoçio a Geronima maria yndia que ez al diffunta y save era muger del d[ic]ho Juan Ventura y es muy de sazervida mandable y en tal posesion estubieren ye me to celvrio de espesarse e pueblo de ocuyoacac y lo que save de ella día querella es que dia de pasqua de reyes pasada deste año estando este testigo [tº] en las cassas de su morada que son en el dicho pueº de quapanoaya junto a las cassas de la morada del d[ic] ho Juan Bentura aora de las doce de la noche oyo este testigo muchas bozes en casa del dicho Juan Bentura que le obligaron a lebantarse de su cama e yr a la d[ic]ha cassa y aviendo entrado en ella vio que el d[ic]

In Mexico City, on the twenty-ninth day of January, in the year one thousand six hundred and nineteen, Jusepe de Celí, in the name of Juan Ventura, an Indigenous[1] man and warden of the jail in the town of Ocuyoacac, in the complaint he has filed against Pedro Ramírez, deputy mayor of the province of Metepec, presented as a witness an Indian who, through Alonso Hernández and Antonio de Castro, interpreters of this Royal Court, stated that his name was Felipe Matías and that he was a native of the town of Juan Panoaya, in the district of San Juan, and that he was a farmer. He was sworn in by God Our Lord and by the sign of the cross, and he took the oath and promised to tell the truth. And when asked about the substance of the complaint, he said that he knows the said Juan Ventura, an Indian, and knew Gerónima María, an Indian woman, now deceased, and knows that she was the wife of the said Juan Ventura, and that he is a capable, helpful Indian, [married/obedient], and that is how he knows them. And that this witness and [the aforementioned individuals] were in the town of Ocuyoacac. And what he knows of the complaint is that on the day of the Epiphany this year, while this witness was at his home, which is in the said town of Coapanoaya, next to the home of the said Juan Ventura, it would have been around 12 o'clock at night, when this witness heard many voices at the home of the aforementioned Juan Ventura, which compelled him to get out of bed and go to that house. And upon entering, he saw that the aforementioned Pedro Ramírez, deputy

1 In the Spanish original, people belonging to Indigenous communities are called "Indios" or "Indias." In the modernized English translation, the term "Indigenous" is used so as not to reproduce racist stereotypes.

ho Pedro rramierez teniente de alcalde mayor del pueº de Metepequea a quien conosse estava rrenpujando la puerta del aposento donde la d[ic]ha geronima maria estava e la quería quebrar. Y la d[ic]ha yndia le abrio la puerta. y el d[ic]ho teniente entro dentro y en la lengua mexicana dixo d[ic]ho teniente a la d[ic]ha india que donde estava su marido la qual le rrespondio no estava en el pueblo que había ydo al pueblo de [Coaltepec?] a ver unos parientes suyos que estavan en rreformas del d[ic]ho teniente le dixo pues dame la llave de la carcel y le respondio no las tenia ella sino el aljuazio mayor el d[ic]ho teniente enojado le dixo que mentia y con la espada dio a la d[ic]ha geronima maria trescintoz asotes en las espaldas y caderas sin sacar la espada de la baina y le amarro las manos e cruzadas por delante y la saco de su cassa sin dexalla bestir mal de un guatiel sin naguas y la llebo […] y se quedo en su cassa y no bio lo que mas passo ni quando lo susodho sucedio no vio este tº quien estuvo presente perque no reparo en ello y la d[ic]ha geronima maria estava prenada. y otro dia siguiente por la mañ[n]ana este tº y Juan Yndia nuestra de este testigo y otra yndia llamada [ILEG.] cató mucha de mel sua indio fuera en cassa de la d[ic]ha geronima, a verla y la allaron en la cama mala a la qual le metio las espaldas y caderas acardenaladas y dixo era de los sintarasos que el d[ic]ho teniente le avia dado y se quexaba de ello y estuvo de lo susod[ic]ho enferma siete dias sin lebantarse de la cama. a causa de los quales murio y este tº la vio muerta y enterrar a la yglesia del d[ic]ho pueº de ocuyoacac y acabada de estirar el o una oviatura mucha ya fformada y no save este tº ese otra caussa para su muerte mas que les sintarasos que dijo teniente du porque cabe y savio este tº que ande buena yglezia y esto save y es la verdad dho cargo del dho juram[en]to en que se rratiffica [...]

mayor of the province of Metepec, whom he knows, was pushing open the door to a room where the aforementioned Gerónima María was and tried to break it. And the said Indian woman opened the door for him, and the said deputy entered; and in the Mexican language the said deputy asked the said Indian woman where her husband was; to which she replied that he was not there, and that he had gone to the town of Coatepec [or similar] to see some relatives of his. And the said lieutenant told her: "Give me the keys to the jail." And she replied that she did not have them but that the chief bailiff had them. Then the said lieutenant, angered, told her she was lying, and with the sword he knocked the said Gerónima María to the ground with lashes on her back and hips, without drawing his sword from its sheath, and he tied her hands in front of her, and took her out of her house without letting her get dressed, poorly covered without a skirt, and took her […] and he remained at home and did not see what else happened, nor did this witness see who else was present when the aforementioned event occurred, because he did not pay attention to it. And the said Gerónima María was pregnant, the following morning this witness, together with [Juana?], an Indigenous woman, his wife, and another Indigenous woman named [uncertain], went to Gerónima's house to see her, and they found her ill in bed, showing them her back and hips, which were bruised, and she said it was from the belt lashes that the said lieutenant had given her. She said that these bruises came from the blows that the said lieutenant had given her, and she complained of them. Because of this she remained ill for seven days without getting out of bed, and as a result she died. This witness saw her dead and saw her buried in the church of the said town of Ocuyoacac. He also [saw/learned] that she had delivered or miscarried a child already well formed. This witness knows of no other cause for her death than the blows given by the said lieutenant, since he knew that before this she had been well. This is what he knows and the truth under the oath he has taken, in which he affirmed and ratified it. […]

Source 2: Archivo General de la Nación, Fondo Criminal, Vol. 590, exp. 2., fols. 26v.–29f.

[…] contaron doze dias deste dicho mes paresio ante el d[ic]ho governador y alcalde paresio madalena de bargas madre de la dicha Maria de Bargas y dejose querellava criminalmente permisos las solemnidades de derecho de Jasintho mansano su yerno porque [h]abiendo salido deste d[ic]ho puº el dia con lo d[ic]ha su hija a las eras referidas se [h]abia buelto solo y la [h]abia embiado dicho Jasintho manzano un recado con marta yndia mujer dha hermana del susodho a preguentarlo que [ILEG.] estava su hija y que si [h]abia ya parido modo que tubo d[ic]ha marta de santiago para enten[der?] que dicho Jasintho Mansano [h]abia muerto a maria de bargas su mujer y la de la quere por a los salido con ella por la dicha no ven malissia que tubo para pareser a dar d[ic]ha que con lo qual d[ic]ho gebernador y alcalde prendieron a d[ic]ho Jasintho Mansano y le preguntaron qe adonde esta su mujer y respondio de se [h]abia huyido y embirando dia a buscarla un alguasil deste puº [h]abia [ILEG.] el biernes tresse deste mes ya noche y dixo que paresia la d[ic]ha Maria de bargas ni [h]abia al guna notissia della en los puºs de [tanitxe?] o [tanive] ni los demas de este partido por lo que de que se contaron catorse dias deste presente de abril biendo que no se sabia de la d[ic]ha Maria de bargas y disiendo dho Jasintho manzano [no] saver que se [h]abia hecho pa que conf[iese] La berdad le amarraron a la picota y a questión de asotes y [h]abiendele dado p[ILEG.] gatiero asta doze asotes confiso los [h]abia muerto y desbarrancadola [ILEG.] que la deste puº p[ar] o el de [ILEG.] del igua distante del lo qual a d[ic]ho governador y alcalde embiaron a dar notisia de todo alcalde mayºr y mandaron que no ninguna persona quitase el cuerpo difunto […]

en el d[ic]ho puº de Santiago de la Loppa en d[ic]ho dia mes y año yo don nicolas de chaves Vergara theniente nuestra juridision por comision del s.r general don Diego de Villigas Sandoval Comisario del orden de Santiago alcalde mayor y theniente de copp.tan general por su mg.d de la vj.ª alta de san ylefonso y su pronunsia para tomello su declarasion hise pareser

[…] twelve days into this month, Magdalena de Vargas, mother of the aforementioned María de Vargas, appeared before the governor, and the magistrates, and stated that she was filing a criminal complaint—in accordance with due process—against Jacinto Manzano, her son-in-law, because he had left this town the previous day with her daughter at the times mentioned, but had returned alone. And said Jacinto Manzano had sent a message with Marta, an Indian woman, sister of the aforementioned, to ask her [where?] her daughter was and whether she had already given birth. From the way in which Marta de Santiago delivered the message, Magdalena understood that Jacinto Manzano had killed María de Vargas, his wife; and she filed the complaint against him for having left with her that night, and [for] the malice he showed in appearing to give [an explanation?]. Upon this, the governor and the magistrates arrested said Jacinto Manzano and asked him where his wife was. And he replied that she must have fled. And they then sent a bailiff from this town […?] to look for her. On Friday the thirteenth of this month, they reported that María de Vargas did not appear, nor was there any news of her in the towns of [Taniche/Tanivé?] or the others in this district. Therefore, since fourteen days had passed in this present month of April, and seeing that there was no word of the said María de Vargas, and since Jacinto Manzano claimed not to know what had become of her, and so that he would confess the truth, they tied him to the pillory for questioning by lashes. And after having given him [up to twelve?] lashes, he confessed [the truth]: that he had killed her and thrown her down [into] the [ravine / slope?] that leads from this town to that of [uncertain place-name], and that it is a distance of […]. The said governor and alcalde sent word of everything to the alcalde mayor and they ordered that no one should remove the dead body […]

In the aforementioned town of Santiago de la Lopa, on the aforementioned day, month, and year, I, Don Nicolás de Chaves Vergara, lieuten-

*ante mi a elena de la Cruz Yndia [casica/casada] de dicho puº a la qual mediante y por lengua de don Miguel de Santiago y Juº de Chavez ynterpretes en esta causa nombrada se le resibio juramento y lo hisso por Dios nuestro Señºr de la Cruz segun derecho y prometio de desir berdad y preguntado por el thenor de la querella dixo que se que save es que a tiempo de quatro a mas poco mas o menos que Jasinto Manzano esta amanzebado con maria sanchez porque espece y notario en d[ic]ho pueblo y que pro esta caussa le clava mala vida a maria de bargas su mujer aporreandola y maltratandola ordinariamente en todo este tiempo y que aunque el p.e y la madre del dicho Jasintho Manzano por estar juntos y vivir. En una cassa y compañia pudieran ebitar obiar el que la maltrataze nunca lo hissien por ser complises y conjunto a su hijo en d[ic]ho manzebamiento y esto save esta declarante por pu.lo y por que se lo conto maria de chaves [mujer] de Juan de Chaves quienes tenian comunicasion familiaridad con dicho Jasintho manzano padres y esto se lo comunicaba ordinariamen[te] condoliendose de lo mucho que padesia y en maltratada la dicha Maria de Bargas de Su marido y quel miercoles pasado que se contar[on] onse dias deste presente mes fue la d[ic]ha maria de bargas difunta y le comunico a esta declarante Y la dixo como a las siete de la mañana ya estaba en pas y concordia con su marido y a do dios servido de acordarse de mi y asi barra ta noche después que este durmiendo toda la gente del pueblo con todo secreto yo y mi [ma]rido a ofreser una novena a la hermita que dios se acuerde de mi y por amor de dios lo digas a mi madre ni a nadie y esta declarante la dixo = Maria Mira lo que hase te engañe tu marido y te haya dar muestra en alguna parte que y aber lo que te mal ta y que tienes grande riesgo y que se lo amo teniendo la lastima esta declarante y ella jurdio que no tenia remedio que ya era fuersa y se y la guardase secreto que ya yba a casa de Juº vui a comprar candelas para ensender a la virt [ILEG.] y la dixo esta declarante pues Ya no tiene remedio bendro por a la quando tu baya a despedirte de [ILEG.] y d[ic]ho dia oyendo desir que no parecia la d[ic]ha [Ma]ria de bargas y que estava solo su marido fuera de cassa de

ant in this jurisdiction by commission of General Don Diego de Villegas Sandoval, Knight of the Order of Santiago, alcalde mayor and lieutenant captain general of Villa Alta de San Ildefonso and its province appointed by His Majesty for the Town of San Ildefonso and its province, in order to take her statement, I summoned Elena de la Cruz, an Indian woman [chief's daughter / married?] from said village, to appear before me. To whom, through the mediation and interpretation of Don Miguel de Santiago and Juan de Chaves, interpreters appointed for this case, an oath was administered. And she took it by God Our Lord and the sign of the cross, according to law, and promised to tell the truth. And when asked about the substance of the complaint, she said that what she knows is that for about four years, give or take, Jacinto Manzano has been living in an illicit relationship with María Sánchez, because it is public and well-known in said town; and that for this reason he made life miserable for María de Vargas, his wife, beating and mistreating her habitually throughout this time. And that although the father and the mother of the said Jacinto Manzano, because they were together and [living / seeing each other?] even if those in the household and her circle could have prevented [or perhaps?] him from mistreating her, they never did so, as they were complicit with and in league with their son in that concubinage. And this declarant knows this to be true, both publicly and because María de Chaves, wife of Juan de Chaves, told her so; they were on friendly terms with said Jacinto Manzano and his parents; and she would often tell her this, lamenting how much said María de Vargas suffered and was mistreated by her husband. And that last Wednesday, which was eleven days ago this month, the late María de Vargas came to this deponent and told her, at about seven in the morning: "I was already at peace and in harmony with my husband, and that God had been pleased to remember me; and so tonight, after everyone in the town is asleep, in complete secrecy, my husband and I will go to offer a novena at the chapel, so that God may remember me. And for God's sake, do not tell

su madre y la dixo que hiciese dilixer por su y la que podía ser que la obiesse mue Su marido y la contolo qe. el dia antes le abia dicho a d[ic] ha maria de bargas = de secreto con lo qual se bolbio esta declarante a su cassa y que esto es lo que save y la berdad pª el juramento que fecho tiene ni en que se afirmo y ratifico y dixo ser de edad de treynta y quatro años poco mas o menos y las generales de la ley que fue abisada no le tocan y no firmo que dixo no saver firmolo con el yntirprete que save firmar y testigos […].

my mother or anyone else." And this witness said to her: "María, think about what you're doing; your husband might deceive you and kill you somewhere, for you see how badly he treats you, and you're in great danger." And this witness admonished her, feeling sorry for her. And she replied that there was no helping it, that she had no choice, and that she should keep it a secret; that she was on her way to Juan de Chaves's house to buy candles to light for the Virgin. This deponent said to her: "Well then, if there is no remedy, come by here when you are going to take leave of me." And another day, hearing that María de Vargas was nowhere to be seen and that only her husband was there, [this deponent] went to her mother's house and told her to make inquiries about her daughter, for it might be that her husband had killed her, and told her what María de Vargas had said to her in secret the day before. Upon hearing this, this declarant returned home. And this is what she knows and the truth, by the oath she has taken, in which she affirmed and ratified it. And she stated that she is thirty-four years old, give or take a few. And the general provisions of the law, of which she was informed, do not apply to her. And she did not sign, saying she did not know how. She signed through an interpreter who knows how to sign, in the presence of witnesses […].

Texts and Contexts

Records of women killed in the seventeenth century in New Spain are rare and were difficult to locate systematically until recently. Mexico's National Archive, the *Archivo General de la Nación (AGN)*, has made considerable efforts in the past years systematizing and digitizing entire documentary collections from the viceroyalty of New Spain. The *Fondo Criminal* was almost entirely digitized in the course of the year 2025, making it more feasible for researchers to investigate these sources. This has changed not only access to the material, but also the kinds of questions that can be asked of it, since keyword searches now make dispersed cases of lethal violence against women more visible.[2]

The collection contains 740 volumes, each consisting of between one and thirty-five files. The case files date from 1591 to 1820. Most files contain detailed archival descrip-

2 The digitized Fondo Criminal of the Archivo General de la Nación, Mexico City, is accessible through the AGN's online catalogue: https://repositorio.agn.gob.mx/arbol-jerarquico?id=5af847b7-2b46-4a2f-a879-aee13b3abdc1 (Last Accessed September 22, 2026). The portal provides digital images and archival metadata for the criminal case files.

tions that facilitate keyword searches. Although the term femicide did not exist when those descriptions were added, searching for the terms "homicidio" and "asesinato" (homicide/murder) in combination with the feminine form "afectada" (the person affected is marked as female) yields several relevant results in the seventeenth century alone. Such results, however, depend on modern archival metadata and therefore cannot be treated as a complete record of lethal violence against women. The files, as is evident, are not transparent accounts of violence. They are legal narratives produced through formulaic complaints, translated testimony, confession, accusation, and defense. Reading them as sources for femicide therefore requires attention not only to what they report, but also to how they organize the reports.

The seventeenth century is especially significant for the subject of this volume. By then, Spanish colonial rule had become institutionally consolidated, and criminal courts modeled on Castilian procedure had become central to the prosecution of crimes. Still, Indigenous authorities continued to play important roles in reporting and mediating cases.[3]

The two selected cases can be read within the framework of femicidal violence. Both victims were in the late stages of pregnancy and were subjected to gendered and hierarchical circumstances in which the violence occurred, further reinforced by their multiple marginalization as Indigenous women occupying a highly vulnerable position within the colonial social hierarchy.[4]

Gerónima María was attacked by a colonial official who abused his authority in the context of wider conflicts with Indigenous communities. María de Vargas was killed by her husband after years of reported marital violence. The comparison is therefore based on the way both files expose the vulnerability of pregnant Indigenous women to lethal violence in different settings. Thus, the perpetrators' different positions are crucial. The reading of the case files shows that Indigenous women's vulnerability to lethal violence cannot be explained through one single axis of oppression. In one case, gendered violence intersected with colonial domination and the abuse of office; in the other, it intersected with intimate-partner violence, patriarchal control and conflicts over reproduction.

Both cases are paradigmatic examples that make visible how lethal violence against pregnant Indigenous women could be narrated within colonial criminal procedure. Of course, "femicide" was not a legal or conceptual category available to seventeenth-century colonial courts. The sources instead speak of homicide, mistreatment, atrocious crime, and, in the case of María de Vargas, of the killing of the unborn child. The term femicide, however, allows us to analyze how lethal violence against women was recorded, explained, rationalized, and prosecuted in a colonial society structured by

3 For classic studies on this subject, see Kellogg, *Law and the Transformation*; Capdequí, *El Estado español* and Owensby, *Empire of Law*.

4 On this subject, see Lavrin, *Sexuality and Marriage*.

gender, ethnicity, and social hierarchy. Both files also illustrate the mediated character of Indigenous testimony in colonial criminal procedure.[5] The voices of the victims, of course, are absent or only indirectly preserved through relatives and witnesses—but the same applies to the Indigenous witnesses as well.[6] Their experiences enter the archive through complaints, depositions, translations, legal formulas, and the interventions of male officials, interpreters, prosecutors, and defenders. Mediation in court, thus, demands close scrutiny of the procedural framework through which violence was narrated and transformed into legally actionable evidence. Both files construct violence through sequences: a prior conflict, a moment of assault, bodily evidence, witness interpretation, and legal naming. These narrative sequences are central to the way the crimes become intelligible as more than isolated deaths.

Finally, neither case file provides a final verdict. The analysis thus concentrates less on sentencing practice than on the ways in which lethal violence against pregnant Indigenous women was reported, investigated, narrated, and legally framed. The absence of final judgments is itself significant: it serves as a reminder that the archive often preserves processes of accusation and evidence-gathering more fully than outcomes, converting these documents into valuable material for investigating narrative procedures with a focus on the made-ness or constructedness of the texts.

Making Sense of the Sources

At the center of both cases stands the death of pregnant Indigenous women days before giving birth to their children. In the first case, the woman dies after physical abuse by a Spanish colonial officer, while the victim in the second case is strangled and thrown into a ravine by her husband.

The first source is an excerpt from a case file concerning the death of Gerónima María, an Indigenous woman from the San Martín neighborhood in Ocuyoacac, located in today's central Mexican federal state Estado de México, who was married to Juan Ventura, the local prison warden. According to her husband's complaint and the witness statements taken in connection with it, she was severely abused in January 1619 by Pedro Ramírez, deputy to the mayor (*teniente de alcalde mayor*) of the neighboring town of Metepec, while she was in the last stages of her pregnancy, and died shortly thereafter. Several witness statements of neighbors confirm that Gerónima María's death was the result of physical violence inflicted by Pedro Ramírez.

The document paints a picture of an escalating conflict between Pedro Ramírez and several Indigenous communities in the Ocuyoacac, Quapanoaya, and Tepexoyuca areas in January 1619. The conflict apparently began when Ramírez demanded that the communities provide labor on a regular basis. Several witness accounts first describe an escalation at the public level. Ramírez appeared in markets or in the villages before

5 On mediation in Indigenous testimonies, see Yannakakis, *The Art of Being In-between*.
6 On the subject see Fuentes, *Dispossessed Lives*.

the *gobernadores, regidores, alcaldes*, and *principales* and demanded the immediate provision of Indigenous laborers. When the communities refused and explained that they could not send any more people due to a shortage of personnel and already existing obligations, he threatened to tie the officials to the tails of horses. Several accounts agree that the Indigenous officials referred him to their *encomendero*, Juan Cano Moctezuma. It is precisely at this point that the witness statements reveal an important nuance: for the communities, referring him to the *encomendero* was apparently a legitimate way to seek protection or to clarify the demands. Ramírez, however, reacted with particular fury. Several accounts state that he insulted Juan Cano Moctezuma by calling him a "perro indio" (Indian dog). The insult "perro indio" condenses the racialized dimension of Ramírez's violence as a verbal act that denies legitimacy to Indigenous authority and protection. In the narrative logic of the file, this verbal violence precedes and frames the later physical violence against Gerónima María. This phrase shows that the conflict was directed not only against the villagers but also against their relationships of protection and authority.

The pages surrounding the case of Gerónima María are the last ones in the file. According to the testimonies, Pedro Ramírez appeared at the warden Juan Ventura's house on the night of Epiphany, looking for the husband. Several witnesses report that he demanded the keys to the prison. When Gerónima María, who was alone at their house at the time, replied that her husband was not at home and that she did not know where he was or could not give him the keys, Ramírez immediately attacked her. The scene is structured around absence and substitution: Ramírez seeks Juan Ventura, but in his absence Gerónima María becomes the body on which institutional anger is enacted. Gerónima María's reported speech is limited to statements of absence and non-possession: her husband is not there, and she does not have the keys. The file then describes the assault in great detail: He is described to have grabbed her by the hair, thrown her to the ground, dragged her, and to have repeatedly struck her with *cintarazos* (belt slaps). The exact description of the weapon varies slightly in the testimonies: in some cases, it appears to refer to a sword, while in others it refers to blows with the belt worn at the side or with the weapon itself, without the blade necessarily being used as a stabbing weapon.

The witnesses agree that Gerónima María was pregnant at the time, and some even explicitly state that she was "en días de parir," meaning she was about to give birth. It is precisely this circumstance that is emphasized in the complaint made by Joseph de Celí, a prosecutor or lawyer, in the name of the husband Juan Ventura. The phrase "even though he saw that she was pregnant and about to give birth" makes visibility central to culpability: Ramírez is not portrayed as ignorant of Gerónima María's condition, but as someone who recognized her vulnerability and nevertheless continued the assault. The sequence of verbs—seizing, throwing down, dragging, and striking—turns the assault into a staged degradation of Gerónima María's pregnant body.

Several testimonies also describe how, after the beating, she was tied up or led away and taken out of the house without being allowed to dress properly. It is repeatedly stated that she was not even given time to put on her skirt. This point appears in the witness statements as a central part of the humiliation, because the violence was not only physical but also publicly degrading. The repeated insistence by various witnesses that Gerónima María was taken away without being allowed to put on her *naguas* turns clothing into evidence of humiliation. The file narrates her exposure as part of the violence itself. Her body is removed from the protected domestic space and made publicly vulnerable. The source does not reveal Gerónima's body through nudity in the modern sense, but rather through incomplete clothing in an Indigenous cultural sense.[7]

Crucial to the case is what is testified to regarding the following morning and the days that followed. Several witnesses report that they visited Gerónima María while she was lying in bed. She was reportedly unable to move normally and showed them her injuries. The back, hips, and in some cases the head and other parts of the body are specifically mentioned. These were described as marked by bruises and severe contusions. Some witnesses focus primarily on the visible signs of the beatings and the prolonged period of bed rest. Other witnesses go even further and explicitly state that Gerónima María "malparió," meaning she suffered a miscarriage or premature birth to a dead child. Still others are more cautious in their wording, but all link the death to "maltratamiento," the abuse. The testimonies establish a clear causality: bruises, pain, confinement to bed, miscarriage or stillbirth, and death follow one another so closely in the narrative that the assault becomes the only plausible cause.

The second source concerns the killing of María de Vargas, an Indigenous woman from Santiago de la Lopa, in the jurisdiction of Villa Alta de San Ildefonso, located in what today is the state of Oaxaca in southern Mexico, in April 1657. The main accused is her husband, Jacinto Manzano. María was pregnant and, just like Gerónima María, close to giving birth. According to several witnesses, Jacinto persuaded her to leave the house at night under the pretext of going to a nearby hermitage to light candles and pray for a safe delivery. Her body was later found in a ravine. It showed signs suggesting strangulation or suffocation; a *huipil*, a traditional blouse, was found twisted around her neck, and she had apparently been thrown down into the ravine only after death. The narrative structure of the episode emphasizes the reversal of meaning of a devotional act, originally meant to secure childbirth and divine protection, which instead becomes the pretext through which Jacinto leads María de Vargas to her death.

Jacinto first denied knowing where María was, claiming she had fled or gone to her mother's house to give birth. This denial quickly became suspicious because, according to Magdalena de Vargas, María's mother, Jacinto had returned alone after leaving

7 On dress as a marker of status and social identity in colonial Spanish America, see Earle, *The Body of the Conquistador.* On honor, shame, and gendered reputation, see Johnson and Lipsett-Rivera, eds., *The Faces of Honor.*

with María during the night. He then sent his sister Marta to Magdalena's house to ask whether María was there and whether she had already given birth. For Magdalena, this message itself suggested that Jacinto was trying to create a false explanation for María's disappearance. The local authorities arrested Jacinto and began looking for María in nearby towns, but no trace of her was found. Jacinto continued to deny knowledge of her whereabouts until he was tied up and flogged. After several lashes, he confessed that he had killed María and had thrown her body down a ravine leading from La Lopa toward the village of Yalalag. The local authorities then went with Jacinto to the place he indicated. There, at a site called Xaaga in the Zapotec language, they found María's body. Jacinto's confession, on the one hand, produces legal truth by leading the authorities to the body. On the other hand, it also exposes the violence of the procedure through which that truth was obtained.

The officials who inspected the body described it as swollen, discolored, and with the tongue protruding, which led them to conclude that she had probably been strangled or suffocated before being thrown into the ravine. The witnesses also noted that a *huipil* was twisted around her neck and that one hand and one foot, or her hands and knees according to another witness, were tied with a sash. After the inspection, the authorities ordered that María's body be brought back to La Lopa and given an ecclesiastical burial as a Christian. Magdalena de Vargas then formally renewed her criminal complaint against Jacinto, accusing him of having given her daughter an atrocious death. She added that for about four years Jacinto had given María a "bad life," mistreating her because of his relationship with another Indigenous woman from the same town, María Sánchez. According to Magdalena, this relationship was public and scandalous in the town, and María Sánchez had encouraged Jacinto's mistreatment of his wife. Several witnesses supported this accusation, saying that Jacinto and María Sánchez had been publicly involved for years and that María de Vargas had repeatedly complained of beatings and abuse.

One of the witnesses, Elena de la Cruz, testified that on the morning before her death María had told her about Jacinto's plan to take her secretly to the hermitage that night to light candles for a safe delivery. Elena said she warned María not to go, because Jacinto might be deceiving her in order to harm her. María replied that she had no choice, that Jacinto now seemed reconciled with her.

The investigation then expanded beyond Jacinto himself to include María Sánchez and Jacinto's parents, Miguel de Santiago and María de Santiago, who were accused of tolerating or concealing the relationship between Jacinto and María Sánchez. The authorities ordered their arrest and the seizure of their property. The prisoners were then transferred to Villa Alta de San Ildefonso, where the alcalde mayor, Diego de Villegas, ordered that the men be held in the public jail while the women were kept separately in secure houses. Because the accused were Indigenous, he appointed interpreters and a legal defender for them before taking their formal statements. In her statement, María de Santiago, Jacinto's mother, denied knowing anything about the plan to take

María de Vargas to the hermitage or about the killing itself. She admitted that she had heard rumors of Jacinto's relationship with María Sánchez, but denied that she or her husband had encouraged or concealed it. Miguel de Santiago likewise denied involvement. The language of *amancebamiento*, concealment, and consent expands the circle of responsibility beyond the killer himself. The accusation treats María de Vargas's death as emerging from a household and community network that enabled marital violence. When María Sánchez was brought before the alcalde mayor, she only repeated religious phrases such as "Holy Mary, Church, my mother." The alcalde mayor treated this as resistance and evidence of simulation and ordered her to be held separately under guard, without being allowed to speak with anyone. In a case already structured around deceptive devotion, incoherent pious speech becomes another sign of suspected guilt.

Jacinto himself then gave a formal confession, admitting that he had taken María out at midnight under the pretext of going to light candles for a safe childbirth. According to this confession, however, once they were on the road, he began thinking about María's earlier absences and about his suspicion that the child she was carrying was not his. He claimed that the devil then "deceived" him and told him to strangle María with his hands. After she was dead, he presumably twisted her *huipil* around her neck, carried her body to the ravine, and threw it down the slope. He then returned to his house and went back to sleep. He admitted that he had once had a relationship with María Sánchez, but claimed that it had ended two years earlier and that his quarrels with María de Vargas were caused instead by her absences and disobedience. He also denied that his mother and stepfather had encouraged the relationship, saying that any gifts from María Sánchez to them were merely signs of friendship. Jacinto's confession is structured as a struggle over motive: while he admits the physical act of strangling María, he narrates it as the product of demonic impulse and sexual suspicion, thereby attempting to transform a premeditated killing under a false devotional pretext into a moment of provoked violence—provoked by the victim.

At this point the case moved from the initial investigation to the formal accusation, with the testimony and confessions being transferred to the complainant and then to the fiscal. Francisco de Orosco, the promotor fiscal, accuses Jacinto of an especially atrocious killing. He emphasizes that Jacinto lured María out at night under a false religious pretext and asks for the death penalty. He describes the crime not only as homicide, but also as the killing of the unborn child — in the text called *filicidio* or effectively *feticidio*, because María was close to giving birth. The fiscal treated Miguel de Santiago and María de Santiago more as moral accomplices than as direct participants in the killing.

After the fiscal's accusation, the case continued with the defense's response and the taking of defense testimony, especially concerning María de Vargas's previous absences from her husband and Jacinto's claim that her pregnancy was not his. The outcome of the case is not included in the case file.

In both cases, pregnancy functions as an aggravating circumstance of the killing: the violence is directed against women who are described as being close to childbirth, and

the death of the unborn or newly born child intensifies the moral and legal gravity of the crime. The two cases thus show different settings of gendered violence: Gerónima María's death is embedded in a broader conflict over colonial authority and the abuse of Indigenous communities by a local official, whereas María de Vargas's killing appears as the culmination of prolonged marital violence within the household. Witnesses repeatedly emphasize that the women were close to childbirth, and the legal actors treat this fact as increasing the gravity of the violence. In the first case, the assault is linked to miscarriage or stillbirth and then to the woman's death. In the second, the prosecutor explicitly frames the killing as both homicide and the destruction of the unborn child. Pregnancy appears both as a marker of heightened vulnerability and as a circumstance that intensified the perceived atrocity of the crime.

Through the Lens of Femicide

Both sources refer to historical cases of femicide—even though no legal tools existed to mark the specific gender dimension of the killings, a textual analysis of the sources point to an already developing juridical understanding of this dimension.

In the case of Gerónima María, gender-based vulnerability is clearly at the center of the prosecution's argument. She was not attacked as an armed adversary, but as a woman in her home, alone, at night, undressed. Furthermore, the perpetrator holds power over reproduction. If the witness statements are accurate, the abuse led to miscarriage/premature birth and death of the mother and the child.[8] The explicit humiliation of the female body is emphasized through the description of the perpetrator dragging her out at night without appropriate clothing. This course of action targets the woman's body, her honor, and her social vulnerability in an asymmetrical power relation. A colonial male official perpetrates violence against an Indigenous woman who has virtually no structural protection in the situation.

The case does not necessarily point to a clearly gender-based motive in the narrow sense; the killing may have occurred in a state of anger or impulse. Yet the witnesses consistently state that Gerónima María died as a result of the mistreatment inflicted on her. The assault also did not occur in isolation, but formed part of a broader spectrum of prior violence attributed to Pedro Ramírez. At the same time, Gerónima María was not simply a random victim: he went deliberately to her house in search of her husband and confronted her there. In that sense, she may be understood as a secondary victim, but intention is not the decisive issue here. Rather, the circumstances of the assault help explain its gendered dimension: she was a pregnant woman attacked in

8 In many contemporary Latin American penal codes, this fact alone would facilitate prosecution on the basis of the criminal offense of femicide. An Interamerican Model Law on Femicide developed in 2019 by the Committee of Experts of the Follow-up Mechanism of the Convention of Belém do Pará defines pregnancy as one of the markers that should be considered in cases of women killings. The Chilean *Ley Gabriela*, a femicide law incorporated into the country's penal code in 2020, pregnancy is considered an aggravating factor in cases of femicide.

the domestic sphere, forcibly dragged from the house, and exposed in a particularly vulnerable and humiliating manner. Understanding the case of Gerónima María on a continuum of femicidal violence—if femicide is understood not merely as "the killing of women because they are women," but as the endpoint of a continuum of intimidation, physical violence, humiliation, and lethal abuse—this category helps us place the case in its historical context and embed its narrative within a systemic structure of violence that has not yet been dismantled. No intent to kill can be proven, but the risk of death is clearly accepted.

Compared to the case of Gerónima María, the case of María de Vargas also lends itself to an interpretation within a framework of femicidal violence, although the evidentiary situation appears more complicated. Here too, the victim's gendered vulnerability is central to the way the violence unfolds. As in the case of Gerónima María, pregnancy is not a secondary detail, but shapes the meaning of the crime. The fact that the fiscal refers to the crime as both *homicidio* and *feticidio* is significant, since it shows that the death of the unborn child was treated as a relevant legal and moral dimension of the act. Even if early modern legal categories did not yet conceptualize "femicide" in the modern sense, the source nevertheless registers the specifically gendered and reproductive dimension of the violence.

As in the case of Gerónima María, the killing of María de Vargas does not appear as an isolated act, but rather as the culmination of a prior pattern of violence. The references to earlier physical abuse suggest that the final killing formed part of a broader continuum of domestic violence. This is important because it moves the interpretation away from a single moment of uncontrolled anger and toward a longer history of domination. If femicide is understood as the endpoint of such a continuum, then María de Vargas's case fits this framework particularly well. The victim was not killed in a public confrontation or as an equal opponent, but within a relationship marked by asymmetrical power, marital authority, and repeated violence. The possible motive further strengthens the femicidal reading of the case, although it must be treated with caution. The accusation that her husband killed her in order to be with another woman suggests a gendered logic of disposability, in which the wife's body and life become obstacles to male desire. María de Vargas's case fits more closely with modern definitions of femicide, especially intimate partner femicide, while Gerónima María's case points to a more complex overlap between gendered violence, pregnancy, Indigenous status, and colonial abuse of power.

Further Questions

1. What role does pregnancy play in the legal and narrative construction of both cases?
2. How do witness statements, bodily descriptions, and legal terms such as "atrocious death," "mistreatment," "homicide," "filicide," and "illicit relationship" shape the meaning of the killings?

3. To what extent can these cases be read as part of a continuum of gendered violence rather than as isolated acts of killing?
4. Discuss the two cases from an intersectional perspective. What roles do ethnicity, power relations and vulnerability play in the construction of the crimes?
5. How does the mediated nature of the sources (translation, reported speech, legal formulae, and missing verdicts) affect our interpretation of the victims' voices and the perpetrators' motives?

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25 St Dymphna: A Story of Resistance

Alison More

Source: The source below is an excerpt from the *vita* of St Dymphna,[1] a legendary Irish princess, who lived about the seventh century. It recounts the murders of Dymphna and her faithful priest at the hands of her father. Earlier in the tale, Dymphna's mother dies and her father attempts to persuade her to become his bride. Dymphna flees her home and country and settles in the town of Geel. Her father and his envoys pursue her. The *vita* is quite lengthy and a single scene, Dymphna's death, is presented here. The encounter begins when the king and his courtiers have found Dymphna and Gerebernus living in Geel. The entirety of the *vita* is summarized in the discussion of this piece below. As a whole, this touches about challenging authority, constructions of sanctity and mental disorder, and familial relations.

"O filia mea Dympna, amor meus, desiderium et dulcedo, quae te movit necessitas aut voluntas, ut regiae dignitatis honore contempto, extraneis et ignotis gentibus terram nativitatis tuae mendicando postferres? Quae tam docta vel jam lenis persuasio te seduxit, ut filialis dilectionis oblita, patrem Regem dimitteres, istique seni decrepito Sacerdoti tamquam filia adhaereres, et ipsius in omnibus obtemperares mandatis? Ut quid regni gubernaculum habitura post patrem, aulam regiam abjecisti, ut domum inhabitares consitam ramusculis et etiam foedi luti vilitate difformem? Nostro ergo celeriter acquiesce consilio, et nobiscum ad patriam, quam pueriliter dimisisti, sapienter revertere."

[When he encountered her, he said:] "O my daughter Dympna, my love, desire, and sweetness, what need or desire moved you that, having despised the honor of royal rank, you disdain the land of your birth by living among foreign peoples as a beggar? What persuasion so clever seduced you that, forgetful of filial love, you should have left your father the king, and clung to that decrepit old priest like a daughter? Why did you, who would have held the government of the kingdom after your father, reject the royal court to live in a house built of twigs made unsightly by foul mud? Obey our counsel swiftly, and wisely return to your homeland, which you childishly left."

Ad hæc statim cum vellet objicere Virgo sancta, Dei servus altissimi beatissimus Gerebernus, responsionem Virginis anticipans […] voce […], in hæc verba prorupit: O Rex sceleratissime, totius immanitatis auctor, atque cunctis virtutibus inimice, libidinis commentator; cur incassum laboras evertere puritatis a via tam beatæ Virginis mentem sanctam? Cur infelix & vecors, Deo caram & Angelis virginitatem infestas, quæ honorē & gloriam ætatibus accommodat universis? […]

The holy virgin was about to object to this immediately, but the most blessed Gerebernus, servant to the most high God, anticipated her answer and spoke: "O most wicked King, author of all monstrosities, enemy to all virtues, and conniver of lust: why do you labor in vain to twist the holy mind of so blessed a virgin from the path of purity? Why, wretched and senseless man, do you attack a virginity precious to God and the angels—one that brings honor and glory to all stages of life?

1 Petrus Canonicus S. Auberti, "Dympna Virgo, martyr Gelae in Brabantia," Acta Sanctorum, Maii tomus III (Paris, 1866), 475–495. (Vita 478–484; miracles 484–487, Miracula recentiora 487–495.

Thesaurus est siquidem in honestis utilis virginitas, quem qui semel amiserit recuperare de cetero non valebit.

Virginity is indeed a useful treasure among all honorable things. Once lost, it can never be recovered.

Ne sis ergo opprobrium & dedecus inter Reges, & ne crimen inferas majestati: non præsumas ulterius talem loqui sermonem, quem nefas est & abominatio cogitare, non pudicis & mundis tantummodo, sed etiam luxuriosis & fornicatoribus.

Do not, therefore, be a shame and a disgrace among kings, and do not bring a stain upon your majesty. Do not presume to speak such words as they are an impiety and an abomination even to contemplate—not only to the chaste and pure, but even to those who are depraved and adulterous.

Securus sum enim & certus, quod filiæ tuæ Dympnæ mens fidelis & pura, cui pro Deo penitus jam viluit quidquid mundus suggerit voluptatis, nec asperitate minarum terrebitur, nec promissis aut muneribus acquiescet […]

For I am certain that the faithful and pure mind of your daughter, Dymphna—for whom everything the world offers in pleasure has already become utterly worthless for the sake of God—will neither be terrified by the cruelty of your threats, nor yield to your promises or gifts.

Hac itaque salubri monitione completa, mox tyrannus execrabilis, vehementi furore commotus, in Domini Sacerdotem exarsit: accitosque infrunitæ severitatis ministros consuluit, ut monerent quid agendum super hoc existimarent: quod per senis illius consilium Dympna ejus filia impudicis suis monitis obedire renueret, adeo quod nec metu nec rei alicujus blandimento poterat emolliri.

After finishing this warning, the abominable tyrant, shaken by a violent rage lashed out against God's priest. He summoned his most ruthless ministers and consulted them, asking what they thought should be done about this matter: namely, that following the advice of the elderly Gerebernus, his daughter Dymphna refused to obey his immoral demands to the extent that she could neither be moved by fear nor enticements.

At illi consiliatores iniqui, participes & consortes illorum, qui in Domini passione consilium inierunt ut eum occiderent, virum sanctum morte dignum clamantes […] Quod consilium quamvis esset detestabile, Rex profanus acceptans, mox præcepit Dei servum altissimi B. Gerebernum, illicita prohibentem conjugia, a ministris detestabilibus decollari.

But those wicked counsellors, like those who plotted to murder Our Lord during His Passion, cried out that Gerebernus should be put to death. And though this counsel was detestable, the impious king accepted it. He immediately commanded that his ministers behead the blessed Gerebernus, servant of the most high God, who had forbidden his illicit marriage.

Quem confestim tumidis fulgurando sermonibus adeuntes accusatores iniqui, una tamquam leonum catuli rugientes ut rapiant, super eum dentibus infrendentes, antea quæstionem atrocem propositam in hunc modum expectanti gladium deprompserunt: Inveterate dierum,[2]

The wicked accusers immediately approached him with angry words, roaring together like lion cubs eager to seize their prey and gnashing their teeth at him; as he stood waiting they drew their swords before putting forth a brutal interrogation, in this manner: "You who have

2 Cf. Daniel 13.52.

cujus conditionis aut generis, & unde est in te tanta præsumptuosæ temeritatis audacia, quod Dominum nostrum Regem non vereris inanium verborum ambagibus attentare? Non sufficit, impudice, tibi solum, quod filiam suam Dympnam a consensu conjugii revocans, tecum ad hanc provinciam adduxisti, nisi convitiorum injuriis eum rursus ad iracundiam provocas & furorem? […] Quibus senex reverendissimus, non mucrone accintus, sed ardore fidei glorioso, respondit: Absit a me, filii tenebrarum, ut puellam, quam pro posse debeo instruere ad virtutes, informem ad vitia; & cui suggerere teneor perseverantiam castitatis, incentivum suadem libidinis & incest us. […]

grown old in wickedness! What is your rank or lineage? Where do you get such reckless and arrogant audacity that you do not fear to provoke our lord the king with empty rhetoric? Is it not enough for you, shameless man, that you turned his daughter Dymphna away from consenting to marriage and dragged her with you to this province? Must you provoke him again to anger and fury with the insults of your abuses?" To this, the most reverend old man, armed not with a sword, but with the glorious ardor of faith, replied: "Far be it from me, sons of darkness, that I should school a girl in vice when I am bound to train her in virtue to the best of my ability! And far be it that I who am bound to urge her to persevere in chastity should instead offer her an incitement toward lust and incest." [...]

[18] Cum ergo cerneret Rex sanctum Gerebernum presbyterum, cujus monitis ac consiliis Virgo regebatur, in fide Christi perseverare, et ad suum nefandum propositum nullo modo flecti posse; jussit eum a satellitibus mactari. Qui statim, arreptis gladiis, in sanctum Dei famulum irruerunt, et caput ejus a corpore penitus amputaverunt. Sic pius doctor, pro defensione castitatis et fidei, palmam martyrii prior obtinuit.

When the king understood that the holy priest Gerebernus—by whose warnings and counsels the virgin was guided—persevered in the faith of Christ and could in no way be turned toward his own purpose, he ordered him to be slaughtered. His henchmen immediately drew their swords and rushed upon the holy servant of God. They completely severed his head from his body. Thus, the pious teacher in defense of chastity and faith was the first to win the martyr's palm.

[20] Furore Rex quem vindicta minuerat paulum temperato, sponsam Christi venerabilem S. Dympnam suis jussit obtutibus celeriter præsentari. Tristem enim animum intus celans super patris inflexibili pravitate, plena ejus facies gratiarum rosei decoris amœnitate perfusa, cunctis tota desiderabilis apparebat. Cujus dulci serenitate percussus infelix tyrannus, inflammante cor ejus illicitæ dilectionis igniculo, prætendendo blanditias sic affari Virginem est exorsus: O filia mea Dympna, cur pateris patrem tuum diu tantis augeri doloribus? misereri cur renuis, & abhorres illum, quem allicit amor tuus & cruciat indefesse? Tantummodo consentire, carissima, mihi velis, & quod opum & gloriæ mundus habet, vere tibi polliceor me daturum" […]

Once the king's fury—which his vengeance had lessened—had calmed somewhat, he ordered the venerable bride of Christ, Saint Dymphna, to be brought before him immediately. For though she hid a sorrowful soul within on account of her father's relentless wickedness, her face was filled with graces and bathed in the loveliness of a rosy beauty, so that she was enchanting to everyone who looked at her. Struck by her sweet serenity, the miserable tyrant, with the spark of illicit passion setting his heart aflame, began to speak to the virgin in a flattering manner: "O my daughter Dymphna, why do you allow your father to be tormented by such great sorrows? Why do you refuse to have pity on the man who loves you and is tortured by it daily?

Just consent to me, dearest one, and I promise that I will give you whatever wealth and glory the world possesses..." [...]

Cui Virgo devotissima, […] respondit: Cur, infelix tyranne, promissis fallacibus a pudoris proposito subvertere me conaris? Putas, miser, quod a stabilitate propositi resiliam appetitu gloriæ secularis, corpusque meum polluendo, Christum meum amatorem offendam?

The devout Virgin replied to him: "Why are you trying to sway me from my vow of purity with these empty promises, you miserable tyrant? Do you actually think, you wretched man, that I would abandon my resolve just for worldly glory, or that I would offend Christ, my true love, by defiling my body?

In me ergo ne credas esse animi feminei levitatem: tuæ signum gloriæ mentis pede conculco, & Domini mei Jesu Christi promissiones illas, quæ affectus superant universos, jam ex totis visceribus concupisco. Dea creari respuo, & honorem imaginis vilipendo. Talem mihi nec præsumas ulterius suadere sermonem, cum satis sit facilius cuilibet retinere quod habet, quam cum idem amiserit revocare.

Do not think that I possess some fragile woman's mind. I trample the token of your worldly glory underfoot. With all my soul, I long for the promises of my Lord Jesus Christ, which surpass any earthly affection. I refuse to be made into a goddess, and I despise the honor given to an idol. Do not dare speak to me like this ever again. It is easier to keep your virtue while you still have it, than try and restore it once it is lost."

[21] Tunc rex ferus, animo libidini deditus atque cultor præcipuus idolorum, quanto magis fidem Christianitatis in ea fervere cognovit, tanto magis homine inimico superseminante zizania,[3] contra eam totis viribus insurrexit, & inquit: Ne frivolis de cetero, malitiosa, nos fatiges: statim exple quod opto, vel paternæ dedignationis incurres offensam; sicut ille detestabilis Doctor tuus, qui rebellis & contumax erga nostræ jussionis decreta male vitam hanc capitis detruncatione finivit.

Then the brutal king—a man utterly enslaved to his lust and a zealous worshiper of idols—became even more enraged the more he realized her Christian faith burned fervently within her. As the Enemy [the devil] actively sowed seeds of malice in his heart, he turned on her with all his might and said: "Stop exhausting my patience with this nonsense, you malicious girl! Do what I want right now, or you will face the full weight of a father's wrath—just like that wretched teacher of yours who defied our decrees and met a miserable end when his head was struck from his shoulders.

Flori igitur tuæ consulæ juventutis, in exemplum hunc habens, & deorum nostrorum altaribus sacrificans, thus impone; aut secura consistas quod confusioni perpetuæ donaberis, sicque tuæ perditionis exemplo Regum omnes filiæ paternis imperiis adversari amodo formidabunt.

Take his death as a warning and think about the flower of your youth. Offer incense and sacrifice at the altars of our gods. If you don't, mark my words: you will be handed over to permanent disgrace. I will make a ruin of you, and your destruction will be a lesson to every king's daughter to think twice before defying her father's commands!"

3 Cf. Matthew 13:25.

Cui minas intonanti taliter & ruinam, recolendæ memoriæ Virgo sancta respondit: Qua de causa, tyranne detestabilis, jugulasti Domini Sacerdotem electum, in quo nullum facinus reperisti? Numquid cuncta cernentis arbitraris effugere judicalem sententiam? Deos deasque tuas ut figmentum detestor, & Domino Jesu Christo, cujus amore langueo, tota me devotione committo. Ille sponsus meus, & gloria mea, salus, desiderium & dulcedo, nihil aliud desidero præter ipsum: mihi solus ille sufficit, in quem sacer ille Angelorum exercitus prospicere concupiscit.

The holy virgin of cherished memory responded: "Detestable tyrant, why did you slaughter the chosen Priest of the Lord who was innocent? Do you think you will escape the sentence of the all-seeing God? I detest your gods and goddesses as mere fiction, and I commit myself with total devotion to the Lord Jesus Christ, for whose love I languish. He is my spouse, my glory, my salvation, my desire, and my sweetness; I desire nothing else besides Him […] He alone is enough for me—the very one whom the holy army of angels longs to look upon."

Cum igitur juris ordo videatur expetere, quod aliquis non exemplis sed legibus debeat judicari, in me quamvis exerce tyrannidem: pœnas omnes, quas inferre poteris, læta mente parata sum pro Domino sustinere […]

Since the rule of law demands that a person should be judged by actual laws, not by arbitrary examples, go ahead and unleash your tyranny on me however you please. I am ready and glad to endure every single punishment you can inflict, all for the sake of the Lord.

[22] Amens quidem in responso Virginis Rex effectus, nec deceptionis suæ dedecus ultra ferens, sic locutam, ut dictum est, ad deorum suorum vindicandas injurias, eam jussit celeriter decollari. Sed cum nullus eorum qui aderant in Regis collegio tam immane præceptum adimplere præsumeret, Rex antiquæ nobilitatis, quæ superbos debellare & parcere humilibus consuevit,[4] oblitus, pietatem regiam arrocissima crudelitate commaculans, super eam irruit pro lictore.

The king was out of his mind at the virgin's response, and unable to endure the shame of his failure any longer. He ordered that she be swiftly beheaded to avenge the insults to his gods. But when not a single man among his royal guard dared to carry out such a monstrous command, the king, forgetful of that ancient nobility which is accustomed to crush the proud and spare the humble and defiling his royal honor with the most atrocious cruelty, rushed upon her himself, acting as her executioner.

Sicque simul Rex cum suo detestabili comitatu remeans ad propria, carnes servorum Christi, S. Dympnæ videlicet & beatissimi Gereberni, escas terræ bestiis atque cæli volatilibus dereliquit. O patrem sceleratissimum & crudelem, sine ullo paternæ pietatis affectu! qui nefando libidinis exagitatus ardore, sub prætextu judicialis sententiæ, per vindictam temperatis doloribus laudem quærit; atque ipso sceleris molimine semetipsum æstimans pium esse, inhumandis eorundem corporibus humanitatis officium denegavit.

The King then returned home with his infamous retinue, leaving the bodies of Christ's servants—Saint Dymphna and the most blessed Gerebernus—as food for wild beasts and birds of the sky. Oh, most wicked and cruel father, utterly devoid of any feeling of paternal love! Driven by an unspeakable burning of lust, he sought praise under the pretext of a legal sentence using vengeance to assuage his own torment. Even in the very act of his crime, he considered himself to be acting piously, yet he denied the duty of humanity by leaving their bodies unburied

4 Cf. Virgil, *Aeneid*, 6.853 "debellare superbos & parce humilibus."

Texts and Contexts

Tales of saints such as the seventh-century Irish Dymphna, are disconcerting. A young woman fleeing sexual abuse is pursued and murdered by her abuser. The excerpt above is from her *vita* which was written in 1247. In this account, Dymphna was the only daughter of a pagan Irish king and his wife "whom he loved with a violent affection" (*quam Rex ipse vehementi diligebat affectu*). In her childhood, Dymphna was a serious and pious child who was secretly baptized as a Christian. Her mother, the queen, fell ill and died.

The king was immediately overcome by excessive grief. After some time, he sent his counsellors (*legatos*) to search for a virgin of noble birth and who resembled his late wife in beauty. He wanted to marry such a woman, believing it would restore order to his kingdom. After realizing the magnitude of the task, the counsellors suggested that he consider marrying his daughter, who was like her mother in manner and appearance. Deceived by the devil into believing this was an acceptable solution, he began to pursue Dymphna as his bride.

For her part, Dymphna was appalled. The *vita* frames this in terms of concern for her virginity and fidelity to her heavenly bridegroom rather than a natural reaction to a proposal of sexual exploitation. She consulted a wise and kindly priest named Gerebernus who had baptized her. He advised that it was better to choose to face the danger of a cruel death for the sake of preserving her virginity (*quin potius eligeret pro servanda virginitate diræ mortis subjacere periculo*) than to marry her father. The *vita* tells us that Gerebernus's somewhat extreme, advice was given since he feared that Dymphna would accede to the king's wishes, convinced by the frailty of her sex (*fragilitate sexus*) and the continual persuasion of worldly wantonness (*mundanaque lascivia jugiter blandiente*). Accompanied by Gerebernus and the jesters from her father's court, Dymphna fled her native Ireland and travelled to Continental Europe. They eventually settled in the town of Geel, near Antwerp in modern Belgium. Here, the community built a small hut (*tugurium*) near the oratory of St. Martin, where they dedicated themselves to prayer, fasting and almsgiving and supported themselves through their own labor.

Dymphna's father was not content to let her go and searched for her in Ireland and then on the Continent. When his envoys reached Geel they bought provisions with Irish coins. When the innkeeper remarked that the coins were identical to the ones used by other travelers - a renowned virgin and her companions—the envoys knew they had found Dymphna and summoned the king immediately. The passage above relates the tale of their reunion.

As the passage depicts, the king's initial strategy was to remind Dymphna of her filial obligations. He explicitly accused her of failing as a daughter and turning her back on her people (lines 1–15). Before Dymphna could respond, Gerebernus came to her defense, berating her father for his wicked deeds and calling him "author of all monstrosities, enemy to all virtues, and conniver of lust" (lines 20–22). The greater part of his speech, however, is aimed at extolling Dymphna's virginity, which he calls a "useful

treasure" and reminds us that it could never be recovered when lost (lines 28–30). The king's courtiers lashed out at Gerebernus accusing him of not recognizing the king's rightful authority, and later of corrupting and kidnapping Dymphna (lines 73–82). The priest persisted in his view that it was his duty to stop others from living in sin. Enraged and unconvinced, the king ordered that Gerebernus be decapitated.

The king, again, approached Dymphna and promised her all manner of honors and riches if she would consent to be his wife. Outraged, Dymphna questioned whether he actually believed that she would do something so reprehensible and reminded him that she was betrothed to Christ (lines 126–131). Enraged, the king ordered her death. When none of his courtiers would obey, the king acted as executioner rather than father and cut off his own daughter's head.

The king and his courtiers then left the bodies of Gerebernus and Dymphna to be scattered and fed on by wild animals. The animals, of course, would not touch the bodies of the two saints. In a continuation of the *vita* beyond the passage, we are told that when the villagers attempted to collect their bodies so that they could be given an honorable burial they discovered that the bodies had already been placed in brilliant white vessels, seemingly the work of angels (*quae non humano artificio, sed angelico ministerio ibidem præparata firmiter credebantur*). Dymphna's tomb later became the site of healing miracles, particularly for those vexed by unclean spirits or from the falling sickness. The *vita* contains supplementary materials that recount this in detail.

Making Sense of the Source

The historical Dymphna is something of an enigma. There is no evidence of a seventh-century princess whose story matches the events depicted in her *vita*. The *vita santae Dympnae* was written (or recorded) in 1247 by Canon Petrus of Saint-Aubert.[5] In his prologue, Petrus recounts that he undertook this task on the request of Bishop Guy of Cambrai and that he had been charged with gathering the oral, vernacular tales and writing a Latin *vita*. Peter professes to undertake this task with what little skill he possesses. Despite his protestations of humility, Petrus crafts an intricate narrative which aligns the central figures he presents with biblical figures and places Dymphna and Gerebernus securely in the tradition of saints.[6]

Some attention has been given to finding the historical Dymphna, but it is largely inconclusive. A fifteenth-century Dutch version of her *vita* names her father as "Damon," something also adopted in the Irish folk tradition.[7] There are no Irish kings with this name. The only evidence of a historical Irish Dymphna of any sort is a sixth- or seventh-century woman named Damhnait or Damnat (Irish equivalents of Dymphna) from Tydavnet in County Monaghan. There is, however, nothing known

5 Cf. Mannaerts, "Letetur Hybernia, Jubilans Antverpia," 123–125.
6 Elliott, *Roads to Paradise*, 1–36.
7 Dresvina, "An Uncanny Saint," 86.

about Damhnait's life, and no direct evidence connecting her to St Dymphna.[8] The connection is, however, firmly embedded in folk culture and Tydavnet and Geel have been twin cities since 1992 due to their shared link with the saint. There have also been attempts to verify Dymphna's historical existence through a scientific study of her relics. Such work had shown that the relics and other material objects associated with Dymphna's cult are consistent with the legend but cannot provide proof of her historical existence.[9]

It is quite clear that his text should not be regarded as a history. Petrus was writing almost 600 years after Dymphna's death and certainly had no direct knowledge of her. Instead, it fits securely into the tradition of hagiography. The word "hagiography" literally means "holy writings" (*hagios – graphia*) but it is used to refer to only tales of the saints. Saints' *lives*, or detailed accounts of saints' stories, are commonly referred to as *vitae* (singular *vita*) in scholarship. On one level, they appear similar to biographies, but their purpose is not so much to tell their subject's story as to place them in a tradition of sanctity. As such, they were less concerned with historical accuracy than with presenting a narrative of sanctity. To hagiographers, this was not a matter of being untruthful but of prioritizing ethical truths over historical ones.[10]

Hagiographic *vitae* are hybrid texts, generally written by learned clerics for a popular audience. As such they combine theological messages that the cleric wished to promote as well as material that would resonate with the minds of their audience. The formulaic nature and recognizable collection of tropes that characterized hagiographic narratives made it simple for audiences to recognize and begin thinking of the subject as a saint.[11] For Dymphna, the recognizable tropes of sanctity included a commitment to virginity for love of her divine bridegroom, commitment to her baptismal vows, willingness to die for her beliefs, and comparisons to significant biblical figures.

As a text designed to capture the minds of audiences, it is certainly in the realm of hagiographic romance and has much in common with literature from the same period. As horrifying as many of the elements of Dymphna's tale are, they do not appear particularly unusual in medieval texts. Literary specialist, Elizabeth Archibald describes around twenty examples of what she terms: "the flight from the incestuous father" or "unconsummated incest."[12] As with Dymphna's tale, these narratives generally include a recently widowed father (often a king, and generally noble) who is struck by his daughter's resemblance to his late wife. In most cases, the king desires to marry his daughter. The princesses in these tales flee or seek banishment by mutilating themselves in ways that would disqualify them from ruling since a queen had to be physically perfect. In

8 O'Hanlon, *Lives*, 293–294; Mannaerts, "Letetur Hybernia, Jubilans Antverpia," 125–126.
9 Haneca and Byle, "The Reliquary of Saint Dymphna," 91–108.
10 Elliott, *Reading the Roads*, 1–36.
11 Elliott, *Reading the Roads*, 16.
12 Archibald, *Incest and the Medieval Imagination*, 147–161. For synopses of these tales see pages 245–256 in the same volume. Cf. Dresvina, "An Uncanny Saint," 86–87.

most versions of the tale, the princess marries another (generally noble) suitor and order is restored. Occasionally the father seeks papal absolution.[13]

The incestuous father seems more common in the realm of literature than hagiography, and Dymphna's only saintly sister in suffering appears to be Uliva, daughter of a widowed Emperor who also believed his daughter was the only woman whose beauty could compare to his late wife.[14] Unlike Dymphna, Uliva's flight is successful and her story has a very different ending. The murderous father, however, seems to have been common in tales of female saints, primarily the passio literature of the early Church.[15]

There is also another interpretation of Dymphna's story that should be given more attention. The medieval historian Anneke Mulder-Bakker has pointed to a long tradition of holy women who lived outside of conventional society in the Low Countries, often as part of a quasi-religious community.[16] While much modern scholarship places the advent of this phenomenon around the twelfth or thirteenth century, Mulder-Bakker points out that there was a long, and largely unrecorded tradition of *Woudvrouwen*, many of whom were (legendary) foreign princesses, including Cunera of Rhenen in the Netherlands, Oda of Brabant, and Landrada of Limburg. These women held liminal positions between the religious and secular spheres. As they were fully a part of neither world, they moved easily between them. This life was often a place of refuge, and the women who occupied it often helped others by engaging in social or health care activities.[17]

As a cleric, Petrus is recording coherent and cohesive narratives, particularly regarding her prayers, the function of her quasi-religious community in Geel, and her unwavering obedience to Gerebernus. The popularity of any particular *vita* can be determined by its textual tradition. There are several Latin copies of the *vita sanctae Dympnae*, as well as later Dutch versions of the tale.[18] This is complemented by evidence of Dymphna's veneration, primarily in the liturgical tradition.[19] In the fourteenth century, nuns from Liège were already observing her feast. A rich tradition of prayers and chants shows that popular devotion to Dymphna continued to thrive well into the sixteenth century in the Low Countries, and quickly spread to Spain, Italy, and the British Isles.[20] At the same time, an unconnected tradition, often steeped in folklore grew in Ireland.

13 It is worth noting that there are no historical examples of papal dispensations being given for an incestuous union between a father and daughter. There are, however, literary instances such as *La belle Hélène de Constantinople*, where such a dispensation is granted to the king in return for defending the Pope from the Saracens. Cf. Archibald, *Incest*, 165, and 193, n. 38; Dresvina, "An Uncanny Saint," 94.
14 Cf. Archibald, "Appendix," 255.
15 Cf. chapter no. 18 of this volume on St. Christine.
16 Mulder-Bakker, "Woudvrouwen," 21–42.
17 Mulder-Bakker, "Woudvrouwen," 21–42.
18 Nine of these are listed at: https://geschichtsquellen.de/werk/3922. Other manuscripts are mentioned in O'Hanlon, *Lives*, v. 5, 284–374; Mannaerts, "Letetur Hybernia, Jubilans Antverpia," 158–159.
19 Mannaerts, "Letetur Hybernia, Jubilans Antverpia," 123–159.
20 O'Hanlon, *Lives*, 284–374; Mannaerts, "Letetur Hybernia, Jubilans Antverpia," 123–159.

As well as the textual tradition, there is significant material evidence of Dymphna's continued veneration. The Church of St Dympna was built in Geel in 1349. The Church was rebuilt following a fire (which may have destroyed materials associated with the saint) in the fifteenth century. In 1405, the abbot of Tongerlo, a Premonstratensian abbey near Geel commissioned an altarpiece from Goswin van der Weyden (1465–1538). The altarpiece is quite large, and consists of eight oak panels, each about 120 cm tall and 73 cm wide. It depicts images of Dymphna's secret baptism, the initial proposition by her father, Dymphna's voyage, the discovery of Dymphna by spies, her martyrdom, the miraculous burial by angels, and return of Dymphna's relics to Geel. After a turbulent history, it is now owned by the Phoebus Foundation in Belgium, who undertook a conservation and restoration campaign in 2016. Several other altarpieces were commissioned by various local religious houses and Churches. The attention given to the altarpieces and ongoing interests speaks to the popularity of Dymphna in the early modern and modern worlds.

An important part of Dymphna's legacy is her role as the patron saint of mental distress and disorders. In the introduction to her *vita*, the Bollandists attribute this to her father suffering from a disordered mind, although there is no evidence for this. The association was, however, longstanding. By 1515, a wooden altarpiece carved by Jan van Wavere shows Dymphna ministering to figures in obvious distress, one obviously plagued by a demon. Her restored Church included a "sick room" to care for pilgrims, who commonly flocked to Geel and were often cared for by the local residents, perhaps members of the Confraternity of St Dymphna.[21] Legend holds that the "hospital" is a model of social medicine that persists into the modern world as the Geel model of family care, which integrates those suffering mental difficulties into the local community.[22]

Through the Lens of Femicide

Despite its widespread and continued popularity, her *vita* recounts a traumatic tale of abuse and exile. At a basic level Dymphna was killed by her father for failing to succumb to his incestuous desires. The historical veracity of the tale is doubtful, yet the account has important implications for the study of femicide. The tale itself is a clear instance of a woman killed for being a woman: it was a result of her failure to meet her father's expectations of a daughter, and unwillingness to consent to an unwanted sexual union.[23]

The events themselves are obviously troubling, and a clear case of unlawful and tragic death. The disturbing nature of the tale is compounded by its popularity and appeal. The events Petrus describes are written in a popular format recognized as portraying ideals that were to be either admired or imitated. As such, it not only depicts Dymphna's tragedy but is also part of a long tradition of religious texts glorifying mar-

21 O'Hanlon, *Lives*, 373.
22 Feldman, "History of Community Psychiatry," 9–23.
23 Manne, *Down Girl*, 130.

tyrdom and advancing the idea that the preservation of virginity is more important than a woman's life.[24] The obvious similarities between Dymphna's text and literary tales make it clear that Petrus is writing for a popular audience. Despite being aware of her growing popularity, Petrus's focus is on the tragic circumstances of Dymphna's life rather than her miraculous legacy.

On one level, this is a tale of resistance. This is typical of accounts of martyrdom, or *passio* literature. Petrus, the hagiographer, praises the defiant actions of Dymphna and Gerebernus, even likening them to biblical figures. Their initial flight to the Continent is a triumph. Although they are both ultimately killed, they are portrayed as "earning" the crown of martyrdom. Death is portrayed as a victory.

This certainly holds true for Gerebernus, but Dymphna is not killed for her faith, but her refusal to conform to her father's expectations. Her hagiographer frames it as Dymphna defending her ideals, but the shadow of femicide is clear. Dymphna presents a clear challenge to the authority wielded by a man who was simultaneously father and king. In the excerpt above, he emphasizes both transgressions asking why she chose to leave the household that her family governed and cling to a "decrepit old priest" as a daughter (lines 9–11). To the King, this was clearly not the natural order of things. The King's courtiers also insist repeatedly on the father's "natural" authority.

The *vita* also models the Christian desire to control female sexuality. Even Gerebernus, who clearly cares about Dymphna, worries more about her being seduced by worldly riches and losing the "treasure" of her virginity than losing her life. The aims of a hagiographic *vita* and the popularity of the text, make his praise for Dymphna's choice of death over, what is portrayed as, sexual defilement significant. Although he defends Dymphna up until his own death, it seems that he is more concerned with her sexual purity than her life. He was, however, killed in defending a woman from her murder, which is another category of death linked with femicide.

If Mulder-Bakker's interpretation is correct and Dymphna was simply a recluse living a religious life in the woods, the story is different. Then, the rhetoric of femicide would have been used to promote her cult and did so in an effective manner. The problematic nature of popular femicide is obvious. A separate if related problem, would be that the tale becomes one in which a woman's identity is institutionalized, and, at the same time, written out of existence.

The threat of incest is also worth noting. The Latin phrase *crimen incesti* (literally "crime of incest") did not necessarily refer to abusive familial relationships, but egregious cases of adultery. Vestal Virgins who broke their vows of chastity were guilty of *crimen incesti*. Christian Patristic writers of the fourth and fifth centuries adapted the rhetoric to apply to Christian consecrated virgins.[25] The idea that this "crime" was more serious than ordinary adultery stemmed from the fact that the virgin in question

24 Cf. my chapter in this volume on Maria Goretti, no. 21.
25 Undheim, *Borderline Virginities*, 31–104.

was both violating her vows and allowing the property of a god to be defiled. While Dymphna's story involves literal incest, the undertones of this same rhetoric are present: Dymphna was spiritually betrothed to Christ. The fact that a crime was being threatened against him somehow validated her choice to resist her father's advances.

The implications of a text recognized as promoting ideals praising a young woman for choosing death over sexual violation is part of what makes this text such an important part of the history of femicide. There is a tradition of placing emphasis on virtue or virginity of female saints. In *passio* literature from the early Church, hagiographers praise their subjects for resisting the sexual advances of their pagan tormentors as often as they praise the women's commitment to their Christian faith. When texts like these are held as models, the message is disturbing and often deadly. In the modern world, the case of Maria Goretti (1890–1902) was canonized in 1950 as a model of purity and radical forgiveness. Maria sustained fatal injuries while attempting to resist being sexually assaulted by her neighbor. Her choice to die rather than face sexual assault was explicitly linked with St Agnes, a virgin martyr from the early Church in Pope Pius XII's 1954 encyclical *Sacra virginitatis*.[26] Unfortunately, this model of dying for purity recurs across religious traditions.

Dymphna's popular cult has largely forgiven her father. In the *vita*, he is clearly vilified, if in a formulaic manner. In the artistic depictions and liturgical retellings, his role seems simply necessary to the story. A later tradition has him regain his sanity when he decapitated his daughter.[27] Modern understanding seems to have accepted it as a disorder of the mind. The healthcare that has arisen from Dymphna's story and persisted into the modern world is a positive outcome. Unfortunately, it is also another example of the crimes of sexual assault and femicide being rendered invisible.

Further Questions

1. Do you see young women being taught to value their virginity to an extent that is dangerous?
2. How frequently are young women encouraged to challenge authority structures that are unsafe?
3. Both her father and Gerebernus discuss Dymphna's "duties," but both understand them differently. What do we think Dymphna felt about her role? Why can we say this?
4. This is a tale where Dymphna's strength is praised. How can we reconcile this with Gerebernus' concerns about the "fragility of her sex"? Are there other situations where women are thought to need protection?

26 Pius XII, Sacra virginitatis (https://www.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_25031954_sacra-virginitas.html), par. 28.
27 Dresvina, "An Uncanny Saint," 84.

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26 Poisoned, Beaten, Strangled: A Confession from 16th Century Munich

Julia Burkhardt

Source: In 1513, Jörg Hochreiter, a carpenter, killed his wife on his mother's suggestion. Details of the case come from the two confessions of Hochreiter and his mother, Kathrein Lienhart, made to the Munich City Court. Both were sentenced to death. The confession by Jörg, which is reproduced below, is based on the transcription in Lipowsky's source collection. However, I compared it with the original document in the Munich City Archive, corrected some spelling details, and carefully standardized both spelling and punctuation. The translation is my own.

Item Joerg Hochreyten Zimerman ist kumen hie in franfosst an freytag nach Viti anno i. e. im xiii (1513) und hat daselb wekennt vor geschworn gericht und bayder burgermeisten wie hernach volgt, i. e.

Item: Jörg Hochreiter, carpenter, came here to Fronveste[1] on the Friday after St. Vitus Day in the year, that is the 13th year [1513][2], and there confessed before the sworn court and both mayors, as follows:

Item Er hat wekennt, er sey achtag nach Vasnacht nagst vergangen hin aus zu seinem weib gen Eysnhofen zogen, hab in sein mueter darvor angelernt er sull das stupp das sy im geb seinem weib in ainem pier zu trinken geben, das sey ain wyesstupp und sunst ein gelbs stupp aus der appatecken gewesen, das hab ir des Wolfgang Herter mueter von Nydersennttlin aus der appatecken pracht, darumb het er der selben ain kassten geben, und als er gen Eysnhofen war kemen het er sein weib auf den ertbog um ii mass pier geschickt, das heten sy mit ein ander truncken und Xm fessten het er seinem weib das stupp ins pier than, und irs zetrinken geben, und als sy den trunck zu nachts than het, war er des margens frue von ir gen Augspurgk zogen, und am anndern tag het sich sein hausfraw von stunda clagt, darnach war er am palmabend

Item: He confessed that, eight days after Carnival just past, he had gone out to his wife at Eisenhofen. His mother had previously instructed him that he should give his wife the powder[3] which she had given him to drink in a beer; it was a white powder and also another yellow powder from the apothecary. Wolfgang Herter's mother from Niedersendling had brought it from the apothecary, for which he had given her a small chest.
And when he had come to Eisenhofen, he sent his wife[4] for two measures of beer. They drank it together, and at Christmas he put the powder into his wife's beer and gave it to her to drink. And after she had taken the drink at night, he departed from her early the next morning and went to Augsburg.
And on the following day his wife complained

1 *Fronveste* was a prison under the jurisdiction of the high court (upper or blood jurisdiction) that often also housed a torture chamber. See Heydenreuter/Pledl/Ackermann, *Vom Abbrändler*, 77.
2 St. Vitus Day is celebrated on June 15. In 1513, the feast day fell on a Wednesday. Thus, Jörg made his confession on June 17.
3 *stupp* is the word for powder or dust, see Heydenreuter/Pledl/Ackermann, *Vom Abbrändler,* 205. Here, it is obviously understood as referring to harmful or poisonous powder. In his confession, Jörg refers to various kinds of powder in various colors, but unfortunately, they cannot be identified.
4 The original source additionally has *auf den ertbog*, but it is unclear what that means.

nagst vergannggen wider hin aus gen Eysnhofen zu seinem weib zogen, war zu nachts umb sybne gebesen, da het er mit ir gerott, da het sy mit im zurnt, da het er ain axthalb erwischt, damit het er ir ain straich zwischen der schullter geben, das sy vor im purtzlt war, darnach het er sy beim har umb zogen, het sy in gepeten "Horauf mein Jorg, du hast mich so hart geschlagen, ich furcht ich muess des schlagen sterben", da het er ir auf geholffen und auf die pruck gelegt, war lacht dennocht zwo stund bey ihr gebesen, het sy immer clagt, sy muesst des schlachens sterben, da war er ir um hals gefallen, und het sy erdrisselt, also war von ir her ganngen, und sy liegen lassen, mit dem hat man sy zu margens Todt funnden, i. e.

at once. Thereafter, on the eve of Palm Sunday[5] just past, he again went out to Eisenhofen to his wife, arriving at about seven at night. Then he spoke with her, and she became angry with him. Thereupon he seized an axe handle, and with it struck her a blow between the shoulders, so that she collapsed before him. After that he dragged her by the hair. She begged him: "Listen, my Jörg, you have struck me so hard that I fear I must die from the blow." Then he helped her up and laid her upon the bed.[6] He remained with her perhaps two hours still, and she continually complained that she must die from the blow. Then he fell upon her neck and strangled her and afterward went away from her and left her lying there. Thus she was found dead in the morning.

Item Er hat wekennt es sey ungevarlich bey ainem jar hab er mit seiner mueter zu schaffen gehabt bis jetz in der Vassten nagst vergannggen, da hab ers auf dem Heiling Perg in der gnad peicht und puesst.

Item: He also confessed that for about a year he had had improper relations with his mother up until this past Lent, but that he had confessed and done penance for it on the Holy Mountain in the Grace.[7]

Den hat man gericht mit dem rad an ertag vor Johannes Baptiste.

He was executed on the wheel on Tuesday before the feast of St. John the Baptist.

Texts and Contexts

In June 1513, Jörg Hochreiter and his mother Kathrein Lienhart appeared before the Munich city court. They were suspected of having an incestuous relationship and of plotting the murder of Jörg's wife who was allegedly poisoned, beaten and strangled by Jörg himself. This is the story that we can reconstruct from the confessions Jörg and Kathrein made to the court. Though it may sound minor and irrelevant, this episode was actually of remarkable social and legal relevance. At the beginning of the sixteenth century, Munich was the capital of the united Duchy of Bavaria.[8] With a population of about 13,000, Munich was not one of the major cities in the Holy Roman Empire but was still a large and important city, both economically and politically. Kathrein Lienhart seems to have been a burgher of this city, making it noteworthy, if not remarkable, that the city court agreed to such a severe verdict. Jörg and Kathrein's case can tell us

5 In 1513, Palm Sunday was on March, 20.

6 The word *pruck* (literally meaning "bridge") was also used for simple beds made of planks.

7 The phrase "Holy Mountain" (*heiling perg*) presumably refers to Andechs, an important pilgrimage site in the region since the 15th century. For further information on the pilgrimage site and the local monastery, see Klemenz, "Andechs."

8 For a brief overview, see Strasser, *State of Virginity*, 14–20; Stahleder, "Konsolidierung;" Hecker, "Um Glaube."

a lot about the importance of municipal self-administration, emerging jurisdictional procedures and their written documentation, everyday life in a densely populated area between Munich and Augsburg, and femicide within a broader social network of family, neighbors, and friends.

The Munich city court documents have been preserved in the Munich City Archive (today: *Stadtarchiv*), as part of the medieval and early modern court records collection.[9] The case in question is part of a collection of documents called *Urgichtenprotokolle* or "confession records." *Urgichten* are records of oral confessions and were important elements of premodern jurisdictional procedures. However, they do not contain verbatim transcripts of interrogations or questions posed by judges. Rather, they recount the defendants' statements in the third person ("he/she confessed"). These statements were sometimes obtained through torture, even if this was not always explicitly mentioned. It is likely that the defendants had to confirm them after they were recorded. The records then formed the basis for the judge's decision.

The origins of the Munich city court date back to the 13th century. In 1294, Duke Rudolf confirmed and granted the city several privileges in a charter, known as the "Rudolfine Charter" (*Rudolfinische Handfeste*). Among others, these privileges included the right to establish a city council, or *Stadtrat*.[10] This newly formed council also received the right to lower jurisdiction. In the medieval and early modern Holy Roman Empire, jurisdiction was usually divided into lower (*Niedere Gerichtsbarkeit*) and upper or blood jurisdictions (*Hohe* or *Blutgerichtsbarkeit*).[11] Cases of lower jurisdiction regarded civil disputes, while those of upper jurisdiction ruled over severe criminal matters. In Munich, this division seems to have been practiced as well: While the city judge ruled on cases of lower jurisdiction in the name of the city, he ruled on cases of upper jurisdiction in the name of the duke. However, cases of blood jurisdiction against individuals who were "harmful" to the land (*landschädlich*) were decided by or on behalf of the council. In practice, all jurisdictional cases were dealt with at the city court. Nevertheless, the judge had to inform the ducal court of each case and his ruling.[12]

This was due to his specific position. Candidates for city judge were nominated by the city council. The city judge had jurisdictional, executive, and administrative rights and was the head of the city court. However, since Munich was a ducal city, the judge answered to the duke, the city's supreme lord, but he also had to navigate between this responsibility and the council's elected members. The city court was primarily responsible for judging individuals who had allegedly harmed the city, ruling on disputes about inheritance, and deciding on the city council's rules and procedures.[13] Sometimes, the court was also called upon to mediate between conflicting parties or to hear appeals.

9 Stadtarchiv München, Sign. DE-1992-SGER-0865-2: Urgichtenprotokolle 1504–1813. For a brief description of the archive's holdings, see *Archive in München*, 13–15.
10 Müller, *Land und Freiheit*, 442–446; Freilinger, "Die Rudolfinische Handfeste."
11 For Bavaria, see Sagstetter, *Hoch- und Niedergerichtsbarkeit* and Kreutz, "Städtische Gerichtsbarkeit."
12 von Bary, *Herzogstadt*, 129–137.
13 von Bary, *Herzogstadt*, 118–128.

The court was only responsible for secular groups. Ecclesiastical representatives, however, turned to the bishopric court in Freising in case of legal disputes.[14]

The judge was supported in his work by different groups. The clerk was responsible for compiling court records and issuing penal orders. From the 14th century onward, he also acted as a substitute for the city judge in his absence. Plaintiffs and defendants were represented by voluntary spokespeople who presented their respective positions and helped their clients take the necessary oaths, just like counselors. The judge was assisted by bailiffs who investigated, identified, and imprisoned guilty parties. Court officers and messengers helped implement and control the measures issued by the council or court. Sometimes, they also assisted with interrogation and torture procedures. The jailer oversaw the prisons, and the executioner took care of carrying out death penalties imposed by the court.[15]

As part of the blood jurisdiction, death penalties could be imposed for severe offenses such as homicide, manslaughter, theft, rape, and "harm against the land" (*landschädliche Leute*). This vague term literally referred to individuals who had committed a crime and were considered a threat to public safety. In Munich, this term applied to foreign offenders and perpetrators who posed a potential threat to the city, its trade routes, and its surroundings. However, it could also apply to burghers of the city. Cases regarding blood jurisdiction were handled according to a two-level procedure. First, the alleged offender was presented to an examining court consisting of the two city mayors and a subordinate judge. The accused was interrogated by this court, and torture was used if necessary to obtain a confession. Then, a written protocol containing information about the interrogation was produced and forwarded to the adjudicating court. This court was essentially aligned with the city council and its members. The prosecution and defense presented their arguments in a plenary session of the city council with the help of the aforementioned officeholders and representatives. After both parties presented their arguments, the city judge asked the council members to give their individual judgments. Once the final judgment was reached by a majority vote, the judge would read the verdict to the executioner, who could then choose how the convict would die, according to old customs. After imposing the death penalty, the city council members had the right to exile or pardon the convicted offenders. Finally, the verdict was publicly announced in the town hall.[16]

Making Sense of the Source

Two sources from the Munich city court records provide information about the Lienhart/Hochreiter killing case: the confession of Kathrein Lienhart, the mother, and the

14 Salonen, "The consistory court."

15 von Bary, *Herzogstadt*, 145–169. On executioners and their social position in the city, see Nowosadtko, *Scharfrichter*.

16 von Bary, *Herzogstadt*, 47–50. For other court procedures in Late Medieval Europe, see the contributions by Sara Butler, no. 10, and Sara McDougall/Rudi Beaulant, no. 11.

confession of Jörg Hochreiter.[17] The mother allegedly lived in Munich. Jörg and his wife seem to have lived in Eisenhofen, which is located northwest of Munich near Dachau.[18] However, Jörg worked as a carpenter in Augsburg. The case likely went to the Munich city court because Kathrein was based in Munich.[19]

Both documents follow the same structure. At the beginning, it is noted who made a confession (Kathrein or Jörg), on what date this confession occurred, and who was present during the confession. Next comes the confession itself, beginning with the words, "Item: He/she confessed that...." Following the recorded confession, there is a brief mention of the sentence (death) and its execution. At this point, it is important to remember that both confessions may have been obtained through torture, although there is no explicit mention of this. This suggests that every conceivable motive and line of argument may have been used to make the verdict appear plausible and appropriate.

Based on the information provided in the first part of the texts, we know that Jörg confessed on June 17 and was executed on June 21, while Kathrein confessed on June 11 and was executed on June 28.[20] Although Kathrein was questioned first, her execution took place about a week after her son died. The two death sentences varied greatly. Jörg was sentenced to death by breaking on the wheel. Breaking a criminal on the wheel was a brutal method of torture or execution. The name comes from the large wooden wheel to which the convict was tied. Then, the executioner would smash the convict's bones with a hammer. This method of execution was considered particularly agonizing and was generally reserved for capital crimes, such as murder.[21] Kathrein, on the other hand, was buried alive. This form of punishment was quite unusual and rarely imposed in the cities of the Holy Roman Empire.[22] The difference in punishment reflects a gender-based distinction on different levels: In general, women were executed less frequently than men in the Holy Roman Empire. When women were executed, drowning and burial alive were among the most common forms of punishment.[23]

Kathrein's confession likely served as a point of reference for the judges regarding Jörg's later testimony and contains various details. Initially, the day laborer from Munich admitted that, since Christmas of 1511, she had "been involved with her son"—

17 Both documents are included in Lipowsky's collection, but his transcription is without critical or contextual notes: *Geschichte des bayerischen Kriminalrechtes*, ed. Lipowsky, no. XII (Kathrein Lienhart), 165–166, and no. XIII (Jörg Hochreiter), 166–167. See also the brief summary in Stahleder, *Chronik der Stadt München*, 32–33.

18 Fried, *Landgerichte*, 203–208.

19 One aspect of burghers' rights was that they were tried in the city court rather than the regional court (*Landgericht*). For Kathrein's case, see von Bary, *Herzogstadt*, 48, note 52.

20 Geschichte des bayerischen Kriminalrechtes, ed. Lipowsky, no. XII (Kathrein Lienhart), 165: *Item Kathrein Lienhart tagbercherin ist kummen hie in franfest an sambstag vor Viti anno ie. im xiii (1513) […]; ibidem, 166: Die hat man lemptig graben an Ertag nach Johannes Baptiste.* Note for this and the following quotes: As for Jörg's confession, I have also corrected the spelling of Kathrein's confession in Lipowsky's edition based on the comparison with the original document in the Munich City Archive.

21 Schuster, *Verbrecher*, 160–164; see also Schuster, "Crime and Punishment", 106–112.

22 von Maurer, *Geschichte*, 356.

23 Schuster, *Verbrecher*, 171–178, with examples from Regensburg. In late medieval Nuremberg, for example, female thieves were sentenced to death by being buried alive. See Israel, "Hinrichtungen", 683.

apparently meaning that she had been engaged in an incestuous relationship. However, she claimed to have repented and atoned for the affair during a pilgrimage to the Holy Mountain in Andechs, and she also promised not to continue it.[24]

The main part of Kathrein's confession concerns the killing of her daughter-in-law. The sequence of events, however, is not entirely clear. It appears that the planning and execution of the crime took place between Christmas of 1512 and spring of 1513. Kathrein admitted to giving her son, Jörg, the ingredients for a poisonous powder made from cat hair and dead mice. Jörg was supposed to slip it into his wife's drink to kill her. During the "past Lenten week" (in 1513), Kathrein asked an acquaintance for help. The mother of a certain Wolfgang Herter went to a pharmacy in Niedersendling, a district in Munich, on Kathrein's behalf to obtain the poison. When asked what she intended to use the poison for, Mrs. Herter said she wanted to kill a dog. Unfortunately, we don't know if she said that to cover up the truth, knowing full well Kathrein's true intentions, or if she was actually instructed to obtain poison to kill a dog. Mrs. Herter was then given a different type of poison powder (*hebstupp*). Kathrein gave this powder to her son so he could mix it with the other powder and add it to his wife's drink. When that "didn't help either," she advised him to kill his wife or stay with her. The evening before Palm Sunday,[25] Jörg moved to Eisenhofen, killed his wife, and confessed to Kathrein upon his return, and she replied, "God have mercy."

There is only brief mention about possible motives: According to Kathrein, Jörg did not want to stay with his wife, but preferred to live with another woman: "When that [= the poison] also proved unsuccessful, she [=Kathrein] advised him that, since he was determined to have the woman he now desired, even though he already had a wife, he should enlist the Devil's help. First, he would have to dispose of his wife—either kill her or bring her under his control—and then live with the other woman in his house, for she would be dearer to him than his wife."[26] In her confession, Kathrein seems to attribute the motives behind the killing to Jörg's personal circumstances and his attempts to obtain a separation. However, unlike today, divorce did not exist in the Middle Ages as a means of ending a marital relationship since marriage was considered a sacrament. While marriages could be annulled under special circumstances, such as when the spouses were too closely related, or a temporary separation of the partners could be arranged in cases of conflict, these measures did not correspond to divorce as

24 Geschichte des bayerischen Kriminalrechtes, ed. Lipowsky, no. XII (Kathrein Lienhart), 166; corrected with the original document in the Munich City Archive: *Item Sy hat wekennt sy hab iren sun Jorgen hochreyter von weinachten im xi jar an ir gehabt und mit im zu schaffen gehabt bis jetz in der vassten habs sys in der Gnad auf dem Heyling perg peicht und puesst und habs dar nach nymer than i. e.*

25 In 1513, Palm Sunday fell on March, 20. According to Kathrein's account, Jörg killed his wife on March, 19.

26 *Geschichte des bayerischen Kriminalrechtes*, ed. Lipowsky, no. XII (Kathrein Lienhart), 166; corrected with the original document in the Munich City Archive: *[…] da dasselb auch nit het helffen wellen, het sy im geraten, die weil er doch die, die er jetz hat, ie haben well und doch vor ain weib hab, das ers des teufels nam hab, so myess er seins weibs vor abkemmen, das ers umbpring oder brings her ein zu im, und sitz mit ir zu haws sy sey ir lieber dann die […].*

we understand it today. Significantly, Kathrein, the instigator of the killing, now justified the act on the grounds of her son wanting a separation.

In Jörg's confession, however, there is no mention of these arguments — he did not speak of another woman or of originally wanting to separate from his wife. Instead, his confession begins with him stating that he came to see his wife in Eisenhofen a week after Carnival to poison her. This and various other place references in his and his mother's confession provide insight into the social realities experienced by a working family at the beginning of the sixteenth century. The couple lived in Eisenhofen, near Dachau and northwest of Munich, but Jörg worked as a carpenter in Augsburg. Kathrein, however, had close contact to Mrs. Herter who went to a pharmacy in Munich (more precisely, in Niedersendling). Both Jörg and Kathrein claimed they had done a pilgrimage to Andechs. The daily lives of the Lienhart/Hochreiter family thus unfolded within a radius of about 100 kilometers. These lives were shaped as much by constant professional mobility as by a close-knit network of personal contacts.[27]

At the beginning of his confession, Jörg said that he had gone to Eisenhofen intending to poison his wife. He stated that his mother had instructed him to do so and that the poison had been obtained from Mrs. Herter at the pharmacy in Niedersendling. Up to this point, Jörg's and Kathrein's accounts coincide, although Kathrein discussed the considerations regarding the right poison and its procurement in much greater detail. Jörg then provides a detailed account of the events surrounding his wife's murder. This information could only have come from him, meaning it was second-hand when Kathrein referred to it, which is likely why she merely mentioned that her son had killed his wife. According to Jörg, he sent his wife out to buy beer, laced it with poison, and gave it to her in the evening. The next morning, he left for work in Augsburg. Jörg stated that his wife started complaining of pain, though it is unclear when or how he learned of it. A couple of weeks later, probably in March of 1513, Jörg returned to Eisenhofen and met his wife there at night.

An unspecified argument broke out during a conversation with his wife: Jörg hit his wife on the shoulder with an ax handle, causing her to fall. He then dragged her across the floor by her hair, which must have been rather long for him to be able to do that. Jörg reports that his wife cried out and begged him to stop because she feared he would kill her. He then laid her on the bed. When she continued to complain about her pain, he strangled her. In the end, Jörg left her body when he returned to Augsburg.

Several aspects remain unclear. For example, we do not know who found the body or who reported Jörg as the alleged perpetrator to the officials. Based on Jörg's account, we also don't know why he wanted to kill his wife at all: Was it because of his incestuous relationship with his mother, which his wife or neighbors might have discovered, that he was trying to keep a secret? Or was that line of reasoning simply used to make

27 On marriage and family constellations in 16th century Munich, see Strasser, *State of Virginity*, 30–35; see also Roeck, *Civic Culture*, 81–103.

the verdict more plausible? Ultimately, it is impossible to determine what triggered the conflict between Jörg and his wife.

Through the Lens of Femicide

Even though both Jörg's and Kathrein's confessions leave many aspects unaccounted for—largely due to the nature of confessions recorded in court—they nevertheless provide numerous fundamental insights into the dimensions of gender-based killings. Their case is notable for several reasons: From a legal-historical perspective, it illustrates the severity of the city court's punishments and the presumable gender-specific choice of death penalties (Kathrein was buried alive, while Jörg was broken on the wheel).[28] Additionally, typical argumentative narratives are used: the mother appears as the instigator of the killing, quite stereotypically opting for using poison. In contrast, Jörg's wife is described as a defenseless victim. She remains nameless and is referred to only as "the wife." While Kathrein puts her in a competitive situation by stating that she would prefer another wife for her son, Jörg objectifies his wife: He hits her between the shoulders, drags her by her hair, and finally leaves the severely injured woman on the bed. In doing so, he transforms her from a person with an identity into a damaged body. While it is noteworthy that Jörg's testimony preserves his wife's voice (a rare source), she is reduced to a passive role. She begs him for mercy, already foreseeing her fate (see also the contribution by Aviya Doron, no. 23). Nevertheless, she lacks the agency to change her situation. Significantly weakened, she must leave the choice over her life and body to her husband.

The killing itself occurs in the context of a domestic dispute. Jörg is apparently triggered by his wife's behavior, perhaps because he sees his superior social position as the controlling husband as being threatened (see also the contribution by Corinna Peres, no. 28). This is all the more interesting given that Kathrein and Jörg had long and meticulously planned his wife's death. The impression of a spontaneous killing is reinforced by the fact that Jörg makes several attempts using different methods before finally killing his wife.

In terms of visibility, however, a climax can be observed. The plans involving the poison are made in secret between Kathrein and Jörg. It remains unclear how much the contact woman, Mrs. Herter, knows, and the pharmacists are likely unaware of the intended use. The poison itself is not visible either—only Jörg knows he mixed the powder into his wife's beer. During the final confrontation with his wife, the act becomes more physical. Jörg gradually takes control of his wife's body until she can no longer defend herself. He thus embodies a view of the family that was based entirely on the husband's authority over his wife and the household.

28 Nevertheless, this was not an isolated case. Both court records and council protocols from Munich contain additional examples of husbands being executed for killing their wives and instances in which wives revealed their husbands' intent to kill them during family disputes.

In the light of the two court confessions, domestic violence appears much more as a family conflict rather than a matter between two individuals. The killing of Jörg's wife involves various groups of people and is thus embedded in a complex social context. This is a key insight for research on femicide because it directs attention more towards structural, cultural, and social conditions of a specific killing.

Further Questions

1. Compare the descriptions of the two key offenses: the incestuous relationship and the actual killing. How and why were these aspects framed in the confession? Why do you think these aspects were chosen?
2. Does the category "femicide" apply in this case, given that Kathrein, the mother-in-law, seems to have instigated the killing?
3. Compare the descriptions of poison with other sources from that time, such as documents from witch trials. Can you identify any stereotypical attributions?

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VII Suicide as Femicide



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

27 The Femicide of Antigone. Political Power and Patriarchal Violence in Ancient Greek Tragedy

Valentina Moro

Source: Excerpts from Antigone, one of the seven extant plays written by Sophocles, first staged in Athens in 442 BCE. Antigone buries her brother in defiance of king Creon's decree, setting off a chain of political and familial confrontations that lead to her arrest and death, and to the destruction of Creon's family. Here below, three selected passages from the play taken from Elizabeth Wyckoff's translation (1954); for consistency, the line count from this edition has been used.

First excerpt: lines 39–68

	Ἰσμήνη	**Ismene**:
	τί δ', ὦ ταλαῖφρον, εἰ τάδ' ἐν τούτοις, ἐγὼ	If things have reached this stage, what can I do,
40	*λύουσ' ἂν ἢ 'φάπτουσα προσθείμην πλέον;*	poor sister, that will help to make or mend?
	Ἀντιγόνη	**Antigone**:
	εἰ ξυμπονήσεις καὶ ξυνεργάσει σκόπει.	Think will you share my labor and my act.
	Ἰσμήνη	**Ismene**:
	ποῖόν τι κινδύνευμα; ποῦ γνώμης ποτ' εἰ;	What will you risk? And where is your intent?
	Ἀντιγόνη	**Antigone**:
	εἰ τὸν νεκρὸν ξὺν τῇδε κουφιεῖς χερί.	Will you take up that corpse along with me?
	Ἰσμήνη	**Ismene**:
	ἦ γὰρ νοεῖς θάπτειν σφ', ἀπόρρητον πόλει;	To bury him you mean, when it's forbidden?
	Ἀντιγόνη	**Antigone**:
45	*τὸν γοῦν ἐμὸν καὶ τὸν σόν ἢν σὺ μὴ θέλῃς*	My brother, and yours, though you may wish he
	ἀδελφόν: οὐ γὰρ δὴ προδοῦσ' ἁλώσομαι.	were not. I never shall be found to be his traitor.
	Ἰσμήνη	**Ismene**:
	ὦ σχετλία, Κρέοντος ἀντειρηκότος;	O hard of mind! When Creon spoke against it!
	Ἀντιγόνη	**Antigone**:
	ἀλλ' οὐδὲν αὐτῷ τῶν ἐμῶν μ' εἴργειν μέτα.	It's not for him to keep me from my own.
	Ἰσμήνη	**Ismene**:
	οἴμοι. φρόνησον, ὦ κασιγνήτη, πατὴρ	Alas. Remember, sister, how our father
50	*ὡς νῷν ἀπεχθὴς δυσκλεής τ' ἀπώλετο,*	perished abhorred, ill-famed.
	πρὸς αὐτοφώρων ἀμπλακημάτων διπλᾶς	Himself with his own hand, through his own curse
	ὄψεις ἀράξας αὐτὸς αὐτουργῷ χερί.	destroyed both eyes.
	ἔπειτα μήτηρ καὶ γυνή, διπλοῦν ἔπος,	Remember next his mother and his wife finishing
	πλεκταῖσιν ἀρτάναισι λωβᾶται βίον:	life in the shame of the twisted strings.
55	*τρίτον δ' ἀδελφὼ δύο μίαν καθ' ἡμέραν*	And third two brothers on a single day,
	αὐτοκτονοῦντε τὼ ταλαιπώρω μόρον	poor creatures, murdering, a common doom

κοινὸν κατειργάσαντ' ἐπαλλήλοιν χεροῖν.
νῦν δ' αὖ μόνα δὴ νὼ λελειμμένα σκόπει
ὅσῳ κάκιστ' ὀλούμεθ', εἰ νόμου βίᾳ
ψῆφον τυράννων ἢ κράτη παρέξιμεν.
ἀλλ' ἐννοεῖν χρὴ τοῦτο μὲν γυναῖχ' ὅτι
ἔφυμεν, ὡς πρὸς ἄνδρας οὐ μαχουμένα.
ἔπειτα δ' οὕνεκ' ἀρχόμεσθ' ἐκ κρεισσόνων,
καὶ ταῦτ' ἀκούειν κἄτι τῶνδ' ἀλγίονα.

ἐγὼ μὲν οὖν αἰτοῦσα τοὺς ὑπὸ χθονὸς
ξύγγνοιαν ἴσχειν, ὡς βιάζομαι τάδε,
τοῖς ἐν τέλει βεβῶσι πείσομαι: τὸ γὰρ
περισσὰ πράσσειν οὐκ ἔχει νοῦν οὐδένα.

each with his arm accomplished on the other.
And now look at the two of us alone.
We'll perish terribly if we force law
and try to cross the royal vote and power.
We must remember that we two are women
so not to fight with men.
And that since we are subject to strong power
we must hear these orders, or any that may be worse.
So I shall ask of them beneath the earth
forgiveness, for in these things I am forced,
and shall obey the men in power.
I know that wild and futile action makes no sense.

Second excerpt: lines 473–526

Κρέων
ἀλλ' ἴσθι τοι τὰ σκλήρ' ἄγαν φρονήματα
πίπτειν μάλιστα, καὶ τὸν ἐγκρατέστατον
σίδηρον ὀπτὸν ἐκ πυρὸς περισκελῆ
θραυσθέντα καὶ ῥαγέντα πλεῖστ' ἂν εἰσίδοις:
σμικρῷ χαλινῷ δ' οἶδα τοὺς θυμουμένους
ἵππους καταρτυθέντας: οὐ γὰρ ἐκπέλει
φρονεῖν μέγ' ὅστις δοῦλός ἐστι τῶν πέλας.
αὕτη δ' ὑβρίζειν μὲν τότ' ἐξηπίστατο,
νόμους ὑπερβαίνουσα τοὺς προκειμένους:
ὕβρις δ', ἐπεὶ δέδρακεν, ἥδε δευτέρα,
τούτοις ἐπαυχεῖν καὶ δεδρακυῖαν γελᾶν.
ἦ νῦν ἐγὼ μὲν οὐκ ἀνήρ, αὕτη δ' ἀνήρ,
εἰ ταῦτ' ἀνατὶ τῇδε κείσεται κράτη.
ἀλλ' εἴτ' ἀδελφῆς εἴθ' ὁμαιμονεστέρα
τοῦ παντὸς ἡμῖν Ζηνὸς ἑρκείου κυρεῖ,
αὐτή τε χἠ ξύναιμος οὐκ ἀλύξετον
μόρου κακίστου: καὶ γὰρ οὖν κείνην ἴσον
ἐπαιτιῶμαι τοῦδε βουλεῦσαι τάφου.
καί νιν καλεῖτ': ἔσω γὰρ εἶδον ἀρτίως
λυσσῶσαν αὐτὴν οὐδ' ἐπήβολον φρενῶν.
φιλεῖ δ' ὁ θυμὸς πρόσθεν, ἢ ῥᾳσθαι κλοπεὺς
τῶν μηδὲν ὀρθῶς ἐν σκότῳ τεχνωμένων:
μισῶ γε μέντοι χὥταν ἐν κακοῖσί τις
ἁλοὺς ἔπειτα τοῦτο καλλύνειν θέλῃ.
Ἀντιγόνη
θέλεις τι μεῖζον ἢ κατακτεῖναί μ' ἑλών;
Κρέων
ἐγὼ μὲν οὐδέν: τοῦτ' ἔχων ἅπαντ' ἔχω.
Ἀντιγόνη
τί δῆτα μέλλεις; ὡς ἐμοὶ τῶν σῶν λόγων
ἀρεστὸν οὐδὲν μηδ' ἀρεσθείη ποτέ:

Creon:
These rigid spirits are the first to fall.
The strongest iron, hardened in the fire,
most often ends in scraps and shatterings.
Small curbs bring raging horses back to terms.
Slave to his neighbor, who can think of pride?
This girl was expert in her insolence
When she broke bounds beyond established law.
Once she had done it, insolence the second,
to boast her doing, and to laugh in it.
I am no man and she the man instead
if she can have this conquest without pain.
She is my sister's child, but were she child
of closer kin than any at my hearth,
she and her sister should not so escape
their death and doom. I charge Ismene too.
She shared the planning of this burial.
Call her outside. I saw her in the house,
maddened, no longer mistress of herself.
The sly intent betrays itself sometimes
before the secret plotters work their wrong.
I hate it too when someone caught in crime
then wants to make it seem a lovely thing

Antigone:
Do you want more than my arrest and death?
Creon:
No more than that. For that is all I need.
Antigone:
Why are you waiting? Nothing that you say
fits with my thought. I pray it never will.

οὕτω δὲ καὶ σοὶ τἄμ᾽ ἀφανδάνοντ᾽ ἔφυ.
καίτοι πόθεν κλέος γ᾽ ἂν εὐκλεέστερον
κατέσχον ἢ τὸν αὐτάδελφον ἐν τάφῳ
τιθεῖσα; τούτοις τοῦτο πᾶσιν ἀνδάνειν
λέγοιτ᾽ ἄν, εἰ μὴ γλῶσσαν ἐγκλῄοι φόβος.
ἀλλ᾽ ἡ τυραννὶς πολλά τ᾽ ἄλλ᾽ εὐδαιμονεῖ
κἄξεστιν αὐτῇ δρᾶν λέγειν θ᾽ ἃ βούλεται.

Κρέων

σὺ τοῦτο μούνη τῶνδε Καδμείων ὁρᾷς.

Ἀντιγόνη

ὁρῶσι χοὗτοι, σοὶ δ᾽ ὑπίλλουσιν στόμα.

Κρέων

σὺ δ᾽ οὐκ ἐπαιδεῖ, τῶνδε χωρὶς εἰ φρονεῖς;

Ἀντιγόνη

οὐδὲν γὰρ αἰσχρὸν τοὺς ὁμοσπλάγχνους
σέβειν.

Κρέων

οὔκουν ὅμαιμος χὠ καταντίον θανών;

Ἀντιγόνη

ὅμαιμος ἐκ μιᾶς τε καὶ ταὐτοῦ πατρός.

Κρέων

πῶς δῆτ᾽ ἐκείνῳ δυσσεβῆ τιμᾷς χάριν;

Ἀντιγόνη

οὐ μαρτυρήσει ταῦθ᾽ ὁ κατθανὼν νέκυς.

Κρέων

εἴ τοί σφε τιμᾷς ἐξ ἴσου τῷ δυσσεβεῖ.

Ἀντιγόνη

οὐ γάρ τι δοῦλος, ἀλλ᾽ ἀδελφὸς ὤλετο.

Κρέων

πορθῶν δὲ τήνδε γῆν: ὁ δ᾽ ἀντιστὰς ὕπερ.

Ἀντιγόνη

ὁμῶς ὅ γ᾽ Ἅιδης τοὺς νόμους τούτους ποθεῖ.

Κρέων

ἀλλ᾽ οὐχ ὁ χρηστὸς τῷ κακῷ λαχεῖν ἴσος.

Ἀντιγόνη

τίς οἶδεν εἰ κάτωθεν εὐαγῆ τάδε;

Κρέων

οὔτοι ποθ᾽ ὑχθρός, οὐδ᾽ ὅταν θάνῃ, φίλος.

Ἀντιγόνη

οὔτοι συνέχθειν, ἀλλὰ συμφιλεῖν ἔφυν.

Κρέων

κάτω νυν ἐλθοῦσ᾽, εἰ φιλητέον, φίλει
κείνους: ἐμοῦ δὲ ζῶντος οὐκ ἄρξει γυνή.

Nor will you ever like to hear my words.
And yet what greater glory could I find
than giving my own brother funeral?
All these would say that they approved my act
did fear not mute them.
(A king is fortunate in many ways,
and most, that he can act and speak at will.)

Creon:

None of these others see the case this way.

Antigone:

They see, and do not say. You have them cowed.

Creon:

And you are not ashamed to think alone?

Antigone:

No, I am not ashamed. When was it shame
to serve the children of my mother's womb?

Creon:

It was not your brother who died against him,
then?

Antigone:

Full brother, on both sides, my parents' child.

Creon:

Your act of grace, in his regard, is crime.

Antigone:

The corpse below would never say it was.

Creon:

When you honor him and the criminal just alike?

Antigone:

It was a brother, not a slave, who died.

Creon:

Died to destroy this land the other guarded.

Antigone:

Death yearns for equal law for all the dead.

Creon:

Not that the good and bad draw equal shares.

Antigone:

Who knows that this is holiness below?

Creon:

Never the enemy, even in death, a friend.

Antigone:

I cannot share in hatred, but in love.

Creon:

Then go down there, if you must love, and love
the dead. No woman rules me while I live.

Third excerpt: lines 737–756

	Αἵμων	**Haemon**:
	πόλις γὰρ οὐκ ἔσθ' ἥτις ἀνδρός ἐσθ' ἑνός.	No city is property of a single man.
	Κρέων	**Creon**:
	οὐ τοῦ κρατοῦντος ἡ πόλις νομίζεται;	But custom gives possession to the ruler.
	Αἵμων	**Haemon**:
	καλῶς γ' ἐρήμης ἂν σὺ γῆς ἄρχοις μόνος.	You'd rule a desert beautifully alone.
	Κρέων	**Creon** (to the Chorus):
740	*ὅδ', ὡς ἔοικε, τῇ γυναικὶ συμμαχεῖ.*	It seems he's firmly on the woman's side.
	Αἵμων	**Haemon**:
	εἴπερ γυνὴ σύ. σοῦ γὰρ οὕνεκ' ἐγὼ προκήδομαι.	If you're a woman. It is you I care for.
	Κρέων	**Creon**:
	ὦ παγκάκιστε, διὰ δίκης ἰὼν πατρί;	Wicked, to try conclusions with your father.
	Αἵμων	**Haemon**:
	οὐ γὰρ δίκαιά σ' ἐξαμαρτάνονθ' ὁρῶ.	When you conclude unjustly, so I must.
	Κρέων	**Creon**:
	ἁμαρτάνω γὰρ τὰς ἐμὰς ἀρχὰς σέβων;	Am I unjust, when I respect my office?
	Αἵμων	**Haemon**:
745	*οὐ γὰρ σέβεις τιμάς γε τὰς θεῶν πατῶν.*	You tread down the gods' due. Respect is gone.
	Κρέων	**Creon**:
	ὦ μιαρὸν ἦθος καὶ γυναικὸς ὕστερον.	Your mind is poisoned. Weaker than a woman!
	Αἵμων	**Haemon**:
	οὔ τἂν ἕλοις ἥσσω γε τῶν αἰσχρῶν ἐμέ.	At least you'll never see me yield to shame.
	Κρέων	**Creon**:
	ὁ γοῦν λόγος σοι πᾶς ὑπὲρ κείνης ὅδε.	Your whole long argument is but for her.
	Αἵμων	**Haemon**:
	καὶ σοῦ γε κἀμοῦ, καὶ θεῶν τῶν νερτέρων.	And you, and me, and for the gods below.
	Κρέων	**Creon**:
750	*ταύτην ποτ' οὐκ ἔσθ' ὡς ἔτι ζῶσαν γαμεῖς.*	You shall not marry her while she's alive.
	Αἵμων	**Haemon**:
	ἥ δ' οὖν θανεῖται καὶ θανοῦσ' ὀλεῖ τινα.	Then she shall die. Her death will bring another.
	Κρέων	**Creon**:
	ἦ κἀπαπειλῶν ὧδ' ἐπεξέρχει θρασύς;	Your boldness has made progress. Threats, indeed!
	Αἵμων	**Haemon**:
	τίς δ' ἔστ' ἀπειλὴ πρὸς κενὰς γνώμας λέγειν;	No threat, to speak against your empty plan.
	Κρέων	**Creon**:
	κλαίων φρενώσεις, ὢν φρενῶν αὐτὸς κενός.	Past due, sharp lessons for your empty brain.
755	***Αἵμων***	**Haemon**:
	εἰ μὴ πατὴρ ἦσθ', εἶπον ἄν σ' οὐκ εὖ φρονεῖν.	If you weren't father, I should call you mad.
	Κρέων	**Creon**:
	γυναικὸς ὢν δούλευμα μὴ κώτιλλέ με.	Don't flatter me with "father," you woman's slave

Texts and Contexts

The play is one of the highest examples of ancient Greek dramaturgy and has become a staple in the reception in many fields including philosophy, political theory, psychoanalysis and feminist theories. Antigone is probably the best-known female character in

ancient Greek theater. First performed in Athens in 442 BCE, the play is set in another Greek *polis*, Thebes, and its chorus represents the council of elderly Theban citizens. The story takes place in the aftermath of a *stasis* (civil war) fought between two armies, each led by one of Oedipus's sons—Eteocles and Polyneices—both driven by the ambition to claim their father's throne. The conflict ends with the death of both brothers, and the throne is instead taken by Creon, their maternal uncle. Their sisters Antigone and Ismene survive them. The former is engaged to Haemon, Creon's son.

In the prologue of the tragedy, Antigone informs her sister that the king has issued a *kērugma* (decree) forbidding the burial of one of their brothers, who is considered guilty of betraying Thebes. Polyneices was indeed considered a traitor because, after being denied his share of power, he led a foreign army against his own city to seize the throne from Eteocles. Nevertheless, Antigone declares that she intends to disobey the order and perform the funerary rituals for Polyneices at any cost, asking Ismene to help her with the burial. When her sister refuses, Antigone decides to act alone. Later, when she is called to answer for her actions, she states that she chose to obey the *agrapta nomima* (unwritten laws, lines 454–455) established by the gods rather than the laws of the king, even though she knew that this choice would lead to a death sentence. Marcel Detienne has explained that the codification of laws in written forms in ancient Greece, between the seventh and the sixth century BCE, was strictly connected to a political paradigm which contrasted the theocratic model according to which legislation derived from divine authority.[1] However, the tension that emerges in the play, concerning the legitimacy of a prohibition, depends less on whether the law is written or unwritten and more on Creon's right to frame a prohibition the way he does.

To understand what kind of textual source an ancient Greek play represents, it is first necessary to place it within the broader context of ancient Greek theater, considering both its character and its ritual function. These productions were indeed embedded in a highly institutional civic framework. This is precisely what distinguishes Greek drama, for instance, from William Shakespeare's early modern theater, despite the public visibility both enjoyed: Greek tragedy functioned as a pillar of civic education. Therefore, this chapter adopts a dual perspective, investigating the theater as both a civic institution and a textual source.

Let's start with the *polis*. Ancient Greek dramas can be understood as cultural artifacts—that is, as products of a specific culture, by reading which one can learn about juridical norms, social interactions, cultural practices, and beliefs of the community that produced them, at least partially independently of the specific intentions or creative operations of each individual author. Most extant tragic and comic plays tell us about the institutional context of the fifth and fourth century BCE *polis* of Athens, where they were produced and performed. For this reason, reading Antigone's story through the lens of femicide allows us to better understand gender dynamics and hier-

1 Detienne, *Les savoirs*.

archies in the Greek *polis*, as well as the meaning of certain receptions and reinterpretations of the play, which I will retrace in the third section of this chapter.

The term *polis* (plural: *poleis*) refers to the fundamental political and social unit of ancient Greek civilization. Often translated as "city-state," it designates a community of citizens organized around shared political institutions, religious practices, and laws. A *polis* included both the urban center and the surrounding rural territory, and it functioned as an autonomous entity with its own government, military, and civic identity. In the urban design of the Greek *poleis*, despite local differences, we find public spaces organized around the collective participation they were meant to accommodate. Many of these institutions were in fact structured as assembly spaces in which public speech played a crucial role—not only in deliberative assemblies but also in the law courts, where the speeches of lawyers and orators were organized through a ritualized procedure.

Among the various *poleis*, the institutional system of classical Athens is by far the best known, owing to the abundance of surviving sources. The term refers to Athens between the early fifth and late fourth centuries BCE, when free male land-owning citizens participated directly in the deliberative and decision-making processes of the *polis*.[2] Rather than being governed by a king or an aristocratic oligarchy, as it happened in earlier phases of the history of Athens, in the classical age the *polis* relied on institutions—such as the civic assembly (*ekklēsia*)—where citizens debated and voted on crucial political matters, as well as popular courts composed of ordinary citizens chosen by lot. Insofar as it represented one of the earliest and most influential experiments in assembly-based government in the ancient world, historians identify it as a direct democracy.[3] However, this institutional system was founded on the constitutive exclusion, from political participation, of women, enslaved people, and foreigners—who, normally, were not allowed to speak in the lawcourts either, where they could only be represented by a male citizen.

As historian of classical Antiquity Jean-Pierre Vernant has put it, the political system of the *polis* was grounded on the prominence of speech, and its most characteristic feature was the creation of a *public domain* which granted the full exposure of its social life.[4] The competitions (*agōnes*) in which tragic and comic poets staged their performances took place within the framework of religious festivals, which included rituals to worship the gods, libations poured by the generals, the crowning of civic benefactors, the display of tributes that Athens received from other *poleis*, sport competitions, and the parade of children whose fathers had been killed in war. The most important festival was the Great Dionysia, held not far from the Athenian temple dedicated to Dionysus. This festival was particularly famous because foreigners were allowed to attend; it there-

2 Hanink-Kasimis, "In Terms of Athens."
3 Cf. Harris, *Democracy* and Ehrenberg, "Origins of Democracy."
4 Cf. Vernant, *The Origins*, 51 and Hanink, *Lycurgan Athens*.

fore carried a strong political significance, both in reinforcing the internal cohesion of the citizenry and in conveying a message to the outsiders. By no coincidence, Simon Goldhill has written that, at the theater, "the city itself and its leading citizens were put on display."[5] An *archōn* (official) was responsible for the organization of the festival, while the wealthy families of the *polis* gained prestige by investing money in financing tragic choruses, through an institution known as *khorēgia*. The myth was a privileged archive of stories, languages, and characters. By situating their plots in other *poleis*, tragic poets articulated a reflective distance that enabled them to speak about Athens itself, using foreign settings to stage and interrogate Athenian political concerns.[6] Both comic and tragic plays staged timely matters, such as tyranny or the historical birth of institutions, emphasizing the link between individual action and political responsibility across a plurality of forms of community—including kinship, military comradeship, solidarity among refugees, and civic membership. Moreover, the theatrical experience itself helped to create a sense of community: prominent male citizens participated as members of the chorus, the wider population took part in the ritual activities of the festivals, and both citizens and non-citizens gathered as spectators in the audience.[7]

Sophocles lived for ninety years (from c. 496 BCE to c. 406 BCE)—much longer than an average life span at the time—and his biography is closely intertwined with the development of Athenian democracy during one of the most significant periods of Greek history, including the turbulent years following the death of Pericles (429 BCE).[8] By no coincidence, his plays offer important evidence about key aspects of public life, addressing the role of theater as a civic institution, the criteria governing membership within the political community, the difficulties of living together in the *polis*, and broader questions concerning law and the definition of a good government. The poet belonged to one of the wealthiest social classes. According to a testimony by Plutarch, he was close to the aristocratic politician Cimon, who is said to have supported Sophocles' first victory in a dramatic competition in 468 BCE.[9] He obtained his first political office only later in life, when he was over fifty years old. In 443/442 BCE he served as *hellēnotamias*, that is, as an administrator of the treasury of the Delian League, the military alliance of *poleis* led by Athens. He was then elected *strategos*—a military and political office roughly comparable to that of a general today—at least on two occasions, in 441/440 BCE and again in 428/427 BCE. Although Sophocles' political orientation was more conservative than Pericles, the democratic leader of Athens likely supported his political career, insofar as he knew that the poet's fame could prove helpful to his

5 Goldhill, "The Audience," 57.
6 Zeitlin, *Thebes*.
7 Cf. Hall, *The Theatrical Cast*; Wilson, *The Athenian Institution*; Ley, *The Theatricality*.
8 Pericles (495–429 BCE) was one of the most prominent Athenian statesmen, under whose leadership the *polis* strengthened its democratic institutions and expanded its influence within the Greek world through military and financial agreements. As a military general, he led the Athenian army during the first phase of the Peloponnesian War against the coalition of *poleis* led by Sparta.
9 Plut. *Cim*. 8, 8–9. To read about Sophocles' life, see Ugolini, *Sofocle e Atene* and Ferrario, "Political Tragedy."

political party. Similarly, Sophocles maintained good relations with Nicias, who succeeded Pericles as a leading political figure in Athens.[10]

Making Sense of the Source

The **first excerpt (lines 39–68)** is a portion of the prologue, namely the moment in which Ismene refuses to help her sister and therefore Antigone decides to perform the funerary rituals by herself, without being worried about secrecy anymore but rather intent to make her act of disobedience *public*. This passage is particularly meaningful because Ismene reminds Antigone of the patriarchal order that shapes their lives, particularly by saying: "We'll perish terribly if we force law/ and try to cross the royal vote and power. We must remember that we two are women/ And that since we are subject to strong power/ we must hear these orders, or any that may be worse" (lines 61–64). These lines encapsulate the *double structural subordination* that organizes women's lives in the Greek *polis*.

The first structural subordination is that to the laws of the city, and to a civic hierarchy placing male citizens on top. Although no Greek *polis* in Sophocles' time was ruled by a king, the figure of the king in the play can be interpreted as embodying a form of civic authority that subjects both citizens and non-citizens to its power while asserting the capacity to establish and enforce new laws. Indeed, later in the play Creon repeats the content of his own edict, announcing it with these words: "With such good rules shall I enlarge our state. And now I have proclaimed their brother-edict.[11] In the matter of the sons of Oedipus, citizens, know" (191–193). His choice of framing political membership in a way that is very divisive for the community emerges in the fact that, though his decree is indeed only targeting one family—"the sons of Oedipus"—he presents it as a *law* introduced to strengthen the city, thus challenging the citizens to prove their loyalty by not disobeying it. The loyalty Creon demands is directed primarily toward his own authority rather than toward the city itself. Indeed, the decree is enforced through a distinctly authoritarian approach: anyone who attempts to give Polyneices a proper burial—whether out of familial duty, as in Antigone's case, or out of respect for a former fellow citizen—faces the death penalty and is to be executed by public stoning.

After Creon sentences Antigone to death, his own son, Antigone's fiancé, reminds Creon that he does not embody the *polis* itself and that his despotic attitude and inability to listen is leading many citizens to side with Antigone's disobedience (cf. lines 683–723). The blind prophet Teiresias similarly tries to warn Creon. He accuses the king of confusing "the upper and lower worlds," because of where he has placed, respectively, Antigone and Polyneices' corpse: "you sent a life to settle in a tomb; you keep up here that which belongs below/ the corpse unburied, robbed of its release" (lines

10 Plutarch, *Lives*, volume III: *Pericles and Fabius Maximus*, 257–259.

11 Here the term "brother" is used as an adjective, to express the fact that the edict is inspired by Creon's "good rules" and principles of government and therefore is very similar to them.

1068–1071). To establish his own political authority, the king appears to rely on two acts, both symbolic and concrete, that are intended to serve as examples and instill fear: first displaying the corpse of an enemy and then expelling a woman's body from the city. Yet in ancient Greece, such radically misplaced bodies were regarded as sacrilegious.

The second structural subordination that ancient Greek women endured was the one experienced in the domestic sphere. The order of the *oikos* was centered around the figure of the *kyrios* (master or head of the household) who exercised juridical ownership over slaves, land, and material property.[12] This hierarchical order authorized the *kyrios* to exercise varying degrees of control over women, children, and slaves, and to make decisions on their behalf. As Ismene rightly puts it, "I am forced, and shall obey the men in power" (lines 66–67). She agrees with Antigone that it would be a just and pious action to grant their brother proper funerary rituals; however, she points out that what they, as women, should do first and foremost is obey the absolute authority of men. For Ismene, it would not be wise or rational to disobey the king's orders, for it is structurally impossible for any woman to follow her own desire without a man's consent.

Some scholars have argued that the subordination of ancient Greek women in the *polis* was naturalized by ancient Greek philosophers like Plato and Aristotle, as well as poets like Alkaios and Aristophanes, due to an alleged bodily tendency not to control themselves.[13] Others, instead, have pointed out that ancient Greek women's condition cannot be simply reduced to their subordination to men, and that one should rather consider the different gender regimes existing in that society, which depended on parameters like citizenship, age, employment, wealth, involvement in religious festivities and so on.[14] Let us therefore focus on women's condition in Sophocles' time only in the institutional contexts that most strictly connected to Antigone's situation—namely, marriage and funerary rituals.

Marriage was a crucial institution in the *polis* especially in connection to citizenship rights. Indeed, Pericles' Citizenship Law of 451 BCE established that the legal determination of citizenship rested on being born to two citizen parents. Therefore, marriage was a major rite of passage for both the bride and the groom and was marked by a series of formal rituals. However, the process did not require any decision or explicit consent from the woman herself. The betrothal (*engyēsis*) involved a legal and economic transaction between the woman's father, brother, or nearest male relative on the one hand, and her future husband on the other. Through this arrangement, the husband became her new legal guardian (*kyrios*). The agreement included the transfer of property in the form of a dowry (*proix*), a process known as *ekdosis*. Marriage thus formalized a bond between two *oikoi* rather than two people, and it effectively constituted a

12 See Foxhall, *Studying Gender*, 24: The nouns *oikos* and *oikia* identified all these things: a building, namely the physical structure of the house; the members of a nuclear family as well as all the other people living in the house, like the slaves; a lineage; and the estate or property.
13 Cf. Carson, "Putting her in her Place."
14 Cf. Sebillotte Cuchet, "Gender Regimes."

ritualized exchange of women's bodies. A particular form of marriage was arranged through an official legal procedure known as *epidikasia*, in which a magistrate or a court assigned a young woman to her future husband. This type of marriage mainly concerned *epiklēroi*, that is, women who had no father or brothers. An *epiklēros* was the sole surviving child of her family, yet she could not inherit her father's property as her own possession. Instead, the law treated her as the means through which the family estate would be transmitted to the next generation.[15] Kirk Ormand has examined Antigone's situation in light of this institution: since her father and brothers are dead, her maternal uncle Creon has arranged her marriage to his son Haemon.[16] This marriage may also strengthen Haemon's claim to the throne in the future by linking him more directly to the ruling family line.

As far as funerary rituals are concerned, in ancient Athens and in other Greek *poleis*, public expressions of lament (*thrēnos* or ritual mourning) were at times subject to legal restrictions, especially from the early six century BCE onward. Lawgivers such as Solon introduced measures intended to limit excessive displays of grief during funerals, including loud public lamentation, self-harm, and large processions. These restrictions were motivated both by concerns for public order and by the desire to prevent aristocratic families from using funerary rituals as displays of wealth, political influence, or social prestige. Since funeral mourning was traditionally performed above all by women, these regulations also had the distinctively political effect of placing greater control over female participation in public ritual life.[17] In light of these considerations, it clearly emerges how, for an audience of the time, Antigone's act might be seen as an act of defiance disrupting both orders of structural subordination.

Through the Lens of Femicide

Antigone is widely regarded as one of the most powerful symbolic figures of resistance to state authoritarianism and structural violence. Yet her death is rarely interpreted as an early example of fictional femicide. The aim of this chapter is not to ask whether it makes sense to apply a legal category that did not yet exist in Sophocles' time in order to make Creon's responsibility more evident. Instead, I want to highlight the undeniable fact that Antigone's death results from the exercise of patriarchal power within a broader system of structural gender subordination. I therefore find the definition of "feminicidal violence" particularly helpful to expand on the conceptual framework of femicide. To situate the concept of feminicidal violence within the history from which it emerged, I will briefly turn to a series of events happened in Mexico.

By the early 2000s, the Mexican state of Chihuahua, and especially the city of Ciudad Juárez, had become a paradigmatic site for debates on patriarchal violence, due to a long

15 Cf. Todd, *The Shape*, 228–231.

16 Cf. Ormand, *Exchange and the Maiden*, 90–98.

17 See Foley, *Female Acts*, especially "Part I: The Politics of Tragic Lamentation," 19–56 and Loraux, *Mothers in Mourning*.

and devastating sequence of rapes, murders, and disappearances of hundreds of women, most of them poor women of color. As an elected member of the Mexican Chamber of Deputies, in 2003 congresswoman Marcela Lagarde promoted the institution of a Special Commission to Monitor Feminicide, which introduced for the first time the Spanish term *feminicidio* in its title and deliberately adopted a feminist approach to gender violence. For Lagarde, feminicidal violence is a very specific form of violence which implies the violent death of girls and women because of an existing gender power structure rooted in social, political, cultural, and economic inequalities. This gender power structure is an element that was not expressed with enough clarity, according to Lagarde and other feminist legal and political theorists, by the term femicide, introduced for the first time in 1992 by sociologist Diana Russell.[18] While the term femicide designates the gender of the victims and foregrounds the misogynistic socio-cultural conditions that enable such killings, Lagarde's legal definition of *feminicidio* explicitly frames it as a state crime.[19] It asserts that state institutions bear responsibility not only for failing to prevent and punish these murders—thus producing systemic impunity—but also for perpetuating the gender inequalities and forms of oppression that make them possible.

The feminist struggle to write *feminicidio* into both state laws in Latin American countries and international law has led to the definition of a conceptual framework that emphasizes the structural character of this kind of violence. As Rita Segato has further highlighted, this framework shows (a) that the effects of feminicidal violence are not merely private but first and foremost public, as they produce a system of patriarchal domination; and (b) that these effects are not simply a matter of sexual desire or psychological deviance as much as they are a matter of power, even though the mainstream media typically explain it as the former.[20] The English term feminicide mirrors the Spanish *feminicidio*, as a specific political choice to make this Latin American history of violence, impunity, and feminist resistance visible.

I believe that the conceptual framework of feminicidal violence is particularly helpful to interpret Antigone's case for the following reasons. In the play, Creon acts—as his own son fearlessly tells him—as if he *embodies* the state. As explained in the previous section, Antigone's disobedience threatens both the power hierarchies that ground his power: that is, both state and gender domination. Therefore, while his decree initially established public stoning as a death sentence (cf. line 36), without an explanation Creon decides to bury his niece alive (cf. lines 773–774). This is not an act of mercy, but a deliberate decision not to execute her in public, thereby denying visibility to her open challenge to his authority. In a similar vein, Creon instructs his guards to leave a small amount of food in Antigone's tomb before sealing it (774–775). By doing so, he claims that he hopes to prevent the pollution (*miasma*) associated with her death from

18 Cf. Radford-Russell, *Femicide*.
19 Lagarde y de los Ríos, "Feminist Keys," xxiii.
20 Cf. Segato, "Territory."

falling upon the *polis* (776). In reality, this is an attempt to limit *his own* responsibility by leaving it to the gods to decide whether Antigone should be saved.

In what follows, I want to point out particularly that gender subordination is of the utmost concern for Creon, as it clearly emerges in his words in the **second excerpt (lines 473–526**). At this point in the play, Creon's guards have brought Antigone to him after catching her red handed, pouring three libations and crying for the dead (lines 427–431). He asks her to avow the deed, thus hoping to see her apologize and fear him (lines 441–442), yet she proudly confesses it: "I say I did it and I don't deny it" (line 443). She famously claims that she did it for "Justice who lives with the gods below" (line 451), thus framing her act not as a desire to defy the king's authority per se, but rather as a pious act of respect toward the dead. Tellingly, what troubles Creon most is not the fact that Antigone "broke bounds beyond established law" (line 481) but that she doesn't hesitate "to boast her doing, and to laugh in it" (line 483). He finds unbearable the idea that she does not fear him—she might even be mocking him, which means that she is the one in control. Indeed, when he says "I am no man and she the man instead/if she can have this conquest without pain" (lines 484–485) he is stating that a woman's public disobedience is an open challenge to the gender hierarchy that structures the *polis* and therefore his own power, as a citizen and the head of the state. Antigone's death is strictly connected to Creon's power in the house and to his very manhood, as he makes clear while sending her to her tomb: "Then go down there, if you must love, and love/ the dead. No woman rules me while I live" (lines 525–526). For Antigone, love for her dead relatives—and especially for those who risked being forgotten or shamed like Polyneices—is a non-negotiable, while Creon presents it as something she should be willing to renounce. A woman who does not know her place vis-à-vis male authority equates to public treason against the *polis*.

For this reason, he is ready to sentence *both* Antigone and Ismene to death, as he says "I charge Ismene too. She shared the planning of this burial" (lines 489–490). If we read this statement with the lens of feminicide as a specific form of structural violence grounded on gender subordination, one can understand that Creon's real fear lies with the *replicability* of Antigone's act of disobedience. If the gendered system of subordination that establishes women's obedience to male authority is challenged by more than one woman, its very foundation would shake. This time Ismene does not hesitate to openly side with her sister, and she responds to Creon: "I did the deed, if she agrees I did. I am accessory and share the blame" (lines 536–537). By doing so, she risks her own life—something that is often forgotten by most readers of the play concerned with portraying Ismene as the female character who refuses to disobey, and even protects, the gender hierarchy.[21] Antigone refuses to corroborate Ismene's confession of collaboration, thus utterly saving her life. At this point, Ismene herself tries to save

21 On Ismenes' possible responsibility in Polyneices burial, see Honig, *Antigone, Interrupted*. I too have read their sisterly bond in terms of solidarity and cooperation in Moro, "Sailing Together."

her sister by reminding Creon that his son loves her and would suffer for her death. Creon replies, once again, by reframing the situation in terms of the gender hierarchy he constantly advocates, and with brutal irony: "there are other furrows for his plough" (line 569). The use of a metaphorical imagery comparing a woman's body to a field to plow or a wild animal to be yoked is widespread in the tragic sources, suggesting that all women who do not obey their men are, as Creon says, "wicked wives" (line 571) that need to be tamed—or killed, we can add. In Sophocles' Athens, although rape was publicly condemned, it could nonetheless be privately tolerated as a pragmatic arrangement that facilitated marriage for both the groom and the bride's family. Likewise, the wedding ritual appears to preserve residual traces of an underlying abduction narrative.[22]

Creon's threatened sense of masculinity is at the center of his heated exchange with his son, partially reported in the **third excerpt (lines 737–756).** Both men repeatedly accuse each other of "being a woman," a charge that, in this context, is meant to imply shameful submission and a lack of independence. Creon is particularly enraged and dismisses all of Haemon's arguments—which accuse him of showing disrespect toward the gods and the dead—by claiming that his son is "weaker than a woman" (line 746), a "woman's slave" (line 756), and motivated entirely by his attachment to Antigone (line 748). Creon then explicitly forbids Haemon from marrying her (line 750), thereby reasserting his authoritarian control over his son's life and his own patrilinear line of descent. He reinforces this prohibition by condemning Antigone to die sealed inside a tomb.

Toward the end of the tragedy, a messenger informs the chorus of elderly Thebans and Eurydice, Creon's wife, that Antigone has taken her own life by hanging herself inside the tomb—"that bridal chamber where her bridegroom awaited her: the god of death" (lines 1204–1205).[23] When he discovers her body, Haemon likewise takes his own life; ultimately, Creon's wife Eurydice does the same upon learning of her son's death. The relentless operation of feminicidal violence sets in motion a chain of deaths and leaves the city itself without any horizon of hope or redemption.

Ultimately, Creon loses everything and his responsibility in causing this series of events is unmistakable. Throughout the centuries, many interpreters have wondered whether a tragedy written by a man of Sophocles' time could truly call into question the patriarchal order on which the very structure of the *polis* rested. However, regardless of Sophocles' own views, we can approach the play as a cultural artifact which certainly had the power to raise crucial political questions for its contemporary audience, who witnessed it within one of the most important ritual and public settings of Athenian civic life. At the same time, we—modern readers and spectators—should approach it as a textual source which has been reinterpreted and adapted for centuries, and which, therefore, inevitably speaks also through the long history of its reception.

22 Ormand, *Exchange and the Maiden*, 45. See also Deacy-Pierce, *Rape in Antiquity*.
23 On the "marriage to death" topic, see Rehm, *Marriage to Death* and Moro, "A Theatre of Vulnerability."

The figure of Antigone occupies an important place in feminist interpretations of Greek tragedy. Several recent adaptations read the play in relation to patriarchal violence arguing that its central conflict reveals how the political order of the *polis* is grounded in the hierarchies of the *oikos*.[24] In these interpretations, Antigone's death is not seen merely as the punishment of an individual act of disobedience, but as the consequence of a patriarchal social and political system that depends upon the control and exclusion of women. To cite but one example of a Mexican rewriting of Sophocles' play, Perla de la Rosa's *Antígona: las voces que incendian el desierto ("Antigone: The Voices that Set the Desert on Fire")*, which debuted in 2004, is particularly interesting. This adaptation is centered around feminicide by portraying the city of Thebes as a foil for Ciudad Juárez. Its narrative makes particularly visible the fact that, statistically, the impact of feminicidal violence on the lives of already marginalized and disenfranchised women and subjects is significantly higher, which reveals the intimate connection existing—not only in Mexico—between capitalism and feminicidal violence. As Jesse Weiner explains:

> In this play, Polynices is reimagined as Polinice, Antígona's sister and a missing *maquiladora* worker presumed to be among the hundreds of murder victims. Antígona must therefore search for Polinice before burial can happen. Antígona never finds Polinice and, at the play's end, she continues to wander the desert in search of her sister. While de la Rosa's Antígona is by no means the only play to address the femicide, nor unique in its use of Greek myth and tragedy to do so, it is remarkable in that it was staged in Juárez itself at the height of the femicide.[25]

Therefore, using the feminicidal violence conceptual framework to read the play allows us to understand the (double) structural form of oppression that enabled patriarchal violence in the ancient *polis*—namely the violence that causes Antigone's death in order to reaffirm a broader gender power structure. At the same time, the play *Antigone* sheds light on a crucial aspect of feminicidal violence by placing it within the context of the ancient *polis* and, as adaptations such as De La Rosa's further demonstrate, by showing: a) the crucial responsibility of state institutions in both preventing and handling the aftermath of this violence; and, b) that the foundational exclusion on which the patriarchal political order rests—namely, gender-based exclusion—intersects with other forms of structural social and political exclusion, including those directed against (ancient and modern) enslaved people, exploited and racialized workers, foreigners and migrants.

24 This point is highly relevant not only to Greek antiquity but also to broader investigations of the relationship between political power and the social and domestic spheres in the formation of early modern and modern state institutions. A gendered perspective is particularly fruitful in this regard. Anna Becker has explored this connection through an analysis of fifteenth- and sixteenth-century commentators on Aristotle's practical philosophy, tracing an early modern tradition of political thought that grounded state sovereignty and the very concept of power within the commonwealth in the gendered relations of marriage. See Becker, *Gendering the Renaissance Commonwealth*.

25 Weiner, "Antigone Undead," 199–200. See also de la Rosa, "Antígona."

Further Questions

1. How does the tragedy show the connection between violence against women and broader structures of political and social power?
2. Why is it important to examine the social and political conditions that make feminicidal violence possible, rather than focusing only on individual perpetrators?
3. Why do you think that, despite Antigone being one of the best known ancient Greek plays, relatively few interpreters have discussed this story as a story of femicide?

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28 The Visibility of Abuse. The Death of the Enslaved Caterina in Fifteenth-Century Genoa

Corinna Peres

Source: In 1479, judicial officials investigated the death of the enslaved Caterina in the house of patrician Lodisio de Marini Pessagno in Genoa. Based on the widowed Brigidina de Marini Pessagno's claim that Caterina had hanged herself, and an on-site examination of her visibly abused body, the judge authorized her burial, as recorded by the notary Battista Muffola. The original document can be consulted at the State Archives in Genoa (Notai Antichi 1217/1, 1478–1480, Battista Muffola). The Latin text is taken from the printed transcription by Luigi Tria. The translation is my own.

(Inquisicio).
† *MCCCCLXX nono die prima maii in tercis in contracta S. Genexii videlicet in domo habitacionis dicti Lodixii de Maris Pesagni. Caterina de progenie Maurorum etatis annorum viginti quinque in circa existente mortua in domo dicti Lodixii in coquina ipsius domus ex debito offici sui iudex se transtulit in dictam domum et in dictam coquinam pro veritate inquirenda qualiter secuta fuit eius mors interrogavit Brigidinam uxorem quondam Iohannis Pesagni de Maris que ipsa Brigidina invenit dictam sclavam laqueo suspensam cum corda pendente ad luxernarium domus ~~et habentem~~ cum pedibus, dicente suo iuramento, quod invenit ipsam suspensam et cum eius gladio incisit cordam et cecidit in terram mortua pro ut ex inspectione ipsius domini iudicis et me notarii constitit ex inspectione circa collum eius et domum facta perquisitione super eius persona vidit dictam Catarinam acriter verberata super eius persona undique et maxime super eius pudibunda a parte posteriore facta nigra propter percussiones ut carbones, similiter et in tota persona.*

(Investigation).
† 1479, on the first of May, in the third hour [9 am], in the district of St. Genesius, namely in the dwelling house of the said Lodisio de Mari[ni] Pessagno. Caterina, of Moorish descent, about 25 years old, having died in the house of the said Lodisio, in the kitchen of the very house, the judge, out of the duty of his office, transferred himself to said house and to the said kitchen for the truth to be inquired how her death had occurred. He interrogated Brigidina, wife of the late Giovanni Pessagno de Mari[ni]. And the said Brigidina herself found the said female slave suspended by a noose, with the rope hanging from the skylight of the house ~~and having~~ with her feet.
And by her oath she [Brigidina] said that she found her [Caterina] hanging, and cut the rope with her sword [blade], and [Caterina] fell to the ground dead, just as it was evident from the inspection by the lord judge himself and of me, the notary, [that is,] from the examination around her neck. And, after a thorough search of the house had been made, upon her person, [the judge] saw that said Caterina had been severely beaten, all over her body, especially upon her private parts from the rear side, which had turned black like coals from the beatings, and likewise her entire body.

Qui d. iudex, visis dictis percussionibus et ea mortua pro ut asseritur ab ipsa Brigidina dicente quod laqueo se suspendit, licentiam dedit ipsam sepeliendi et alia faciendi que in similibus fieri requiruntur,
et hec facta fuerunt in dicta domo pro aqueticione ex debito officii ipsius d. iudicis, salvo iure melius inquirendi cum informaciones melius haberi posset, presentibus Baptista de Portufino et Iohanne Baptista de Vicomercato cavaleriis et Iohanne Baptista Bianco, testibus ad predicta vocatis.

This said judge, after the said blows had been seen and she [being] dead, as it was asserted by Brigidina herself saying that she [Caterina] had hanged herself with a rope, gave permission to bury her and do other things which are required to be done in similar [matters]. And these things were done in the said house for the fulfillment of the duty of the office of the lord judge himself, reserving the right of better investigating [the matter] once information could better be obtained. In the presence of knights Battista de Portofino and Giovanni Battista di Vicomercato and Giovanni Battista Bianco, witnesses called to the aforesaid [things].

Texts and Contexts

At the notice of deaths in unusual circumstances, it was common for judges in municipal services to conduct on-site investigations, usually accompanied by notaries or scribes who recorded the evidence-gathering procedure. However, protocols concerning the investigative stages of suicide cases are extremely rare in Genoa's vast notarial archive.[1] The notary Battista Muffola, active from 1478 to 1499, followed a standardized order. He began with the date, place, and personal information of the deceased, then detailed the circumstances of death as reported by one witness, the examination of the body, and the search of the house, and concluded with the judge's ruling on the cause of death and further instructions. The judge, whose name is not given, granted permission for Caterina to be buried, probably in a communal ditch. The Church forbade those who committed suicide from being buried in consecrated ground with funeral ceremonies. In practice, however, lay urban magistrates sometimes used their authority to decide otherwise, primarily acting on behalf of suicides' families.[2] The "other things" (line 33) mentioned as needing to be done probably referred to rituals concerning the extraction of the body from the house. For example, in some regions in medieval Europe, a suicide's body was not to be moved over the threshold, but through a hole underneath it or through a window, probably to limit the "pollution" contemporaries associated with self-killing.[3]

The body belonged to an enslaved woman. Caterina was one of the 1,000 to 3,000 people living in enslavement in Genoa at any given time in the late Middle Ages, accounting for up to five percent of the city's population. The proportion of women among those enslaved was extremely high. In 1458, a Genoese register documenting the Republic's income from the annual head tax paid by owners on enslaved people

1 Lowe, "Redrawing the Line," 189, 198. On professional links between judges and notaries in late medieval Italy, see especially Bezzina et al., eds., *Giustizia, istituzioni e notai*.
2 Murray, *Suicide in the Middle Ages* II, 41–53, 464; Mellyn, "Suicide in Early Modern Italy," 397, 404.
3 Schmitt, "Le suicide au Moyen Âge," 11; Murray, *Suicide in the Middle Ages* II, 23–28, 449.

listed 54 men (2.6%) and 2,005 women (97.4%).[4] Many of those women hailed from the eastern Mediterranean. Especially from their colony in Caffa (today's Feodosia) on the Crimean coast, the Genoese exported enslaved Tatars, Circassians, and Russians by ship to the western Mediterranean.[5] After the Ottomans conquered Caffa in 1475, the Italians shifted their focus from the Black Sea region to other slaving zones in the Mediterranean and beyond. In the last quarter of the fifteenth century, "Moorish" people made up about one third of Genoa's slave population.[6] Caterina was one of them. The label applied to her descent could refer to someone enslaved during corsair raids along the North African coast or the so-called Reconquista on the Iberian Peninsula.[7] She was probably Muslim when she was enslaved, baptized by her enslavers, and given the name of a Christian saint (Saint Caterina) before being traded across the Mediterranean to Genoa.

Women aged 25, like Caterina, commanded high prices on slave markets. In the 1470s, the average price of an enslaved woman in Genoa was 170 *lire*, equivalent to the cost of a house, ten years' rent for a house, three years' salary for a sailor, or 160 kg of grain.[8] While some grocers, gardeners, smiths, and shoemakers possessed enslaved people, slave ownership was concentrated mainly among wealthy patricians like the de Marini Pessagno. In the fourteenth century, the Pessagno family became part of the *albergo* of the de Marini, thus adopting a double name, here shortened in its first part to de Maris. *Alberghi* were alliances among ruling elite families, similar to neighborhood-based clans.[9] Some de Marini men were involved in the growing business of providing life insurance for pregnant enslaved women.[10] Some Pessagno men became admirals for the Portuguese crown, while others held offices in the Genoese government.[11] In 1465, Lodisio de Marini Pessagno, the owner of the house where Caterina died, and Giovanni de Marini Pessagno, the former husband of the testifying Brigidina, were both magistrates in the *Ufficio banchi*, Genoa's financial and commercial administration. In 1467, Lodisio was a member of the governing Council of the Twelve. In 1479, he appears to have been one of the municipal treasurers.[12] That was the year Caterina died.

4 McKee, "Domestic Slavery," 316; Gioffrè, *Il mercato degli schiavi*, 79.
5 Barker, *Precious Merchandise*, 128–151.
6 Gioffrè, *Il mercato degli schiavi*, 30.
7 The term *Reconquista* ("reconquest") refers to the military campaigns through which Christian kingdoms asserted their claims to territories under Muslim rule on the Iberian Peninsula from the eighth to the fifteenth century. The Aragonese conquests of Valencia (1238) and Menorca (1287) included the enslavement of resisting local communities, see Balard, "The Case of Genoa," 235.
8 Barker, *Precious Merchandise*, 70.
9 Balard, "The Case of Genoa," 246.
10 Barker, "Risk of Birth," 207.
11 Belgrano, "Documenti e genealogia dei Pessagno Genovesi."
12 Canale, *Tentativo dei navigatori e scopritori genovesi*, 36–37. Giovanni de Marini Pessagno held positions in the *ufficio di balia marittima* and *ufficio sindicatores*, see Balestra, *Catalogo dei magistrati*, 54–55, 140.

Making Sense of the Source

The source does not specify who owned Caterina. Since she was found dead in Lodisio de Marini Pessagno's house, she must have belonged to a member of his family. This is also supported by the fact that no third party interfered. If she had been rented out to the de Marini Pessagno as a household worker or wet nurse, as many enslaved women were in contemporary Genoa, her owners would likely have been mentioned in the document.[13] Most probably, Caterina's owner was Lodisio. Alternatively, Brigidina owned Caterina. Perhaps her late husband, Giovanni, had bequeathed the enslaved woman to her in his will.

Brigidina's actions and words were crucial to the investigation. Brigidina was a relative of Lodisio's, maybe his sister-in-law.[14] It is unclear whether she lived in his house after her husband's death or visited from her nearby residence, as many widows lived on their own without remarrying. She may have rushed over after being notified of the tragedy in Lodisio's kitchen. In any case, Brigidina stated under oath that she had found Caterina already dead, emphasizing her non-involvement in the enslaved woman's death. Brigidina further explained that Caterina had hanged herself with a noose attached to the *luxernarium*, a roof opening that allowed sunlight in and smoke out from open fireplaces, and that she had used her own blade to cut the rope.[15] This is remarkable. First, women were barred from carrying weapons. Either Brigidina took a sword stored in the house, carried one illegally, or the *gladius* referred to a knife for everyday use. Second, she cut the rope without hesitation. According to some legal codes in medieval Europe, only judicial officials were permitted to do so in cases of hanging.[16]

After searching the house and examining Caterina's body, the judge corroborated Brigidina's statement. He may have found bruises on Caterina's neck or remnants of the cut rope that substantiated Brigidina's claims. But that was not all. The officials noted that Caterina's body was heavily mistreated, covered in bruises and probably burns. Her entire body was "black like coals from the beatings" (line 27). This vivid comparison conveyed the extent of the physical violence Caterina had endured. The area around her buttocks, her "private parts" (line 26), was especially badly beaten. The condition of the enslaved woman's body, already (semi-)naked before the investigation, or rendered so for investigative purposes, must have been so out of the ordinary that the notary reported it with such detailed intensity.

In a gendered dimension, male (sexual) violence against enslaved women was normalized and ritualized in daily life.[17] It served not only as a display of power to keep the

13 Cluse, "Frauen in Sklaverei;" Peres, "She Wants to Do It Her Own Way," 211–248.

14 While Luigi Tria, Steven Epstein, and Geo Pistarino either describe Brigidina as an unspecified woman or omit her entirely from their accounts of the case, only Kate Lowe correctly notes that she was part of the slavers' family.

15 "Lucernaro," in *Tesoro della Lingua Italiana delle Origini*, http://tlio.ovi.cnr.it/TLIO/. Last Accessed September 22, 2026.

16 Murray, *Suicide in the Middle Ages* II, 18–23.

17 Owens, *Consent in the Presence of Force*, 14–15.

enslaved exploitable and dishonored, but also as a patriarchal performance of masculinity through the control and domination of women.[18] Moreover, it was legally sanctioned. In line with the *potestas puniendi* (the authority to punish) and *ius corrigendi* (the right to correct) reserved to heads of households in Roman law, medieval Genoese statutes permitted owners to discipline their enslaved people, except "with a knife or other weapon, or with an instrument not suited for corporal punishment."[19] Such sharp instruments were associated with premeditated killing, for which owners could be held liable.[20] A male owner in fifteenth-century Siena who injured the enslaved man in his possession so severely with a square-pointed iron weapon that the man died was sentenced to death by decapitation.[21] If, however, death ensued from beatings without weapons, by hand or foot, authorities considered it a lethal consequence of an owner exercising his right to correct and punish an enslaved person—without murderous intent and thus without liability.

The judicial officials' remarks about Caterina's injuries allow for ambiguity. On the one hand, they undermined Brigidina's version of events in that they implied that the suicide may have been staged after Caterina was sadistically tortured and killed by others. The description of the condition of her buttocks possibly hinted at why those inflicting violence on her targeted those bodily parts: as an equivalent punishment for having used her "private parts" to exercise her sexuality with someone of her—and not her owner's—choosing.[22] Alluding to suicide out of desperation could be a perpetrator's convincing masquerade, especially if Caterina was a former infidel and, as such, considered prone to rejecting divine mercy anyway.[23] Furthermore, hanging was the most common method used by suicidal contemporaries across all social classes, preferred over throwing oneself out of a window, down a well, or drowning.[24]

On the other hand, the report on Caterina's abused body lent plausibility to Brigidina's claims, because an enslaved woman might choose self-killing to escape violence, including that experienced beyond her owner's sphere of influence. Enslaved women were raped and impregnated by men without their owners' permission, as contemporary prosecutions of "property damage" (not of sexual violence) attest. If instead enslaved women were convicted of petty crimes themselves, municipal courts could administer corporal punishment, such as public whipping. Consequently, Caterina's

18 Lerner, "Women and Slavery."
19 Panero, *Schiavi servi e villani nell'Italia medievale*, 367. Throughout municipal statutes in medieval Italy, the *ius corrigendi* applied to various intra-household relationships, see Feci, "Diritti di correzione."
20 Verlinden, *L'esclavage* II, 529; Epstein, *Speaking of Slavery*, 63.
21 Prunai, "Notizie," 294–296.
22 On the slave market in fourteenth-century Cairo, male buyers were permitted to examine an enslaved woman's body privately, including her shame zones, in the presence of other women, see Barker, "Purchasing a Slave," 12.
23 Augustine interpreted the suicide of Judas as an archetype linking desperation, loss of faith, and sinfulness in self-killing, see Butler, "Degrees of Culpability," 265.
24 Lowe, "Redrawing the Line," 191; Schmitt, "Le suicide au Moyen Âge," 4–6, 15.

injuries could have resulted from physical violence at her owner's hands, from third parties without her owner's permission, or from the Republic's officials acting in the name of maintaining social order—or from all three combined.

The correction in the text (line 15) regarding the way Caterina's body was found reinforces ambiguous readings. The notary crossed out part of the sentence regarding Caterina's feet, omitting clarifying information. Did Caterina's feet dangle in the open air, or did they still touch the ground, as in a poorly staged suicide? Staged or not, suicide was a reality for women in different moments of their enslavement. Some women threatened suicide during sales processes to reverse the logic of commodification. Clients were unwilling to purchase a woman who would take her own life after being purchased, as this would result in the immediate loss of the costly human "investment."[25] Other women attempted to kill themselves after experiencing sexual violence, separation from their children, and unsuccessful escape attempts.[26]

Neither Brigidina nor the officials added Caterina's emotional and psychological state as an explanatory factor for her alleged action. In medieval court proceedings, mental instability could—but did not necessarily—translate into non-accountability for the crime of suicide.[27] Though limited and circumstantial, enslaved women exerted forms of legal personhood in medieval courts. Some made oaths of paternity regarding the children in their wombs or, at least in fifteenth-century Valencia, outright petitioned for freedom on the grounds that they had given birth to their male owners' children.[28] Here, legal culpability did not matter because it would have humanized property retrospectively. By omitting any details about Caterina's motivations, Brigidina and the officials circumvented acknowledgment of an enslaved woman's decision-making capacities in determining her fate and making her abuse visible. After all, the kitchen in a patrician's house was not only one of the main worksites of enslaved women, but also a space through which many people came and went.

Through the Lens of Femicide

According to sociologist Orlando Patterson, the "violent domination of natally alienated and generally dishonored persons" was crucial to the exercise of slave ownership.[29] Perhaps Caterina was killed because her owner *could*, to satisfy their anthropological need to exercise power (as sixteenth-century legal scholar Paolo Caggio would suggest), to live out sadistic perversion, or dominate a woman.[30] Perhaps Caterina killed herself because she *could*, to dominate for once those who usually dominated her. The judge reserved the right to reopen the case "once information could better be obtained" (lines

25 Peres, "She Wants to Do It Her Own Way," 127.
26 Herzig, "Interethnic Sexual Violence," 214–218; Verlinden, *L'esclavage* II, 373.
27 Butler, "Degrees of Culpability," 270–277.
28 Blumenthal, *Enemies*, 175–177.
29 Patterson, *Slavery and Social Death*, 13.
30 Caggio, *Iconomica del Signor Paolo Caggio*, 40–41.

38–39). Medieval legal theorists and practitioners were aware of the inability to provide irrefutable proof of suicide.[31] Although this standard phrase did not imply that authorities would continue investigation, it nonetheless captured the ambiguity surrounding Caterina's death as seen by male officials. The investigators leaned toward suicide but did not rule out homicide.

Gender-based violence, which sociologists and criminologists have shown to underpin femicide, was part of the enslaved Caterina's everyday life in medieval Genoa.[32] If her owner was male and Caterina had made herself sexually available to someone he did not approve of, he could have lethally punished her for disrespecting his exclusive claim to her body and the children she would bear. To protect his reputation, he could have used violence to regain control over a disobedient woman while sending a message to other men.[33] If Caterina had given birth to her owner's child, killing her may have been a drastic way to sever enslaved mother-child ties. Other owner-fathers did so in less lethal ways through sale, hired labor, or manumission. By doing so, they secured spare children who would grow up without the maternal stigma of slavery and could be integrated into paternal lineages.[34] Though not legally sanctioned as in Tuscany, the custom of children inheriting their fathers' free status can be observed in late medieval Genoa. This practice deviated from Roman law, under which children inherited their mothers' status. While we do not know if Caterina ever had children, we do know that many of her enslaved peers bore free children to free Genoese male citizens.[35]

However, giving birth to the children of free men did not entitle enslaved women to establish kinship relations with their children in the medieval Latin Mediterranean.[36] Having potentially experienced violent capture, rape by different men during and after sale, and physical violence at the hands of those who dominated her, the denial of mothering could represent the ultimate emotional abuse for enslaved women like Caterina. One may wonder, then, whether Caterina internalized the logics of femicidal violence and commodification to which she was exposed daily. She may have ended her life precisely because she was an enslaved woman (and mother), resulting in what we may call femicidal suicide. In other words, did she potentially kill herself to retaliate against her owner, thereby denying further exploitation of her female body and its reproductive capacities while leaving economic loss and social shame for him and his family? To be clear, even if Caterina was killed by her owner or by others with her owner's permission—whether impulsively, pragmatically, or as a perverse group activity—there would not have been any legal consequences. It was her owner's prerogative to chas-

31 Murray, *Suicide in the Middle Ages* I, 28–29.
32 Habermann, *Partnerinnentötungen*, 17–20.
33 For a case involving an enslaved woman's miscarriage resulting from severe beatings, reportedly motivated by her merchant owner's jealousy, see Archivio di Stato di Prato, *Fondo Datini*, Luca del Sera to the company of Florence, Dec. 15, 1395, 510534.
34 Peres, "She Wants to Do It Her Own Way," 304–329.
35 Prunai, "Notizie," 269–272; Barker, *Precious Merchandise*, 82.
36 Peres, "She Wants to Do It Her Own Way," 267–278.

tise her without an iron weapon, even to the point of death. A blade was reportedly only used *after* her death to *free* her from the noose, and officials reported no cuts. But what was legally tolerable was sometimes far from socially acceptable. Public opinion was sensitive to the killing of enslaved people because it undermined the patriarchal logic bolstering slave ownership. A *pater familias* was expected to protect all of his family members, including the enslaved, whom he was also supposed to help become good Catholics.[37] Although suicide was already considered scandalously newsworthy in local communities and resulted in shameful disgrace for the household in which it happened, murder would have been far more damaging to the reputation of the de Marini Pessagno men as good Christians, respectable citizens, dutiful magistrates, and protective heads of households.[38]

Strikingly, instead of all the absent men of her family, the widowed Brigidina spoke to the men investigating the scene—the judge, the notary, and the three witnesses, who belonged to the upper echelons of Genoese society and oversaw the judge's decision-making process. Absences, physical and narratively, can be telling, especially in slavery studies.[39] In the end, Brigidina never *saw* Caterina hang herself. But she *told* everyone that Caterina had hanged herself (lines 31–32). Brigidina's words carried enough weight that other witness statements, such as those from the household staff Caterina worked with, or a coroner's medical opinion, were not required. Not only was Brigidina part of the enslaving community, but she was also part of the family that owned Caterina. As such, she had the authority to claim what happened to Caterina. Did she control the narrative in favor of her abusive family members? Or did she simply show mercy by lowering Caterina immediately herself without involving staff or other people to witness the enslaved woman's agonizing decision? Ultimately, the widow's words, substantiated by the judge's legal authority, turned the enslaved Caterina from a victim of violent abuse into a thief of her owner's property and a sinner against God, damned for eternity.

Further Questions

1. Apart from her age, her descent, and her body, we do not get much information about Caterina. How can we deal with silences, absences, and narrative commodification in sources produced by people from the slaveholding segment of society?
2. At least one oath-giving widow, two judicial officials, and three male witnesses were present at or engaged with Caterina's corpse. What role does the social play in the exercise of slave ownership, the experience of enslavement, and its aftermath?

37 Blumenthal, *Enemies*, 88–89.
38 Lowe, "Redrawing the Line;" Murray, *Suicide in the Middle Ages* I, 29–31.
39 Fowler, *Slavery and the Invention*; Hartman, "Venus in Two Acts;" Fuentes, *Dispossessed Lives*.

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29 Suicides in House Confinement: A Case of Domestic Violence in Ming China

Ying Zhang

Sources: In premodern China, women's legal status determined the responsibilities and punishments of an abusive patriarch should he cause a fatal incident. Many factors could shape how the legal authorities and society would interpret domestic violence cases, such as politics, biases, community dynamics, and so on. These sources concern several women who killed themselves after being confined by their master, who was a government official.

Source 1A: *Veritable Records* (court records, 1442, the 7th year of the Zhengtong reign of the Ming dynasty): Charges against Bao Dehuai, a high-ranking official in the Ming government.

刑部左侍郎包德懷閉其妾及義女數人於一室累杖之，一夕自縊死者三人，為偵事者所發，收同閉諸婦下錦衣衛，鞫之言德懷初任河南按察使時數與周[王]通饋遺，諸婦時時竊議其非，德懷恐語洩拘閉之。三人者怨忿，故縊死。於是六科十三道交劾之，獄具當為民，上怒命充威遠衛軍。[1]

The Vice Minister of Justice Bao Dehuai locked up several household members, including his concubine(s) and his adopted daughter, in one room and had them beaten repeatedly. One night, three of them committed suicide by hanging. The police exposed the incident, and detained the women who had survived. During the interrogation at the Imperial Prison, they confessed that when Bao served as an inspector in Henan, he exchanged a few gifts with the Prince of Zhou. These women often talked among themselves about this improper relationship. Bao feared that this might be spread [beyond the household], so he restricted their movement. Three of them hanged themselves out of resentment. The censorial branches of the government impeached Bao. In conclusion, the legal offices recommended that Bao be stripped of his official status. The emperor ordered Bao exiled to the Weiyuan garrison.

Source 1B: *Veritable Records* (court records, 1442, the 7th year of the Zhengtong reign of the Ming dynasty): Bao Dehuai's confession and plea for leniency, documented in an entry four months later. Note: The petition was rejected.

臣因婢與家人姦盜責打過甚，以致同夜自縊者三人，俱報官驗瘞。被緝事者言臣惡諸婢議已曾受王府賄，恐事泄故逼其死，并發臣通義女，謫戍邊，實誣。乞賜矜憫辨明。[2]

I disciplined and beat maids excessively for their illicit activities (with servants) and theft, leading to three suicides on the same night. I reported the incident to the authorities and had their bodies examined and buried. However, the investi-

1 *Ming shilu* ZT 7/5: juan 92, 1855–1856.
2 *Ming shilu* ZT 7/9: juan 96, 1931–1932.

gators accused me of abusing the maids and forced them to commit suicide because I was afraid that they might spread rumors about my accepting the prince's bribery. They also falsely claimed I had an illicit relationship with my adopted daughter. These unfounded charges resulted in an exile sentence. I plead imperial sympathy and reconsideration.

Source 2: Bao Dehuai's biography in the *Lanxi County Gazetteer* (chapter on men who successfully passed the civil service examinations), 1606 ed. (reprinted in the Kangxi reign of the Qing dynasty).[3]

包德懷，名珍。授監察御史陞河南按察使，終刑部右侍郎。郡志云包亞卿晚以罪斥家巨富而子孫驕奢蕩廢，鄉論不甚齒也。獨為友育女一事為可傳。德懷與同年部郎胡文善同官京邸，文善病篤，與德懷訣曰：吾無子止一女見託，能為我始終乎？德懷諾之，後文善與妻相繼歿。德懷抱歸其女，囑妻育之勝於己女。比歸，擇婿祝姓者許之。包居與胡遺居隔二十餘里，將字，同妻攜其女往胡居，分隔其廳事，左間己居之，右間妻與女居之，中間設胡君夫婦神位，至期設祭為文，告以聘嫁事，命女辭拜，包亦號慟，隨遣嫁奩具皆備。噫！友誼篤厚一至于是，後之讀斯志者，其亦知所醒發乎。見鄭北園蛙鳴集。

Bao Dehuai, originally named [Bao] Zhen.[4] From the position of inspector, he was promoted to the post of inspecting commissioner in Henan. He ultimately reached the high position of the Vice Minister of Justice. Local history tells us that Bao, in his later years, was dismissed from government for a crime. A very rich man, Bao allowed his sons to grow into arrogant and useless brats. The locals despised him. The only thing worth of a positive mention is the care he provided to his friend's orphaned daughter. Bao Dehuai and Hu Wenshan, from the same county, went to serve in the government in Beijing in the same year. Hu Wenshan fell seriously ill. At their last meeting, he said: "I have no sons but a daughter to care for. Would you be able to support her on my behalf?" Bao Dehuai promised to do so. When Hu Wenshan and his wife died within a short period of time, Bao Dehuai took their daughter home and told his wife to look after the girl more than their own. Upon returning to his hometown, he betrothed the adopted daughter to a member of the Zhu family. The Hus' old residence was about ten kilometers away from the Baos'. Before the wedding, he traveled there with his wife and the adopted daughter. In the Hu residence, he stayed in the left wing, and the women in the right wing. In between, he installed the spirit tablets of the girl's parents. On the day of the ceremony, he read a sacrificial essay to the tablets, telling them that their daughter was getting married. The orphaned daughter bowed and bid

3 Lanxi xianzhi 蘭谿縣志, 5.11a.

4 Bao Dehuai seemed to have changed his official name when entering into governmental service. Another local biography claims he had another name "Xiang 珣" and Dehuai was his courtesy name. Yang Dezhou 楊德周, Jinhua zazhi 金華雜識, 3.11b.

35 farewell to the tablet. Bao shed tears at the ritual. He then married off the girl with proper doweries. Alas! A friendship can be as committed as such. Readers of this record later might also find it inspiring! This draws on the *Collection of the Singing Frogs* by Zheng Kang.

Texts and Contexts

The Ming state compiled daily records of important events, debates, decisions, and policies under the imperial court's purview. These so-called *Veritable Records* (shilu 實錄) are organized chronologically; each reign era constitutes a single unit.[5] The two items translated in this chapter come from the *Veritable Records* of the Zhengtong reign (1436–1449), two entries that are four months apart in the same year.

Source 1A is a summary of the legal case and the verdict. Bao Dehuai was found guilty of the charges. The legal offices of the government recommended a penalty—loss of one's official status—after they had weighed the evidence. According to the *Ming Code*, if the husband physically disciplined or abused his wife and concubines and thereby caused the latter's suicide, he would not be punished. If a patriarch intentionally kills a maid and tries to blame others for the crime, the penalty should include a flogging of 70 strokes and one-and-a-half years of exile.[6] Both of these articles clearly show that men—with a higher legal status than their wives, concubines, and servants—received relatively lenient punishments for killing or causing the deaths of the latter. In Bao Dehuai's case, it seems that the legal offices decided that since he did not intend to kill the women and the women committed suicide, an exile would be excessive. However, the emperor disagreed with the recommendation and imposed a harsher penalty. This kind of imperial intervention in administrative-legal decisions occurred from time to time during the Ming dynasty. Sometimes, the emperor had a personal interest in certain cases for political or non-political reasons. In Bao's case, it could be the sensational nature of the deaths in an official's domestic life that caught his attention. Source 1B shows the end of the legal investigation and appeal process. The *Veritable Records* often quote passages from reports and documents. In this entry, Bao Dehuai's own confession and petition offer details that both confirm and dispute the charges included in Source 1A. In addition, it reveals some information omitted in Source 1A, e.g. the investigation report had accused Bao of having an illicit relationship with his adopted daughter. The legal offices' recommendation suggests that they did not consider this specific accusation truthful. In the meantime, Bao's invocation of this accusation in his plea for imperial leniency attempts to frame the case as a political plot against him. Among Ming bureaucrats, personal and political enmity often led to exaggerated or false impeachments, which in turn prompted investigations. Ironically, an

5 For a review of this type of sources, see Wilkinson, *Chinese History: A New Manual*, vol. 2, 1493–1496.
6 Jiang, *The Great Ming Code*, "Penal Code II/Killing."

impeached official could claim to be victimized by political manipulation and muddle legitimate legal investigation into charges against him. Some of these cases thus became impossible to judge and ended with little punishment.

Besides the rebuttal by Bao Dehuai over certain details, no one denied the fact that three domestic deaths occurred as a result of his disciplining of these women. Nonetheless, some of his colleague-friends and literati in later generations deliberately downplayed or ignored this fact. Published works by these men either portray Bao as a victim of politically motivated smears or focus solely on his positive qualities. Eventually, by the 18th century, the majority of the historical sources would never mention the crime he had committed. Source 2 helps us trace how this trend took shape between the 15th and 17th centuries. This edition of the county gazetteer, drawing on the local scholar Zheng Kang 鄭伉's (1436–1478) work, reflects an interesting perspective on a native son who had a successful bureaucratic career before the disgraceful dismissal from the government.[7] This is one of the few sources about Bao Dehuai being circulated in the 15th century. Later versions of the biography in the local gazetteer adapted it, and made important changes to whitewash Bao's crime.

Initially, the local gazetteer (Source 2) did not overlook his demise. Instead of writing a biography for Bao Dehuai in a chapter dedicated to exemplary figures (such as high-ranking officials), it simply lists Bao's name and career in the chapter on native sons who had successfully passed the civil service examinations. To be fair, while acknowledging his crime, the editors of this edition of the local history drew on local literati works and included the story about his generosity toward a late friend and his daughter (who became Bao's adopted daughter). But in the 1800 edition of the local gazetteer, not only is Bao Dehuai given an individual biography as an exemplary "righteous" man, but the record about his crime has also completely disappeared.

Making Sense of the Sources

This legal case and related historical sources demonstrate how the premodern Chinese law and political culture protected the status- and gender-based privileges.

Why Bao Dehuai disciplined and confined the women in his household remains unclear. The terms used in these records reflect the different claims about their legal and social status. In Source 1A, the investigation report adopts the character *fu*婦, which usually refers to married women, corresponding to their claim that the imprisoned women who later committed suicide were Bao's concubines. Source 1B, in contrast, insists that these women were *bi*婢, maids who might or might not have a sexual relationship with the patriarch.[8] This linguistic choice also conforms to an ideal in imperial Chinese political culture: the gendered separation of space promises a man's political

7 For Zheng Kang's biography, see *Changshan Xianzhi*, juan 13, page number illegible. Zheng appears in the chapter of local history as an exemplary recluse.

8 For a discussion of domestic abuse and household arrangement in the Ming, see Ying Zhang, "Domestic Violence."

and professional integrity. Sexual intimacy in the inner quarters threatens to influence an official's decision-making.

In Source 1A, according to the official indictment, Bao Dehuai committed crimes as a bureaucrat and as a household master. In his work, he should have avoided improper interactions with the prince and the receipt of gifts. Because he failed to abide by the regulations in this regard, inevitably, he became ethically compromised and, as a result, grew anxious about the "gossipy" women in his household—these included the sexual partners (concubines) and the adopted daughter (who allegedly had an unethical relationship with him). His suspicion turned overwhelming, leading to the extreme measure of confining these women and contributing to their suicides. The legal offices' recommended sentencing shows that they did not believe he had an illicit relationship with the adopted daughter, a much more serious crime. They treated the case as a lawful disciplinary measure by a patriarch that unexpectedly turned deadly. They did recommend stripping him of office and official status because of the professional ethical violation. In sum, one could argue that even though they recognized the femicidal component in the deaths, the law would not punish a husband's unintentional killing if the women were being disciplined for misbehavior because the husband possessed the authority to do so.

In Source 1B, Bao Dehuai denies both professional misconduct and domestic mismanagement. He distanced himself from these women, only admitting that these women committed suicide as a result of the confinement he had imposed on them. Note that he did not discipline the male servants who supposedly did something wrong with the women. According to his confession, he merely exercised the authority the law endowed on a household master. He might be seen as a strict patriarch keeping the household in order, an image that some conservative men would find appealing. The suicides were unfortunate; he did not inflict them intentionally and immediately reported them. Further, he accuses his enemies in the government of politicizing this domestic mishap. Taken together, it becomes clear that the official records focus on bureaucratic discipline, drawing little attention to the actual deaths of those women. Given that such records were compiled by court historians, the genre dictated that information is organized around the court's political and legal decisions.

Additionally, elite men were educated and professionalized in the same way as Bao Dehuai himself had been. It is unsurprising that their private writings about Bao during and after his lifetime did not express outrage toward the domestic abuses. Instead, some of them argued for ostensibly "balanced" evaluations of his life, while others ignored his crime and passed along only the story that depicted him in a positive light. Source 2 falls in the former type. In this biography, the brevity and vagueness in the description of Bao's crime stand in striking contrast to the great lengths to which the authors go to praise him as an exemplary friend, one of the most important Confucian ethical relationships in imperial China. The majority of surviving historical records about Bao Dehuai do not mention these women and their deaths at all, even though educated men

had access to the *Veritable Records* and had circulated information from the archive in privately written and printed materials.[9]

These materials exhibit substantial discrepancies in the specific details of who Bao Dehuai helped and how he assisted fellow officials. Take the erudite official Jiao Hong (1540–1619)'s writing on Bao as an example. Jiao claims to have drawn on two sources from the 15th century, both of whom were famous government officials. However, he misspells Bao's name and misidentifies his highest government position, indicating a lack of interest to verify the details. Jiao's writing nonetheless highlights the two archetypes of exemplary masculinity that had been admired by generations of educated elite: a trustworthy man who handles a friend's money properly and who helps find a good marriage for an old friend's daughter.[10] In other accounts of Bao, details such as the names of the "friends" he had supposedly helped and the circumstances of their personal crisis also differ. But without exception, they all showcase these two archetypes.

These private writings constitute a sort of highly gendered counternarrative. They follow the same masculine ideals that the court's verdict purportedly upheld, even as they dispute the police charges. Again, the focus is on whether Bao was a good man or not, rather than on his harsh treatment of those women. Ironically, premodern Chinese didactic texts often stress the importance of a wife's kindness toward concubines and maids in household management.[11]

Through the Lens of Femicide

The current UN definition of "femicide" emphasizes two essential factors: "intentional killing" and "gender-related."[12] Both of these two factors merit some discussion in the analysis of this historical example.

First, this example requires us to complicate the definition of "femicide" to make a case for including "femicidal fear" into the framework. Rather than simply broadening the definition to cover more scenarios, this chapter explores femicide not as an incident but as a process that leads to the deaths of women, in which intention and outcome might not align in a linear or straightforward way. Bao Dehuai did not "intend" to kill these women. In fact, he did not need to be concerned about the femicidal fear inflicted upon them because the law would not punish him as long as he could show that he had reasons to discipline them. This patriarchal confidence drove him to take extreme

9 These include one of the most respected scholar-historians Jiao Hong 焦竑 and his work, Jiaoshi bisheng 焦氏筆乘 (late 16th to early 17th centuries) and Tan Qian 談遷, Zaolin zazu 枣林雜俎 (mid-17th c.). A local example can be seen in Yang Dezhou 楊德周 (hometown in Yinxian鄞縣, Ningbo prefecture of Zhejiang) and his Jinhua zazhi 金華雜.

10 Jiao Hong, *Jiaoshi bisheng* (xuji 續集), 218. The original text reads: "此與范文正歸死友之金吳文肅嫁故人之女何異."

11 See for example, Lu, *Arranged Companions*.

12 The United Nations Office on Drugs and Crime's report, "Femicides in 2024: Global estimates of intimate partner/family member femicides." https://www.unodc.org/documents/data-and-analysis/briefs/Femicide_Brief_2025.pdf. Last Accessed September 22, 2026.

measures to intimidate the women. There is no evidence available to explain the three women's suicides. Killing oneself to avoid further physical and mental suffering or out of despair in a seemingly hopeless situation was possible. Deadly femicidal fear caused by Bao's abusive actions did not matter legally because his gender and status as a household patriarch would exempt him from punishment.

It is also useful for us to think about this question in terms of the ways in which women's fear was discursively represented in early modern China. On the one hand, historical records often describe their fearlessness and eagerness to commit suicide to avoid remarriage after the death of the husband or even fiancé, or to preserve their chastity when facing sexual threats.[13] On the other hand, men were credited for aiding or praising the heroic suicides of women in their families during times of war and violence. For example, upon hearing about the suffering of women caused by the rampant bandits in his home province, from Beijing, an official sent knives to home and told his sons to distribute them to all women in the household. They were instructed to kill themselves with these knives in the event of banditry attacks.[14] In his suicide instructions, he did not bother to distinguish between his wife and the maids. Here, women's fear is not given any consideration, completely overshadowed by the patriarch's desire for honor. This case demonstrates the limits of the concept of "femicidal fear."

Relatedly, we also need to consider the multiple ways this case is gender-related. The motivation for enforcing patriarchal control behind Bao Dehuai's imprisonment of these women is different in the court record and in Bao's confession. If Bao's confession is honest, his actions show a patriarchal desire to control women. He does not mention confining the male servants. If the official report is truthful, then Bao restricted these women's movement because women, by nature, were unreliable gossip-spreaders. No one could confirm that the women had spread rumors about him. Bao simply anticipated that possibility, which would jeopardize his professional career, and took a preemptive action. The gendered motivations in either scenario are clear. The lens of femicide allows us to demonstrate the complexity of gender factors in the deaths of the maids.

Further Questions

1. How might we apply the concept of intersectionality in the analysis of this case?
2. Based on the information we have on this case, can we get a sense of ideal masculinity in the Ming Chinese context?
3. In contemporary societies where the law has eliminated class status as an important factor, do we still see similar tendencies in the treatment of and attitude toward women victims?

13 People at the time also questioned whether women really volunteered to die in such circumstances. See Weijing Lu's work on women who killed themselves or reject another engagement after the death of a fiancé, *True to Her Word*.

14 Ying Zhang, *Ideals of Confinement*, chapter 4.

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VIII Conquest and war



This map illustrates the geographic locations of the case studies discussed in this section.
The numbers refer to the numbers of the contributions.

30 'What you suffer, I suffer.' City Lament and the Femicidal Logics of Conquest in the *Thrēnos tēs Kōnstantinoupoleōs*

*Rike Szill**

Source: The anonymous *Thrēnos tēs Kōnstantinoupoleōs* is a Greek lament of 128 verses, probably composed in a Venetian Greek milieu shortly after the conquest of Constantinople in 1453 but preserved only in later 17th-century manuscripts. Drawing on established patterns of lamenting a conquered city, it takes the form of a dialogue between Venice and Constantinople, both personified as women, and frames the conquest in increasingly bodily and gendered terms. Read through the lens of femicide, the *Thrēnos* draws attention to the different gender-specific consequences of conquest for men and women, with female bodies, spaces, and social ties becoming pivotal to its portrayal of captivity, sexual vulnerability, and enslavement. Anonymous, Θρῆνος τῆς Κωνσταντινουπόλεως. In: *La Caduta di Constantinopoli*. Edited by Agostino Pertusi. Verona: Fondazione Lorenzo Valla 1976, 378–386.

	Θρῆνος τῆς Κωνσταντινουπόλεως	Lament of Constantinople
1	Ὁ νοῦς μου καὶ ὁ λογισμὸς συγχύζεται νὰ γράψῃ νὰ στιχοπλέξῃ ἀστοχεῖ τὴν ἅλωσιν τῆς Πόλης. Ἐσεῖς βουνά, θρηνήσετε καὶ πέτραι ραγισθῆτε, καὶ ποταμοὶ φυράσετε καὶ βρύσες ξεραθῆτε, διατὶ ἐχάθη τὸ κλειδὶ ὅλης τῆς οἰκουμένης, τὸ μάτι τῆς Ἀνατολῆς καὶ τῆς χριστιανοσύνης. Καὶ σὺ σελήνη τοῦ οὐρανοῦ, τὴν γῆν μὴν τὴν φωτίσῃς, καὶ σεῖς νερὰ τρεχάμενα, σταθῆτε μὴν κινοῦσθε, καὶ θάλασσα βρυχίσθητι τὴν συμφορὰν τῆς Πόλης. Καὶ μεῖς πολλὰ ἐχάσαμεν οἱ ἄθλιοι Ρωμαῖοι αὐτὴν τὴν πόλιν χάνοντες, τὴν πολυφημισμένην, ὁποὺ τὴν εὐλογήσασι τόσοι θεῖοι πατέρες. Σὲ ἐκαταπολέμησαν, Ἐπτάλοφε Κυρία,	My mind and my reason are thrown into confusion when I try to write, when I attempt to weave into verse the sack of the City.[1] You mountains, mourn, and you stones, crack apart; you rivers, dry up, and you fountains, run dry, for the key of the whole inhabited world has been lost, the eye of the East and of Christendom. And you, moon in the sky, do not shine upon the earth, and you, running waters, stand still and do not move, and you, sea, roar over the misfortune of the City. We too have lost much, we wretched Romans,[2] in losing this much-renowned city, one, which so many divine fathers once blessed.

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1 The term *Polis* ("City"), with a capital letter both in the Greek original and in the translation describes the city of Constantinople.

2 The term *Byzantines* has not been used as a self-description at the time. Instead, the term *Rōmaioi* ("Romans") was widely used, cf. Kaldellis, *Romanland*, 14–16.

καὶ σὲ ἐκαταδίκασαν τὰ ἄγρια θηρία,
ἀπάνω σου ἐπέσασιν ἀμέτρητα φουσσᾶτα,
ὡσὰν ἀκρίδες ἄγριοι, σφῆκες φαρμακεμένες.
Ἐσκότωσαν τὸν βασιλὲ οἱ σκύλλοι γιανιτζάροι,
ἀνεκατώθη τὸ αἷμά του μὲ τῶν πολλῶν τὸ αἷμα.
Ἐφόνευσαν τοὺς ἄρχοντας, τοὺς βαρυρογεμένους,
καὶ τοὺς ἀπομονάμενους νὰ πορπατοῦν ὡς ξένοι,
νὰ ἔχουν πολὺ ὄνειδος, ἀποκρουσμοὺς μεγάλους,
νὰ χύνουν πολλὰ δάκρυα εἰς ἀλλοτρίους τόπους.

They waged war against you, Lady of the Seven Hills;[3] the wild beasts condemned you to death. Countless armies fell upon you like fierce locusts and poisonous wasps. The dogs, the Janissaries,[4] killed the emperor;[5] his blood was mingled with the blood of the many. They killed the nobles, these well-paid authorities, and left those who remained to wander like strangers, to suffer much shame and great insult, and to shed many tears in foreign lands.

Ἦσουν φωστήρας τοὐρανοῦ, ἄστρον τῆς Ἀφροδίτης,
Αὐγερινὸς λαμπρότατος, ὁπού 'φεγγες τὸν κόσμον,
ὁπού 'φεγγες καὶ δρόσιζες ὅλην τὴν οἰκουμένην,
καὶ λάμπρυνες τὴν Γένουβαν καὶ τὴν Ἀλαμανίαν,
καὶ πέρα τὴν Ἀνατολὴν καὶ τὴν Ἀντιοχείαν.
Τὰ τέσσαρα πατριαρχειὰ ὅλα σὲ προσκυνοῦσαν,
νἄχουν Ρωμαῖον βασιλὲ καὶ σὲ βασιλοποῦλαν,
μόνην αὐτοκρατόρισσαν, ὡς ὅπου γῆς νὰ στέκης.
Μὰ τώρα ἐσκλαβώθηκες, οἴμοι, ἐγίνης δούλη!

You were a light-bearer of heaven, the star of Aphrodite, the brightest morning star, shining upon the world, shining and refreshing the whole inhabited earth. You made Genoa shine, and Germany too, and beyond them the East and Antioch. The four patriarchates[6] bowed before you, having a Roman as emperor and you as royal princess and the only empress, as long as the world endured. But now you have been reduced to slavery—alas!—you have become a servant.

Ἄκουσε τί ἐμήνυσεν ἡ Βενετιὰ τῆς Πόλης,
ὅταν ἐκαλογροίκισε τὰ μαῦρά της μαντᾶτα:
"Πόλη, τὸ πάσχεις πάσχω το, καὶ τὸ πονεῖς πονῶ το,
καὶ ἡ πολλή σου συμφορά, καὶ μὲ πικρὴ ἐφάνη,
γιατ' ἤσουν ξενοδόχισσα, κυρά, τῶν αἰχμαλώτων,
χριστιανῶν τὸ καύχημα καὶ τῶν ἁγίων δόξα,
τῶν ξένων καὶ τῶν ὀρφανῶν ἡ παρακαταθήκη,
ὁπού 'χες χίλιες ἐκκλησιὲς καὶ χίλια μοναστήρια,
ὅλα τετραπεντάτρουλλα μὲ θόλους ἐκτισμένα,
καὶ σπίτια δίπατα μ' αὐλὲς χρυσομαρμαρωμένες.
Εἶχες νερὰ τρεχάμενα, εἶχες πανώριες βρύσες,
καὶ περιβόλια εὔμορφα μὲ τὰ καρπίσια δένδρα.
Εἶχες καὶ τὴν Ἁγιὰν Σοφιὰν τὸ κήρυγμα τοῦ κόσμου,
ἀπ' ὅπου ἐσοφίσθηκε τοῦ κόσμου ἡ σοφία.
Ἐγέμωσαν τὲς ἐκκλησιὲς οἱ Τουρκοκακογέροι,
κ' εἰς τὴν Ἁγιὰν Σοφιὰν λαλοῦν οἱ ἄσοφοι σοφτάδες,
αὐτοῦ, ὁποῦ ἐδιδάχθησαν οἱ ρήτορες τὸ γράμμα.
Ἀλλοίμονον, πῶς τό 'παθες, Πόλη, καὶ ἐσκλαβώθης;

Listen to what Venice conveyed to the City, when she heard her dark news: "City, I suffer what you suffer, and I feel the pain that you feel. And your destruction was bitter to me: For you, lady, were a refuge for captives, the pride of the Christians and glory of the saints, and a guarantor for strangers and orphans. You had a thousand churches and a thousand monasteries, all with four and five domes, built with vaults, and two-story houses with gold and marble courtyards, and water was flowing, and fountains were gorgeous, and beautiful orchards were filled with fruit trees. And you had Hagia Sophia, the message of the world, from where the wisdom of the world was made wise. The evil old Turks have filled the churches, and in the Hagia Sophia foolish

3 This is a common epithet for the city of Constantinople, which is said to have been built on seven hills, like Rome.
4 The Janissaries formed "a body of professional infantrymen of the Ottoman empire in its heyday," cf. Murphey, "Yeni-Çeri."
5 On Constantine XI Palaiologos, cf. Philippides, *Constantine*, esp. 303–327.
6 These are Antioch, Alexandria, Jerusalem and Rome.

softas[7] teach, there where the rhetors once learned their letters. Alas, City, how did you suffer, you had been enslaved?

Πόλη, τὸ πάσχεις πάσχω το καὶ τὸ πονεῖς πονῶ το·
Πόλη μου, ἐτριγύρισα γῆς τὸν τροχὸν καὶ τόπον
δὲν ηὗρα εὐμορφίτερον νὰ σὲ παρομοιάσω,
νἄχῃ τὴν καλοσύνην σου, νἄχῃ τὰς ἡδονάς σου.
Πόλη μου, τὸ βασίλειον τοῦ οὐρανοῦ ὁμοιάζεις
καὶ πάλιν μὲ τὴν κλήραν σου ταιριάζεις τῶν ἀγγέλων,
μὲ τὸν Εὐφράτην ποταμόν, ὅλη ἡ ἀρχοντιά σου·
πλὴν ἡ τρυφὴ ἐδιάβηκεν, αὐτὴ ἡ παρρησία
παρῆλθεν καὶ ἀπέρασεν, ὡσὰν καπνὸς καὶ πάχνη,
τὰ πράγματά σου ἔμειναν εἰς τῶν Τουρκῶν τὰ χέρια."

City, I suffer what you suffer, and I feel the pain that you feel: My City, I have travelled the places of the earth inch by inch, but I found no beauty like you, that had your grace and your delights. My City, your kingdom resembles the kingdom of heaven, with your heritage you are worthy of the angels, and your great dominion resembles the Euphrates River; yet all that delight and nobility is gone; gone and vanished, like smoke or mist; your possessions have remained in the hands of the Turks."

Τἄκουσεν ἡ Ἑπτάλοφος, θρηνᾷ κι ἀπηλογᾶται:
"Ἀλήθεια λέγεις, Βενετιά, δίκαια μ' ὀνειδίζεις,
ἀμμὴ ἀφκρίσου νὰ σὲ πῶ, ρώτα με νὰ σὲ λέγω·
ἐμὲν ἀφόντις μ' ἔκτισεν ὁ μέγας Κωνσταντῖνος,
ἔκαμεν ἐπιτρόπισσαν κυρὰν τὴν Ὁδηγήτριαν,
νὰ μὲ τηρᾷ εἰς τὰ πονῶ, νὰ μὲ θωρῇ 'ς τὰ πάσχω·
μὰ τὴν ἀλήθειαν τὴν καλὴν πάντα ἐφύλαγέ με,
καὶ τὰ φουσσᾶτα τὰ πολλὰ πάντα ἐτζάκισά τα·
πλὴν τώρα τοῦτον τὸν καιρόν, τὸν πικροκαημένον
ὑψώθη ἡ Πανάχραντος 'ς τοὺς οὐρανοὺς ἐπάνω,
γιὰ τὰ πολλά μου κρίματα καὶ τὲς παρανομίες
καὶ κατὰ παραχώρησιν ἐξέπεσα τοῦ θρόνου·

The Seven-Hilled one heard this; she laments and answers: "You speak the truth, Venice; justly you reproach me. But hear what I tell you; ask me, so that I answer you. Ever since the great Constan-tine founded me,[8] he appointed me the Lady Hodegetria[9] as my protector, as comfort in my sorrows, and as guardian of my pains; and truly she always watched over me, and I always drove back the numerous armies; but now, in this time of bitterness and misfortune, the All-Immaculate ascended up there, high into the heavens, because of my many sins and lawless deeds, and by divine permission I fell from my throne.

ἕνα σκυλλὶ Ἀγαρηνόν, ἀδιάντροπον κοπέλι
τοῦ Μεχεμὲτ ἀπόγονον, τοῦ δαίμονος τὸ σπέρμα,
ἐξέβηκε σοφώτερον παρὰ τὸν κόσμον ὅλον,
ἔβγηκε δοκιμώτερος, ἔγινεν πολεμάρχος,
κι ἀριστερὰ τοῦ τοίχου μου, δεξιὰ τῆς γειτονιᾶς μου,
ἄντικρυ τοῦ προσώπου μου κάστρον ἔκτισε μέγα,

A Hagarene[10] dog, a brazen lad and descendant of Mohammed, the seed of the demon, proved to be more cunning than the whole world and more skillful; he made himself a warlord, and to the left of my wall, to the right of my quarters, and right before my very eyes,

7 The phrase plays on the term *sophia* ("Wisdom") and *asophoi* (the "unwise softas"). *Softas* refers to Muslim theological students or scholars. The poem thus contrasts the *Hagia Sophia* (the "Holy Wisdom") with those whom it polemically presents as lacking wisdom, now speaking where Christian rhetoricians once did.
8 The foundation of Constantinople by Constantine the Great in the year 330 is a frequent theme that occurs in various sources (not only) on the Ottoman conquest of Constantinople, cf. Papayianni, "He Polis Healo," 30.
9 During the reign of Palaelogans (1259–1453), the *Hodegetria* ("she who shows the way") embodied the role of a supernatural defender of Constantinople but has been identified with the Virgin Mary since the 6th century.
10 This denotes the Son of Hagar, mother of Ishmael: At the time, this illegitimate son of Abraham was regarded as the ancestor of the Arabs and, in extension, of all Muslims. Here, it describes Sultan Mehmed II.

κ' εἰς τὰ πλευρά μ' ἀκούμπησε καὶ κατεπλήγωνέ με
[ξάστερα γεβεντίζοντας σταυρὸν 'ς τὸν κόσμον ὅλον].
Ὅσ' ἄστρα εἰς τὸν οὐρανὸν καὶ φύλλα εἰς τὰ δένδρα,
ὅσα πουλάκια πέτουνται εἰς τοὺς ὡραίους κάμπους,
τόσα φουσσᾶτα ἔσυρνε, τόσες χοντρὲς λομπάρδες.
Καὶ κεῖνος ὁ παράνομος ὡς δράκος ἐμορφώθη,
δείχνοντας δράκου σχήματα, θηρίου τὲς φοβέρες·
ἔδειξε πέντε κεφαλές, ὡς τῶν φειδιῶν τὸ γένος,
ἐγύρισε τὲς δίπλες του καὶ γέμισε τὲς σοῦδες,
ἔθηκε τὸ κεφάλι του ἄντικρυ 'ς τὸ Κοσμίδη
καὶ τὴν οὐρά του ἤπλωσεν εἰς τὴν Χρυσέαν πύλην.
Ἐμούγκριζεν ὡς λέοντας, ἐσφύριζεν ὡς δράκος,
κι ἀγρίωνε τὰ μάτια του κ' ἔδερνε τὴν οὐρά του,
κι ἀπὸ τὸν φόβον τὸν πολὺν ρηγᾶτα προσκυνοῦσαν
κάστρα ἐπαραδίδονταν, οἱ χῶρες ἐξοικοῦσαν.

he built a great fortress;[11] he pressed against my sides and struck me grievously, openly insulting the cross before the whole world. As many stars as there are in the sky and leaves on the trees, as many birds as fly in the beautiful valleys, so many armies did he bring with him, so many heavy bombards. And the infidel transformed himself into a dragon and displayed the poses of a dragon, the terrors caused by a wild beast. He showed five heads like serpents; he coiled himself and filled the trenches; he raised his head towards the Kosmidion and spread his tail as far as the Golden Gate.[12] He roared like a lion, hissed like a dragon, his eyes grew wild, and lashed out with his tail. And because of this great terror, kingdoms bowed down, fortresses surrendered, and lands were depopulated.

Ὁ κόσμος ἐσωρεύετο εἰς τοῦ Χριστοῦ τὴν χώραν,
καὶ τὸν Θεὸν ἐδέουνταν μήπως τοὺς συμπαθήσῃ,
ἀμμὴ ὁ Θεὸς δὲν ἤθελεν, ἀλλ' ἦτο ὠργισμένος,
διὰ τὰ ἁμαρτήματα καὶ πλημμελήματά μου·
οὐδ' ἀστραπὴ τοὺς ἔκαψεν, οὐδὲ βροντὴ τοὺς ηὗρεν,
ὁπόταν ἐγεβέντιζαν σταυρὸν 'ς τὸν κόσμον ὅλον,
οἱ † ἄβυχοι † Ἀράπιδες, οἱ καστροτρυπητάδες.
Τίς εἶδε καὶ τίς ἤκουσε 'ς τὴν θάλασσαν γιοφύρι
νὰ περπατοῦν τὰ κάτεργα 'ς τοῦ Γαλατᾶ τοὺς κάμπους
ἀγνάντια εἰς τὸ Σκούταρι, 'ς τὸν Ἅγιον Κωνσταντῖνον;
Τριγύρω ἐφανίσθησαν, ὡς φείδια 'ς τὸ λιβάδι.
Δόλιος ὁ σκευγάτορας, ὁ ψυχοπαραδότης,
ὁ χαλασμὸς τῶν χριστιανῶν, ὁ Χάρος τῶν ἀρχόντων,
αὐτὸς ὁποὺ κατάδειξεν τὴν τρομερὴν λομπάρδαν,
γιατὶ αὐτὴν ἐστήσασι ἄντικρυ εἰς τὰ τείχη.

The people gathered in the land of Christ and begged to God that he might take mercy on them. But God would not; he was angry because of my sins and transgressions. It was not lightning that burned them nor thunder that struck them, when they insulted the cross before the whole world, those *Avili* of Arabia,[13] the destroyers of fortresses. Who has seen, who has heard of a bridge over the sea? That galleys moved through the valleys of Galata, from Scutari[14] toward the Church of Saint Constantine?[15] From all sides they appeared like snakes in a meadow. Treacherous was the canon founder,[16] the traitor who betrayed his soul, the ruin of Christians, the Charon of the nobles, and the one who revealed the terrible bombard, for they placed it facing the walls.

Ἐδὲ 'στραπές, ἐδὲ βροντές, ὁπού 'συρνεν ὁ σκύλλος,
ἐδὲ λιθοβολήματα 'ς τὲς στέγωσες τῆς Πόλης!

See what lightning, see what thunder the dog unleashed; see what stones stroked upon the roofs of the City!

11 With this, the fortress Rumeli Hisari is described.
12 For these terms, cf. 'Making Sense of the Source' down below.
13 This word remains obscure.
14 Scutari was located in the region that is now the Üsküdar district on the Anatolian shore of modern-day Istanbul.
15 This is the Church of the Holy Apostles which was dedicated in ca. 330 by Constantine the Great.
16 With this, the text alludes to the canon founder Urban.

110	ἐδὲ πίκραν καὶ συμφοράν, τὴν εἶχεν ἡ ὥρα κείνη, ἐδὲ κλαυθμὸς καὶ δάκρυα καὶ βρουχισμὸν μεγάλον! Ὅταν οἱ Τοῦρκοι ἔμπαιναν ’ς τ’ ἀρχοντικὰ τὰ σπίτια, τὰ παραθύρια ἐτζάκιζαν, τὲς πόρτες ἐχαλοῦσαν καὶ ἀπὸ τὰ κοινόβια ἐξέβαζαν ἐγκλεῖστρες, ἀπὸ τὰ μοναστήρια ἀρχοντοθυγατέρες.	See the bitterness and misfortune that hour held, see the weeping and tears and loud cries! When the Turks entered the noble houses, they smashed the windows, broke down the doors, and from the convents they drove out enclosed nuns, from the monasteries the daughters of noblemen.
	Τί πίκραν, πόσην συμφορὰν εἶχεν ἡ Τρίτ’ ἐκείνη, τί θλῖψιν καὶ ἀδημονιὰν εἶχεν ἡ κυρὰ Εἰρήνη, ὅταν τὴν ἐκατέβαζαν Τοῦρκοι ἀπὸ τὸν πύργον, ὅταν τὴν ἐκατάσυρναν ἔσω ἀπὸ τὸ κάστρον, ὅταν τὴν ἐξεζώνασιν εἰς τὸ Κατουνοτόπι, ὅταν τὴν ἐξεγύμνωναν, κ’ ἤσουν νὰ τὴν ὑβρίσουν. Ἐδὲ πίκραν καὶ συμφοράν, τὴν εἶχεν ἡ ὥρα κείνη, ὅταν ἀποχωρίζουνταν μαννάδες ’κ τὰ παιδιά των, ὡς πρόβατα τὰ ἔσυρναν, δέκ’ ἄσπρα τὰ πωλοῦσαν.”	What bitterness, what great misfortune that Tuesday held,[17] what grief and sorrow Lady Eirene[18] suffered, when the Turks brought her down from the tower, when they dragged her out of the walls, when they ungirded her at Katounotopi,[19] when they stripped her naked and threatened to dishonor her. See what bitterness and misfortune that hour brought, when mothers were separated from their children. Like cattle they were dragged away and sold for ten aspers.”
	Κλαύσετε ὅλοι, κλαύσετε τὴν ἅλωσιν τῆς Πόλης, τῆς νέας Ἱερουσαλὴμ θρηνήσατε τὴν τύχην, διατὶ ἀπὸ τὸν πόνον μου λεπτογραφεῖν δὲν ἔχω, καὶ μοναχὸς δὲν δύνομαι ὅλα νὰ στιχοπλέξω.	Weep, all of you, weep for the fall of Constantinople, lament the fate of the New Jerusalem,[20] for my pain prevents me from giving the details, and alone I cannot weave everything into verse.

Texts and Contexts

The conquest of Constantinople in 1453, led by the Ottoman Sultan Mehmed II, marked the end of the Byzantine Empire as a territorial power.[21] For Greek-speaking Christians, however, the loss of the city meant more than a change of rule: Constantinople had long served as an imperial capital, a major center of Orthodox Christianity, and a symbol of sacred and political order.[22] Its conquest therefore raised urgent questions about divine protection, belonging, displacement, and the preservation of social ties among dispersed Greek communities.[23] In the following centuries, vernacular poems, songs, legends, and laments kept the memory of the fallen city alive across the post-Byzantine Greek world.[24]

17 The day of the conquest of Constantinople on May 29, 1453, was indeed a Tuesday.
18 This Lady Eirene remains of mysterious origin.
19 The term *Katounotopi* designates a kind of military camp.
20 This is also a common epithet for the city of Constantinople: The designation reflects Constantinople's status in the Christian imaginary as a sacred city under divine protection. By applying a biblical model of the holy city, loss, and lament to Constantinople, the *Thrēnos* presents the conquest not only as a political catastrophe but as the destruction of a Christian sacred order.
21 Cf. Kaldellis, *1453*.
22 Cf. also Goldwyn, “Life after Death,” 93–94; Kubina, “Tuning the Pen,” 3–4.
23 Cf. Szill, *Eroberung*.
24 Cf. Papayianni, “He Polis Healo;” Goldwyn, “Life after Death;” Kubina, “Tuning the Pen.”

The anonymous *Thrēnos tēs Kōnstantinoupoleōs* belongs to this broad tradition of Greek vernacular responses to the Ottoman conquest.[25] It was probably composed in a Venetian Greek milieu, possibly Crete, not long after 1453, but survives only in three 17th-century manuscripts. Two of them date from the period of the siege of Candia (1648–1669), when Venice and the Ottoman Empire were again at war in the eastern Mediterranean.[26] In this later context, the poem's dialogue between Constantinople and Venice may have acquired particular relevance. At the same time, the long gap between the poem's probable composition and its surviving copies makes its original circulation, audience, and reception difficult to reconstruct.[27]

The *Thrēnos* itself is not a chronicle of the siege: Like other city laments, it draws on established conventions of praise, cosmic mourning, sin and divine punishment, lost protection, captivity, desecration, and the personification of the city as a woman. These familiar motifs provided a recognizable framework for interpreting and remembering conquest, while still allowing poets to adapt them to new historical contexts. The poem should therefore be read as a literary source for how conquest could be remembered, interpreted, and gendered, rather than as a reconstruction of the events of 1453. This distinction is especially important when approaching the poem's polemical language: The Ottoman attackers are described through hostile Greek Christian imagery as dogs, beasts, dragons, destroyers, and enemies of the cross. Such terms belong to the rhetoric of lament and anti-Ottoman polemic alike. They present the conquerors as brutal enemies to the Christian community, while intensifying the poem's portrayal of violence and devastation. They should not, however, be adopted as neutral descriptions in modern historical analysis.

Making Sense of the Source

The *Thrēnos* can be divided into three parts: a paratextual frame formed by its opening and closing passages, presenting the conquest as an event which is difficult to narrate (lines 1–31 and lines 124–127); Venice's address, recalling a social order that has been lost (lines 32–59); and Constantinople's answer, explaining her capture through the

25 Cf. Alexiou, *Ritual Lament*, 86: "For no other single event in history were so many laments composed […] as for the fall of Constantinople in 1453."

26 Cf. Déroche, "Les thrènes anonymes," 945; Bzinkowski, "Beauty and Wonders," 25–26; Zoras, "Περί την άλωσιν," 250–253. Papadopoulos-Kerameus, "Θρήνος," 267–269. The three codices are preserved today in the archives of Jerusalem (1656), Athens (fragment, 1668), and Bucharest (dated to the 17th century). MS Jerusalem gr. 160, is of particular importance because it belongs to the *Chrēsmologion Kōnstantinoupoleōs*, a composite manuscript compiled by the Metropolitan of Gaza Païsios Ligarides (1609/1610–1678). This collection combines prophetic, historical, and lamenting material regarding Constantinople, its fall, and hopes for its future liberation, cf. Olar, "Ligarides."

27 City lament was not simply an expression of grief. It offered communities a form through which catastrophe could be interpreted, responsibility assigned, and memories of destruction related to the present, cf. Boyadjian, *City Lament*, 1–3, 11–12, and Alexiou, *Ritual Lament*, 131–150. Although the precise reception of the *Thrēnos* cannot be reconstructed, its vernacular language and dialogic form place it within a tradition in which grief could be voiced and shared collectively.

loss of divine protection (lines 59–123). In this latter part of the poem in particular, the representation of conquest becomes increasingly bodily, gendered, and sexualized.

Within this paratextual frame, the opening verses characterize the conquest of Constantinople as an event that resists description: The speaker's "mind and reason" are thrown into confusion, and their "attempt to weave the sack of the City into verse" falters as soon as it begins (lines 1–2).[28] The final verses return to the same problem: Because of his pain, the speaker can neither recount everything in detail nor "weave everything into verse" alone (lines 127–128). The beginning and ending of the poem thus frame the dialogue between the two cities, following a common logic of ritual lament in which grief exceeds ordinary expression but still requires poetic form.[29] The *Thrēnos* therefore presents itself as an attempt to put a catastrophe into words without turning it into a historiographical account. Instead, it organizes the conquest through lament, praise, dialogue, and theological explanation.

After the first two verses, the *Thrēnos* expands the Ottoman conquest into a cosmic event: Mountains are told to mourn, stones to crack, rivers and springs to run dry, the moon to cease shining, and the sea to roar over the city's misfortune (lines 3–9). By calling Constantinople "the key of the whole inhabited world" and "the eye of the East and of Christendom" (lines 5–6), the poem presents the conquest of the city not merely as a military defeat. It becomes a disruption of the natural, sacred, and social order.[30] The association of Constantinople with the "New Jerusalem" (line 126) at the very end of the *Thrēnos* reinforces this sacred dimension by linking the closing lament back to the cosmic scale of the opening.

This paratextual frame also introduces the poem's gendered representation of conquest: Constantinople is addressed as the "Lady of the Seven Hills" (line 13), sentenced to death by "wild beasts" and overwhelmed by innumerable armies who acted "like fierce locusts, like poisonous wasps" (line 16). The poem then first turns to violence against male political and social elites: The emperor is killed, his blood mingled with that of the many, members of the nobility are murdered, and survivors are left to wander as strangers in foreign lands (lines 17–22). Constantinople herself, by contrast, is not represented simply as a political space nor is her fate described in the same terms as the killing of the emperor and nobles: Within the poem's Christian vision of world order, she appears as a sovereign female figure—as a "royal princess," and "the only empress," honored by the four patriarchates and linked to imperial rule (lines 29–30). Her present condition, however, has reversed this status, as she has been "reduced to slavery,

28 This dual reference to weaving also recalls the Ovidian Metamorphoses of both Arachne as well as Procne and Philomela which further intensify the sexualized violence described in the *Thrēnos*, cf. 'Through the Lens of Femicide' down below; Wesselmann, *Zunge*, 37; 90–93; Laseur, *Web of Rape*. On sexualized violence in Late Byzantine conquest narrative, cf. Szill, *Eroberung*, 140–144.

29 On this, cf. Alexiou, *Ritual Lament*, 86–88; 131–185; Karanika, "Messengers," 226–232.

30 This cosmic scale also places the poem within a longer tradition of city laments, in which the fall of a city could be interpreted through natural signs, divine punishment, and biblical models of destruction, cf. Karanika, "Messengers," 229–230.

and—alas—ha[s] become a servant" (line 31). The gendered contrast is therefore not simply between death and survival. While male authority is represented through explicit killing, bloodshed, and exile, the female city is placed in a different register of conquest violence: She is condemned, stripped of sovereignty, enslaved, and reduced from empress to servant.

The dialogue with the city of Venice—the second part of the poem and its most distinctive structural feature—further highlights this contrast: It shifts the lament from the speaker's direct address to a conversation between two female cities. Having heard Constantinople's "dark news" (line 33), Venice relates to the suffering of her interlocutor: "City, I suffer what you suffer, and I feel the pain that you feel" (line 34, repeated in line 50). Venice is therefore not a detached observer. As a historically connected counterpart, she turns the conquest of Constantinople into a shared grief and political memory, while also giving the lament an interlocutor from the Latin Christian West. In the poem's later 17th-century manuscript context, this position may have acquired additional resonance: Against the background of the siege of Candia, the fate of Constantinople could also reflect Venice's own vulnerability.[31]

This shared grief takes shape in Venice's reconstruction of what Constantinople had once been: Recalling the city's former role as a place of protection, Venice remembers her as a refuge for captives, strangers and orphans, as the pride of the Christians, and a guarantor of sacred and communal order (lines 36–38). Her speech then unfolds into a catalogue of the city's churches, monasteries, vaulted buildings, gold-and-marble courtyards, running waters, fountains, gardens, and fruit-bearing trees (lines 39–43), with the Hagia Sophia as its core: The church "from where the wisdom of the world was made wise" (lines 44–45) is presented not only as a sacred building, but as the intellectual and symbolic centre of the lost city. Venice's praise therefore does more than recall the city's former splendor. It presents Constantinople as a city the greatness of which consisted of protection, sanctity, learning, abundance, and beauty.

As the third part of the poem, Constantinople's answer shifts the focus from the recollection of loss to its theological explanation: She accepts Venice's reproach (line 61) but then explains that the Hodegetria had served as her protector since the reign of Constantine the Great (line 64), watching over her suffering and helping her repel earlier attacks (lines 65–67). But since the "All-Immaculate" has withdrawn because of the city's sins and transgressions, Constantinople has fallen from her throne "by divine permission" (lines 70–71). The dialogue thus moves from shared grief and the recollection of the city's former state to an explanation of the catastrophe: Venice mourns what has been lost; Constantinople explains why the loss occurred. This explanation itself is gendered: A female city loses the protection of a female divine guardian and becomes exposed to male conquest.

31 Cf. briefly Bzinkowski, "Beauty and Wonders," 26.

The siege of the city is then narrated through bodily and monstrous imagery: Sultan Mehmed II is said to have built a fortress "right before [her] eyes," pressed against her sides, and struck her grievously (lines 77–78). He then becomes a dragon (line 83), with his heads, coils, and tail stretching along the entire length of the Theodosian Walls from the Kosmidion at its northern point to the Golden Gate in the south (lines 85–90). This image maps the attacker's monstrous body onto the military geography of the siege. At the same time, Constantinople, too, has a face, sides, wounds, and a voice. She can be approached, pressed, struck, and overwhelmed. The attacker's military pressure and the female city's vulnerable body therefore overlap: The siege is represented as an assault on a female city's bodily boundaries, preparing the later scenes of intrusion, stripping, threatened dishonor, and captivity.

The final section of the *Thrēnos* shifts from the female city to women's bodies and specific social positions. The attackers enter noble houses, smash windows, break doors, drive enclosed women from convents, and take noble daughters from monasteries (lines 112–115). Violence first crosses the thresholds of houses, convents, and monasteries before the account narrows down to the experience of an individual woman. The poem therefore presents conquest as the destruction of protected spaces such as aristocratic households, religious enclosure, and sacred community. This destruction has its most intense form in the scene of Lady Eirene: She is brought down from the tower, dragged out of the fortress, ungirded at Katounotopi, stripped naked, and threatened with "dishonor" (lines 117–121).[32] The last images move from sexualized exposure to the rupture of familial bonds and commodification: Mothers are separated from their children, captives are dragged away "like cattle," and they are sold for ten aspers (lines 123–124). The poem thus closes the account of violence not with military victory, but with the rupture of maternal bonds and the reduction of people to commodities.

The *Thrēnos* therefore traces a progression from cosmic disorder to bodily vulnerability, and from the female personification of Constantinople to women in specific social groups. Enclosed nuns lose religious enclosure, noble daughters lose protection, Lady Eirene faces sexualized exposure and threatened dishonor, mothers are separated from their children, and captives are sold. The poem does not merely add these women to a narrative about conquest. It uses female personification, former 'safe spaces'[33] for women, and violence against women to represent the conquest of Constantinople as the collapse of an entire protective order.

32 The term remains deliberately cautious: In this context, the sequence of ungirding, stripping, captivity, and exposure strongly suggests threatened sexual violation, without requiring the translation to impose a modern legal term on the broader Greek wording.

33 The term 'safe space' is used here in a source-specific sense to describe houses, convents, monasteries, towers, and fortresses as spaces which, according to the speaker, offered women protection from external military violence. It does not imply the absence of domestic, institutional, or gendered violence within them. On the violent intrusion into women's houses, cf. Armstrong-Partida, "Precarious Manhood," 149–151, Luiten, "Slavery," 165–168, and the contribution by Corinna Peres in this reader, no. 28.

Through the Lens of Femicide

Conquest violence generally affects entire populations and cannot be divided neatly into male and female experiences. During war and conquest, men and women alike could be—and were—killed, displaced, enslaved, separated from their families, and sold. The mere presence of female victims in a source therefore does not make an account specifically gendered, let alone femicidal. The decisive question is rather what violence against women is meant to signify —and why female bodies and their assigned social roles become significant to the source's representation of conquest.[34]

In the *Thrēnos*, conquest is not only depicted through the death and the fall of the city but also through its subjection and objectification. This shift is already inherent in the personification of Constantinople as a female city itself: Although she initially appears as an empress and bearer of the political and sacred order, her position nevertheless depends on the protection of divine power that is female itself. Once her guardian withdraws, the city falls into slavery. The loss of the city's sovereignty is thus rendered as a transformation of her status: Rulership is transformed into subjection, protection turns into exposure, and the power to take action gives way to the power of others to take control.

The conventions of city lament make this gender-specific representation possible: By giving Constantinople a female body, voice, status, and history, the author of the *Thrēnos* unites the fall of a polity and the subjection of a woman in a single figure. Her defeat acquires a specifically gendered meaning because, as a female ruler, she is not merely deprived of political power but rendered vulnerable to forms of domination associated with women—exposure, servitude, and appropriation by men. Hence, her enslavement signifies more than a personified defeat. It presents conquest as a process through which female authority, protection, and social status are converted into servitude and male possession.

The women who appear at the end of the poem—the nuns, the noble daughters, and mothers—carry this perspective onto a bodily and social level: They are not merely extensions of the personified city. Rather, they show what Constantinople's enslavement meant for the social lives of women: During conquest, women were driven from houses and religious places, stripped naked and threatened with sexual violation, were separated from their families, treated as commodities and sold. The fall of the female city and violence against women thus illuminate one another: Constantinople's defeat creates the conditions for their appropriation, while their treatment reveals what conquest meant beyond military victory on the battlefield.

The poem's femicidal logic lies precisely in this process: Violence is directed not only against individual women but against the conditions under which their bodily integrity, social status, and relationships could be maintained. Female sovereignty is turned into servitude, religious and domestic protection into forced removal, clothing into nudity,

34 Cf. Zanetti Domingues/Caravaggi/Paoletti, "Introduction."

maternity into separation, and social belonging into possession. Conquest is thereby presented as a process that places female bodies at the disposal of other men.

The contrast between killing and subjection sharpens this point. The deaths of the emperor, members of the elite, and "the many" mark the destruction of the existing political order. The female city and the women associated with her show how conquest continues after the collapse of political rule. Their survival under captivity and enslavement is not the opposite of defeat. It extends the conqueror's power over bodies, mobility, sexuality, and kinship.[35]

Thus the result is not simply a contrast between men who die and women who survive. The poem does not claim that killing belonged exclusively to male experience or that captivity belonged exclusively to women. Rather, it assigns different representational functions to these forms of violence: Killing marks the collapse of political rule; the subjection of female figures shows how conquest becomes a social condition. Female survival is therefore not the opposite of destruction, but one of the ways in which domination persists. Read through the lens of femicide, the *Thrēnos* thus shows how the capture of a female city becomes the means through which conquest is imagined as an enduring power over the bodies, relationships, and future of the defeated.

Further Questions

1. Where should the boundary be drawn between femicide and femicidal violence? The *Thrēnos* does not explicitly narrate the killing of a named woman, but it does represent conquest through the enslavement, exposure, dishonoring, and social destruction of female-coded bodies and roles. Does this make the poem a source for femicide, or rather for the wider structures that make femicide thinkable?
2. What does the female personification of Constantinople do in the poem? Is the City of Constantinople imagined as a woman merely because this is a conventional feature of lament, or does the poem use this convention to make conquest legible as a form of gendered bodily violation?
3. How should modern readers handle the poem's hostile religious and ethnic language? The text describes the Ottoman attackers through polemical Christian imagery. How can gendered violence in the poem be analyzed without reproducing its anti-Ottoman rhetoric?

35 On gendered consequences of conquest, cf. Lerner, "Women and Slavery."

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31 "Eight Bricks and A Blood-Stained Image:" Remembering War Crimes

Ying Zhang

Sources: Imperial Chinese history witnessed cycles of dynastic change, some of which involved extremely violent, large-scale conquests. A few dynasties were established by royal houses from ethnic backgrounds distinct from the Han Chinese, such as the Mongols and the Manchus. The sources introduced in this chapter show how they continued an official historical practice that promoted female exemplars, and how these women's biographies were transmitted in local histories and private writings.

Source 1: "Biographies of Exemplary Women"列女傳, *Song History* 宋史, 460.14a-b.

1 譚氏婦趙, 吉州永新人。至元十四年, 江南既內附, 永新復嬰城自守。天兵破城, 趙氏抱嬰兒隨其舅、姑同匿邑校中, 為悍卒所獲, 殺其舅、姑, 執
5 趙欲污之, 不可, 臨之以刃曰：從我而生, 不從則死。趙罵曰：吾舅死汝, 吾姑又死於汝, 吾與其不義而生, 寧從吾舅、姑以死耳。遂與嬰兒同遇害。血漬於禮殿兩楹之間, 入
10 磚為婦人與嬰兒狀, 久而宛然如新。或訝之, 磨以沙石不滅, 又煅以熾炭, 其狀益顯。

15

20

Ms Zhao, married to the Tan family, was a native of Yongxin County in Ji'an Prefecture. In the year of Zhizheng 14 (1277), Southern China had completely surrendered (to the Yuan). But Yongxin resumed loyalty [to the Song] and staged a lonely defense. The Heavenly Army (of the Yuan) sacked the city. Ms Zhao held her baby and hid with her parents-in-law in the county academy. The soldiers captured them. They killed her in-laws and attempted to rape her. She resisted. They threatened with swords: "You can live if you surrender. You will die if you don't." Ms Zhao cursed: "You have killed my father-in-law and also my mother-in-law. I'd rather follow them to death than live unrighteously." She and her baby were killed together. Their blood stained the bricks between the two columns in the main hall, leaving the image of a woman holding a baby. This image never faded. Surprised by the image, someone sanded the bricks, but the image did not disappear. He then placed hot charcoal over the bricks, but the contour of the image became even clearer.

Source 2: "Biographies of Exemplary Women 列女傳," *Wanli Yongxin County Gazetteer* 萬曆永新縣志 (adopted in the early-Qing reprint ed., National Library of China), 5.24a-b.

譚烈婦趙氏，宋宗室女也，德祐末江南既入元，永新獨城守不下。譚烈婦趙氏，宋宗室女也，德祐末江南既入元，永新獨城守不下。宋叛帥劉槃引元兵破城，趙抱其嬰兒舉家匿邑校大成殿中，為叛兵所執，殺其舅姑及夫，脅趙使從己，不可。臨之以刃曰：從則生否則死。趙罵曰：我良家子寧從舅姑與夫死耳，豈從爾狗鼠輩生邪。遂與嬰兒同遇害。血漬殿兩楹八磚間，為婦人抱嬰兒狀，磨以沙石不滅，復煅以熾炭，狀益顯。入我明事聞詔立貞烈祠，春秋邑長吏蒞祀事。

The martyred woman of the Tan family, Ms Zhao, was born a member of the Song imperial clan. Near the end of the Song dynasty, Jiangnan had fallen to the Yuan control. The Yongxin county alone put on a defense. Liu Pan, a general who betrayed the Song, guided the Yuan army into the county. Ms Zhao carried her baby and followed the whole family into hiding in the Dacheng Hall of the county academy. The treacherous soldiers captured them, killing Ms Zhao's parents-in-law and her husband and pressing her to surrender. She resisted. They threatened with swords: "You can live if you surrender. You will die if you don't." Ms Zhao cursed: "I am not from a debased family. I'd rather follow my parents-in-law and husband to death than live on by associating myself with dogs and rats like you!" She and her baby were both killed. Their blood stained the bricks between the two columns in the main hall, leaving the image of a woman holding a baby. The image remained intact even when the bricks were sanded. When someone placed hot charcoal over the bricks, the contour of the image became even clearer. In our Ming dynasty, this was reported to the court. The imperial edict ordered the construction of a Shrine to the Faithful and Heroic. County officials would visit the shrine twice a year to perform sacrificial rituals.[1]

Source 3: "The Shrine of the Heroic Wife of Tan in Yongxi" 永新譚烈婦祠. In "Records of Shrines 祠祀志," *Ji'an Prefect Gazetteer*吉安府志 (Qing Shunzhi ed.), 16.9b.

祀宋死烈譚婦趙氏，今祠改舊學聖殿儀門址上，後有八磚影亭。弘治中詔賜貞烈祠額，以春秋仲月上旬祭之。

The shrine commemorates the Martyred Heroic Wife of Tan, Ms Zhao. Now the shrine has been moved to the main gate of the former Xuesheng Hall (of the county academy), with a Pavilion for the Incarnation on Eight Bricks. During the Ming Hongzhi reign, the imperial court bestowed a tablet, "Faithful and Heroic," upon the shrine and ordered official sacrifices to be offered in the first half of the second month of the spring and the autumn.

1 In imperial China, on the local level, these would be considered important state-sponsored sacrificial ceremonies.

Source 4: Excerpt, He Sunyi 賀貽孫, "Essay on the Heroic Woman Tan and the Eight Bricks" 譚烈婦八磚記, *Shuitianju quanji* 水田居全集, 4.5a-6a.

是時譚婦趙氏夫婦聞變抱其三歲兒，隨舅姑匿學宮。元兵至殺舅姑及其夫，欲汙趙氏，趙氏憤甚抗聲大罵，賊怒殺之並刃其子，血流聖殿八磚，若婦人抱嬰兒狀。時元十四年七月十九日也。有屠者伏梁上，出為人言甚悉. 久之有司謁學宮，見血磚滌之不去，磨以砂石又不去，復煅以猛火，乃更鮮明。築土和灰石以墁之，其厚三寸，須臾血痕出墁上如前狀。

When Ms. Zhao and her husband, Tan, learned that the county had fallen (as a result of Liu Pan's treacherous actions), they carried their three-year-old boy and hid in the county academy with Tan's parents. The Yuan troops arrived and killed her parents-in-law and her husband. Facing an attempt at rape, Ms. Zhao was outraged and loudly resisted. The soldiers killed her and slayed her son. Blood stained eight bricks on the floor of the academy hall, forming the image of a woman carrying her baby. This occurred on the nineteenth day of the seventh month of the fourteenth year of the Yuan [Zhizheng era]. A butcher hiding in the ceiling witnessed all of this. He survived and described to people what he saw in detail. After a while, when officials visited the academy, they saw those blood-stained bricks. They ordered the bricks rinsed, but the image would not disappear. They had the bricks sanded and burned, all to no avail. Instead, the image grew even brighter. They then ordered the bricks to be paved with cement about three inches deep. In a moment, the blood image resurfaced on the pavement, looking exactly the same as before.

至清順治庚子知縣王登錄復加墁焉，厚倍於前墁，血痕復出新墁上，如前狀。時已閱三朝四百餘年矣。

In 1660, during the Qing Shunzhi era (1644–1661), the magistrate Wang Denglu added another layer of pavement, doubling the depth of the previous pavement. Yet the blood image reappeared like before. It has been over four hundred years across three different dynasties.

余乃覩八磚而愾然嘆也。…… 所謂叛人劉槃者，不但人骨俱腐並其子孫亦削其家譜名字以滅人耳目，獨此八磚殷殷斑斑，輝耀學宮，千秋萬世傳之無窮，然後知彼時幅員之壯兵威之強，以八磚視之不過劍首一吷、蜉蝣一瞬而已.

I saw the eight bricks and heaved an emotional sigh. …… As for the aforementioned treacherous general Liu Pan, not only did he leave no legacy, but his descendants concealed their family history to avoid public condemnation. In contrast, these eight bricks and the intense blood stains radiate in the academy hall. The memory will last for thousands of years, across many generations to come. In this sense, the vast territories and the extraordinary military power (of the Yuan empire) feel as trivial as the noise from blowing air through the tiny ring on a sword, as transient as the life of a mayfly

Texts and Contexts

The Mongol conquest of China unfolded over decades before and after the establishment of the Yuan dynasty in 1271, officially completed with the drowning of the last emperor of the Song dynasty in 1279. People's lived experiences of war-related violence varied across regions, depending on when and how they came under Yuan control. Their experiences were also shaped by their ethnicity and gender.[2] The death of Ms. Zhao represents a familiar type of femicide, the killing of women in war, which has persisted as a form of gendered violence until today. The records of Ms. Zhao's death, between the 13th and 17th centuries, reflect how premodern Chinese state and society remembered this type of femicide and how such commemorations connected ethical norms, gender ideals, and religious practices.

For the residents of the Yongxin county of the Jishui prefecture in Jiangxi, memories of the war during the Song-Yuan dynastic transition remained traumatic. Soon after the Mongols conquered the county, eight prominent clans here decided to join the resistance effort of the heroic prime minister of the Song dynasty, Wen Tianxiang 文天祥 (1236–1283), their native son. They took the county back from the Mongol hand in 1277, but lost it again when Liu Gai, a native and Song general who secretly joined forces with the Mongols, defected two months later. The leaders of the eight clans and their 3,000 family members escaped but were cornered near a lake. Unwilling to surrender or subject themselves to executions, they all committed suicide in the lake. Ms. Zhao's marital family, surnamed Tan, belonged to one of those eight prominent clans, but she died in the county administrative center when the Yuan army sacked it.[3]

In 1644–1645, this area experienced another brutal dynastic transition as the Manchu-ruled Qing dynasty (1636–1911) defeated the army of the Ming dynasty (1368–1644). Due to its strategic importance and strong resistance leadership, the county witnessed a resurrection of the Ming loyalists.[4] Like what happened during the Song-Yuan regime change, the county changed hands a few times, resulting in endless devastation and tremendous fatalities. Thus, local memories of war were as heavily layered as their experiences of trauma for many centuries.[5]

The four sources represent several types of texts that record women's deaths as victims of gender-motivated violence during wartime or in peacetime in premodern China: official (dynastic) histories, biographies in local gazetteers, local records of religious sites, and literati essays. In dynastic China, court historians wrote the history of the previous dynasty.[6] Since medieval times, dynastic histories have included biogra-

2 For a classical study on the changes and continuities from the Song to the Ming dynasties, see Smith and Von Glahn, *The Song-Yuan-Ming Transition*.

3 Multiple editions of the county gazetteer have described this history. The most recent edition of the Tan family/village genealogy clarifies that Ms. Zhao's husband died as a resistant fighter in the lake as well.

4 For the history of the Ming resistance in southern China, see Struve, *The Southern Ming*.

5 See the dissertation by Rike Szill, one of the contributors of this volume, *Eroberung einschreiben*.

6 Wilkinson's Chinese history manual offers a good overview of the Chinese historical practices. See its most updated, paperback edition: Wilkinson, *Chinese History: A New Manual*, vol. 2, 1095–1224.

phies of exemplary women. Local gazetteers, in their chapters on prominent figures, increasingly featured exemplary women who were either born or married in the area. The main criteria for women to receive imperial honors or local recognition, though changed over time, focused on promoting those who exhibited extreme dedication to their families or took heroic actions to defend their sexual purity.[7] Local historical records describe the geography, administration, and religious institutions, including information about shrines to exemplary men and women. Local literati often composed poems and essays on these sites and individuals to commemorate them. Some national literary giants also contributed to this memorial repertoire with their own works if they had personal connections to these places.[8]

The genres mentioned above often inspired or drew on one another in their content and discursive focus. But they could also differ tremendously and, in some cases, contradict each other. The sources selected for this analysis of Ms. Zhao's death demonstrate continuity and similarity compared to the case discussed in this section. In other words, historical records on exemplary figures are not as heavily edited for coherence and consistency as we might assume. Rather, they reflect varied agendas, aspirations, and legacies on state, social, and individual levels. For historians, it is important to read these sources together to situate gender-related violence in broader contexts: Although the rape of women and its deadly consequences are prevalent, the specific ways in which they were understood and remembered varied in different societies and communities. Even among premodern Chinese, competing views toward women's victimhood engaged with the dominant discourse of female chastity in multiple ways.

Many other sources related to Ms. Zhao have survived, including poems and more biographies. The most recent edition of the family genealogy of the Tans, published in the early 2000s, is but one of the newest additions.[9]

Making Sense of the Sources

The sources translated in this chapter are presented in chronological order. Source 1 is the earliest surviving record of Ms. Zhao's death. Because it was the Yuan court historians who compiled this section on exemplary women in the *Song History*, the conventions dictated that the intended readers would appreciate these figures as ideal types: loyal wives, filial daughters, and heroic women who would rather die than live in dishonor. These conventions perpetuated the gendered expectations that a woman's roles and responsibilities centered around serving the interests of her natal and marital families. These expectations, when internalized, encouraged some women to take extreme measures to perform female chastity. The ideal types flatten women's lives and

7 Yi, "From Female Martyrs to Worthy Mothers."
8 For a historical analysis of local gazetteers, see Dennis, *Writing, publishing, and Reading Local Gazetteers*.
9 Tan Jiaqing. Ed., *Yongxin Fengxian Tan cun cunpu*. The book is named as "village genealogy" instead of family genealogy to adapt to new government policies.

decisions in the real world. But when we read the biographies closely, their diversity and complexity emerge.

Writing the history of the conquered from the perspective of the conqueror, why did court historians of the Yuan dynasty include the women victimized during their brutal conquest as moral exemplars? They indeed continued the previous dynastic historiographical traditions and ideology that eulogized exemplars for their universal virtues such as loyalty, female fidelity, and righteousness. However, recording women as war victims is a double-edged sword. On the one hand, the devastations caused by wars, especially their impact on women, are kept alive and constantly reflected on. On the other hand, emphasizing the universality of violent threats against women flattens the historical context. The Yuan court historians did not (have to) stress that it was the Mongol conquest that put women in such terrible situations. As a result of this type of historiographical practice, exemplary women were allowed to have moral agency only when they were forced to accept one set of these terrible choices: death-honor vs. rape-dishonor. In other words, the individual woman, not the war perpetrators, takes all the moral responsibilities. Conquests and wars are naturalized as part of the inevitable cycles of dynastic change,[10] while women must make the normative decisions about their bodies. In the case of Ms. Zhao's biography, her defiance against the rapist invaders is highlighted, while words such as "Heavenly Army" and "soldiers" draw a vague background of war turbulence, generalizing and even justifying the circumstances in which gender-motivated mass violence occurred.

Meanwhile, these women's physical suffering is commemorated by invoking miracles and magic, a common practice in the premodern Chinese religious approach to politics. In Ms. Zhao's biography, the brutal killing of her and her baby after she refused to sexually surrender her body is graphic and, for this reason, eternalized in the image on the stained bricks. Paradoxically, this tradition—memorializing exemplary figures' physical suffering by deifying them or extending their existence magically[11]—perpetuated and even strengthened the dominant ideologies that continued forcing women to face equally terrible choices in times of war and violence.

Source 2 shows one of the ways in which local actors could appropriate the state promotion of exemplary women to enhance their own cultural capital. In this edition of the Yongxin county gazetteer (early 17th c.), the biography includes an intriguing detail absent elsewhere. It claims that Ms. Zhao was born into the Song imperial clan. Although the Tans were locally prominent and, indeed, some imperial clan members of the Song dynasty, surnamed Zhao, resided in this area, to our knowledge, Ms. Zhao had no ties to the Song royals. Local prominent writers who have written about Ms. Zhao after the Yuan dynasty collapsed do not support this theory either. Giving

10 The Chinese integrated moral understanding of the cosmos into the cyclical conceptualization of history. For a summary of the idea of dynastic cycle theory and how it was practiced in the Yuan dynasty, see Mote, *Imperial China*, 518–519.

11 Ying Zhang, "The Truths of Suffering and Injustice."

Ms. Zhao a royal identity elevates the political significance of her death. It also helps redefine her killing as an inevitable result of social disorder and disloyalty. In this rendition, Ms. Zhao represents the legitimacy of the fallen Song dynasty. The general Liu Pan and his troops are clearly labeled as "treacherous leader" and "treacherous soldiers" who betrayed the Song royal family and inflicted violence and devastation in Yongxin. Accordingly, the biography added a few more words supposedly said by Ms. Zhao before her death, stressing her class identity as a woman of good standing vis-à-vis the uncivilized traitors who were men from lower classes. These elements turn the narrative into a familiar one of social disorder endangering reputable women. Meanwhile, the eight bricks and the blood-stained image, now enshrined for regular official sacrifices, as source 3 shows, also allow for diverse interpretations of Ms. Zhao's physical suffering.

Source 3 exemplifies the material dimension of commemorating the death of Ms. Zhao. The local gazetteer of Yongxin County documents the shrine's location. Maps corroborate the details, although there seem to be two different names that the locals used for the pavilion built for the shrine. On the map, it is called the Pavilion for Honoring Integrity 敬一亭, while the entry in the local gazetteer refers to it as the Pavilion for the Incarnation on Eight Bricks 八磚影亭. The co-existence of these two names is symptomatic of the fact that Ms. Zhao's death provokes different attitudes toward women's victimization by war-related violence, which do not necessarily contradict each other but, nonetheless, and importantly, point to different emphases.

Source 4 is an essay authored by He Yisun, a member of a prominent clan of Yongxin County in the seventeenth century. The excerpt translated here captures certain sentiments prevalent among educated men during the violent conquest by the Manchu-ruled Qing dynasty. During this dynastic change, more than four centuries after the Mongol Yuan conquest and Ms. Zhao's death, Yongxin County once again experienced prolonged wars between the invaders and the resistance forces. He Yisun became a so-called "remnant subject," adopting a monk-like appearance to avoid serving the new government.[12] In his essay, He does not elaborate on Ms. Zhao's death. Instead, the animated blood remains central. Adding to the Ming-era record, he notes that in the new dynasty, magic recurred: the magistrate repeated his predecessor's attempt to cover the bloodstained image with cement and even doubled down on the effort. Yet once more, the blood penetrated the cover and reemerged.

The immortality of the victim's blood formed a stark contrast to the physical and historical erasure of the traitor Liu Gai. In this source, the contrast between Ms. Zhao and Liu Gai, both 13th-century residents of Yongxin, serves a particular rhetorical purpose for He Yisun, a reflection on mortality and spirituality. Empires come and go. Like humans lacking honorable spirits, military power is short-lived and meaningless. Exclusion from the family genealogy was the harshest punishment reserved for men whose behavior damaged a family's reputation. He's reflection represented an impor-

12 For a comprehensive overview of this history, see Wakeman, *The Great Enterprise*, vol. 2.

tant trend in the long seventeenth century in China, when the Confucian scholars became increasingly interested and explicit in theorizing the immortality of extraordinary moral exemplars. The Ming-Qing dynastic change catalyzed the development. During this period, it was believed that "over half of China's population perished."[13] Some people died for the moral causes they believed in, such as loyalty and female chastity; others were brutally killed or lost their lives to a combination of war-related economic and environmental disasters. Such huge losses amounted to a significant part of the "Seventeenth-Century Global Crisis." Confucian thinkers traditionally distanced themselves from discussions of the afterlife, in contrast to other prevalent belief systems in China such as Buddhism and Daoism. But the internal intellectual development of Confucianism and its engagement with popular religion, Catholicism, and the broad socioeconomic and political changes made a Confucian theory of eternity much more urgent and appealing.[14] He Yisun's writings frequently explore this concern, as in this essay on Ms. Zhao's death and the Eight Bricks. He claims to have seen the bloodstained image on the bricks. To him, the sighting has confirmed that people who died heroic deaths would not only be accessible virtually through historical texts but also continue to be present in this world. The persistence of the blood, no less vigorous and defiant after four hundred years and two dynastic changes, is enough to prove that theory.

Through the Lens of Femicide

The Vienna Declaration on Femicide recognizes "targeted killing of women and girls in the context of armed conflict" as one of the forms of femicide. Scholars of international relations have shown how wars and military forces interact with local gender systems in particular ways. Women captured in wars were systematically raped, enslaved, and trafficked. The killing of Ms. Zhao was gender-related because she refused to become a war trophy, while her parents-in-law instantly lost their lives for lacking value to the troops.

There were at least three ways in which Ms. Zhao's killing was remembered in early modern China. It symbolized the savagery of foreign conquerors and could be invoked for nationalism. It was generalized to promote the patriarchal ideal of female chastity, the determination of a woman willing to give up her life rather than live in dishonor. Yet to some people, the physical suffering and destruction of a woman's body seemed too painful to tolerate political appropriations. This last way of remembering her aligns well with the feminist interpretation of femicide as an integral part of armed conflict.

13 Parker, *Global Crisis*, 77.
14 Lu, *Chensheng yu jiating renlun*.

Further Questions

1. Is the boy's death significant in this story for understanding femicide? Why or why not?
2. How do we interpret the sympathy and even admiration expressed by the perpetrators of war crimes toward the victims?
3. Do you see major differences between this example and others presented in this book in the ways in which women's sufferings have been commemorated?

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32 Narratives of the Victorious or Practices of the Vanquished? Infanticide and the Indigenous Cultures of the Canary Islands

Julia Bühner

Sources: This contribution discusses different passages from accounts on the conquest of the Canary Islands (1402–1404). They are all written from a European perspective, reporting on indigenous practices of infanticide. Before their submission under Christian rule, the indigenous population would have killed their offspring for population control, thereby guaranteeing survival in times of scarcity.

Source 1: Miguel Santiago Rodríguez. Ed. "Canarias en el llamado 'Manuscrito Valentim Fernandes' (conclusión)." *Revista de Historia* 80 (1947), 539–550, here 544.

1	*Insula de Palma.*	Island of [La] Palma.
	Sunt homines et mulieres magni corporis. Et sunt rustici siluestres; ac sunt feroces. Et habent	They are men and women of large stature. And they are wild, barbaric[1] people; and they are fierce. They keep among themselves a number
5	*numerum inter se quantum possunt sustentare in tota Insula, et nolunt filios suos proprios consentire viuere vltra numerum illum. Et si nascuntur plures filii quam pertinent ad suum numerum, tunc pater et mater accipunt alium lapi-*	which they can support on the whole island, and they do not allow their own children to live beyond that number. And if more children are born than belong to their number, then the father and mother take a stone and strike
10	*dem, et dant in caput pueri et ffrangunt ei caput, et sic interficiunt eos dispenses oculis in cerebro in terram: quod magna crudelitas parentum est. Similiter faciunt, quando aliquis Christianus in Insulam illam transit; si exoedit numerus*	the child on the head and break its skull, and thus they kill them, with their eyes and brains scattered on the ground: which is a great cruelty of the parents. They do the same when any Christian travels to that island; if their number is exceeded at that time, they kill him;
15	*eorum illa hora; si non, mittunt eum viuere.*	if not, they allow him to live.

Source 2: Abreu Galindo, Fray Juan de. *Historia de la conquista de las siete islas de Canarias*. Edited by Osorio Acevedo. Rivas-Vaciamadrid: Mercurio Editorial, 2021, here 139.

1	*Libro Segundo. De la conquista de la isla de Gran Canaria. Capitulo VI: Que prosigue lo que hay en esta isla de Canaria, y estatutos de matar las niñas.*	Second Book. On the conquest of the island of Gran Canary. Chapter VI: A Continuation of What Is Found on This Island Canaria, and Laws Concerning the Killing of Girls.

1 The *rusticus* is a barbaric topos, meaning people of rude manners, savages. Here ideas of inner-European social differences between nobles and peasants were applied on indigenous peoples. See Bühner, "Furchtlos vor der Macht des Schicksals," 267–294.

Había en esta isla muchos hombres, y muchas más mujeres, que se dice juntarse catorce mil hombres, y viendo como iban en crecimiento y que los mantenimientos les faltaban, y no se cogían frutos que bastasen á su sustento, por no vivir en estrechura, entrando en consulta y congregación á que llamaban Sábor, acordaron e hicieron un estatuto para que se matasen todas las hembras que de allí adelante naciesen, con que no fuese los primeros partos que las mujeres hacían, porque á los tales vientres reservaban para su conservación, y supliesen los frutos que la tierra produjese, y no les faltase como había sido los años atrás. Este estatuto y ordenanza duró pocos años, porque fué Dios servido dar en esta isla una grave enfermedad, que faltó de tres partes de la gente las dos.

There were many men on this island, and even more women; it is said that there were fourteen thousand men in all. Seeing that their numbers were growing and that they lacked provisions, and that the crops they harvested were not enough to sustain them, so as not to live in hardship, they held a council and assembly, which they called Sabor[2], and agreed upon and enacted a statute that all female infants born from that time forward were to be killed, except for the firstborn daughters of each woman, for they reserved these children for their own preservation, and to supplement the fruits that the land produced, so that they would not lack provisions as had been the case in previous years. This statute and ordinance lasted only a few years, for a grave disease struck this island, which took the lives of two-thirds of the people.

Source 3: Torriani, Leonardo. *Descripción e historia del reino de las Islas Canarias antes Afortunadas, con el parecer de su fortificaciones.* Edited by Alejandro Cioranescu. Santa Cruz de Tenerife: Goya Ediciones, 1959, here 115–116.

Como los canarios aumentaron tanto, que les vino a faltar el mantenimiento, y de la ley que hicieron y del castígo que les vino de Dios.

How the Canarios[3] had multiplied so much that they could no longer be cared for, and because of the law they had made and the punishment that came upon them from God.

Pocos años antes de que la isla de Canaria fuese conquistada, bien por fecunda influencia del cielo o por vivir la gente con salud por espacio de muchos años, seguían naciendo sin que los acompañase en igual cantidad las defunciones. De este modo, creció la gente en tanta cantidad, que ya no bastaban las cosechas para su manutención, y empezaron a padecer carestía, a tal punto, que, obligados por la necesidad, para que no perecieran todos, hicieron una ley inhumana, que se matasen todos los hijos después del primer parto; en cuya crueldad sólo fueron iguales a sí mismos.

A few years before the island of Canaria was conquered, whether due to the bountiful blessings of heaven or because the people had enjoyed good health for many years, births continued to outnumber deaths. Thus, the population grew so large that the harvests were no longer sufficient to sustain them, and they began to suffer from famine, to such an extent that, driven by necessity and to prevent the entire population from perishing, they enacted an inhumane law requiring that all children be killed after the first birth; in this cruelty, they were matched only by themselves.

2 For some ethnologists the *Sabor* or *Tagoror* was either referring to a decision-making body, a council, where the most powerful of the tribal groups decided upon political matters, or referring to the place where they assembled. See *Diccionario Histórico del Español de Canarias (DHECan)*, 1346–1348.

3 In the sources the inhabitants of all seven islands were sometimes collectively addressed as *Canarios*, but here Torriani only refers to the inhabitants of Gran Canary.

Aunque esta ley fuese contraria a la piedad humana, si bien se considera su finalidad, es muy piadosa, porque también es una virtud el perder una parte para salvar la totalidad. El deseo de inmortalizar su posteridad obliga al hombre a haper cosas contrarias a los usos y a la razón; como se lee de las hijas de Lot, las cuales se juntaron con su padre, al pensar que con otro hombre no podían asegurar la sucesión de la generación humana. El afán de conservarse de los ultrajes de la muerte es tan poderoso en cada uno, que, según refiere Josefo historiador, cuando Tito Vespasiano tenía sitiada la ciudad de Jerusalén, las madres despedazaban los delicados miembros de sus hijitos para quitarse el hambre, que estaba para hacerlas precipitar en medio del furor romano. Tanto puede la obstinación del hombre vencido por la sinrazón, que llega a ser matador de sí mismo, como fueron los judeos. De igual modo, dejándose arrastrar por el deseo de honra o de bienes futuros, se expone a la muerte con grandísimo contento, corno hicieron muchos antiguos, para filosofar mejor, y algunos bárbaros de estas islas, para ilustrar su linaje. Sin embargo, como nadie debe hacerse juez de sí mismo ni oponerse a la voluntad del óptimo Dios, quien gobierna todas las cosas, algunas veces nos da el merecido castigo de nuestras culpas, para escarmentarnos y hacernos conocer nuestro error. Por lo cual, habiendo desagradado a Dios la continuación de tan inhumana costumbre, que se había ya observado por largo tiempo, envió entre ellos la peste, la cual en pocos días destruyó los tres cuartos de la gente. Así, fueron obligados a revocar su ley, para rehacerse, porque ya habían llegado a morir todos, de repente y sin faltarles los víveres.

Although this law was contrary to human compassion, when its purpose is considered, it is very compassionate, for it is also a virtue to sacrifice a part to save the whole. The desire to immortalize one's posterity compels man to do things contrary to custom and reason; as we read of Lot's daughters, who lay with their father, thinking that with no other man they could ensure the continuation of the human race.[4] The desire to preserve oneself from the ravages of death is so powerful in everyone that, as the historian Josephus[5] relates, when Titus Vespasian[6] had the city of Jerusalem under siege, mothers tore apart the delicate limbs of their little children to satisfy their hunger, which was about to drive them to their doom amid the Roman fury. So great is the obstinacy of a man overcome by folly that he may even become his own executioner, as the Jews were. Likewise, carried away by the desire for honor or future riches, he exposes himself to death with the greatest of pleasure, as many in ancient times did in order to philosophize more effectively, and as some barbarians of these islands did to bring glory to their lineage. However, since no one should be his own judge or oppose the will of the most high God, who governs all things, he sometimes gives us the deserved punishment for our faults, to teach us a lesson and make us aware of our error. Therefore, since the continuation of such an inhuman custom, which had already been observed for a long time, displeased God, he sent a plague among them, which in a few days destroyed three-quarters of the people. Thus, they were forced to repeal their law in order to reform themselves, for they had all come to die suddenly, even though they lacked no provisions.

4 Lot is a figure of the Bible, appearing in the Old Testament. He flees from the city of Sodom with his daughters. They decide that they need offspring, to secure the survival of mankind, but there is no other man around than their father. So they make him drunk and sleep with him, afterwards giving birth to Moab and Ben-Ammi, founders of two peoples called the Moabiter and the Ammoniter.

5 Flavius Josephus (37/38–100) was an ancient historian.

6 Titus Vespasian (39–81) was a Roman emperor who ended the First Jewish-Roman War in 69 with the destruction of Jerusalem and its temple.

60	*Hecho esto, se paró la peste, y con su gran dolor se dieron cuenta que todo ello había sido castigo de su impío atrevimiento, cuyo castigo les había sido infligido por Acoran, el gran Dios.*	Once this was done, the plague ceased, and to their great sorrow they realized that all of this had been punishment for their impious audacity, a punishment inflicted upon them by Acoran[7], the great God.

Source 4: Arias Marín de Cubas, Tomás. "Historia de la conquista de las siete islas de Canaria." In *Cuatrocientos años de Crónicas de las Islas Canarias*. Edited by Alberto Quartapelle. Santa Cruz de Tenerife: VeredaLibros, 2015, here 534.

1	*Libro Segundo – Capitulo XVIII: Naturaleza*	Book Two—Chapter XVIII: Nature
5	*[...] havia mas mugeres que hombres y hubo numero de dies para uno, tenian lei establecida de matar todas las hijas que naciesen, como no fuese la primogenita porque habiendo en la ysla catorse mil familias, y huviese años esteriles morían demasiadamente unos por otros.*	[...] there were more women than men, and the ratio was ten to one; they had a law requiring that all newborn daughters be killed, except for the firstborn. Since there were fourteen thousand families on the island, and there were years of crop failure, they died off in great numbers.

Texts and Contexts

According to the sources, the indigenous population of Gran Canary and La Palma practiced infanticide before being conquered by Spanish conquistadores between 1478 and 1483 and 1492 and 1493. They had populated the archipelago in antiquity, very likely originating in Northwest Africa. When they encountered the first European sailors and merchants during the fourteenth century, they still spoke different Amazigh dialects and maintained similar cultural practices.[8] Gran Canary was divided into two domains, Telde and Gáldar, and is often praised and highlighted in sources as the most beautiful island with the most civilized population, having social structure and political order and—in contrast to the other Canarian peoples—practicing crop farming.[9] The Spanish conquerors were probably more familiar with the culture of the *Canarios* than with that of any other Canarian tribal group. Before the conquest of the archipelago, there were already Christian missionaries on the island. Moreover, some Christians had lived for years as hostages among the *Canarios*. Gran Canary evolved into the conqueror's military basis for the conquests of La Palma and Tenerife and one of the Canarian tribal chieftains and some of his warriors became the most important allies of the conquering army of Alonso de Lugo.[10] In regard to these intensive contacts and alliances, it is astonishing that practices of infanticide do not appear in earlier sources, in a whole group of chronicle variants on the conquest of Gran Canary or in the chronicles of Castilian court writers such as Andrés Bernáldez or Diego de Valera. Instead, mentions of

7 Masculine divinity, possibly associated with the firmament and the sky, see: *Diccionario ínsuloamaziq*.
8 See Farrujia de la Rosa et al., "The colonization of the Canary Islands," 83–100.
9 See for instance "Libro de la conquista de la ysla de Gran Canaria y de las demas yslas (Ovetense)," 162.
10 For the hostages see Bühner, *Neue Welten*, 153–156 and for the tribal chieftain Tenesor Semidan, or after his baptism, Don Fernando Guanarteme, ibid., 215–223.

infanticide appear in the accounts of a Portuguese discoverer of Guinea[11] called Diogo Gómez de Sintra, who only visited the islands for stopovers,[12] and the first historiography on the conquest,[13] written from roundabout a hundred years after the submission of the *Canarios* onwards, in the writings of Fray Juan de Abreu Galindo, Leonardo Torriani and Tomás Arias Marín de Cubas.

Diogo Goméz' account, "On the islands lately discovered in the occidental ocean and at first on the Fortunate Islands that are now called Canaria" (*De Insulis primo inventis in mari oceano Occidentalis et primo de insulis Fortunatis que nunc de Canaria vocantur*, source 1), appears in a compilation assembled by Valentim Fernandes from 1506 who among other things worked as a notary for German merchants based in Lisbon. During three voyages between 1444 and 1460, the Portuguese seaman Diogo Goméz had explored the African coast and afterwards reported on his discoveries to Henry the Navigator, describing the geography, economy and ethnography of recently discovered islands, hereby also mentioning the supposed infanticide on La Palma.[14]

Abreu Galindo's "History of the conquest of the seven Canary Islands" (*Historia de la conquista de las siete Islas de Canarias*, source 2) was written in the 1590s and published in 1632. It describes the conquest of the whole archipelago, from the first undertakings led by the French conquerors Jean de Béthencourt and Gadifer de La Salle beginning in 1402 (see my contribution, no. 22 in this volume), to the submission of the Guanches of Tenerife in 1496, marking the end of the conquering process. In between, Abreu Galindo—presumably a pseudonym for some well-known Spanish scholar of the sixteenth century[15]—also paints a picture of the way of life and the customs of the indigenous population, here reporting on infanticide practiced for a couple of years on Gran Canary. The *Historia* in general not only gathers material from earlier chronicles but also contains new information that the author, according to his own account, received by talking to ancestors of the indigenous islanders.[16]

Leonardo Torriani, the author of the third source excerpt, was a contemporary of Abreu Galindo and referred to his *Historia* in his own work, the "Description and History of the Reign of the Canary Islands, the Fortunate as already mentioned, the appearance of their fortification" (*Descrittione et Historia del Regno de Isole Canarie, già dette le Fortunate, con il parere delle loro fortification*). As the title indicates, Torriani focuses on the description, both written and visual, and proposes improvements to the fortifications of the Canary Islands. The history of the conquest, the cultures of the different Canarian peoples and the geography of the islands is only a by-product of his writing. He was an Italian engineer who, on behalf of King Philipp II of Spain

11 Here meant geographically in the sense of the period under study, meaning sub-Saharan Africa.
12 See Bonnet y Reverón, "Un manuscrito del siglo XV," 98.
13 See Baucells Mesa, "Las fuentes narrativas Canarias," 12.
14 See Aznar and Corbella, *África y sus islas*, 15–16 and 24.
15 See López Alonso, "Esenciales (III)."
16 See Cioranescu, "Introducción" (Abreu Galindo), V–VI, X and XIII.

(1527–1598), controlled the island's defensive structures that were repeatedly suffering under pirate attacks and visited the islands of the archipelago between 1584 and 1593.[17] Torriani's references to the Bible and ancient authors are not a specific feature of this excerpt but a general trait of his work, reflecting the author's humanistic education.[18]

Tomás Arias Marín de Cubas' "History of the seven Canary Islands" (*Historia de las siete islas de Canaria*, source 4) was written another hundred years later and published in two versions in 1687 and 1694, both fragmentary. Born in Telde on Gran Canary he similarly received a humanistic education that he finalized with a doctorate in medicine from the University of Salamanca. Arias Marín de Cubas was familiar with and collected different chronicles on the conquest of the archipelago, such as *Le Canarien* or the chronicle variants of Antonio Sedeño and Pedro Gómez Escudero but must have also had access to sources that are unknown to us today, because his work contains some new aspects.[19]

Besides archaeological findings and ethnographic comparisons, these accounts of discoverers, conquerors and late historiographers are the only sources to reconstruct the Canarian precolonial cultures. Consequently, the representation of indigenous cultures is dominated by description of the victorious, whereas the vanquished only left us with a few remnants. Therefore, we do not know if infanticide was really practiced among the *Canarios* or if it is a myth created by historiographic imagination. Moreover, it is also debatable, why Diogo Gómez, Abreu Galindo, Torriani and Arias Marín de Cubas mentioned practices of infanticide in their sources. The earlier chronicles are full of pejorative descriptions of the indigenous population, of their nakedness or their barbaric customs. Here meant to legitimize the violent conquest and submission of the indigenous population—especially for the later historiographers—there was nothing to justify, no human inferiority to put forward as a just cause for military intervention.[20] What did the historiographers intend by their reports? Did they hope to arouse curiosity and suspense for their readership? Or did they try to explain and make sense of the downfall of the indigenous cultures? Why did a Portuguese explorer claim to know about inhumane practices? Should we consider it an ethnographic description or rather part of an enumeration of specific barbaric *topoi*, generally known and applied since antiquity on the foreign "other"?

Making Sense of the Sources

The first account of Diogo Goméz is the most explicit concerning how infants were slain in indigenous societies: their skulls are broken, their own parents are the executioners. Infanticide is mentioned here in the context of a description of the barbaric nature of

17 See Rumeu de Armas, *Piraterías y ataques navales*, 362–373.

18 Meaning an approach to learning inspired by Humanism that focused on classical texts and human values. See Gabriel and Rodríguez, *La primera imagen de Canarias*, 19–21.

19 See Régulo Pérez, "Proemio," 13, 15–16 and 27.

20 See Bühner, *Neue Welten*, 237–289.

the indigenous population of La Palma that would have controlled their demography, knowing how many people they could sustain (line 6). This method of population control would have also affected Christians who set foot on La Palma. Whether they were allowed to live depended on how many people inhabited the island at that specific moment (lines 15–17). The Portuguese explorer condemns this custom as a "cruelty" (*crudelitas*, line 13).

Similarly, Torriani describes that the infanticide on Gran Canary was caused by overpopulation, followed by insufficient harvest and famine (source 3). All children after the firstborn would have been killed, regardless of gender, a practice that the Italian historian on the one hand severely condemns: As an "inhumane law" or "custom" (line 16), a practice "contrary to human compassion" (lines 21–22) and "contrary to custom and reason" (lines 26–27) and a "cruelty" (line 18). One the other hand he argues that it would be also a "virtue to sacrifice a part to save the whole" (lines 22–23) and compares the situation of the *Canarios* with that of characters from the Old Testament, the daughters of Lot. Sometimes men would be led by the urge for self-preservation to do great errors, but not without facing divine consequences. A man acting as judge and executioner (lines 38 and 46) would undermine God's authority as a governor of life and death. Consequently, the indigenous population of Gran Canary would have been decimated by plague, leaving only one quarter of them alive (line 54).

Abreu Galindo (source 2) also sees famine on Gran Canary caused by an imbalance of provisions and population (lines 5–9). In contrast to Torriani, he reports more on the development of the statute, the process of decision-making by a council or assembly (line 13), and refrains from making judgments. Here, the statute mandates only female infants be killed, except for the firstborn daughter. It would have remained in force for a very short period, just a few years (line 21), because the majority of the *Canarios* would have died from a grave disease. Furthermore, he draws no causality between the statute and the disease and, compared to Torriani, uses different wording (*grave enfermedad* versus *peste*). Any kind of divine interference is not mentioned.

Finally, in Arias Marín de Cubas (source 4), the practice of infanticide on Gran Canary turns out to be a mismanagement of human resources. Coinciding with bad harvests, he reports that the *Canarios* "died off in great numbers" (line 8). Although mentioning the same practice, the descriptions in the sources in sum differ significantly regarding the gender of the slain infants, if it was a general or temporary custom and in regard to the focus of the narrative: some point to inhumane customs of the indigenous people and the interference of transcendental power, while others speak to indigenous legal culture and processes of decision-making. However, they all agree that infanticide was caused by an imbalance between population size and insular resources, thereby not explaining why in two cases infanticide only affected females. Maybe they considered it natural to assume that demographic control was more effective when killing female babies, later being capable to bear the next generation of children. In contrast, some ethnographers claim that limited resources would have led to intensive warfare between

tribal groups, also affecting demography.[21] Furthermore one could question why population pressure did not provoke migratory movements. In Canarian research, the argument that the indigenous peoples were imprisoned on their islands because they lost the ability of seafaring, has long been dismissed as erroneous. Instead, it is now assumed that they had sporadic contacts with neighboring islands, for instance for plundering raids.[22] Thus, when facing resource scarcity, the indigenous tribal groups had different alternatives before slaying their own children. Mentioned also in the context of other supposed barbaric customs of the indigenous population, such as the *ius primae noctis* (the tyrannical right of a chieftain to sleep with all virgins before marriage) or *La hospitalidad de lecho* (the offering of one's wife to a guest for sexual amusement during his stay),[23] it is thus debatable whether the indigenous Canarians really practiced infanticide. These ascriptions appear more as a set of tropes, ready to defame the "other." Here, the story of supposed infanticide seems to fall into the same category as the *ius primae noctis*: With this myth, the Christian historiographers tried to present indigenous rule as tyrannical. As in the New Testament where Herod, a Roman Jewish client king ordered the "Massacre of the Innocents" (Matthew 2:16–18), the killing of all boys under two years to prevent Jesus from rising as a rival King, infanticide here, even anchored in law, appears as the epitome of a tyranny, thus justifying military intervention and submission. But whereas the *ius primae noctis* was a very prominent trope in the Middle Ages,[24] infanticide only appears scarcely, although child murder was considered a sin and a crime in medieval Europe.[25] For instance, it was applied on the barbarians of the North, the Vikings: Locals of the trade center Haithabu drowned their children to save costs.[26] To get closer to the answer, if infanticide was an indigenous practice or a historiographical myth, let us now turn to the research insights of archaeology.

Infanticide as a practice was discussed in depth in Canarian archaeological research. There were various necropolises (meaning large ancient cemeteries of burial ground) found in several excavations on the archipelago. The indigenous peoples were familiar with diverse mortuary practices, from burying their dead in caves, in tumuli (burial mounds) to open-air cemeteries.[27] Furthermore, they were accustomed with the practice of mummification, that is why so many bones and bodies have survived from the precolonial period and are today exhibited in the *Museo Canario* in Las Palmas de Gran Canary.[28]

21 See Cabrera Pérez, *Fuerteventura y los Majoreros,* 31.
22 See Bühner, *Neue Welten,* 109–113.
23 See for instance Arias Marín de Cubas, "Historia de la conquista," 533–534.
24 See Bühner, *Neue Welten,* 266–268.
25 See Lynch, "Why weren't many European women 'missing'?," 261.
26 See Föller, "Die soziale Konstruktion des Meeres," 64.
27 See Alberto-Barroso et al. "Perinatal burials," 100–101.
28 See *El Museo Canario.*

Both in older ethnographic as well as archaeological research infanticide as a practice of the precolonial Canarian peoples was taken for granted.[29] Archaeological research developed two hypotheses, mainly based on fieldwork of perinatal burials (burials of infants who died shortly before, during, or just after birth) in Cendro in the region of Telde, Gran Canary in 1983–1984 and 1987: The first interpreted perinatal burials as a form of population control based on the killing of female infants, supported by the references of the European chroniclers, meaning the source excerpts discussed here. The second understood the burials as ritual sacrifices, comparing burials on the Canaries to Mediterranean tophets (meaning an ancient sacred burial site), where children were often buried in ceramic containers, thereby supporting a Phoenician-Punic origin of the first settlers of the archipelago. Some researchers propose here also the existence of gerontocide, meaning the killing of old members of a society, that would have been practiced also in other pre-industrial societies.[30] Just in the last few years, studying the site in Cendro and the human remains more properly has produced new insights, summarized in a paper by a group under the supervision of Verónica Alberto-Barroso from 2021 and in a 2024 monograph on infancy in the indigenous populations by Jesús M. Fernández Rodríguez.

First of all, these new studies state that the burials took place when the site was used as a settlement. Bodies of younger children were found in domestic sites rather than in open-air cemeteries. Second of all, there would be no archaeological support for the thesis that the children would have been buried in ceramic vessels. "The infant remains observed in Cendro were individuals who died in a very specific age range (stillborn, full-term fetuses, and shortly after birth),"[31] they would have been mainly males, lack votive offerings such as animals or objects dedicated as grave goods and indications of intentional killing, leading Fernández Rodríguez to the conclusion that they would have "reflected a natural pattern of perinatal mortality."[32] Thus, archaeological findings indicate that the indigenous population did not practice infanticide, but that the dead bodies of children were born dead or dying shortly after birth, something happening frequently in former societies.

Through the Lens of Femicide

"The image of the nurturing and self-sacrificing mother is so deeply ingrained in Western society that child murders committed by a mother, throughout history, have evoked horror and incredulity."[33] In Western Europe, infanticide appears in the sources mostly

29 See for instance Tejera Gaspar and González Antón, *Las culturas aborígenes*, 64 and 95.
30 See Medina-Hernández, "Beyond Death," 199, 204, 211 and Garrido-Chacón, "The Canarian," 631.
31 Alberto-Barroso et al. "Perinatal burials," 101, 103.
32 See Fernández Rodríguez, *Arqueología de la Infancia,* 83–84. The archaeologist concedes, possibilities of indirect infanticide via bad alimentation, exposition at extreme temperatures, negligence, corporal chastise etc. Even more so regarding the helplessness of an infant in contrast to a full-grown woman, see ibid., 87.
33 Butler, "A Case of Indifference?," 60.

as a single woman's crime, often committed out of desperation, poverty or fear of deprecation, as Sara Butler has pointed out.[34] In contrast, infanticide supposedly practiced by the indigenous tribal groups of the Canary Islands was a legal act, based on the decision of a council, executed by both father and mother and motivated by self-preservation. Thereby, European writers depicted the *Canarios* and *Palmeses* as ungodly, inhumane barbarians and might have evoked shock among their readers. Whereas both Diogo Goméz and the later historiography very likely just applied known barbaric *topoi* to the indigenous population—in the sixteenth century intensified and intermingled with the discourse on the human nature of the indigenous peoples of the Americas, practicing human sacrifices, infanticide and cannibalism[35]—their intentions differed: During the fifteenth century discoverers and conquerors tried to legitimize their undertakings, especially when violently approaching hitherto unknown peoples. At the end of the sixteenth century, the intention may have been to provide a plausible explanation for the collapse of the indigenous cultures and to depict the conquest in the aftermath as a justified penalty for the Canarians' godless behavior.

Although it is hard to say, if indigenous infanticide was just a pejorative ascription or a real cultural practice one might learn from these examples, when also taking the research of other disciplines such as ethnography and archaeology into account, that infanticide or femicide might also turn out to be just narratives, argumentative strategies to libel or vilify a person, a group or even a whole society. But this also depends on the normative and legal imagination of the period under study and might have been more relevant to infanticide; femicide, especially uxoricide being a tolerated practice in the Middle Ages. Such as rumors of rape or abuse are sometimes used today to ruin somebody's reputation, as in the case of politicians or other well-known personalities, such rumors would have been virtually irrelevant for the Middle Ages. But even if in the case of the indigenous peoples of the Canary Islands we might just have detected a *topos* of European-Christian historiography, one can learn from it a lot about Christian normative imagination and should not forget in general that infanticide is "a timeless and tragic problem, particularly in societies that criminalize extramarital sex and limit excess to contraception or abortion."[36] Research on 1900 modern Japan for instance has revealed that infanticide and abortion were mainstream family planning tools in some regions,[37] intermingled with abortion and indicating a different understanding of full human status, varying over time. Whereas this practice was not allowed or legal, governments tolerated it as it was a means to birth control and economic prosperity.[38] Although research has not applied the same methods on Western Europe as on East Asia, infanticide here can also be assumed as a practice also of couples, not only of sin-

34 See ibid., 60–61.
35 See Vacano, *The Color of Citizenship*, 40.
36 McDougall and Turner, "Introduction," 226.
37 See Drixler and Matsuzaki, "Façade Fictions," 57–97.
38 Drixler, *Mabiki*, 15.

gle women. Whereas in some cases, sex-selective infanticide might have affected girls because of being considered less valuable in agriculture labor contexts and regarding the economic burden of a dowry, [39] European infanticides did not lead to a major surplus of men, as it does in China or India today.[40]

Moreover, research has discussed the question, why infanticide might not have been practiced so intensively in Western Europe compared to East Asia. One strong argument that appears is the stigmatization of child murder by the Catholic Church and its observance of societal behavior.[41] The evidence discussed here supports, that the idea of infanticide as a sin and a crime was deeply rooted in Christian normative imagination, supporting the interpretation that we are only dealing with a *topoi* in the case of the Canary islanders. But current archeological research likewise raises doubts about the probability of infanticide as an indigenous practice, it might also have been an indigenous strategy for population control that prioritized the life of sons over that of girls for the latter's ability of parturition. Not having a clear answer to the question, one may only hope that future research and new evidence will further clarify if indigenous Canarian infanticide was a practice of the vanquished or just a narrative of the victorious.

Further Questions

1. Discuss possible relations of femicide and infanticide, not only from the examples presented here but also regarding other cases in this volume.
2. Can you think of other cases of infanticide, femicide or femicidal violence used as a means to defame somebody?

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In premodern times, women of different backgrounds and races were victims of various forms of violence, including domestic abuse, sexual assault, psychological abuse, and attempted or actual killings. Often, these acts were related to the victims' gender and the associated social roles and expectations.

In this volume, we propose a systematic examination of gender-based killings of women by men as a distinct historical phenomenon, situating them within their respective political, social, and cultural contexts. To this end, we apply the modern term and concept of "femicide" as an analytical tool.

The book features 32 case studies, ranging from ancient times to the 21st century, with a particular emphasis on the period between 1200 and 1700, and covering various regions around the world. Examining these cases "through the lens of femicide" allows us to understand why and how men killed women at specific times, how these acts were publicized or punished, and how they were evaluated or remembered.

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