



WOMEN, DOWRIES AND AGENCY

MARRIAGE IN
FIFTEENTH-CENTURY VALENCIA

✠ Dana Wessell Lightfoot

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The expansion of research into the history of women and gender since the 1970s has changed the face of history. Using the insights of feminist theory and of historians of women, gender historians have explored the configuration in the past of gender identities and relations between the sexes. They have also investigated the history of sexuality and family relations, and analysed ideas and ideals of masculinity and femininity. Yet gender history has not abandoned the original, inspirational project of women's history: to recover and reveal the lived experience of women in the past and the present.

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Women, dowries and agency

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To Milli Wessell, Eryka Wessell
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Map of Valencia and the *Horta*

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Introduction

In late September 1434, a suit of dowry restitution was brought before the civil justice in the city of Valencia on behalf of Teresa Dauder, the wife of a barber. In her petition, Teresa claimed that her husband Tomàs had fallen into debt and penury, and had alienated part of her dowry without permission. For these reasons, Teresa sought to have her dowry immediately restored, in order to protect its financial integrity. Four witnesses testified on Teresa's behalf, including her former mistress and three neighbours of the couple. According to their testimony, in the five years since Teresa and Tomàs were married, he had 'caused many and diverse debts ... owed money to many people and had fallen into penury'. In the end, the justice was convinced by the arguments put forth on Teresa's behalf, and ordered Tomàs to return her property.

In many ways, Teresa Dauder was typical of lower-status wives in late medieval Valencia. As a teenager, she had immigrated to the city from her natal town of Sogorb to work as a servant in the home of Maria and Francesc Oviet. After seven years of service, Teresa had earned twenty-five pounds, which she added to a ten-pound gift from her master Francesc, and a five-pound donation from her father, to create the forty-pound dowry which she donated to Tomàs Dauder at the time of their marriage. Her natal family was not present at Teresa and Tomàs's nuptial celebrations, but her employers, the Oviets, played the parental role and hosted a feast for the couple in their home. Once married, Teresa and Tomàs set up their own household using her dotal assets as an economic foundation. But, within five years of marriage, Teresa was before the court, demanding that Tomàs return the dowry, the administration of which he had been entrusted.

Teresa Dauder's story, as told through the civil court records relating her suit of dowry restitution, exemplifies the central argument of this book: that labouring-status wives such as Teresa were able to exercise agency not only in the projects of marriage, choosing a spouse and gathering dotal assets, but also in controlling this property after they wed. Although the prevailing legal code in Valencia, the *Furs*, appeared to give wives little authority over these assets, they were still able to negotiate a measure of control. In these actions, labouring-status wives exercised agency by protecting their marital goods from harm, utilizing legal statutes to their own advantage. The key factors in this argument are the immigrant and labouring-status background of these women. Like Teresa, many had

immigrated to Valencia on their own, from smaller towns and villages throughout the kingdom of Valencia, as well as from Castile, Catalonia and Aragon. In doing so, these women moved outside of their natal families' sphere of influence, making them less embedded and subject to the authority of their kin relations. Second, artisan and *llaurador* women (wives/daughters of small farmers who lived in the city of Valencia or the surrounding countryside) often married after their fathers were deceased. These women married later than women of elite status. They made their marital choices independently, as over three-quarters of labouring-status men did not reach the age of 50.² Lastly, artisan and *llaurador* women such as Teresa worked themselves, most often as servants, to generate the necessary funds for their dowries. All three of these factors gave wives of this status greater agency than elite women in contracting their marriages, providing dotal assets and challenging their husbands' authority over this property in dowry restitution cases. Without the influence of their natal families in making marital decisions, these wives were able to act independently in controlling their marital property, negotiating the structures of patriarchy to their advantage.

Yet this agency must be viewed as limited for a number of reasons. As Rebecca Winer has argued, 'no woman [in pre-modern Europe] made her choices alone'.³ On the one hand, women such as Teresa Dauder lived in a patriarchal system that, regardless of social class, defined them as mentally, physically and morally weaker than men. Thus each woman was circumscribed in her actions by a society that saw her as unfit to make her own decisions and so she was 'continually negotiating a system of gender ... that she could never control'.⁴ Women's agency in this context was therefore shaped by societal norms as defined by legal statutes, theological texts, religious leaders, legislators, judges and political leaders. At the same time, Winer's point can be taken literally, in that kinship and community ties meant that all women were embedded in social networks of various kinds. Elite Valencian women were members of extended marital and natal kin groups, both within the city of Valencia and the wider kingdom of which it was a part. For labouring-status women, familial ties may have been less evident, as many of them were immigrants. These women nevertheless developed strong neighbourhood networks as well as connections through guilds and other economic bodies.

Legal constraints could also create limitations for a labouring-status woman's control of her marital assets. While the *Furs* recognized that a woman's marital property was solely owned by her, it gave complete administrative control of it to her husband for the duration of their marriage. A wife was able to challenge her husband's legal authority over

these assets if she felt their financial integrity was being threatened, and the justices almost always supported these claims; however, a woman's ability to regain control of this property once it had been awarded to her is uncertain as there is evidence that in some cases, women had difficulty doing so. Additionally, the *Furs* only worked to protect those women that married under the prevailing marital property system based on dowries. Women who chose, for a variety of reasons, to utilize a second regime, known as the *germanía*, had little recourse to protect the assets which they brought to their marriages. While the *germanía* system has been described by historians as giving greater equality to women in marriage than the dotal regime, as it proposed a strictly equal division of conjugal assets at the dissolution of the marriage, the lack of legal recognition and protection for wives under it has led me to question its perceived egalitarianism.

Not only did labouring-status married women face some limitations in their exercise of agency, they were also subject to certain negative consequences. While the lack of natal kin present in the city of Valencia may have given immigrant women greater freedom in their marital choices, it also left them without a support network if they were faced with difficult situations, such as economic hardship or abuse at the hands of their husbands and employers. Eventually labouring-status women were able to utilize systems of support created with friends and neighbours for aid in dealing with such problems, but these connections took time to develop. In the meantime, immigrant women could be placed in very precarious situations.

Furthermore, although being of labouring-status certainly gave these women some agency, particularly in terms of controlling their marital property, this went hand in hand with desperation. The dowry money that many of them earned as servants rarely exceeded twenty-five pounds, funds obtained after as many as ten years of labour. Living in the household in which they worked, female servants, some from the age of 7 or 8, worked long days with little leisure time.⁵ For some servants, the families they worked for replaced their blood kin and, in such situations, these young women were treated as quasi-daughters by their masters and mistresses. For others, their subordinate position as servant left them open to abuse, both physical and sexual, at the hands of their employers, leaving them, in the end, even more vulnerable and desperate.⁶

Widows, more than any other group of women in the medieval period, demonstrate the double-edged nature of agency.⁷ On the one hand, widows were legally independent, able to conclude contracts and conduct business entirely on their own. In possession of the dowry

and counter-gift, and often holding usufruct rights to their deceased husbands' property, widows could be prosperous and therefore exercise a great deal of agency. On the other hand, widows often represented the poorest sections of medieval society and were the most common recipients of charity. Indeed it was believed that widows had an unquestioned entitlement to poor relief.⁸

To a large extent, social status determined a woman's experience after her husband had died. Isabelle Chabot and Christiane Klapisch-Zuber have argued that higher-status widows were often helpless victims in clashes between their natal and marital families who each wanted control of their persons and property.⁹ While these kinds of struggles likely took place among higher-status families throughout southern Europe, elite widows were also able to live with a certain amount of economic autonomy, if they were in possession of their dowries and other property, and were not subject to familial pressures.¹⁰ This was not necessarily the case for labouring-status widows. Even if they were able to regain their dotal assets from a previous marriage with relative ease (and evidence from Valencia and other areas of Europe demonstrates that this could be problematic), their dowries were often not worth enough to support themselves and any surviving children they had. Frequently, widows retained usufruct rights over their deceased husbands' goods, but, as their spouses were labouring-status men, this property may not have amounted to much. Some lower-status widows were able to turn to their families for help, but those that were immigrants did not have such support networks. Friends and neighbours likely aided these women in the short term, but to survive, many of them remarried. All in all, for wives of labouring-status, whether *donzellas* or widows, agency did not always come without negative repercussions. My argument therefore is for limited or constrained agency, by which I mean that labouring-status women were able to create some manoeuvrability for themselves within the patriarchal structures of late medieval Valencia, using the frameworks available to them to exercise some self-determination in their marital choices.

Women, marriage and property in southern Europe

The historiography of women, marriage and property in southern Europe has traditionally focused on the experiences of elite women, especially those living within the Italian city states of Florence and Venice. These scholars emphasize the central role of families in choosing a spouse, gathering dowry assets and controlling this property once the marital

union was created; however, historians such as Christiane Klapisch-Zuber, Julius Kirshner, Thomas Kuehn, Diane Owen Hughes and Stanley Chojnacki debate the question of how much 'independence of action, influence and self-determination' elite women had in their marital choices. For example, Diane Owen Hughes has argued that men used the rights they held over women to assert or compete for status, using a daughter's dowry to make alliances for the family. Christiane Klapisch-Zuber also presents wives as pawns in the hands of their husbands and fathers, remarking that they were viewed as merely 'an object of trade'.

While Stanley Chojnacki has explored the ways in which urban patricians controlled spousal choices for their daughters, using marriage to cement important political alliances, he also argues against portraying elite women as entirely controlled by the patriarchal structures of medieval and early modern European society. The work of Julius Kirshner and Thomas Kuehn has demonstrated how the wives and daughters of elite men were able to work within Roman law, judicial institutions and marriage as actors for their own rights, particularly in terms of their marital property. Yet, at the same time, these scholars still present elite women as embedded within kinship relations, working to protect family interests in their legal actions.

For Spain, growing interest in women's history has produced some work by Spanish and Catalan scholars, mining rich archival material to detail the lives of women in the medieval period in various ways.¹⁴ Like scholars whose research focuses on Italy, Spanish and Catalan historians highlight both women's independence *and* lack of self-determination in marriage. For English-language scholars of medieval Iberia, Heath Dillard's *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300* demonstrates how legal codes provided urban women with agency in marital relationships; however, her foundational study does not consider the practice of law in any way and thus does not comment on whether or not wives in the frontier towns of high medieval Castile were able to utilize these legal statutes successfully.

Analysing how the law 'categorized and defined' women in the late thirteenth and early fourteenth centuries, Marie Kelleher's *The Measure of Woman: Law and Female Identity in the Crown of Aragon* goes beyond the examination of legal codes to look at how women actively participated in 'the formation of the legal culture that sketched out the boundaries of their lives'.¹⁵ Much like I am in this book, Kelleher is interested in exploring the spaces within the patriarchal system of law where some women were able to negotiate status for themselves. In doing so, Kelleher discusses topics such as sexual transgression and violence as well as a chapter on

women and property. She argues that in pursuing legal cases against their husbands or their husbands' families, wives were subject to gendered legal assumptions which greatly affected how they could present themselves before the law; thus these women were not necessarily vulnerable victims but 'legal actors developing strategies to preserve the household property in ways that actively engaged with broader legal ideas about women'.¹⁶ Kelleher's book raises many important questions about how women interact with and utilize the law, both adhering to gender norms while simultaneously searching for areas within legal practice that allow them a measure of independent legal identity and authority.

Due to the nature of her sources, Kelleher is not able to infer much about the social status of the women who participate in the legal cases which form the backbone of her book.¹⁷ The civil prosecutions and criminal inquests from late thirteenth- and early fourteenth-century Crown of Aragon rarely indicate a woman's background, beyond her position as wife, widow or daughter of a certain man.¹⁸ This study of women, marriage and property in the early fifteenth century is not affected by such limitations, as my sources allow me to identify the socio-economic background of the women who utilized both notaries and the civil courts of late medieval Valencia. In doing so, it is clear that socio-economic status and immigration greatly influenced women's marital strategies, providing labouring-status women with the ability to act on their own behalf in choosing spouses, gathering marital assets and protecting that property once married.

Use of agency theory

Although often utilized by historians to characterize the actions of those deemed powerless in the past, agency theory is inherently problematic in many ways. Most notably, the concept of agency carries with it distinct tones of resistance by the subjugated and contained within it, is the idea that agents should have the ability to effect some changes on the societies where they live, that is, to transform, to some degree, the dominant structures in which they are embedded. In reference to the experiences of labouring-status wives in late medieval Valencia, at no time is the idea of resisting hegemony, resisting the dominant social group, resisting patriarchy, present. There is no evidence that these women were attempting to fight explicitly or implicitly against the hegemonic patriarchal constructs that defined them as mentally, physically and morally weaker than men. One cannot argue, therefore, that artisan and *llaurador* wives were transforming late medieval notions of marriage, or even patriarchy. As Judith