

## FIXING MOVABLES: GIFTS BY TESTAMENT IN LATE MEDIEVAL DOUAI\*

Let it be known . . . that Marie Narrette Dite De Sandemont, of her own free will and of her own purpose and intention, knowing that death is certain and the hour of death is not, makes, for the spiritual health of her soul, the testament . . . of her last wishes concerning the goods which God has given her, in the manner which follows:

Thus runs the typical introductory formula to a will written in early fifteenth-century Douai, in this case composed in 1405 by Marie Narrette, a prosperous spinster.<sup>1</sup> Douai was at this time a city of perhaps fifteen thousand souls, and one of the jewels in the crown of the duke of Burgundy. Once a member of the select group of *bonnes villes* (along with Bruges, Ghent, Ypres and Lille), which officially advised the count of Flanders, Douai had by 1405 lost some of its lustre, but it was still renowned as a premier manufacturer of luxury cloth made of English wool and the home of an important regional grain staple.<sup>2</sup> Located in the most fully

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<sup>1</sup> Archives Municipales de Douai (hereafter A.M.D.), FF 869, 4 June 1405. Wills and marriage contracts cited in this article were either in *chirographe*, i.e., individual documents (see n. 13 below) or in *registre*. Sources in *chirographe* are cited by packet number and, if available, by document number (wills in *chirographe* have no document number). The date is that of the document's execution as it appears in the text (the day of the month is sometimes omitted in the original). Documents in *registre* are cited by *registre* number and folio number. In these cases, the date is that of the entry in the *registre*, as it is given in the document.

Narrette is not described as a spinster in her will, but because she is not termed "widow" or "wife", and because her will gives no evidence of a former marriage, we can be confident that she never married. Certain details in the will indicate that she was at least middle-aged when the will was written in 1405.

<sup>2</sup> The classic and still authoritative study of medieval Douai is G. Espinas, *La vie urbaine de Douai au Moyen Age*, 4 vols. (Paris, 1913). For a description of Douaisien society and economy at the end of the Middle Ages and a guide to recent literature, see M. C. Howell, "Weathering Crisis, Managing Change: The Emergence of a New Socioeconomic Order in Douai at the End of the Middle Ages", in W. Prevenier and M. Boone (eds.), *La draperie ancienne des Pays-Bas débouchés et stratégies de survie* (Louvain, 1993), pp. 85-119.

urbanized region of late medieval Europe, Douai's was a commercialized society. Its residents, most of them traders and producers deeply involved in market activities, derived legitimacy from their ability to create wealth and facilitate its circulation. In this regard, Douai was not unique, but certain features of its legal institutions were. As we shall see, these peculiarities provide the essential frame for reading Narrette's will and those of her neighbours.

Narrette's will continues for almost another two thousand words, first detailing the generous gifts she would make to her parish church, the city's mendicants and certain charities. Although I will return to these gifts and their significance both in her will and in those of her contemporaries, my principal concern here is not with Narrette's religious sensibilities, but with an issue which her pious opening appears to relegate to the sidelines — her property.

Narrette's attitudes towards property are better revealed when we look not at her gifts to religious and the poor, but at what was in fact the most extensive part of her will, the long section in which she bequeathed worldly goods to worldly people. In this part, she gives:

. . . to Jeanne De Bourech, widow of Jehan Gascoing, her best long *drap* in bright blue, which is lined with fur from the backs of squirrels, and four *rasières* of wheat,<sup>3</sup> with the charge that she pray for her;

*Item*, to Jehan De Haricourt De Durr the Elder, with the same request, she gives one vase in marbled wood with silver feet; he can pick the one he likes;

*Item*, to Jehan De Haricourt Dit Le Petit who lives in Darr, with the same request, 1 franc;

*Item*, to Tassart De Haricourt, with the same request, 1 franc;

*Item*, to Maroie De Haricourt, the daughter of Jakemon . . ., her best cloak (*cotte hardie*) in black fur-lined cloth;

*Item*, to Gillotte, wife of the said Jehan De Haricourt Le Petit, with the same request, her best cloak (*plinchon*) lined in rabbit;

*Item*, to Hannette Birchard, daughter of Jakemon, her best silk belt decorated in silver, with the same request;

*Item*, to Marguerite, wife of Jakemon Birchard, mother of Jehanete, with the same plea, her best amber rosary, with silver scarabs;

*Item*, to Marie, widow of the deceased Jehan De Cantin, one vase of marbled wood and two *rasières* of wheat, with the same request;

*Item*, to Hanette Baullet, daughter of Nusart Baillet, with the same request, a cloak (*cotte hardie*) of brown cloth, trimmed with feathers;

*Item*, to Catherine, wife of Michel Agace, her lesser cloak (*plinchon*) lined in rabbit;

<sup>3</sup> The Douaisien *rasière* of wheat contained eighty-four and a quarter litres

To Marguerite, wife of Jehan Boiscel, her dress (*coriel*) with jasper-coloured sleeves, the least one;

To sire Robert De Haricourt, priest, at present *curé* at Escheaing, with the same request, 2 francs;

*Item*, to Sebile, wife of Jehan Du Buisson, citizen of Douay [*sic*], who is her godmother, with the same request to pray for her, the testator, her best book of hours, the one with nine psalms and nine lessons;

*Item*, to Hannette Cressoniere, daughter of Pierre, her god-daughter, her other books of hours, the best after that already bequeathed, with the same request;

*Item*, to Marrette De Fevre, daughter of the deceased Jakemon, her god-daughter, with the same request, 1 franc;

*Item*, to Marguerite De Hennin, widow of Jehan Le Fevre, who lives at the hospital of St Mahieu in Arras, her best short overdress (*surcot*) trimmed in squirrel, with the same request;

*Item*, to Agnes Turpine, the Beguine at Camp Flouay, her coat made of reversible cloth ("son mantel de drap mellé double"), the least one, with the same request;

*Item*, to Jacques Le Claudreliere, a red cloak (*cotte hardie*) made of red silk and lined (or trimmed) with feathers, with the request to pray to God for her;

*Item*, to Marie De Haricourt, wife of Jehan De Haricourt De Druy, one dress (*coriel*) with sleeves of jasper and one crêpe kerchief, both the best;

*Item*, to Marie, wife of Jehan Willate, two *couppres* of wheat;<sup>4</sup>

*Item*, to Cede Dartois, a poor woman living near the house of Colart Beugart in the street of Jehan Le Goy, her best cloth of coarse, undyed wool (*blanquette*);

*Item*, to Ysabele De Warnpont, to Caterine, wife of Andrieu Alongerrille, and to Christenne Doubliere, to each, one night-kerchief, with the request to pray to God for her;

To Marguerite Des Plangues, one lined hood made of red cloth (*drap*) and one night-kerchief, with the same request;

*Item*, to Laurence De Merles, one red hood with scarlet trim.

Narrette's attention to labelling and distributing her personal property, the meticulous care she took with each object and its placement among her friends and relatives, might seem obsessive to us. Valuable jewellery and sacred books, even some good hollow-ware or a fur coat, may well be worthy of separate mention in a will, but why should such treasures be scattered among so many people, none of them obvious kin to Narrette? And why should the list include such mundane objects as bushels of wheat, hats and everyday coats, night-kerchiefs, a bolt of cloth and the odd coin?

Narrette was not alone in investing such energy in what may seem a tedious ritual of circulating personal effects, for many Douaisiens who wrote wills during this period made similar, if seldom quite such elaborate, bequests — the rich as well as

<sup>4</sup> A *couppre* was a quarter of a *rasière*.

ordinary people, men as well as women, parents as well as the childless. Not all Douaisiens had always made bequests of this kind, however: some testators in Douai never did so; men did so less frequently than women; women did so in ways that were subtly different from men's. In the pages which follow I will review these patterns. My point in examining them is not, however, to measure variations in gift-giving; rather it is to call attention to the ways that testamentary practices in Douai and, by implication, elsewhere, shaped the rituals of gift-giving. As we shall see, these rituals reveal much about the way property constructed both social status and gender identity in Douai, but they will do so only if read through the prism of the legal culture which produced them.

When Narrette wrote her will, it was common in Douai to make bequests of the sort she had made. Just four years before she issued her testament, Bernard Huquedieu, a tanner, had made cash gifts of 200 francs to his son and daughter (about 6,600 sous altogether), but he also gave his grandchildren his best drinking-vessels.<sup>5</sup> In the same period, Catheline Quoitre, a widow of modest means, gave her house and the *sourplus* of her estate to her son, but like Narrette she took pains to distribute treasured personal and household objects to friends and other relatives — for example, a bed, its coverings, pillows and linens to her niece; the *drapiaux* that she wore daily to her sister; her best *court mantel* and *cotte hardie* to another sister; a rosary decorated in silver and a reversible cloth to a woman friend; and another piece of cloth along with a box decorated in coral to still another woman.<sup>6</sup> Maroie Le Grand, also a widow, left her best bed equipped with two pairs of bedclothes, two pillows and a serge coverlet, her good *cotte hardie*, her best *cotte a chambre*, her good *plinchon*, a *banquier* and six of her best cushions to a Jehane De Hainau, stipulating that Jehane's husband, Jehan Bellemer, would get only the bed

<sup>5</sup> A.M.D., FF 869, 14 May 1401. In Douaisien sources the franc was generally equated with 33 *sous paris*, *monnaie de flandre*. The *livre paris*, *monnaie de flandre* (abbreviated in this article to *livre paris*) was Douai's money of account in this period, when it was equivalent to one-twelfth of the Flemish pound. Hence, 1 *sous paris* = 1 *gros flamand*. In this paper, prices expressed in other currencies are, where necessary, converted to the *livre paris* at the current exchange rate. Rates are taken from Douaisien sources or, in some cases, from material available through the Medieval and Early Modern Data Bank, Rutgers University

<sup>6</sup> *Ibid.*, 3 Aug 1402.

if his wife were to predecease him. She left similar gifts to nineteen others, including a silk purse to Marie Narrette.<sup>7</sup>

Common as it was in Narrette's day to separate objects from land, houses, cash or an undifferentiated collection of "*biens*" or "*cateux*" and give them, individually, to friends and relatives, it had not always been so. None of the seventeen testators whose wills survive from the period before 1270 (the earliest Douaisien wills we have) distributed personal effects in this way. Instead, even the richest used the will simply to ensure that their principal assets devolved as they wished. Ansel Pererin, for example, wrote a short testament in 1259 which gave his residence and all of his income-producing real estate in Douai, rented or empty, to his son.<sup>8</sup> Maroie Le Païen, a prosperous widow, did little more in the way of elaborating the distribution of her gifts. She dedicated substantial rents in kind and cash to the church (15 *sous paris* to the priest *curé* (*prestre curet*) of Ste-Ysabel-De-Camp-Flori, for example), to the poor Beguines (who received thirteen separate rents) and to her grand-daughter (who was given five *rasières* of oats, seven *capons* and 40 *deniers douaisiens* in perpetual rents); to the poor, she gave the furnishings of her house, but she did not bother to enumerate them.<sup>9</sup>

By the early fourteenth century, however, the pattern exemplified by Narrette's will had begun to emerge. Of forty wills in the municipal archive surviving from the period between 1303 and 1329, eleven displayed a tendency to distribute personal property as Narrette was later to do so compulsively. By the second half of the fourteenth century, testators even more regularly and more enthusiastically parcelled out clothing, jewellery, furniture and linens in this way. Of twenty-eight wills surviving from 1350 to 1367, nine contained extensive clauses of this kind, and many others made a few such gifts of *hanaps*, a *houplande* or a *surcot*. Jehene Malarde, for example, surpassed even Narrette in her passion to label and distribute objects. She not only bequeathed sumptuous clothing, linens and draperies to a long list of beneficiaries, but she laboriously inventoried her kitchen, her chests and her public rooms, and assigned each item to one or another

<sup>7</sup> *Ibid.*, 13 Apr. 1402.

<sup>8</sup> A. M. D., FF 861, Mar. 1259, in M. Mestayer, "Testaments douaisiens antérieurs à 1270", *Nos Patois du Nord*, vii (1962), pp. 68-9.

<sup>9</sup> A. M. D., FF 861, Jan. 1249, in Mestayer, "Testaments douaisiens antérieurs à 1270", pp. 65-6.

of her many cherished relatives and friends — over a dozen people received countless and separately itemized calibrated pots made of tin, kettles, frying-pans, bolts of cloth, table-cloths, napkins, pillows and cushions, bedspreads, quilts, draperies, tables, chests, benches, silver hollow-ware, coats, dresses, purses, belts, hats and scarves.<sup>10</sup> Gilles Lifees was more restrained, but he too took the occasion of writing his will to give each of his children a bed and a silver drinking-cup along with gifts of cash and real estate, and to endow one Maroie Dou Hem with a herd of sheep and lambs, while he bestowed his houses and *heritages*, along with a list of movables, on his wife.<sup>11</sup>

Some forty years after Narrette's day, the practice had, if anything, intensified. Pierre Toulet, a tanner who first registered his will in July 1443 and added two codicils to it in the next few months, showed an obsession like Narrette's. He left his wife the three hundred *florins d'or* promised in their marriage contract, but went on to list dozens of cups, vases, beds, linens, benches, calibrated pots, table linens and so forth that would be hers, and then provided a similarly explicit list of household objects which would go to his son.<sup>12</sup>

These wills belong to just one of two large collections of wills in the medieval archive of Douai — itself the richest known repository of documents regulating private financial affairs in the late medieval urban north. This particular collection of wills holds about two thousand testaments in *chirographe*, which were usually written long before the death of the testators and usually by securely propertied people.<sup>13</sup> The other collection is made up of one to two thousand deathbed testaments in *registre*, that is, taken by a cleric or a clerical notary and later registered with the *échevins* (aldermen) in folio volumes.<sup>14</sup> The authors of these wills

<sup>10</sup> A.M.D., FF 862, 26 Jan. 1354 O S.

<sup>11</sup> *Ibid.*, Sept. 1351.

<sup>12</sup> A.M.D., FF 875, 15 July 1443.

<sup>13</sup> The *chirographe* was an individual parchment on which, in Douai, three identical copies of a text were written: one was kept by the *échevins* (aldermen) who witnessed it, the other two by the testator and the executors respectively. In Douai's pre-1500 archive in the Archives Municipales, they are numbered FF 861-84.

<sup>14</sup> The pre-1500 wills in *registre* all date between 1419 and 1495, and are located in A.M.D., FF 444-50. There is also a collection of wills of unknown size in the hospital archives of Douai, which are now closed. While this is thought to be a good-sized collection, scholars believe that a great many wills in it are copies of those held by the city. A small number of wills have also been preserved from the chapter-house of St Amé in Douai: Archives Départementales du Nord, Lille, St Amé, Comptes du Domaine.

were seldom Douai's established merchants, *rentiers* or artisan-entrepreneurs, as were the writers of *chirographes*, although there are some fascinating exceptions to this rule. Typically, they were simpler people who generally had less property at risk and less sophisticated means of protecting it. And these people were in a hurry, for most would die within weeks if not days of making their statements. The deathbed testaments typically begin with a formula about the imminence of death, with token gifts to the parish church and a request for burial. The testators then hasten to express their wishes about the disposition of their remaining estate, and their requests are often very general, for they usually had little to give away and little time to think about it: "my goods should go to my daughter", "all I have will belong to my niece", "my houses and *heritages* are to be my wife's for her life and then our children's".

Yet no matter how modest their estates, no matter how little time was left to settle their spiritual accounts, no matter how much pain they were suffering, these people, like Narrette, often took surprising care to distribute special possessions among selected friends and relatives. Twelve of the thirty testaments recorded between December 1438 and June 1439 make such provisions. Agnes De Louhard, who was to die even before her will could be registered (usually a matter of days after the utterance), listed over a dozen gifts of cloth (*blanquet*, *toilles* and *tissue*), dresses, coats, beds and other clothing.<sup>15</sup> Pierronne Bonnier took less space to dispose of her few properties, but she did manage gifts to the church (*houplandes*), to a female cousin (a coat, belt, purse and cloak), and to the daughter of a certain Andrieu Brulot (a coat of black *drap*), before she granted a niece her house and divided the rest of her estate between the niece and another relative, whom Bonnier asked to arrange masses for her soul and for the soul of her husband.<sup>16</sup>

Scholars who have studied wills written elsewhere in late medieval Europe have frequently called attention to patterns of bequests similar to those in Douai. From Bruges to Lübeck, from Constance to Avignon to Genoa, it seems, people often laboriously named individual objects in wills and distributed them, piecemeal,

<sup>15</sup> A.M.D., FF 448, fos. 4<sup>r</sup>-5<sup>r</sup>, 15 Dec 1438.

<sup>16</sup> *Ibid.*, fos. 3<sup>r</sup>-4<sup>r</sup>, 15 Dec. 1438.

among friends and relatives.<sup>17</sup> My purpose in this paper is not, therefore, to chart the emergence and growth of a hitherto unknown or rare practice or to claim that Douaisiens' testamentary habits were unique. It is, rather, to reveal something of what these objects and the gifts made of them may have meant in Douai and, by extension, elsewhere.

My sketch is based on a close reading of about one hundred and fifty wills and a cursory look at many more testaments from the city's huge archive. Although hardly qualifying as a statistical investigation of will-writing in late medieval Douai, the study draws from samples which were systematically taken at intervals of about twenty to thirty years and is intended to reveal general patterns of bequests. The paper begins with a close look at the religious impulses which the wills seem to express, but I have sought to locate these expressions in a larger context which includes gifts made for more secular purposes and the material world in which they circulated. I have also sought to place the convention of gift-giving through wills in the legal history of Douai itself, to understand how the complicated process of making a gift *mortis causa* and writing a will in Douai gave meaning to the gifts listed in these documents. No more than wills anywhere else in Europe, wills in Douai were not vehicles for the direct expression of socio-economic realities or personal desires, but rhetorically complicated compositions, authored in part by a legal culture whose norms must be understood if we are to unpack the rhetoric itself. Hence, in the pages that follow, I will move from the patterns of gift-giving to the legal system that shaped these patterns, and only then to the highly gendered socio-economic world about which they so eloquently speak.

<sup>17</sup> For the southern Low Countries, see in particular P. Godding, "La pratique testamentaire en Flandre au 13<sup>e</sup> siècle", *Tydschrift voor Rechtsgeschiedenis*, lviii (1990), pp. 281-300. Similar practices are reported in thirteenth- and fourteenth-century Huy. A Gaspard, "Etude sur les testaments de bourgeois et oppidains de Huy de 1263 à 1480" (*mémoire de maîtrise*, Univ. of Liège, 1976-7).

See also P. Baur, *Testament und Bürgerschaft: Alltagsleben und Sachkultur im spätmittelalterlichen Konstanz* (Konstanzer Geschichts- und Rechtsquellen, xxxi, Sigmaringen, 1989); S. Epstein, *Wills and Wealth in Medieval Genoa, 1150-1250* (Harvard Hist. Studies, ciii, Cambridge, Mass., 1984); J. Chiffolleau, *La comptabilité de l'au-delà: les hommes, la mort et la religion dans la région d'Avignon à la fin du Moyen Age (vers 1320 - vers 1480)* (Collection de l'Ecole Française de Rome, xlvii, Rome, 1980); A. von Brandt, "Mittelalterliche Bürgertestamente: Neuerschlossene Quellen zur Geschichte der materiellen und geistigen Kultur", *Sitzungsberichte der Heidelberger Akademie der Wissenschaften, philosophisch-historische Klasse*, 1973, pt 3, pp. 5-32.



## I

## WILLS AS RELIGIOUS TEXTS

The will came to medieval Europe as a religious document, the place in which people settled their accounts with God by making gifts to the church, the poor or the sick in the form of annuities or outright grants.<sup>18</sup> When studying the content of wills, most historians have, quite reasonably, concentrated on the gifts made for this purpose.

Most have remarked that in the last two centuries of the Middle Ages, pious and charitable bequests increased in strange and significant ways everywhere in Europe.<sup>19</sup> While bequests of land and incomes for the general use of monasteries and parishes declined or became routinized, gifts intended to support masses, pay for funeral rites, aid the poor or support religious brotherhoods proliferated. A recent influential study of these practices in late medieval Avignon and its environs, Jacques Chiffolleau's *La comptabilité de l'au-delà*, has argued that the changes reflect the democratization of the will and of piety in general, and bespeak a heightened anxiety about community, about the relationship of the here and now to the hereafter, and about the efficacy of traditional devotions.<sup>20</sup>

The patterns Chiffolleau traced in Avignon are evident elsewhere in Europe during the period, south and north, in the countryside and in the city, Douai included. Marie Narrette's will could, in fact, be used to illustrate his argument. Immediately following her opening statement, Narrette turns to her gifts to church, charities and other religious institutions:

To her *curé*, she gives 10 sous, and to her parish *clerc*, 5 sous;  
To the Table of the Holy Spirit and to the *fabrique* (maintenance fund)

<sup>18</sup> Legal historians have produced an extensive literature on the medieval will. For the best recent commentaries, see *Actes à cause de mort / Acts of Last Will*, 4 vols. (Recueils de la Société Jean Bodin pour l'Histoire Comparative des Institutions, lxxii, Brussels, 1992-4), ii.

<sup>19</sup> Most testaments included such provisions, and many were devoted almost entirely to such bequests. Von Brandt has reported that about 80 per cent of testaments surviving from late medieval Lubeck include pious bequests, and Epstein estimates that 90 per cent of testaments in late medieval Genoa did so: von Brandt, "Mittelalterliche Burgertestamente", p. 18; Epstein, *Wills and Wealth in Medieval Genoa*, pp. 1, 139. Godding reported that out of the seventy-eight thirteenth-century wills from Flanders that he studied (excluding twenty from Douai in his sample), about one-third contained *only* pious bequests. He noted, however, that the twenty wills from Douai included in his survey contained very few such bequests: Godding, "Pratique testamentaire en Flandre au 13e siècle", pp. 290 n. 57, 287.

<sup>20</sup> See n. 17 above

in her parish church of St Jacques, she gives her house or the profits it brings in sale, with the charge that the clerics administering the Table say requiem masses in perpetuity for her soul, and for the souls of her parents;

To the Franciscans, she gives 30 *francs royaux*, with the charge that they say three requiem masses per year, in perpetuity, for her soul and the souls of her parents;

To the *curé* of St Jacques, she gives 2 francs, with the charge that he say one trental of requiem masses;

To the four *lumières* and *confrères* of the church of St Jacques (Notre Dame, St Jehan, St Quentin and St Nicholas), she gives 5 sous, in payment for two trentals of requiem masses to be said for the soul of Jehane Gounione;

To the hospital des Carriers, she gives her best bed and its dressings;

To the hospital of Campflorin, she gives 20 sous (a "pittance" for the Beguines) and another 20 sous for their church;

To each of the other hospitals in Douai, she gives 10 sous.

Many of Narrette's contemporary testators made similar gifts. Jehans D'Auby Dis Le Grans, a prosperous draper, gave 20 sous to the *curé* who would assist at his deathbed, 10 sous to the chaplain and 5 sous to the *clerc*. He also gave his best *houplande* to the Table of the Holy Spirit in St Pierre, and several other gifts in kind to Douai's parishes in addition to cash payments for masses. The sick and the poor received, however, especially generous bequests: 4 sous to each of the poor in the "Bonne Maison De Caritas" and 2 sous to each of the other residents; 4 sous to each resident of the other hospitals in Douai; 24 sous to each sick person in the "Bonne Maison De Garbigin"; 30 *livres* to the common poor of the city who attend his funeral (12 *deniers* to each); three *milliers* of bundled faggots and three *milliers* of bundled firewood to the poor on the day of his death; and two of his houses would pass to hospitals after the death of his wife.<sup>21</sup> Ysabel Le Cocq's will, written at about the same time, was almost entirely devoted to bequests of this kind: 18 sous to the priest, *curé* and *clerc*; an unspecified amount of goods ("tant de ses biens") for payment for an annual requiem mass; 40 sous to various hospitals; 20 sous each to the Dominicans and the Franciscans for masses.<sup>22</sup> Margherete Daire's will was similar: perfunctory gifts to her priest, chaplain and *clerc*; elaborate preparations for her funeral services (4 francs for the burial place, unspecified sums for candles, 20 sous for the shroud); a total of 41 *livres* for masses; 5 *livres* and a *mud* of wheat for the poor.<sup>23</sup>

<sup>21</sup> A.M.D., FF 869, 2 May 1402

<sup>22</sup> *Ibid.*, 25 Mar. 1405.

<sup>23</sup> *Ibid.*, 22 May 1403. A *mud* of wheat was equal to twelve *rasières*.

In all, twenty-seven of the forty wills investigated from the early fourteenth century were laden with bequests of this kind. All of the eleven early fifteenth-century wills studied in their entirety made many such gifts; 70 per cent of those from the mid-fifteenth-century registers did so. All seem to support Chiffolleau's claims about the nature of pious bequests in this age.<sup>24</sup> Even those gifts made to friends and family members echo the pious sentiments which were more directly expressed by bequests to religious institutions and the poor. Most of Marie Narrette's extravagant gifts of dresses, jewels, furnishings and cash came with the explicit plea that the recipients add their voices to prayers which she had already bought from priests: "pray for me", "pray to God for me", she asked, or she simply appended the rather wooden "with the same request" to individual bequests further down her long list.

To focus exclusively on such gifts is, however, to risk distorting the picture. Religious feeling undoubtedly inspired much will-writing in Douai and elsewhere, but there were other, less elevated motives at work as well. As legal historians have explained, almost simultaneously with its emergence as an accepted vehicle for passing wealth on to the church at the death of a donor, the will was adapted for the wider uses of arranging inheritance and succession. As we shall see, northern Europeans had much less discretion over these matters than did southerners, but even in the north, wills were regularly used to distribute goods widely beyond religious institutions and the needy.

Let us return to some of these wills. Marie Narrette's does seem to conform to the prevailing stereotype, for her gifts were generous indeed, and they were dedicated to the kinds of purchases Chiffolleau described. 10 sous for a *curé* and 5 sous for the

<sup>24</sup> The pious bequests in Douai's wills have been systematically studied by J.-P. Deregnacourt, most recently in his "Autour de la mort à Douai attitudes, pratiques et croyances, 1250-1500" (*thèse de troisième cycle*, Catholic Univ. of Lille, 1993) See also J.-P. Deregnacourt, "L'élection de sépulture d'après les testaments douaisiens (1295-1500)", *Revue du Nord*, lxx (1983), pp. 343-52; J.-P. Deregnacourt, "La symbolique et sa signification dans le discours testamentaire des bourgeois de Douai à la fin du Moyen-Age", *Amis de Douai*, 5th ser., vu (1977-80), pp. 224-9; J.-P. Deregnacourt, "Le dernier voyage: l'ambulation funèbre à Douai aux 14<sup>e</sup> et 15<sup>e</sup> siècles", in *La sociabilité urbaine en Europe du Nord-Ouest du XIV<sup>e</sup> au XVIII<sup>e</sup> siècles* (Mémoires de la Société d'Agriculture, Sciences et Arts de Douai, 5th ser., viii, Douai, 1983), pp. 81-8; J.-P. Deregnacourt, "La piété et son décor à Douai du XIV<sup>e</sup> au XV<sup>e</sup> siècle", *Amis de Douai*, 5th ser., viii (1980-3), pp. 175-8; J.-P. Deregnacourt, "Le testament: un reflet de la conjoncture sanitaire, individuelle et collective — l'exemple de Douai au bas Moyen-Age", *Revue du terroir*, xxiv (1985), pp. 117-29

*clerc* are only token gifts (a master mason earned between 5 and 10 sous in a day), but the gift of a house is no small matter, even if it bore a heavy debt burden (as Narrette's provision that the gift was only of the "profits" earned in its sale seems to suggest).<sup>25</sup> Her command that these profits be used for masses also perfectly accords with Chiffolleau's conclusion that "between 1360 and the beginning of the sixteenth century, the mass became the essential viaticum".<sup>26</sup> Her gifts of 2 francs (66 sous) to St Jacques for masses and of 20 sous to the *luminaires* and *confrères* of St Jacques for additional masses speak as well of these commitments. The donations of a *lit estofee* and cash (totalling about 100 sous) to hospitals completes the stereotype. Narrette not only gave to the church a significant part of all the property she seems to have owned, but she gave it for masses and for charity, thus seeming to confirm another of Chiffolleau's observations that women tended to give "the major part of their own goods for the price of their passage (to heaven)".<sup>27</sup>

But Narrette was an exception in Douai, for she gave relatively much more than her contemporaries. When Jehan D'Auby scattered 2 or 4 (or even 10 or 24) sous among priests, the sick and the poor, when he gave 30 *livres* (600 sous) to the poor and 10 francs (330 sous) to the chaplain, he hardly felt it. After all, to each of four nieces and nephews he gave 100 francs; to his brother, another 100 francs; to the children of his deceased niece, 50 francs. One of Douai's rich drapers, with land outside Douai and several houses in the city (two of which he would leave to charitable institutions after his wife's death), D'Auby could well

<sup>25</sup> Houses sold in Douai around the turn of the fifteenth century seem typically to have had a gross value about 1,000 to 6,000 *sous parisis*. This evidence comes from a study of 128 house-sales recorded in *contrats divers* in three sampled periods between 1391 and 1497: Howell, "Weathering Crisis, Managing Change", p. 109. Gross values of houses in Ghent during the same period were comparable: M. Boone, M. Dumon and B. Reusens, *Immobilienmarkt, fiscaliteit en sociale ongelijkheid te Gent, 1483-1503* (Standen en landen, lxxvii, Kortrijk, 1981); see in particular Table III-A, p. 61.

Houses in Douai bore liabilities in the form of rental payments due to various creditors (usually previous owners), and purchasers did not "buy" the house outright but agreed to assume outstanding rents and (usually) to pay an additional rent to the last owner of the house. The gross "values" are therefore not market prices or quotations but figures derived by discounting and summing rental payments. For interest-rates, terms and monetary conversions used in these calculations, see Howell, "Weathering Crisis, Managing Change".

<sup>26</sup> Chiffolleau, *Comptabilité de l'au-delà*, p. 355.

<sup>27</sup> *Ibid.*, p. 220.

afford to give 10 francs here and there and even to leave a few houses to the church.

While relatively less generous with his huge estate than Narrette, D'Auby was none the less a major benefactor of charities and the church, at least in comparison with most other men of his social rank. Most prosperous Douaisiens made generous bequests for funeral rites and masses, but they seldom gave the significant parts of their estates for this purpose.<sup>28</sup> And city-dwellers everywhere were sometimes openly cynical about their gifts. A merchant from fourteenth-century Regensburg left money in his will, for example, with the order that "four brotherhoods be purchased" ("man mir chauff vier pruderschafft").<sup>29</sup> Chiffolleau himself admitted that, when compared with the entire estate described in the testament, the pious gifts of Avignon's élite "never represent more than a small part of their fortune".<sup>30</sup>

Even a reading of wills which takes full account of gifts both for religious and more secular ends does not necessarily convey the relative importance of religious bequests — or, for that matter, of any of the gifts made by testament. The will was, after all, only an *acte à cause de mort*, not necessarily (and in practice only rarely) the record of an estate distribution. Neither Ysabel Le Cocq nor Margherite Daire, for example — both of them generous benefactors of the church and the poor — used her will in this way. At first glance Le Cocq's will seems to be the last wishes of an elderly woman who was devoted to her parish, a charitable soul eager to help the poor; although she was surely getting on in years when she wrote her will in 1405, and although she may have been both devout and charitable, her will is not certain testimony to either of these virtues. The text makes clear that she was using the document only for religious and charitable bequests, not as an instrument of estate management; the document itself thus provides no indication of the relative value of

<sup>28</sup> For a similar conclusion, see J.-P. Deregnauourt, "Les dernières volontés d'un échevin douaisien à la fin du XIV<sup>e</sup> siècle", *Amis de Douai*, 5th ser., vu (1977-80), pp 163-7. The same scholar has, however, pointed out elsewhere that most rich Douaisiens chose to arrange sumptuous funerals: Deregnauourt, "Symbolique et sa signification". For descriptions of Douaisien funerals, see also Deregnauourt, "Dernier voyage".

<sup>29</sup> *Das Rüntingerbuch, 1383-1407, und verwandtes Material zum Regensburger-südostdeutschen Handel und Münzwesen*, ed. F. Bastian, 3 vols. (Deutsche Handelsakten des Mittelalters und der Neuzeit, vi-viii, Regensburg, 1935-44), iii, pp. 4-5, cited in von Brandt, "Mittelalterliche Burgertestamente", p. 21.

<sup>30</sup> Chiffolleau, *Comptabilité de l'au-delà*, p. 225.

her religious and charitable bequests.<sup>31</sup> Daire's will, which was even more generous to the church and the poor than Le Cocq's, had a similarly restricted purpose. Although she used it principally to distribute gifts to the church and the poor — and beyond — she buried an unknown portion of her wealth in a clause which gave the *sourplus* to near relatives. Just how much property was contained in that *sourplus* is impossible to say, but it is unlikely that the itemized gifts even equalled the value of these reserved assets.<sup>32</sup>

To interpret either Le Cocq's or Daire's pious bequests — to judge them generous or meagre, to enter them in an account-book for the soul as Chiffolleau would have us do — we must thus know a great deal more than the wills alone can tell us about the property to which these women had access and the legal regimes which controlled their estates. That information is retrievable only from a study of the law and the institutions which produced the will.

## II

### THE LEGALITIES OF WILLS

The factor impinging most directly on the meaning of the Douaisien will was the customary law of Douai. Douai was located

<sup>31</sup> Le Cocq had been married to Ansel Boinebroque, a relative of Jean Boinebroque, who has been immortalized as one of Europe's first capitalists: G Espinas, *Les origines du capitalisme*, 4 vols. (Lille, 1933-49), i, *Sire Jehan Boinebroke, patricien et drapier douaisien* (?-1286 environ).

Le Cocq's marriage with Boinebroque is recorded in A.M.D., FF 585/158, 30 Sept 1371. The marriage provided her no rights over her husband's estate, only the return of the property she had brought to the marriage (valued at 633 *francs royaulx*) plus the *douaire*, *assene et amendement*.

<sup>32</sup> The clause reads: "... all the property remaining to Madame Margerite Daire on the day of her death, in movables, chattels, debts, *heritages* and other goods of value of whatever sort and in whatever place, jurisdiction or country, whatever they may be . . ." ("... tout le *sourplus* et remenant que vailent au le dit demss. Margerite Daire audit jour de sen trespas en meubles cateulx debtes heritages et toutes autres valeurs et remenan quelconques et en quelconques lieux, jurisdiction et terres, ce que ce soit . . ."): A.M.D., FF 869, 22 May 1403.

Daire was the widow of Collart De Mannville, a draper-finisher (*caucheteur*), with whom in 1374 she had written a *ravestissement sous reserve de contrat*, that is, a mutual donation subject to a prior marriage contract. A.M.D., FF 585/173, 15 May 1374. The contract itself has not survived, but it almost certainly dealt with all *heritages* (that is, all family property, usually immovables) either spouse had brought to the marriage or acquired thereafter, and it may have dealt with other goods as well. The *ravestissement* probably covered only those properties acquired during the marriage as well as all movables brought to the marriage (personal property and chattels).

in what the French call the *pays de coutume*, where, by definition, matters of inheritance and succession were controlled by custom, that is, by unwritten norms. In this region, which conventionally covered France north of the Loire (but in effect included most of north-western Europe), those properties deemed to make up the patrimony (in the principal vernaculars, the *heritages*, *erbe* or *Erbgut*) automatically passed to those kin recognized as heirs — usually children, often spouses — or, in their absence, to siblings or parents. Thanks to these traditions, the will — which in Roman law was used principally to arrange inheritances — was only slowly and reluctantly accepted in northern Europe. And, at least in its early years during the eleventh and twelfth centuries, the will was used for quite limited purposes, as a substitute for making gifts for pious purposes during life. Only those testators with no customary heirs could write wills without restrictions, and those secular folk who did make testaments had, in principle, free disposition only over those properties to which customary heirs did not already have claims. Typically, these were personal goods such as clothing, jewels and arms; land was never included, for it was the basis of the patrimony.

As the forms of property proliferated during the later Middle Ages — as houses, shops, bridges and canals were built, as the products of the land entered the market, as manufactured goods increased the wealth of all social groups — the will acquired new powers. Testators began to use it, not just to make gifts of non-patrimonial goods for pious purposes, but to make bequests to secular folk as well and to give away properties that looked suspiciously “patrimonial”. The term “patrimony” was generally understood to mean immovables which had come by inheritance, but in this period the term “immovables” itself did not have clear meaning. Land, of course, counted as an immovable, but did houses and buildings, capital improvements of other kinds or land-rents? And what about goods neither “immovable” nor personal — what would typically be called “chattels” — such as stores of grain, the harvest of orchards or flocks of sheep? All these questions were settled according to local custom, which itself changed over time and according to the status of the actors involved.<sup>33</sup> In cities, where most wealth was concentrated in

<sup>33</sup> The range of variation was enormous. Beaumanoir reports that four-fifths of *propres* were reserved for heirs in Beauvais, but gifts made during the life of the testator were exempted: P. de Beaumanoir, *Coutumes de Beauvaisis*, ed. A. Salmon, 2

movables or in immovables of dubious status such as land-rents, urban real estate or agricultural goods intended for the market, the problem of definition was even more acute. Although everywhere the principle that *heritages* reverted to "heirs" was held to be inviolate, everywhere we find violations of the spirit, if not the letter, of the law.<sup>34</sup>

At the same time, testators also began to include customary heirs in their wills, sometimes just to provide reassurances that the "rest" of the estate — after deduction of all the named bequests — was being left to them, but sometimes also to privilege one heir over another (a child over a widow, for example, or a son over a daughter) or to put restrictions on the heirs. All these innovations caused much controversy, and the outcomes of the disputes were not uniform. In some places, testators were given more leeway than in others, at some periods the law seemed especially flexible, for some people special exceptions were made. In the end — if we take the fifteenth century as the "end" —

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vols. (Collection des textes pour servir à l'étude et à l'enseignement de l'histoire, Paris, 1899-1900), i, pp. 174-5 (nos. 365, 368). In the west and in certain parts of the Nord, only two-thirds of *propres* were reserved but gifts *inter vivos* were not exempted; in some areas (e.g., Burgundy) there was only a small reserve set aside for customary heirs: M. Petitjean, "L'acte à cause de mort dans la France coutumière du Moyen Âge à l'Époque Moderne", in *Actes à cause de mort*, ii, pp. 85-127, J. Yver, *Égalité entre héritiers et exclusion des enfants dotés: essai de géographie coutumière* (Paris, 1966); E. Le Roi Ladurie, "Family structures and inheritance customs in sixteenth-century France", in J. Goody, J. Thirsk and E. P. Thompson (eds.), *Families and Inheritance: Rural Society in Western Europe, 1200-1800* (Cambridge, 1976), pp. 37-70. In Flemish-speaking Flanders, testators could not dispose of more than one-third of the estate by testament, but this rule was by no means universally applied, even in this small region: P. Godding, "Pratique testamentaire en Flandre au 13<sup>e</sup> siècle", P. Godding, "Le droit au service du patrimoine familial: les Pays Bas méridionaux (12<sup>e</sup>-18<sup>e</sup> siècles)", in L. Bonfield (ed.), *Marriage, Property and Succession* (Comp. Studies in Continental and Anglo-American Legal Hist., x, Berlin, 1992), pp. 15-35, and, more synthetically, P. Godding, *Le droit privé dans le Pays-Bas méridionaux du 12<sup>e</sup> au 18<sup>e</sup> siècle* (Académie Royale de Belgique, Mémoires de la Classe des Lettres, collection in-4<sup>e</sup>, 2nd ser., xiv, pt 1, Brussels, 1987).

<sup>34</sup> For a discussion of the many exceptions, see von Brandt, "Mittelalterliche Burgertestamente". In certain German cities (including Hamburg, Lübeck, Cologne, Brunswick and Magdeburg) urban real estate could regularly be bought and sold, all such property having by the fourteenth century been rendered "movable", whether by fiat, subterfuge or a mutation of custom: see D. Werkmüller, "Rechtsgeschäfte auf den Todesfall in den deutschen Rechten des Mittelalters", in *Actes à cause de mort*, ii, pp. 257-66; G. Wesener, "Verfügungen von Todes wegen nach deutschen Rechten der Neuzeit", *ibid.*, pp. 267-96; R. Hübner, *A History of Germanic Private Law*, trans. F. S. Philbrick (Continental Legal Hist. Ser., iv, London, 1918); G. Kobler, "Das Familienrecht in der spätmittelalterlichen Stadt", in A. Haverkamp (ed.), *Haus und Familie in der spätmittelalterlichen Stadt* (Cologne, 1984), pp. 136-60



European laws of inheritance acquired the crazy-quilt quality which has long plagued legal historians trying to sketch regional typologies.

The nature of urban wealth and of the mobile commercial society to which it belonged thus put extraordinary pressure on traditional inheritance practices, as urban citizenries and their magistrates sought mechanisms for adjusting and sometimes even subverting custom in order to meet their needs for financial flexibility and social mobility. Testaments, along with other documents of convention such as marriage contracts and registered gifts *inter vivos*, came to play key roles in this process. Although seldom used to deny the "family", which was still honoured as legitimate owner and the legitimate heir of wealth, such documents often served to decide what kind of wealth went to which family member — and how much of it.<sup>35</sup>

Thanks to peculiar features of their custom, Douaisiens had unusual freedom to employ such documents for these purposes. The city's custom belonged to the type legal historians have labelled "Picard-Walloon" (after the region, which includes part of present-day northern France and southern Belgium), which was distinguished in that it privileged the conjugal unit over the lineage of either spouse as the customary heir. In Douai, all property brought to a marriage by either spouse, whether movable or immovable, was credited to the conjugal fund, and all property of any kind acquired thereafter, by any means whatsoever, was similarly deposited. Thus, the custom contemplated no separate spousal hoards, no dowries, no dowers, nothing like the *Morgengabe* or *antefactum*. The husband had absolute control over the properties during the marriage — for he was head of the radically unitary conjugal fund — but the surviving spouse of a

<sup>35</sup> None the less, most town-dwellers everywhere in the north, Douai included, still passed on the bulk of their estates to the very heirs custom would have chosen, and most courts upheld the claims of traditional heirs in the event of disputes.

The still standard legal history of the French will is H. Auffroy, *Evolution du testament en France des origines au XIII<sup>e</sup> siècle*, ed. A. Rousseau (Paris, 1899). While acknowledging that northerners sometimes included provisions about their *heritages* in their wills, Auffroy remarked that a testament in this region "lacked the essential quality of the Roman will. . . It was faithful, not only to the financial interests of the family, but also to what I will call the privileges of honour and affection, [due] only [to] those entitled by birth to call themselves 'heirs' and to take the social place of the deceased". For recent assessments of the northern European will which complicate but do not override this conclusion, see *Actes à cause de mort*, ii; Godding, "Droit au service".

fertile marriage took all and managed it as he or she saw fit. Even survivors of marriages which had seen no live births inherited half of the conjugal estate as their absolute property, the other half ascending to the parents of the deceased.<sup>36</sup> In most other areas of this region, the estate passed to living children at the death of the surviving spouse, but in Douai and a few other places, children were not guaranteed the estate and inherited it only if their parent(s) had not disposed of it otherwise.<sup>37</sup> So devoted were Douaisiens to the principle of conjugal hegemony at the heart of their custom that many couples chose to extend the customary *ravestissement par sang*, the term used in Douai and elsewhere to describe the mutual donation between spouses automatically created by a fertile marriage. They did so by issuing a document called a *ravestissement par lettre*, which assured the surviving spouse of an infertile marriage the same rights as the survivor of a fertile one.

By its logic, Douaisien custom thus positioned men, as husbands who had married under custom, to write wills covering the entire conjugal estate, and it granted widowers of fertile customary marriages the same powers. Women were, however, very differently positioned. Widows of a fertile marriage, as successors to their husbands, had under custom the same testamentary authority as widowers — unless, of course, the husband had made a prior will or disposed of conjugal property by other means, which would have effectively nullified the widow's power. In principle, however, wives married under custom could not make a testament because as wives they had no power over conjugal goods, not even those they had brought into the household.

In practice, however, wives did possess limited testamentary powers. Many were parties to a particular form of the *ravestisse-*

<sup>36</sup> The fullest study of this system is R. Jacob, *Les époux, le seigneur et la cité. coutume et pratiques matrimoniales des bourgeois et paysans de France du Nord au Moyen Age* (Publications des Facultés Universitaires Saint-Louis, 1, Brussels, 1990). Jacob provides a compelling and well-supported argument about the logic and origins of this system which locates it in the Picardese countryside, where a Draconian seigneurial system put enormous pressure on households to keep the productive unit intact, even at the death of one spouse, and which made it possible for wives to succeed husbands (and vice versa) as though no death had occurred, with the result that death duties were avoided.

<sup>37</sup> To be sure, most Douaisiens seem to have "liked" to pass their property on to their children; none the less, they often used wills and even marriage contracts to protect certain properties from their children's claims or to differentiate among them.

*ment par lettre*, which reserved for each spouse a portion of the conjugal estate that could be used for testamentary bequests, in effect a portion which was not conjugal but individual. Wives benefiting from such a clause commonly made oral bequests on their deathbeds and sometimes actually wrote wills. Marriage contracts also regularly included provisions allowing women a certain portion of the conjugal fund for their own testaments, in a fashion similar to the modified written mutual donation. Women married under contract could also, as widows, write wills on the property returned to them by the contract.

Reflecting the differing ways in which women and men were positioned in law, the demographics of will-writing in Douai were clearly marked by gender dimorphism: married will-writers were overwhelmingly male; widowed and single will-writers were overwhelmingly female. In total, seven of the twelve male testators in the pre-1270 dossier were married men; three more were either married or widowed. Among the five women there were three widows, all of them apparently the full heirs of their husbands, as custom anticipated. One of the five was married, but she clearly did not have control of the whole marital estate and owed her limited testamentary rights to a prior marital document; one was single. The early fourteenth-century sample is made up of eighteen men (excluding the husbands in the case of two married couples who made wills), three of them in major orders. Of the fifteen non-religious, thirteen were married. In stark contrast, sixteen of the twenty-one women (who were not writing a will with their husbands) in this group were single, and five were widowed. There were no married women in this group who were writing wills independently. In the sample from 1350-67, nine of the sixteen men were married, eight of thirteen (excluding a married couple) at the turn of the fifteenth century were married, and twelve of sixteen in the mid-century sample from the *registres* were married.<sup>38</sup> Yet among the twelve women

<sup>38</sup> Jehan Le Jucains, a brewer whose will comes from the 1350-67 period, provided that his wife succeed to his estate, but only in usufruct, and only after paying 12 *écus* to his daughter and 200 florins to each of their children. A.M.D., FF 862, 13 Mar 1366 O.S. Bertoulx Disier, a prosperous Douaisien who had been widowed at least twice, used the will to distribute his property (unequally) among the six children he had fathered in two marriages. *ibid.*, 3 Feb. 1359 O.S. Jehan D'Auby, the well-heeled draper who was a contemporary of Narrette, left 100 francs to each of four nieces and nephews, an equal amount to a brother, 50 francs to each of the children of a niece, the tools of his trade ("toute les fourches, presses, aisselles et autres hostiaux qui appartiennent au mestier de tondre de grans forche") to a certain Hatin Le Roy

in the 1350-67 sample, there were seven widows and five single women — no married women. The women's wills from both sampled periods from the fifteenth-century archive of *chirographes* were dominated by widows: ten out of fifteen in the first, eight out of twelve in the second.<sup>39</sup>

Perhaps the most interesting feature of the pattern of gender dimorphism is how aggressively married men used their wills to subvert the preference custom would have shown their widows. The pattern is evident in the very earliest Douaisien wills. In his testament dated April 1248, Aleume Le Cambier left his house — presumably his principal immovable — to his wife, but only so long as she remained a widow; at her remarriage, the house would pass to their children.<sup>40</sup> In the same year, Bernard De Salar, a merchant or seaman about to venture abroad, wrote a will leaving his house to his wife, but only for her life, and deeded it to his son at her death. He also provided, however, that when (and if) he returned, he would revoke the will and reassume discretionary power over its disposition.<sup>41</sup> In the same month, Simon Louvet divided all his movables and immovables between his daughter and his wife, thus assuring his descendant the property which his widow could have denied her, had she chosen to do so.<sup>42</sup>

Many of the men who wrote wills during the fourteenth century seem to have been driven by a similar distrust of their widows. In 1320, Jehans Li Barbyeres Den Markiet removed 130 *livres paris* from his estate and gave it to his mother, and then left the rest to be divided equally between his son and his wife.<sup>43</sup> During the same period Segars De Warlers left his wife only a third of

(n 38 cont.)

dit Plattecorne, 14 *couppres* of land to a niece, 100 francs to a grand-nephew and 20 francs to a certain Hanotin Le Waghe. To his wife, he left two houses in usufruct, rents from another house in usufruct, 800 francs and all her *meubles*. His own *meubles* he split between his wife and two religious institutions: A.M.D., FF 869, 2 May 1402.

<sup>39</sup> Three of the women in the first fifteenth-century sample were married, but two of these explained that a prior marriage contract had reserved some property for their discretion. Although neither the will of the third married woman in this group nor that of the sole married woman in the second fifteenth-century sample provided such information, these women could not have written a will without formal permission of some kind.

<sup>40</sup> Mestayer, "Testaments douaisiens antérieurs à 1270", p. 64.

<sup>41</sup> *Ibid.*

<sup>42</sup> Espinas, *Vie urbaine de Douai au Moyen Age*, iii, p. 72, doc. 102, cited in Mestayer, "Testaments douaisiens antérieurs à 1270", p. 65.

<sup>43</sup> A.M.D., FF 862, Aug. 1320. The wife was to hold the son's portion for him until his maturity.

his estate, reserving the remaining two-thirds for their children.<sup>44</sup> Jehans De Bourech took twenty *livres paris* from his estate for a daughter who was a nun and, after setting aside some cash for the church and its charities, split the rest — “composed of debts, movables, chattels, *heritages* and rents” — between his wife and their children.<sup>45</sup>

A much greater proportion of the wills in *registre* follow custom in granting the widow all marital property, exempting for the church only a few sous from the small estates typical of these testators. But those wills in this collection which were written by more prosperous Douaisiens often did impose the kinds of restrictions on wives that wills in *chirographe* did. Pierre De Le Bacye, an apothecary, left about ten *livres paris* and a purple *hupplande fouree de beures* to the church, the tools of his trade to his brother, all the *heritages* that had come to him from Jehan De Bourben to his wife in usufruct and then to his sister. To his wife he also gave the surplus but only on the condition that she not remarry. If she did, she was to get only a fief containing about twelve *couppres* of land plus the 400 *livres paris* from the property she had brought to the marriage.<sup>46</sup> Jacquemart Le Libert, a member of one of Douai's most successful families of artisan-entrepreneurs, made a deathbed testament leaving all his property to his wife but, like De Bourben, only on the condition that she did not remarry; if she did, she was to pass the children's share on to them.<sup>47</sup>

<sup>44</sup> *Ibid.*, 16 Mar. 1311.

<sup>45</sup> *Ibid.*, Dec. 1313. Not all men seemed so intent on restricting their widows. Some even wrote joint testaments with their wives to assure the mutual donation custom would normally provide only in the case of a fertile marriage: see, for example, *ibid.*, Sept. 1312, will of Jehan De Bacheret and Chatelins De Tillay. Others wrote joint wills to establish just what religious and charitable donations each spouse could grant from their joint estate and to set aside a portion of it for relatives to whom they owed an obligation: *ibid.*, Nov. 1308, will of Jakemon De France et Hegars De Ghesnaing. Some men who wrote wills were not married; a few were widowers (most of these seem to have been childless), a great many were clerics. In general, such men used the will to distribute their property further and wider than custom would have done, especially to the church and to charities. For example, Jehans De Brebiere, a priest, left his property — apparently all in movables — to his parish clergy, abbeys, the mendicant orders and charities, and a long list of nieces, nephews and godchildren: *ibid.*, June 1313.

<sup>46</sup> A.M.D., FF 448, fos. 22<sup>v</sup>-24<sup>r</sup>, May 1439.

<sup>47</sup> *Ibid.*, fos. 29<sup>v</sup>-30<sup>r</sup>, 23 June 1439. She did remarry, and soon. But she had her adult children witness the new marriage contract to confirm her right to the properties she took: A.M.D., FF 617/2410, 31 May 1444. Le Libert had written his will in 1439, apparently on his deathbed. Such provisions were common elsewhere as well. See, for example, von Brandt, “Mittelalterliche Bürgertestamente”, p. 26; Epstein, *Wills and Wealth in Medieval Genoa*, pp. 107-9, 111-14.

Powerful as the testament was in subverting traditional custom, it did not, however, reign alone. Even in the thirteenth century, the will shared power with other conventional legal instruments, chief among them the registered gift *inter vivos* and the marriage contract. By the late fourteenth century, the contract had displaced the will as the principal instrument for regulation of marital property law. The main purposes of the marriage contract seem to have been to assure that children born of a marriage succeeded to family properties and to protect wives from greedy or incompetent husbands. It achieved these ends by exempting certain properties from the conjugal fund. Typically, the contract reserved *heritages* (patrimonial properties) which had been contributed to a marriage either to the children-born of it or, in their absence, to the natal families from which the assets had come. Husbands, childless widowers and all widows thus lost control over the *heritages* their spouses had brought to the marriage, and the property was returned to the spouses' lineages.<sup>48</sup> The marriage contract also provided that the goods a woman brought to such a marriage (the *portement*, similar to a dowry, which included the *heritages*) were only temporarily and incompletely deposited in the conjugal fund and held for return to her as widow (the *reprise*), along with an increase on them (called the *douaire* or the *douaire, assene et amendement*) or for return to her kin if she were to die first (in the case of *heritages*). The husband could manage the *portement*, but typically could not alienate the *heritages* in it without permission or without substituting property of equal value. Alternatively, marriage contracts drawn up from the later fifteenth century on commonly allowed widows to choose the *douaire coutumier* instead of the property promised in the contract. The *douaire coutumier* is thought to have granted the widow only usufruct on the whole estate, along with an obligation to assume its debts.

So powerful did the marriage contract, the testament and the practice of making gifts *inter vivos* become in Douai that the citizenry was ineluctably led to abandon the basic tenet of custom privileging conjugality. By the early seventeenth century, when

<sup>48</sup> If the marriage had been fertile, however, the widower typically inherited his wife's *heritages*, and although it was expected that he would pass them on to his children, he was only rarely formally obliged to do so. The widow with children was normally not so privileged. Unlike her husband, she was not given his property but held it only in usufruct, and it formally passed to their children.

Douai printed its first complete written custom, the principle of conjugality encapsulated in the mutual donation (the *ravestissement*) was no longer hegemonic in Douai.<sup>49</sup> Instead, like other parts of northern Europe, Douai now accepted a marital property regime which preferred the lineage over the conjugal pair, the children over parents, patrilineality over colineality.

The testament in late medieval Douai was thus not just a way of making gifts *pro anima*, not just a way of distributing personal effects, not just a way of staging an exit from life, although it was also all of those things. It was often a chief player — and always at least a bit player — in a meta-drama in which the dominant themes were management of property, protection of social status, establishment of family networks and control of women. While it is never easy to divine from a surviving will alone exactly what role it was playing, we can be sure that, even as it was upstaged by the marriage contract, the will continued to play some role. To read any testament profitably, we must have a sense of this plot and the full cast of characters in the life-drama to which it belonged.<sup>50</sup>

### III

#### THE GENDER OF GIVING

Thanks to this legal complex, women in Douai were considerably less powerful as testators than men. None the less, women in Douai wrote a lot of wills, making up almost half of each sample — a significantly higher percentage than appears in collec-

<sup>49</sup> The first sketch of a written custom dates from the mid-sixteenth century, but it was not until 1627 that a complete written custom was published. Although it described the medieval *ravestissement* as customary, it also treated the new *douaire coutumier* (the widow's right to usufruct on the marital estate), an utterly different concept of widow's rights, as though it were also the norm in Douai: Jacob, *Epoux, le seigneur et la cité*, pp. 179-91.

<sup>50</sup> Marriage contracts took precedence over wills in Douai, as did *ravestissements par lettre*, and many testators acknowledged the priority of these documents in writing their wills. For example, Jackemes Painmoulliet mentioned the *douaire* due his wife in the list of properties he left her: A.M.D., FF 862, Oct. 1315. Pierres Nodus argued that because his will incorporated all the provisions of his previous marriage contract, it could supersede the contract: *ibid.*, May 1328. Johans Briens identified the *échevins* who witnessed the marriage contract which he claimed to be honouring in his will: *ibid.*, Nov. 1311. Gillos Hachiells also mentioned the date of the marriage contract which his will, he insisted, respected: *ibid.*, 24 June 1367.

tions from other cities of the day.<sup>51</sup> Evidently, women in Douai not only retained significant property rights, they had a lively sense of those rights and made aggressive use of Douai's legal system to ensure that their property went where they wanted it to go.

The distinctive quality of women's voices emerges most clearly in the ritual of gift-giving, so ceremoniously performed by Marie Narrette. While female testators were not alone in labelling the objects they owned and passing them on, one by one, in individual bequests, and while they may not have invented the practice, there is no doubt that they dominated the discourse. Ten of the eleven early fourteenth-century wills in which personal property was itemized and distributed in the fashion adopted by Narrette were written by women, while only half of the testators in this sample were female; 66 per cent of the "object-givers" in the 1350-67 sample were female, while only 43 per cent of the testators were women; 75 per cent of those writing such wills in *registre* were female, while only 37 per cent of the entire group were women. The only sample not so skewed is the early fifteenth-century one from which Narrette's will was taken; 50 per cent of those who distributed property in this way were women, a sex distribution exactly matched in the group from which the wills came.

No doubt women devoted so much attention to distributing personal property in this period because, as we have seen, the will and the marriage contract increasingly restricted them to such goods, while reserving land, houses and rents for patrilineal heirs and denying widows the authority they had once enjoyed over the entire conjugal estate. The legal system authored this pattern in another way as well, for by guaranteeing that the typical female testator was a widow or a spinster, it also guaranteed that she would have many people to remember in her will. The typical widow was aged, with grown children, grandchildren and hordes of nieces, nephews and godchildren. She might also

<sup>51</sup> In contrast, only about 20 per cent of fourteenth-century Lübeck's testators were female, only about 18 per cent of Freiburg's, 15 per cent of Ravensburg's and 33 per cent of Constance's. von Brandt, "Mittelalterliche Bürgertestamente", p. 11; Baur, *Testament und Burgerschaft*, p. 60. In Avignon, about 35 per cent of testators were female, and in Cologne about 53 per cent: Chiffolleau, *Comptabilité de l'au-delà*, p. 50; Baur, *Testament und Burgerschaft*, p. 64. In Douai, about two-thirds of all female testators were widows, while only about 36 per cent of Constance's were widows: *ibid.*, pp. 65, 61.



have had a circle of female friends from her neighbourhood. Or she was a spinster whose intimates were perhaps more numerous — if less close — than those a mother and widow might have had. The typical male testator, in contrast, was a younger, married father whose concerns were his household, his children's future and his wife's. He had little interest in marking and elaborating a wide social circle; his impulse was to claim and protect his own.

The tendency for women to attach themselves to personal effects and to attach themselves to others through these goods had, of course, deep cultural roots as well. The typical Douaisien marriage contract always assumed — and often stated — that widows were expected to take the clothes and jewels they regularly wore ("a son corps") when their husbands died, thereby honouring the venerable European tradition which made these goods always a woman's own. But this is not to say that Douaisiens limited women's property to such goods. Custom, after all, made widows full heirs of their husbands, and daughters equal heirs of intestate parents. Even marriage contracts did not entirely dispossess women; women married under contract regularly controlled houses, shops, land, tools and cash, even if they were not given the same extensive rights they would have enjoyed under custom.<sup>52</sup> For their part, men often brought linens, jewellery and clothing to marriages, just as women did. In one sample of contracts, for example, a cloth-merchant listed among the assets in his *portement* "*meubles, vaiselles et marchandise*";<sup>53</sup> a cabinet-maker (*hugier*) mentioned the *meubles* he was to get from his mother;<sup>54</sup> and another man included his clothing (*habits*) among

<sup>52</sup> For example, both Marie Le Grand and Clumence Moutone, widows who had married by contract, retained significant rights to real property. Le Grand had survived three husbands. From the third, by the terms of the marriage contract, she received the entire estate, which included all his *meubles* and tools, one *muid* of wheat, another three *muids* of wheat per year as a rent, and a house worth 40 *florins d'or*: A.M.D., FF 869, 13 Apr. 1402; FF 592/645, 29 Jan. 1385. Clumence Moutone had been married twice. From her first husband she got all her personal property and the house she had brought to the marriage, in addition to half his property (the other half went to the children): A.M.D., FF 869, 16 Dec 1406; FF 589/470, 26 July 1382. From her second, she got all her own property plus 300 francs: A.M.D., FF 600/1247, 9 Dec. 1401.

Widows married by contract also had the right to refuse return of their own property and the increase (the *reprise* and *douaire*), choosing instead to "stay" on their husbands' estates. It has been argued that widows who "stayed" had only use-rights on the estate: Jacob, *Epoux, le seigneur et la cité*, p. 170.

<sup>53</sup> A.M.D., FF 609/1789, Aug. 1421.

<sup>54</sup> A.M.D., 609/1814, Nov. 1427.

the goods he would provide.<sup>55</sup> And the same European tradition which granted a widow her "normal" clothes and jewels, and even sometimes the marriage-bed, also granted the widower his own jewels, along with his arms and special ceremonial or military garb.

There can be no doubt, however, that women named personal property, particularly clothing and jewels, in their wills more often than men, evidently investing disproportionately in these goods and choosing these among all their possessions to distribute individually. There is also no doubt that European culture generally made an easy association between women and such goods. European moralists had, after all, long cautioned against a love of personal adornment and argued that women were especially susceptible to such desires. Comic literature of the age regularly associated women with greed for fineries; the *Fifteen Joys of Marriage* and Chaucer's "Shipman's Tale" are only two of the best-known examples of the period's affection for stories about frivolous, grasping women whose lust for clothes disrupts both the moral and the social order.

Yet dress in the late medieval urban north could not yet be equated with femaleness itself, not even with feminine sin. After all, luxurious dress was, in practice, as much a male obsession as female. This was the age when men of the Burgundian court set fashion standards throughout the aristocratic north, and when expenditure on the duke's wardrobe far exceeded that on the duchess's,<sup>56</sup> when city officials were compensated for their public service by the extravagant livery they were permitted to wear, when urban élites sought to copy the dress of knights and princes, and when artisans aped merchants. The sumptuary legislation of the day, at least in the north, linked dress with contests over social place, not with the proprieties of gender. It was intended to prevent mere knights from dressing as dukes, to prevent the bourgeois from passing as nobles, to keep butchers — and their wives — in their place.<sup>57</sup>

<sup>55</sup> A.M.D., FF 609/1819, 10 Apr. 1428.

<sup>56</sup> The duke seems to have spent about 15,000 to 25,000 francs a year on silks, wools, furs and luxury cloths of other materials: A. van Nieuwenhuysen, *Les finances du duc de Bourgogne, Philippe Le Hardi (1384-1404)*, 2 vols. (Brussels, 1984-90), 1, pp. 394-5. René d'Anjou, king of Jerusalem and Sicily, spent about twice as much as his queen on his wardrobe: F. Piconnier, *Costume et vie sociale la cour d'Anjou, XIV<sup>e</sup>-XV<sup>e</sup> siècle* (Civilisations et sociétés, xxi, Paris, 1970), pp. 97-105.

<sup>57</sup> See L. Eisenbart, *Kleiderordnungen der deutschen Städte zwischen 1350 und 1700: Ein Beitrag zur Kulturgeschichte des deutschen Bürgertums* (Göttingen, 1962); N. Bulst, "Zum Problem städtischer und territorialer Kleider-, Aufwands- und Luxus-

Hence, whatever uncertainty Douaisiens may have felt about the moral value of wealth and however harshly they condemned vanity, both men and women of this age usually displayed unself-conscious interest in fashion and luxury goods, and satisfaction with the prestige they brought. If women, more than men, owned clothes and jewels, if they, more than men, made elaborate gifts of these items in their wills, it was not because they were the foolish creatures described by moralists, creatures whose heads were so empty and whose hearts so hardened that they had no passions but the adornment of their bodies. There were more compelling reasons for their choice.

#### IV

##### THE MATERIAL OF THE GIFT

If these women had passions, they were less for adornment than for wealth, for movables such as theirs accounted for a huge portion of Douaisien fortunes. Although there were some Douaisiens whose principal properties were land and land-rents, the number of such people — even among the select group of Douaisiens prosperous enough to issue a marriage contract — was small; until the mid-sixteenth century, less than 20 per cent of Douaisiens who left marriage contracts owned significant amounts of land.<sup>58</sup> Most women brought nothing but *meubles* to their marriages, and if we count urban real estate as a movable —

(n 57 cont.)

gesetzgebung in Deutschland (13.-Mitte 16. Jahrhundert)", in A. Gouron and A. Rigaudière (eds.), *Renaissance du pouvoir législatif et genèse de l'état* (Publications de la Société d'Histoire du Droit et des Institutions des Anciens Pays de Droit Ecrit, III, Montpellier, 1988), pp. 29-57. Bulst points out that most of the sumptuary legislation in the north which had much to say about the proprieties of female costume was issued by the church, and was concerned more with how much of the female body was covered rather than with how it was covered. Sumptuary legislation issued by states and municipalités (in the German areas, the latter preceded the former) sought to mark social status, restrain consumption spending, promote local industries and clearly demarcate the sexes. See also W. Hooper, "The Tudor Sumptuary Laws", *Eng. Hist. Rev.*, xxx (1915), pp. 433-49. The Italian case appears to have been somewhat different: D. Owen Hughes, "Regulating Women's Fashions", in C. Klapisch-Zuber (ed.), *History of Women in the West* (Cambridge, Mass., 1992), pp. 136-58; D. Owen Hughes, "Sumptuary Law and Social Relations in Renaissance Italy", in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983); D. Owen Hughes, "Distinguishing Signs: Ear-Rings, Jews and Franciscan Rhetoric in the Italian Renaissance City", *Past and Present*, no. 112 (Aug. 1986), pp. 3-60.

<sup>58</sup> See Howell, "Weathering Crisis, Managing Change", Table 2, pp. 110-15 and *passim*.

which some urban customs did — we can calculate that about three-quarters of brides married under contract had nothing but movables in the property (*portements*) so brought. The property of most grooms also consisted principally of movables, although we know considerably less about men's *portements* because they so seldom listed them in their marriage contracts. What we do know, however, is that men readily pledged significant *douaires* (increases) in return for their brides' *portements* (typically about one-half of the value of the bride's *portement*), and that they usually paid their *douaires* in movables.<sup>59</sup>

Let us look more closely at the goods typically carried into marriage and then left behind in wills. A *hanap* (drinking-vessel) of the kind so often mentioned in wills was easily worth 1 or 2 francs and one with silver feet at least another franc; at 3 francs this object was the equivalent of more than two weeks' wages for Douai's most skilled artisans and two months' wages for a day-labourer.<sup>60</sup> The best wool cloth of the kind used for elegant *houplandes* or *surcottes* sold for 2 or 3 francs per yard (the Flemish *el* or *aune* of about 70 cm.), and three to six yards easily went into such a cloak, making the basic fabric alone worth between 200 and 600 sous — the latter about four months' work for a highly skilled artisan.<sup>61</sup> It has been estimated that the price of the average wool cloth used to make a dress for the court of Anjou in the mid-fifteenth century was about 15 *écus* (750 sous

<sup>59</sup> For example, in A.M.D., FF 596 we find a *portement* of September 1393 consisting of 40 *francs d'or* in "habits, argent et meubles"; another from October 1393 of "habits, meubles et joyaux" worth 65 *francs d'or*; another of "argent, habits, joyaux et meubles" worth 80 francs; another of "argent, habits, joyaux et meubles" worth 60 *livres paris*; and so on. This, not a list of land-rents, not even a list of urban real estate, is the *portement* typical of at least half of Douaisiens who wrote marriage contracts, another 30-40 per cent included urban real estate and rents due from urban debtors; the rest contained some land and land-rents as well, but movables constituted a significant part even of these *portements*.

<sup>60</sup> *Hanaps* were occasionally valued in Douaisien wills, usually at 2 or 3 francs (66-99 *sous paris*). *Hanaps* of silver were valued in the *post mortem* inventory of Ysabel Malet, one of Douai's richest widows, at 5-15 *écus* (125-375 *sous paris* in this period): J.-P. Deregnacourt, "L'inventaire après décès d'Ysabel Malet, bourgeoise douaisienne, en 1359", *Revue du Nord*, lxiv (1982), pp. 707-29.

<sup>61</sup> For cloth prices and quantities, see S. Abraham-Thüsse, "Achats et consommation de draps de laine par l'hôtel de Bourgogne, 1370-1380", in P. Contamine, T. Dutour and B. Schnerb (eds.), *Commerce, finances et sociétés (XI<sup>e</sup>-XVI<sup>e</sup> siècle)* (Paris, 1993), pp. 27-70; J. H. Munro, "Industrial Transformations in the North-West European Textile Trades, c.1290-c.1340: Economic Progress or Economic Crisis?", in B. M. S. Campbell (ed.), *Before the Black Death: Studies in the "Crisis" of the Early Fourteenth Century* (Manchester, 1991), pp. 110-48. A very conservative estimate would value the cloth in a luxury *houplande* of the kind worn at court at 495 sous.

where the *écu* is taken at 50 sous); the average silk dress, about 36 *écus* (1,800 sous).<sup>62</sup> A typical present made by one member of the court to her aunt of 10 *aunes* of “veloux noir a tiers poil” was valued at 40 *écus* (2,000 sous) — over a year’s wages for the same skilled workman.<sup>63</sup> The fur trimmings, the gold embroideries, the red dyes, the fancy finishes so lovingly described by Narrette, could triple or quadruple the price. Silk fabrics were several times more expensive than woollens, while jewels, ivories or silver plate were so valued that they served as money equivalents (“stores of value”) in Douai as they did for medieval people everywhere.<sup>64</sup> More practical household items such as benches and beds, or linens and blankets, are harder to price, but a *lit estofee* was generally equated in marriage contracts with 10 to 50 *livres*, while cushions ranged from 4 to 10 sous, *keutepointes* from 80 to 250 sous, a pair of *linceulx* from 40 to 100 sous.<sup>65</sup>

The will left by one of Marie Narrette’s neighbours and contemporaries, Maroie Le Grand, can help put these prices in perspective. Le Grand had been married and widowed three times when she wrote her will. Her last marriage had left her a house worth 40 *florins d’or* (which she had converted into other properties by the time she wrote her will), an income of three *rasières* of wheat and the furnishings of her last husband’s house; in addition, the contract returned to her the property she had brought to this marriage, which consisted of another house, a life income of six *rasières* of wheat and all her “draps, cousus, tailliez et joyaux”.

<sup>62</sup> Pignonier, *Costume et vie sociale*, p. 100.

<sup>63</sup> *Ibid.*, p. 279

<sup>64</sup> A dress has been priced at 25-30 florins, the equivalent of 1,000-1,200 sous around 1410: Chiffolleau, *Comptabilité de l’au-delà*, p. 72. A Douaisien will from 1403 prices a “mantel fouré de menu vair” at 12 *francs des roy*, about 396 sous: A.M.D., FF 869, 1403, cited in Deregnacourt, “Piété et son décor à Douai”, p. 176. A *robe* made of one-twelfth of a *drap* has been described as worth as much as 23 francs (c. 759 sous): Abraham-Thisse, “Achats et consommations des draps de laine”, p. 67. The 1359 *post mortem* inventory of Ysabel Malet mentions a *reube noir mouré* worth 7 *écus* (175 sous, where the *écu* of this date is taken at 25 sous), a *long surcot* worth 22 *écus* (550 sous) and a “surcot de broussequin fouré” worth 7½ *écus* (188 sous). Deregnacourt, “Inventaire après décès d’Ysabel Malet”, p. 714. Silk and other luxury fabrics of the kinds appearing in many Douaisien estates were more expensive. A silk “*chaperon*” worn at the court of René of Anjou was valued at 10 *écus* (500 sous), while a coat and skirt of marten were priced in 1441 in Constance at 70 *Gulden* (c. 2,800 sous, where the (*Rhein*)*gulden* is taken at 40 sous): Pignonier, *Coutume et vie sociale*, p. 277; Baur, *Testament und Bürgerschaft*, p. 236.

<sup>65</sup> The prices of *lits estofées* are taken from marriage contracts. For other prices, see Deregnacourt, “Inventaire après décès d’Ysabel Malet”.

All this property, or the cash it realized, seems to have made up the estate she dispersed in 1403. In her will, Le Grand bequeathed about 6 *livres paris* in cash and wheat plus her good *houppelande* (worth about 8 *livres paris*) to the church. Her remaining gifts might have been valued as follows:

	<i>livres paris</i>
1 richly decorated bed ("sen bon lit estofe de 2 paire de linchoelx, 2 oreillers et le couverture de sarge de 2 estains")	30 0
1 cloak ( <i>cotte hardie</i> )	9 0
1 cloak to be worn indoors ( <i>cotte a chambre</i> )	6.0
1 rabbit-fur cloak ( <i>plinchon de conins</i> )	5.0
1 slip-cover ( <i>banquier</i> ) and 6 cushions, her best	3.0
1 bed	10.0
1 pair of linens ( <i>linceulx</i> ) and 1 stitched coverlet ( <i>keutepointe</i> ), her best	12.0
1 flat basin ( <i>plat bachin</i> ) and 1 cauldron, her biggest	1 5
1 fur cloak ( <i>cotte hardie fourée</i> ), of average quality ("que on peut dire le moylenne cotte dicelle")	8.0
1 cap	2.0
1 average-quality flat basin	0.5
1 ivory pot	1 0
2 pewter pots, her best	1 0
1 copper pot	0.5
1 frying-pan ( <i>payelle</i> )	0.2
1 cauldron	1.0
1 pair of linens	2.0
1 white stitched coverlet	5.0
1 pair of linens	2.0
1 frying-pan	0.2
1 frying-pan, the biggest she owns ("le plus grande de son maisnage")	0.4
1 belt decorated in silver	3.0
1 stitched coverlet	4.0
1 ivory (?writing-)table and silver writing-instrument ("taule d'ivoire et le graffe d'argent a ce servans")	6.0
1 silk purse ( <i>bourse de camecalz</i> )	2 0
1 purse trimmed in silk	1.0
1 coin ( <i>courrone de Roy</i> ) worth 40 <i>gros</i>	2.0
1 amber rosary	4 0
1 headscarf ( <i>couvrechef</i> )	0 5
1 (?)linen garment ( <i>quenuse</i> )	1.0
1 cauldron without handles	1.0
1 pair of pillows	0.5
1 headscarf	0 5
1 cap	1 0
1 headscarf, her best	0.5
1 basin	0.5
1 frying-pan	0.2
1 coin ( <i>courrone de Roy</i> ) worth 40 <i>gros</i>	2.0
1 coin ( <i>courrone de Roy</i> ) worth 40 <i>gros</i>	2 0
Her house in the rue des Cappelles ("se maison seans en le rue des cappelles")	80 0
Total	212.0

With an estate of just over 200 *livres paris* Le Grand was hardly rich, but she counted as one of Douai's sturdy householders, and she owed her financial standing principally to the movables she owned. Dresses, cups and coats made up over half the estate's value, while real estate — even generously taking the net value of her house (after discounting any rents due on it) to be 80 *livres* — counted for less. And Le Grand, like most Douaisiens of the day, owned no land, no land-rents and only a small cash hoard. Her estate, like that of most of her contemporary testators, was overwhelmingly in objects.

Given the economic importance of movable property in the Douaisien household, it makes complete sense that women would have been pleased to own such goods. But there may have been even more to it, another, even better reason why women would have been wise to content themselves with personal property, even to have been eager to claim it as their own. This reason lay in the realities of day-to-day life in urban households.

Although the conjugal fund created by marriage was under the husband's control in Douai, as it was everywhere, wives inevitably had some discretionary power over these assets, for it was they who made small outlays for the pantry or the linen shelf, who paid tradesmen, who doled out wages to servants. The structural tensions inherent in such systems are obvious: a wife's property was formally under her husband's absolute control, but in practice she had significant authority to manage both his and hers. In many places, formal legal mechanisms were devised to reduce the tensions. The practices of establishing separate spousal properties in addition to the conjugal fund was of course common to most customary legal systems of northern Europe, and the marriage contracts written in Douai obviously had this as one of their objectives. But even when marital properties were divided into "his", "hers" and "theirs", conflicts over who controlled what were not eliminated, and many localities devised other strategies for resolving them. In certain German areas, for example, a convention called *Schlüsselgewalt* ("the power of the keys") was adopted to put a ceiling on the amount of money a wife could spend out of the conjugal fund — and, therefore, in her husband's name but without his explicit consent — in performing her duties as housewife.<sup>66</sup> The better-known convention of "feme sole"

<sup>66</sup> For a description, see G. Schmitt, *Die Schlüsselgewalt der Ehefrau nach deutschem Recht* (Munich, 1893), and A. Heusler, *Institutionen des deutschen Privatrechts*, 2 vols.

(cont. on p 34)

(*femme marchande publique* or *Kauffrau*) approached the problem from another direction. Recognizing that many wives had separate business lives, it provided that a woman could be declared "feme sole" in order to protect her husband and the conjugal fund for which he was responsible from the debts she might incur when acting on her own.<sup>67</sup>

Yet however ingenious the legal mechanisms Europeans created to lessen these structural tensions, the practicalities of everyday household management derailed the quest for clarity and order. Property brought to a marriage might technically belong to one spouse or another, and the conjugal fund might be carefully divided into "discretionary" and "non-discretionary" accounts, but in reality bushels of grain, vats of dye, piles of bedcovers, chests of coin, flocks of geese, wagons, looms or wall-hangings could not be kept fully separate. If locked away, they were useless, and most of them depreciated rapidly if unused. Once consumed, they were gone. Once sold, they had become something else — a piece of coin, a rental income, an I.O.U. And the income such an asset earned — the goslings the goose bore, the profits made from the loom or the dye-vats, or the cartage fees earned from the wagon — could not easily be held apart. Nor could the losses an object incurred — the wear and tear on the wagon, the death of the goose, the fall in cloth prices — be held apart. In practice, there could have been no stable, fully separate accounts — his, hers, theirs.

As the subordinate in the marriage, as the ward of her *baron* (as the French texts of the period called the husband), a wife had only a precarious claim to any of this property, for, during her marriage, she could not very easily keep track of what had once been her own property. As a widow, her claim would be especially tenuous — whether to property technically hers, to her share of common property or to a part of her husband's estate. If she had been married under custom or had been party to the customary mutual donation, all the marital estate was hers, but she was thereby liable to all her husband's creditors. She had no certain

(n 66 cont.)

(Leipzig, 1885-6), ii, pp. 382ff., cited in G. K. Schmelzeisen, *Die Rechtsstellung der Frau in der deutschen Stadtwirtschaft* (Arbeiten zur deutschen Rechts- und Verfassungsgeschichte, x, Stuttgart, 1935), p. 92.

<sup>67</sup> See, in general, Schmelzeisen, *Rechtsstellung der Frau in der deutschen Stadtwirtschaft*, pp 88-112.



way of knowing what liabilities her husband had incurred and therefore no sure protection against demanding creditors. A widow who had been married under contract, in contrast, had a constituted right to the return of the property she had brought to the marriage (or its equivalent) and to the contractual increase (the *douaire, assene et amendement*), but she had no straightforward accounting allowing her to separate these assets from an estate likely to be composed of interchangeable and constantly mutating properties.

In these conditions, a wife would have seen the logic of preserving and perhaps even stretching traditions which made a woman's most personal property — her clothing and jewels — fully her own, and she would have had every reason to try to mark other goods as her own as well, to label them so unambiguously as hers that, when the marriage ended, she or her heirs would have no trouble identifying and claiming what was hers. What better goods to choose than the linens and pots she had used daily, the books and rosaries with which she had prayed, and the bed where she had slept, made love and given birth? How better to assure that the money she earned at the loom or from her cheese, the assets tied up in the brewery her father had left her, the rents she and her husband had purchased together, were securely hers?

Thus, while Douai's legal culture worked to restrict women's control over marital property, it also created opportunities for women. By exploiting tradition and law alike, women could win more certain control of certain movables, especially those associated with their bodies and their domestic spheres. We might even say that rather than enacting a stereotype which reduced women to their clothes and their household effects, women were acting in their material interests to give the stereotype substance.

## V

### FIXING MOVABLES

Given the economic value of these movables, it is no wonder that Douaisiens listed them in their wills. Yet they did more than list them, they gave them away; and by using the will to do so, they were, in a sense, telling their community about the assets they

owned (or chose to reveal); they were trumpeting their generosity and naming their friends.<sup>68</sup>

Douaisiens made their distributions with great care, choosing some beneficiaries for gifts over others, giving some kinds of objects to one person, other kinds to another. The most obvious distinction was made between religious and secular beneficiaries: Douaisiens much preferred to give cash to the former and objects to the latter. Even Marie Narrette, one of the period's most generous benefactors of the church, made eleven of her thirteen gifts to religious in the form of cash, while only two of the twenty-seven secular legatees received cash.<sup>69</sup> Surely practical reasons underlay such a choice — a silk purse was, after all, probably of little use to the parish priest. But there may well have been more to it: in choosing cash for the church, while reserving their most personal gifts for friends and relatives, Douaisiens were linking themselves to the church in only the most abstract way. In part, they may have been uncomfortable with the notion that the church would in all probability sell their gifts to pay for church-roofs, candles and vestments, but whatever their reasons, in making these gifts they invested little of the passion for specificity that they showed in making gifts to family and friends.

Once they turned to their secular beneficiaries, Douaisiens made equally significant distinctions, but male testators acted very differently from female ones. Men's circle of beneficiaries was dominated by lineal relations — male and female — and men made gifts to these people as though to reinforce lineal ties. Their bequests, usually made to sons, daughters, wives, and to other kin and business associates, consisted of mixed collections of cash, land, houses, tools and movable goods, and seemed designed to

<sup>68</sup> Wills in Douai were typically made in the hearing of family and friends. Whether redacted in the town hall or on a deathbed, they were public pronouncements. Both the *chirographes* and the registered wills in Douai list at least two, often seven or eight, executors who also served as witnesses. They, along with the clerks who transcribed the document, the *échevins* who registered it and the clerics who assisted the testator at deathbed wills, constituted the core public to whom the testator spoke — a large enough group to assure that the content of the will did not remain private.

Wills were revocable, and it was possible to issue codicils to them so that requests, once made, could be withdrawn or altered. Some Douaisiens did avail themselves of this option, but most seem to have intended their wills to stand until their death and the goods they named to be intact when they died.

<sup>69</sup> And one of them was a priest, presumably a relation, whose gift was made to him personally

demonstrate wealth, claim kinship and preserve craft identity rather than to mark friendship or favour. Jehans Hans De Cuer, for example, gave several cash gifts to his parish, to the city's mendicant friars and to hospitals; he left thirty *livres* to his sister and another thirty to her daughter; he released his godson from a debt; he gave each of his godson's sons the tools of his trade ("une ostille sur quoi on tist langes drap et le harnas qui y apparent"); to the Table of St Nicholas he gave his best *reube*, and to each of his executors one *hanap*; the *surplous* went to his heirs.<sup>70</sup> Jakemes Painmoulliet gave to Sarem Den Broel, his wife, all his jewellery, plate, furnishings and tools ("joyaux d'or et d'argent et toute se vaisellement d'argent et de madre, tout son meuble dostel, son harnass, ses hostius grans et menus"), along with all his houses in Den Broel, one-half of his house and fullery, all his *heritages* and rents in Douai (the disposition of which he would control after her death); she was also left 400 *livres paris*, her linens and clothing ("dras, cousus, tailles"), plus all household equipment and plate ("tout harnas meuble hostel toute vaissellement d'argent et de madre") and "toutes rentes" which were due to him from the city of Douai.<sup>71</sup> It was a generous will, but one apparently made in observance of a prior marriage contract and one which expressed its gifts in summary language, without the elaboration of objects and their specific destinations which so distinguished Narrette's.

Women, in contrast, made their gifts individually, parcelling out a dress to one person, a pot to another, a rosary to a third. They chose women over men as beneficiaries, and in general seem to have been identifying the members of their social network and specifying their relationships both to the testator and, implicitly, to one another. Marie Narrette's will was in these ways typical. It included twenty-three female and four male beneficiaries. All the men bore the family name "Haricourt"; all may have been related to her as well as to each other, although Narrette does not tell us that. Four of the women were wives or daughters of Haricourt men. Another woman was Narrette's godmother, a sixth was a god-daughter, a seventh was one of Narrette's poor neighbours. Four other women were related to another beneficiary (a mother and daughter, an aunt by marriage and the niece). We know nothing about the relationships of the remaining thir-

<sup>70</sup> A.M.D., FF 862, May 1327.

<sup>71</sup> *Ibid*, Oct. 1315.

teen women. This was a large and diverse group of beneficiaries, some kin to Narrette, many kin to one another, but still more simply Narrette's friends and neighbours. Each received a different gift — one a prayer book, another an elegant fur coat, a third a kerchief, a fourth a bolt of coarse cloth. Marie Le Grand's will was similar: she named twenty beneficiaries, a few of them kin of one another, most of them female, only one clearly a relative of Le Grand; none of them were obviously related to any of the three husbands Le Grand had outlived. Again, she made clear distinctions among her recipients. The bed with all its linens and draperies, which would go to Jehane De Hainau, would not in its entirety pass to De Hainau's husband (who was her heir). Margherite Daire used her will to thank one niece for "*des bons et agreables services que elle ly a fais*" and to acknowledge the loyalty another had shown her husband.

Women thus bestowed their personal possessions with an apparent delight, with a taste for serendipity, and with rare abandon. When giving away beds and jewellery and books and furs and silks and luxury woollens, or cooking-pots and wash-basins and measuring-cups, or beds and linens and pillows and benches and chests, women played God. They chose their gifts and their recipients according to rules of their own devising. They gave property unequally to sons and daughters, nieces and neighbours; they settled personal debts, they acknowledged prior service, they rewarded loyalty, they showed love. The man who behaved in this way was always the exception; the woman was always the rule.

Yet women did not act with this freedom when they passed on the family's chief immovables. When bequeathing rents, houses or land, women normally followed all the conventions; they gave this property where they ought to, usually intact, in the form it had come to them, as though dutifully serving as the conduits of patrimonial assets they were expected to be. In her will of 1406, for example, Climence Moutonne, the survivor of two husbands, perfectly fulfilled maternal obligations by passing to her children the house she had brought to her first marriage twenty-four years earlier.<sup>72</sup> Even when women were in a position to make selections

<sup>72</sup> Moutonne's first marriage had left her half of the marital estate (in which her house was included) plus her "*lit, chambre, draps, linge cousus et taillez, joyaulx*"; in her second marriage contract, she protected these assets; and in her will she gave them to her children: A.M.D., FF 589/470, 26 July 1382; 600/1247, 9 Dec. 1401; 869, 16 Dec. 1406.

among possible heirs, they tended to respect the norms of custom. Peronne Bonnier, twice a widow and apparently childless when she made her will, left lavish gifts of cash and objects to the church, charities and friends, but she gave her *sourplus* in equal parts to her niece and a female cousin, stipulating that the house go to her niece alone.<sup>73</sup> Jehanne Brigrade, a widow with a son, left some clothing and household goods to friends, but ordered that the *sourplus* go to her son; if he were to die before his marriage or majority, the goods would go to the next in line, her brother and sister; only if these two had also predeceased her would her properties leave the lineage, then going in equal parts to the parish, the parish poor and to priests who would say masses for her soul.<sup>74</sup>

As significant as the differences between male and female testators were, men and women seemed none the less to be acting on common impulses by expressing their gifts in objects rather than in other kinds of assets: they were sealing personal bonds unlike those which could be formed by bestowal of cash, a group of undifferentiated *biens* or even "tous mes heritages". For them, cups, belts, cloaks and beds did not function as measures of value or media of exchange in quite the same way as cash, commodities or even the family patrimony. These personal effects measured more than economic value, they carried and marked social and cultural value. A silver-footed vase, an illuminated book of hours, a fur-trimmed cloak, a silk dress, even a stack of linens or a soup-pot — each placed its owner socially, each resonated with cultural significance, each forged a link between giver and receiver, each told a life-story.

It was perhaps their capacity to crystallize value that made these objects seem more than the money they could buy. When collected in households and draped on bodies, when carefully labelled and described in wills, these goods seemed to escape commerce. By an alchemy that defies quantification, they lost imaginative connection with the very world which gave them value. When Douaisiens labelled their objects, when they attached them to their persons and to the persons of others in their social network, when they "fixed" their movables, they seemed to remove their property from the world of movables.

In truth, of course, no such escape was possible. It was not

<sup>73</sup> A.M.D., FF 448, fos. 3<sup>r</sup>-4<sup>r</sup>, (?)Nov. 1438.

<sup>74</sup> *Ibid.*, fo. 6<sup>r</sup>, Nov. 1438.

only law which defined these goods as "movables"; it was the economy itself. A warehouse full of cloth or wool; a shop bursting with spices, pots, clothing and fabrics; a workshop equipped with looms, stretching-frames and rare dyes; or a residence filled with beds, chests, linens, plates, clothing and jewellery — all had worth only in terms of their market value. By necessity, such property circulated constantly. One day a warehouse full of inventories, another day a chest of precious coins, a third day a dress, a fourth a silver goblet, a fifth a house, and a sixth a portfolio of rents payable in perhaps a dozen different currencies — this property was infinitely fungible. Unlike land, which was itself a lasting source of subsistence, a fixed and unchanging asset extensive in space and time, movable wealth had no immutable form, no secure location, no permanent existence.

As fungible property, movable goods were inescapably ephemeral. Something could be sold for too little, bought at too high a price, entrusted to someone who did not know its value, lost. The inefficiency of markets in late medieval Europe heightened the insecurities. One day food might cost a day's wage, another day it cost two days' wages. A Douaisien *scarlatte* — the cloth which had made the city's reputation as a premier manufacturer of luxury woollens — was in one century the cloth of kings and in the next only the poor cousin to Lucca's silks. Douaisiens who lived through parts of the fourteenth, fifteenth and sixteenth centuries might see the worth of their silver plate change so much that what once bought a house later bought only a few years' rents on it — or vice versa.<sup>75</sup> Even in fair and favourable

<sup>75</sup> Although these are hypothetical examples, they do not misrepresent probable realities. Wheat prices in Douai, for example, rose from 0.387 *livre paris* in 1336 to 1.625 *livres* in 1343, fell from 1.25 *livres* in 1409 to 0.9 *livre* in 1410 and 0.582 *livre* in 1411, and rose from 0.782 *livre* in 1436 to 1.90 *livres* in 1437 and 3.05 *livres* in 1438, only to fall to 1.44 *livres* in 1439: M. Mestayer, "Le prix du blé et de l'avoine de 1329 à 1793", *Revue du Nord*, xlv (1963), pp. 157-76.

Money and bullion values in Douai were as volatile. The *livre paris*, Douai's money of account, was equal to one-twelfth of the *livre gros* of Flanders throughout this period. The Florentine florin, with an almost constant bullion content (of 3.46 grams in 1317, 3.33 or 3.34 in 1365 and 3.54 in 1409) bought only 13 *gros* 3 *mites* in 1317 but 27 *gros* in 1365 and 40 in 1409. By the 1430s-50s, it was trading in the high 40s to high 50s and reached 60 *gros* in 1477 (with a still virtually constant bullion content). The gold-silver ratio in the first half of the fourteenth century varied between about 1.9 (around 1350) and about 1:18 (around 1320). In Venice, the rate fluctuated between 1:9.4 and 1:14.2 between 1305 and 1509. For all these monetary conversions, see P. Spufford, *Handbook of Medieval Exchange* (Roy. Hist. Soc. Guides and Handbooks, xii, London, 1986), pp. 36, 12, 215, 217, lxi, lxii.

J. H. Munro has most thoroughly documented the wide variations in the prices

(cont. on p. 41)

exchange, urban property did not acquire solidity. When an artisan or merchant traded his wares, he gained only some coin, another vat of dyes, another loom, a new wagon. But would these things buy economic security and social place — sufficient food and shelter or a grand house, a municipal office, a good marriage, a well-bred horse? Maybe, maybe not, for it depended on institutional conditions beyond the control of the market. Yet it was on this unsteady base that the Douaisien social order was constructed. In cities such as this, wealth was the principal access to social position, and social position granted political rights much more directly than in rural society, where relationship to the land, rather than personal monetary worth, played a larger role. It had to be this way, for cities were born and survived as arenas of social mobility, were built on open access to trade and on the mediated values commerce produced. The result, however, was social instability or, if not instability, then fear of it.<sup>76</sup>

People whose social relations were dependent on such uncertain values necessarily sought institutional protections of rank and status. Throughout European cities of this period, from Douai to Ghent, from London to Florence to Nuremberg, people devised new and ingenious markers and stabilizers of social hierarchy. Civic constitutions enshrined oligarchy; urban governments legislated social hierarchy; moralists condemned change. At the same

(n 75 cont.)

and qualities of Flemish woollens during this period: see in particular J. H. Munro, "The Medieval Scarlet and the Economics of Sartorial Splendour", in N. B. Harte and K. G. Ponting (eds.), *Cloth and Clothing in Medieval Europe. Essays in Memory of Professor E. M. Carus-Wilson* (Passold Studies in Textile Hist., ii, London, 1983), pp. 13-70; J. H. Munro, "Wool-Price Schedules and the Qualities of English Wools in the Later Middle Ages, c.1270-1499", *Textile History*, ix (1978), pp. 118-69. Exact comparisons between the market values of Flemish woollens and Italian silk in the fifteenth century are not available, but see J. H. Munro, "The Flemish 'New Draperies': The Death and Resurrection of an Old Industry, 14th to 17th Centuries", in N. B. Harte (ed.), *The New Draperies* (Oxford, forthcoming). Munro's data indicate that the best silks sold for 20 per cent more than the best "scarlets" of cities like Douai, and at more than ten times the price of the average short dyed broadcloth. For a general account of luxury demand for silks in the late Middle Ages, see J. Schneider, "Peacocks and Penguins: The Political Economy of European Cloth and Colors", *Amer. Ethnologist*, v (1978), pp. 413-48. For illustrative prices, see van Nieuwenhuysen, *Finances du duc de Bourgogne*, i, pp. 392-5.

<sup>76</sup> For a discussion of the insecurities of an urban society built on the circulation of movable wealth which in many respects parallels my own interpretation, see R. A. Goldthwaite, *Wealth and the Demand for Art in Italy, 1300-1600* (Baltimore, 1993), esp. p. 178: "Life in the city meant, above all, subordination to a more complex and demanding collectivity, to a fluid society based more on monetary arrangements than on status".

time, guilds, office, trade and professional endogamy, family and birth, residence and education were all effectively deployed to secure individual rank as mere money could not. As the sumptuary legislation of the period reminds us, dresses, coats, vases, books and jewellery played a key role in this process.

By collecting and then distributing clothing, jewels and household goods such as these in their wills, Marie Narrette and her kind were joining the cause. In a paradoxical process, they were employing the products of their commercial world to slow its motion. Rather than letting these objects circulate as commodities, rather than simply calling them *biens* and indiscriminately passing them along with *écus* or francs, Douaisiens were in a sense denying that they could be transferred into something else — a bit of coin, another kind of property, a personal service. Narrette and her contemporaries chose to name their things and to write everything down in an effort to fix their movables, to make them real, to save them. By rendering their property in the most concrete terms possible — as objects, as precious objects of their persons — they meant to secure their standing alongside, above or below their friends and neighbours. Thus, they sought to resist the implicit logic of the commercial world.

Women, we have seen, were the mistresses of this practice. We have also seen that much in tradition, social custom and law combined to link women to such goods. If we consider the ambiguity of women's place in commerce we can also fathom why women might have so eagerly sought the fixity these goods seemed to embody. Women were indisputably of the commercial world. They bought and sold goods daily, manufactured commodities for long-distance trade, brokered deals with travelling merchants, ran inns on their own and managed the shops attached to their husbands' ateliers. But women were not leading actors in this world; they were marginal to it. Men officially managed commerce, men dominated the skilled trades, men sat on the aldermen's bench. Bound by gender roles and excluded from the fantasies of control which men could enjoy, women were perhaps less easy about the wonders of unbridled commerce. While of this world, they stood less comfortably in it.

But gifts of movables could not, in reality, slow the motion of commerce. Paradoxically, they could even accelerate it. Gifts of rosaries and silk bonnets to friends, neighbours and distant kin represented significant transfers of economic power, movements



of wealth out of one lineage into another, away from a single *locus* of accumulation into the hands of a multiplicity of consumers — other women, non-kin, the poor. In some eyes, surely — perhaps especially in the eyes of the men who looked on as women gave dresses, books, linens, kitchen-ware or jewellery worth small fortunes to other women — these recipients were unworthy, the gifts they received unwarranted, the givers irresponsible. It is no wonder that women would so easily come to be associated with lust for such goods and condemned as vain, greedy and foolish creatures.

Even worse, the gifts did not clearly articulate social rank, they tended to confuse it. Narrette's gift of a silk cloak, the one she gave to Jacques Le Claudreliere, was an unmistakable sign of high bourgeois status in the early fifteenth-century urban north; silk was still the clothing of royalty, and the cheap woollen imitations, which were soon so deviously to confuse the links between fabric and social fabric, had not yet come off the looms of the Low Countries' weavers.<sup>77</sup> We might safely guess that the woman to whom it was given was of a similar class to Narrette's, but we cannot be certain that there was not some difference in station between the two, that Narrette was not raising Le Claudreliere in some way by bestowing this gift on her. In the case of the blanket given to the poor woman we can be surer of the implied social meaning: both the act of giving and the nature of the gift marked the difference between the two women. But what about the red hood given to Marguerite Des Plangues: in what way did this gift mark a shared class position or distinguish the social status of the giver and the recipient? And what about the next time the article of clothing was passed? Would it serve to indicate shared status or to measure social distance? And when it was worn by the beneficiary? What then of its capacity to confer rank? And what subtle shifts of meaning occurred when the gift had lost its social place, when a fake red silk cloak could be had even by a simple artisan's daughter? What then of Marie Narrette's gift to Jacques Le Claudreliere?

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<sup>77</sup> For the changes in production processes which made silk imitations possible, see P. Chorley, "The 'draperies légères' of Lille, Arras, Tournai, Valenciennes: New Materials for New Markets?", in Prevenier and Boone (eds.), *Draperie ancienne des Pays-Bas*, pp. 151-67

Others have described the commercial revolution of Narrette's day as the birthplace of capitalism, consumerism and commodity culture. While there is truth in that claim, it is perhaps too easy a truth, for these testators did not regard their goods as commodities if by that we mean, as a recent scholar has put it, "when [a thing's] exchangeability . . . is its socially relevant feature", and thus when its circulation is fired by a "profit-oriented, self-centered, and calculated spirit".<sup>78</sup> Nor were they consumers for whom acquisition, using-up and replacement were the goals.

We might even say that Douaisiens were not so much trading and consuming as hoarding, that they gave their goods away as much to save them as to rid themselves of them. Much more like participants in a stereotypical gift culture than actors in a consumers' market-place, Douaisiens bequeathed their goods as though a vase, a dress or a pot was not the same as, was more than, the cash it could buy. Their gifts of a *cotte hardie* or a *hanap* did not create abstract social relations as a market exchange is thought to do — they made social relationships concrete. Unlike market transactions, their gifts did not presuppose arm's-length negotiations and impersonal transfers; they marked or sought favour, acknowledged friendship or expressed passion. They did not create equality or closures, they generated inequalities and produced continuing cycles of exchange which made both giver and recipient forever dependent on each other.<sup>79</sup>

Yet it is perhaps as unsatisfactory to describe Douaisiens' gifts as the expressions of a pre-commercial gift culture as it is to reduce them to precursors of commodity exchange. Nor were they retreats from the market and its values, mere tokens of affection given by one friend to another, the priceless records of sentiment and sociability in an increasingly commercial world. These dresses and vases and rosaries were emphatically the

<sup>78</sup> A. Appadurai, "Introduction: Commodities and the Politics of Value", in A. Appadurai (ed.), *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge, 1986), pp. 13, 11.

<sup>79</sup> The literature on gift and commodity societies is vast. Important recent commentaries and critiques include J. Parry and M. Bloch, "Introduction: Money and the Morality of Exchange", in J. Parry and M. Bloch (eds.), *Money and the Morality of Exchange* (Cambridge, 1989), pp. 1–32; Appadurai, "Introduction: Commodities and the Politics of Value".

On the history of consumption in early modern Europe, see in particular J. Brewer and R. Porter (eds.), *Consumption and the World of Goods* (London, 1993); C. Mukerji, *From Graven Images. Patterns of Modern Materialism* (New York, 1983); Goldthwaite, *Wealth and the Demand for Art in Italy*.

products of commercial society, and Douaisiens knew them — and prized them — as such. For Douaisiens, they bore social meaning, did cultural work and embodied economic value in terms specific to their age, not to another.

Douaisiens were by no means reluctant late-comers to the market, innocent of its power and unfamiliar with its rules. They were canny players, people who sought control over commercial life rather than escape from it. Ardent materialists of the most literal kind, they wanted exactly the concreteness and substance which material objects seemed to embody. By storing their wealth in objects, by giving them away to selected relatives and friends in a highly ritualized and rhetorically sophisticated process, Douaisiens were engaged, we might say, in a paradoxical game of “fixing” movables — a futile effort, to be sure. Douaisiens no more “fixed” social meaning with their gifts of movables than they “fixed” movables themselves. They did, however, create meanings which were far richer than those embodied in the goods themselves or inherent in the markets in which they circulated.

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