

Women on the Wrong Side of the Law. Some Examples from Medieval Urban Settlements of the Sava and Drava *Interamnium*

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Some laws were present more or less in all communities, while others were applied only in certain periods and areas. But, regardless of that, it is a fact that laws as a means of regulating people's relationships, and breaking these laws, can be found in various human societies. Both men and women can get on the wrong side of the law.¹ In this contribution I shall deal with the means by which women in the medieval urban settlements of the Drava and Sava *interamnium* came into conflict with the law.

Extant medieval sources from this area originated mostly in Gradec (Zagreb) and Varaždin, thus, the examples which shall be presented here come mainly from these cities and were written down in judicial and property books or city council records.² Unfortunately, the information that these records convey is often brief, which leaves many things unknown.

Besides the information found in the sources as a product of the everyday practices of the communities, I shall also use the regulations that are recorded in the so-called statute of Ilok/Újlak from 1525. This legal code was not a specific statute book, but offers regulations that were applicable to all so-called tavernical cities, in other words, cities in which the decisions of the city judges could be appealed to the royal tavernical court. It is an important source for researching the Slavonian and Hungarian legal past in general.³ This is even

¹ While researching crime in the Middle Ages, Trevor Dean in his study *Crime in Medieval Europe 1200-1550* (Harlow: Longman, 2001), dedicated a chapter on women and crime (73-95).

² Documents from medieval Gradec (Zagreb) are published in Ivan Krstitelj Tkalcic and Emilij Laszowski, *Povjestni spomenici slob. kralj. grada Zagreba. Monumenta historica liberae regiae civitatis Zagrabiae* (henceforth: MCZ), vol. 1-16 (Zagreb: Brzotiskom K. Albrechta, 1889-1939); the ones from Varaždin in Zlatko Tanodi and Adolf Wissert, *Povjestni spomenici slobodnoga kraljevskoga grada Varaždina. Monumenta historica liberae regiae civitatis Varasdini*, 2 vols. (Varaždin: Nakl. slob. i kralj. grada Varaždina, 1942-1944); Josip Barbarić et al., *Zapishnici poglavarstva grada Varaždina. Protocolla Magistratus liberae et regiae civitatis Varasdini* (henceforth: ZPGV), vol. 1-3 (Varaždin: Državni arhiv, 1990-1992).

³ The statute of Ilok consists of five books; the privileges that Nicholas of Ilok gave to Ilok in the second half of the fifteenth century are published in the first book. The four other books

more important if it is assumed that similar regulations were valid in the urban settlements that were not part of the group of tavernical cities because of similarities in economic and city life in general, and because of the professional and personal ties that existed among them and the movement of the population.

Women appear as defendants in various types of lawsuits in Varaždin and Gradec, from those for relatively minor misdemeanours such as arguments, insults or fights, to the major ones like murders. An example of a misdemeanour, is a case from Gradec in 1439, when Catherine, wife of Leonard *Theutonicus* and sister of Benedict, son of Michael Sebastiani, managed to prove in the court of law that the wife of Thomas, a shield maker, had called her names and roughly pulled her clothes, for which she was fined.⁴ A similar case was recorded in 1363, when some peasant women from the estate of Susedgrad had beaten the wife of a certain Strabon.⁵ In the court records of 1384 is recorded a physical confrontation between the wife of Ratko and the wife of Andrew that led to blood being spilled.⁶ All of these examples attest that women belonging to different layers of society were involved in street arguments and confrontations – from peasant women of nearby villages to the members of the highest layers of Gradec society, such as Catherine in the case in 1439. In fact, her grandfather, Sebastian, her father, Michael, and her brother, Benedict, were city judges,

consist of legal regulations that were valid in eight Hungarian communities (Buda, Pest, Košice, Bardejov, Tmava, Pressburg, Prešov, and Sopron) belonging to the group of tavernical cities. The statute was confirmed by King Louis II in 1525. For more on tavernical law and the cities see Štefánia Mertanová, *Ius tavernicale: studie o procese formovania práva tavernických miest v etapách vývoja tavernického súdu v Uhorsku (15.-17. stor.)* [*Ius tavernicale: Studies on the formation process of the law of tavernical cities through the stages of development of the tavernical court in Hungary (from the fifteenth to the seventeenth century)*] (Bratislava: Slovenskej Akadémie Vied, 1985); Lujo Margetić, *Hrvatsko srednjovjekovno obiteljsko i nasljedno pravo* (The Croatian medieval family and inheritance law) (Zagreb: Narodne novine, 1996), 286-87; Teodora Šek Bmardić, "Tavernik, tavernikalni sud i tavernikalno pravo" (*Tavernicus, tavernical court and tavernical law*), *Arhivski vjesnik* 40 (1997): 179-98. On the statute of Ilok see Andrija Zdravčević, "Iločki statut iz 1525. godine i njegova nasljednopravna regulacija" (The statute of Ilok from 1525 and its hereditary-legal regulation), unpublished doctoral thesis (Osijek: Pravni fakultet, 1992); Lujo Margetić, "Iločka pravna knjiga (tzv. Iločki statut)" [Ilok's law book (the so-called statute of Ilok)], *Zbornik Pravnog fakulteta u Zagrebu* 44, 1-2 (1994): 93-116; Darko Vitek, "Društveni odnosi u srednjovjekovnom Iloku prikazani Iločkim statutom iz 1525. godine" (The social relations in medieval Ilok according to the statute of Ilok from 1525), MA thesis (Zagreb: Filozofski fakultet, 2000); idem, "Struktura i izvorište teksta Iločkog statuta" (The structure and origin of the text of the statute of Ilok), *Scrinia Slavonica* 1 (2001): 404-20. The statute of Ilok was published by Rudolf Schmidt, *Statut grada Iloka iz godine 1525* (The statute of the city of Ilok from the year 1525) (henceforth: *Iločki statut*), *Monumenta historico-juridica Slavorum Meridionalium*, vol. 12 (Zagreb: JAZU, 1938).

⁴ MCZ 6, 319.

⁵ MCZ 4, 271. See Nada Klaić, *Povijest Zagreba I. Zagreb u srednjem vijeku* (The history of Zagreb I. Zagreb in the Middle Ages) (Zagreb: Liber, 1982), 61.

⁶ MCZ 5, 215.

holders of the highest functions within the city authority, while her other brothers were also members of the city magistracy.⁷

From the most difficult cases which involved women one example from 1486 shall be mentioned, when Margaret, the wife of George Zobaj, poisoned her husband and was sentenced to be burned at the stake.⁸ To such terrible deeds one can certainly add infanticide, including abortions, for which the statute of Ilok prescribed the punishment of being burned alive,⁹ although other types of capital punishment (for instance, drowning) or banishment were usually used in practice.¹⁰ Two examples, one from Gradec (Zagreb) and the other from Varaždin, can be given. In 1469, the community of Gradec confirmed the sale of the forest that belonged to Helen, widow of Mathias *Kerzowaych*, who was flogged and banished from the city because of her malicious acts, first of all, because of the abortion of a child.¹¹ At the end of the sixteenth century, in Varaždin, Helen, the daughter of Morović, secretly gave birth to a baby, killed and buried him. When she was caught, the court determined that she should be buried alive with thorns placed beneath her.¹²

Practicing magic was considered a serious crime, but the treatment of accused women was not the same in all periods. In fourteenth-century Gradec, there is no mention of the use of torture in the investigations of the cases of witchcraft nor are there records of anyone being burned alive for this crime. From this period, there are only records of threats to those accused of witchcraft, but not of any specific punishment.¹³ Such a case is recorded in 1360, when Alice and Margaret had to swear, together with six witnesses, that they were not involved in witchcraft, thus absolving themselves from the allegations. In the

⁷ Bruno Škreblić, "Etničke i političke skupine u srednjovjekovnom gradu. Primjer gradečkih *lingui*" (The ethnic and political groups in the medieval city. The example of the *linguae* of Gradec), *Povijesni prilozi* 27 (2008) 35: 111.

⁸ MCZ 8, 38-39.

⁹ Book 3, ch. 15 entitled *De mulieribus, que prolem in adulterio susceptam interfecerint, et que propriam filiam suam ad prostibulum tradiderint* states: *Item, Si mulier in viduitate constituta, vel alia quopiam, adulterando vel methando conceperit, et conceptum pepererit, ac partum interemerit, aut aliqua propriam filiam ad prostibulum pro pecunia tradiderit, et hoc sufficienti testimonio, id est prioris sui, vel aliorum fidedignorum et honestorum virorum testimonio fuerit approbatum, talis debet duci ad patibulum, et ibi igne consumi et comburi (Iloc'ki statut, 43).*

¹⁰ Cf. Marija Karbić, "Što znamo o nezakonitoj djeci u gradskim naseljima u međurječju Save i Drave tijekom srednjeg vijeka?" (What do we know about illegitimate children in the urban settlements of the Sava and Drava *Interamnium* in the Middle Ages?), *Scrinia Slavonica* 2 (2002): 174-77.

¹¹ ... *propter sua maleficia nephandissima et signanter propter deperditionem cuiusdam pueri sui, quem ipsa clandestine pepererat et tumulaverunt, que propter huiusmodi sua facinora de ipsa civitate existit expersa et baculata, cui introitus eiusdem civitatis ulterius est prohibitus* (MCZ 10, 274).

¹² ZPGV 2, 51, 159-60.

¹³ MCZ 4, xxv.

court's decision, it is emphasized that if the accused were later caught for the same crime, they would be punished as they deserved.¹⁴

Unlike the fourteenth century, in the fifteenth century the burning of persons convicted of witchcraft is recorded. Such a punishment was inflicted on several individuals in 1496.¹⁵ In the court records of Gradec, in 1429, the community confirmed that a house was sold that previously had belonged to Margaret, the widow of Matthew, a tax collector. Together with her daughter, Elisabeth, she was marked as *mulier meleficara*. Both of them were burned for witchcraft because they had burned a barn and grain belonging to the juror Stephan, called Ban.¹⁶ Still, these verdicts from the fifteenth century were not brought only because of witchcraft, but also for some other crime connected to it (such as burning the barn and grain in this case from 1429 or murder in the cases from 1496). The treatment for practicing witchcraft in the urban settlements of medieval Slavonia is a special issue, however, that should be dealt in greater detail in the future.

Here I shall deal in greater detail with the criminal acts that, in a way, constituted a profession for the women who were committing them (or, at least, provided them with an extra source of income): theft and prostitution.

In the court records of Gradec numerous thefts are recorded, and quite often the perpetrators were women. Among them one finds people from the lowest layers of society, but also those who were "ordinary" members of society whose deterioration in economic position might have made them commit the crimes. Such is one example from 1452, when Helen, the wife of the boot-maker Mathias, stole some money from another boot-maker, Peter, and was banished from the city.¹⁷ In this case, the reason for Helen's action might have been the fact that she was a widow, meaning that the death of her husband had put her in a difficult material position.

Besides the theft of money, there are also records of the thefts of other things, frequently clothes or fabrics. Elisabeth, daughter of Paul Kokotačić, stole from Peter, son of Drago, a tight-fitting braided jacket (*suparam vulgo surlycza*), one shirt, and two towels; for these actions she was banished from the city in 1457.¹⁸ In another case, Ursula, daughter of Agatha, stole four ells of fabric together with Janko, son of Janša Boletinić (who was also convicted of the theft of a horse). For these thefts they were punished by cutting off their ears and banishing them from the city.¹⁹

¹⁴ MCZ 4, 180. The record does not specify the type of magic, but Tkalčić thinks that one of them, the one that was a baker, sprinkled bread with urine before baking so that sales would be better, but I am not sure on what basis he came to that conclusion. Cf. MCZ 4, xxv.

¹⁵ MCZ 8, 112-13.

¹⁶ MCZ 9, 180.

¹⁷ MCZ 7, 34.

¹⁸ MCZ 7, 128-29.

¹⁹ MCZ 7, 208.

The usual punishment for theft was either banishment or cutting off one or both ears. In the case of Isa of Vugrovec, in 1375, the punishment was banishment from the city, and if she were to return, her ear would be cut off.²⁰ It should be noted that there was no difference between the punishments for theft by male or female perpetrators. This is in accordance with the fact that women generally had a relatively good position in the urban settlements in this research area, which came from their roles in the lives of these communities, from the importance that their work had for their families and also for the city on global scale.²¹

In the cases when clear evidence of someone's guilt did not exist, the defendant could purge himself with an oath. For example, when Benedict Magyar, the *familiaris* of a certain Šovan, sued a servant named Kate for theft but could not prove his allegations; the court requested that she should purge herself with an oath, "together with three of her kind." If she did so, Benedict would have to pay her a substantial financial compensation (*homagium vivum*). If Kate did not take an oath, she would be convicted.²²

It should also be noted that thieves often joined forces. A textbook example where several women teamed up comes from 1453. Catherine, the daughter of the late Briccius Mejnošec of St. Helen, together with Lucy, daughter of Anne and wife of Paul, the ribbon maker, stole some things belonging to Gregory Imprić of Jamnica. Later, Helen, daughter of Andrew Zedmerić, helped them to resell the stolen items.²³ For these actions, they were sentenced to have their ears cut off and to be banished from the city.

Women are also known to have been involved in thefts together with their spouses, such as Agatha, who helped her husband in more than one theft in 1475 and was banished from the city.²⁴ Their partners in crime were occasionally their unwed partners or lovers. Helen, the concubine of Emeric, an agricultural

²⁰ MCZ 5, 20.

²¹ Cf. Marija Karbić, "Nije, naime, njezina duša drugačija nego kod muškarca – položaj žena u gradskim naseljima međurječja Save i Drave u razvijenom i kasnom srednjem vijeku" (Her soul, namely, is not different from the one of men. The position of women in the urban settlements of the Sava and Drava *Interamnium* in the high and late Middle Ages) in Andrea Feldman (ed.), *Žene u Hrvatskoj. Ženska i kulturna povijest* (Women in Croatia. She-story and cultural history) (Zagreb: Institut Vlado Gotovac, Ženska infoteka, 2004), 57-76 (with extensive bibliography).

²² MCZ 8, str. 95. *Homagium vivum* (Croatian *vražda*) was the amount of money paid as a retribution for murder or inflicting hard physical injuries. For more on it see Vladimir Mažuranić, *Prinosi za hrvatski pravno-povijesni rječnik* (Contributions to the Croatian legal and historical dictionary) (Zagreb: JAZU, 1975), vol. 2, 1602-1604. False accusation could have had severe consequences and seriously threatened the life of a suspect. Thus, the fine for it was that high.

²³ MCZ 7, 48-49.

²⁴ MCZ 7, 442.

worker, was caught together with him in a theft, so they were banished from the city after each of them had one ear cut off.²⁵

Some women were involved in more than one crime of different sorts. A certain Anne is mentioned in the court records of 1460 when she had her ear cut off because she had stolen a towel and a pillow from the wife of Tančec. Besides that, the same Anne is mentioned in a record stating that Elisabeth, wife of Stephan called Čuk (the Owl), paid her one golden florin to burn down the houses of Kelec, a boot-maker, and his neighbour, Clement. For these reasons, Anne was banished from the city after being beaten and she was forbidden to return to its territory.²⁶ Additionally, Anne was a *mulier publica*, which raises the second topic to be presented here – prostitution.

The question of prostitution is a complex problem which can be addressed from different points of view.²⁷ It is connected to the issue of sexuality, but also to one's position in society, social problems, and demographic structure. The attitude towards prostitution during the Middle Ages was significantly influenced by the Christian worldview which disapproved of all extra-marital, sexual relations. Even Church fathers, however, were sometimes willing to tolerate prostitution as a means of preventing greater evils, such as adultery or sodomy.²⁸

In the urban settlements of the Sava and Drava *interamnium*, prostitution was considered a great evil, which is confirmed in the regulations of the statute of Ilok. There one finds severe condemnation for a mother leading her daughter into prostitution. In the same article that deals with the murder of an illegitimate child, it is stated that a woman who leads her daughter into prostitution should be treated like a woman who has killed her illegitimate child, that is, burned.²⁹

The link between those two activities can be explained with the understanding that in both cases the point in question is killing one's own child. In the first case the child's body was killed and in the second case its soul.

²⁵ MCZ 7, 366-67.

²⁶ MCZ 7, 192.

²⁷ There is a number of works on prostitution in various medieval societies. See, for example, Jacques Rossiaud, *Medieval Prostitution* (Oxford: Blackwell, 1988); Leah Lydia Otis, *Prostitution in Medieval Society: the History of an Urban Institution in Languedoc* (Chicago: University of Chicago Press, 1984); Guido Ruggiero, *The Boundaries of Eros: Sex, Crime and Sexuality in Renaissance Venice* (New York: Oxford University Press, 1985). Within Croatian historiography greater attention was not given to that topic, but certain works exist. See, for example: Gordan Ravančić, "Prostitucija u kasnosrednjovjekovnom i renesansnom Dubrovniku" (Prostitution in late medieval and Renaissance Dubrovnik] in Tomislav Popić (ed.), *Gradske marginalne skupine u Hrvatskoj kroz srednji vijek i ranomoderno doba* (Urban marginal groups in Croatia in the Middle Ages and the early modern Period), Biblioteka Dies historiae, vol. 1 (Zagreb: Hrvatski studiji, 2004), 89-105.

²⁸ John K. Brackett, "The Florentine Onesta and the Control of Prostitution, 1403-1680," *The Sixteenth Century Journal* 24 (1993): 276.

²⁹ Iločki statut, 43.

According to the statute of Ilok, those who led girls or young women into fornication would also be severely punished. Those persons were to be shackled and then “sunk in deep water.” This should be done regardless of whether they were doing it for money or out of “affection,” although this regulation was primarily targeting women who were doing it for money, as it is said in the title.³⁰

It has to be pointed out, however, that the statute of Ilok does not contain a single regulation directed against the prostitutes themselves. It is interesting that even if the victim of a rape was a prostitute it was not an extenuating circumstance for the perpetrator of rape. The punishment prescribed for raping a prostitute was the death penalty, the same as in the cases of honest women and girls.³¹ Although it is not known how it functioned in practice, the very existence of a consciousness that even in the case of a woman of suspicious morals it was not justified to use force to coerce her into sexual intercourse is significant.

A negative attitude towards prostitution is also shown by the fact that one of the biggest insults was to call a woman a prostitute (*meretrix*) and a man, a son of a prostitute. Law suits originating from these kinds of insults are mentioned frequently in court records. It is, for instance, recorded that a maid-servant of the blacksmith, Michael, testified that a young man had called her a prostitute, to which she responded that she would be that if she were to be his mother.³² Since such statements were considered to be a great insult, the punishment was grave as well. When Kate, widow of Janko, accused Benedict Magyar of an insult, to be precise, of calling her a prostitute of monks, priests, and hundreds of thieves (*meretrix monachorum et presbiterorum ac centum latronum*) and proved her allegations with witnesses, Benedict was sentenced to pay *homagium vivum*.³³ Similar insults are also found within a family. Thus, Anne, the wife of the juror Peter, son of Thomas, proved in court that her brother, Stephan, had called her a prostitute and concubine of Vuk, the tax collector, so the former was sentenced to pay *homagium*.³⁴

There are not many suits concerning prostitutes themselves in the court records. The punishment for engaging in prostitution was banishment from the

³⁰ Book 3, ch. 16 entitled *De lenis, que virgines, et juvenculas mulieres pro pecunia obducunt*, states: *Item, si que vetule, virgines, aut juvenculas mulieres, ad stuprum vel adulterium pro pecunia aut fauore, domicellis, clientibus, aut aliis quibuscunque personis extra matrimonium existentibus abduxerint, et hoc sufficienter contra ipsas per viam iuris vt expedit approbatum fuerit, extunc tales vetule debebunt viue in factis ligari. et in aquis vehementibus submergi (Iločki statut, 43).*

³¹ Book 3, ch. 22 entitled *De opprimetibus publicam meretricem potencialiter*, states: *Item, si quis publicam meretricem per potenciam oppresserit, ipsa clamore facto pro illata potentia, protestata fuerit, prohante sufficienti testimonio, talis sentencie capitis subiacebit, tractus in cauda equi sub patibulo decollabitur (Iločki statut, 45).* For punishment in other cases of rape see ch. 18-20 of the third book of the statute of Ilok (44-45).

³² MCZ 4, 188.

³³ MCZ 8, 95.

³⁴ MCZ 6, 346.

city, but convicted women were frequently pardoned.³⁵ Thus, in 1461, Dorothy Kuhinačić, widow of Martin Kranjec, after being caught several times engaging in prostitution (*propter maliciosum opus concubinatus sepius reperta fuit et desistere noluit et manifeste reperta fuit*), was banned from the city, but at the request of many people she was pardoned.³⁶

One interesting example was recorded in 1454 when a whole group of women was punished for engaging in prostitution. Unlike other cases, where the subjects in question were girls or widows, this time they were married women. Jalšica, wife of Cosmo, Mayhena, wife of the tailor Stephan, Margaret, wife of the shoemaker Lacko, Elisabeth, wife of George Krčmarić, and her daughter Catherine were caught *in manifesto meretricio et pluribus maleficiis*. Thus, they were supposed to be punished “according to their merits,” as was recorded in the source, but on the plea of many noble and honourable men they were pardoned; so they were merely banned from the city.³⁷ The nature of the original punishment is not stated, but it is probable that it was the death penalty, since banishment from the city was perceived as a lighter and reduced punishment. Such a severe punishment may be explained with the fact that the protagonists were married women. Besides engaging in prostitution, they had committed adultery as well, for which, according to the legal practice of Gradec, the prescribed punishment was death.³⁸

It is important to highlight that pardoning and reducing the punishment was the usual practice in both Varaždin and Gradec, and that it was not specifically connected with prostitution. Therefore, it would be wrong to assume that the “honourable and noble men” who spoke on behalf of the plaintiffs were their customers. The reasons which led to such a practice could be debated (from mercy as a virtue accentuated in the Christian world to the fact that the inhabitants of these cities were mutually bound with various ties – family, neighbourhood – to practical problems such as the difficulty of hiring executioners), but in any case, showing mercy was not a rarity in these urban settlements.

Besides the women who were prostituting themselves, the sources also mention procuresses. One of them was Margaret, concubine of the late George, servant of the late John Kostibol, a castellan of Stupnik castle. At the beginning of 1454, Margaret was banished from the city because she had led some girls *ad meretricium circa plures concubitores*, but she soon returned and was again caught in the same business. This time, the verdict highlighted that she had been

³⁵ The banishment from the city was also a severe punishment and the individual's existence was seriously threatened. With it, he lost the protection of the community and the material grounds of existence.

³⁶ MCZ 7, 208, 212.

³⁷ MCZ 7, 73.

³⁸ On the amount of adultery in the cities of the *interamnium*, see Marija Karbić, “The ‘Illicit Love’ in Medieval Slavonian Cities,” in Isabel Davis, Miriam Müller, and Sarah Rees (eds.), *Love, Marriage and Family Ties in the Middle Ages*, International Medieval Research, vol. 11 (Turnhout: Brepols, 2003), 331-40.

caught in procuring girls more than once, as the source states, "for priests and other men," and she was banished once more.³⁹ It is visible from this that the punishment for procuring girls was in practice more benign than that prescribed in the statute of Ilok.

The wife of the belt-maker, Petres, was also accused of procuring. The allegations against her were presented by Margaret, called Brodarica (the wife of a ship-owner) claiming that the accused kept several prostitutes in her house. The wife of Petres purified herself with an oath, and it is thus not even known whether the allegations were truthful. It has to be taken into account that Margaret, on the one hand, and Petres and his wife, on the other, had been in dispute several years before this event over some allegations of theft and various insults.⁴⁰ It also seems that Margaret was a problematic person to begin with. Besides Petres and his wife, she also had disputes in 1359 with Nicolas, son of John, and with Farkaš.⁴¹ A year later, she had disputes with the wife of Šuleh⁴² and in 1361 with Martin, a boot-maker.⁴³ Therefore, it is possible that Margaret invented the accusation against the wife of Petres, but also that she used the real-life situation to hurt her neighbour.

Widows were often involved in organizing prostitution, which can be explained by the deterioration of their material position after the deaths of their husbands and because of the need to earn a living. The sources mention that widows kept prostitutes, and if it was proven, they paid fines.⁴⁴ It is interesting to note that in these cases fines were employed and not banishment from the city. This may show a certain consideration by the city authorities and their understanding of the problem those women faced after being left without a husband.

Besides punishing prostitution, attempts are also found in the sources to prevent it. In 1378, the city council forbade a young widow to go to the Chapter area, specifically directing her that she should not enter houses there. If, as the source mentions, she "should be caught in evil," the city authorities would confiscate her property and banish her. It should also be noted that soon after this decision of the city magistrate was rescinded and because of "the plea of an honourable man she was restored to her initial civil freedom."⁴⁵

In the urban settlements researched here, prostitution cannot be connected with any specific part of the city.⁴⁶ Mentions of prostitutes are rare and it is also not possible to pinpoint the location of houses where they worked or lived. Also,

³⁹ MCZ 7, 72.

⁴⁰ MCZ 4, 111, 113, 117.

⁴¹ MCZ 4, 129, 131, 135.

⁴² MCZ 4, 166.

⁴³ MCZ 4, 200-01.

⁴⁴ MCZ 4, xxvi.

⁴⁵ MCZ 5, xxx, 144.

⁴⁶ In Dubrovnik, the prostitutes mainly operated in the part of the city called *Castelletto*. Cf. Ravančić, "Prostitucija," 95.

city regulations that would have localised them in some area did not exist, since in principle they were not allowed to act anywhere.⁴⁷ Besides, it seems that they often operated in the houses of their customers. The sources mention girls that wandered through the city and the district and entered the houses of bachelors. In the lawsuits against them, the witnesses were often city guards, who reported on movement that they had noticed during the night.⁴⁸

It should be emphasized that prostitutes often belonged to the lowest layer of urban society, and that, besides prostitution, they were known to be connected with other crimes, as it is apparent in the case of Anne, who also engaged in theft, and arson for pay. Granda belonged to that lowest layer of prostitutes; who, after being banished from the city together with her husband for theft, returned secretly. Then she was caught *in meretricio* with the priest Martin of Ivanić and banished once again.⁴⁹ She was pardoned in 1369.⁵⁰

Women in the Sava and Drava *interamnium* were also involved in various other forms of breaking the law. There are many topics connected with this research problem that are waiting to be investigated. In future research it would be interesting, for instance, to find out the extent to which the extant sources allow an analysis of the representations of individual types of crime in the female population, so that it could be compared with distribution of crimes by men. But this remains to be done in the future.

(Translated by Suzana Miljan)

⁴⁷ Those regulations existed in certain Dalmatian cities, for instance, in Split. Cf. Ravančić, "Prostitucija," 94.

⁴⁸ MCZ 7, xx.

⁴⁹ MCZ 7, 325–26.

⁵⁰ MCZ 7, 358.

AT THE EDGE OF THE LAW

MEDIUM AEVUM QUOTIDIANUM

SONDERBAND XXVIII

At the Edge of the Law:

**Socially Unacceptable and Illegal Behaviour
in the Middle Ages and the Early Modern Period**

Edited by

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and

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Preface

This publication contains selected papers from a conference held in Zagreb (Centre for Croatian Studies, University of Zagreb) in 2009, dealing with the medieval and early modern period, and translated into English for this purpose.* The main goal was to gather papers on a topic that has not been researched enough amongst Croatian historians, that is, the socially unacceptable and illegal behaviour of individuals who were “walking at the edge of the law.” The general idea was also to present various research questions at the intersection of social and legal history, from the problem of feuding in medieval society to the various types of delinquency by pilgrims. The emphasis was put on the Croatian territory in the Middle Ages (from Slavonia to Istria and Dalmatia) and set in a broader (East) Central European context. The articles follow a chronological sequence, starting from the High Middle Ages, with a particular focus on the late medieval and early modern period.

The first paper is by Damir Karbić, who deals with the use of violence as a means of obtaining justice and re-establishing order, which was one of the peculiarities of the medieval legal system when compared with Roman law. After presenting different cases of feuds in Croatian sources, he discusses, how medieval communal legislation treated feuds as a separate legal institute, using the example of the city statutes of Split.

Marija Karbić concentrates on the ways in which women from the medieval urban settlements of the Sava and Drava *interamnium* came into conflict with the law by various criminal actions, from insults or brawls to abortion and murder. She connects those problems with the economic situation of these women, basing the analysis mainly on theft and prostitution cases. The women were sometimes punished severely, but sometimes pardoned or punished minimally.

The problem of gambling along the eastern Adriatic coast is the research subject of Sabine Florence Fabijanec. She analyses the urban statutory regulations stretching from the thirteenth to the sixteenth century. She deals with the adoption of legal provisions against gambling and shows the diversity of approach to gambling from city to city.

Gerhard Jaritz analyses the interdependence between late medieval material culture, human behaviour, religious discourse, and legal culture using the example of actions connected with *superbia* that played a role in public

* The Croatia version of the conference proceedings is published as Suzana Miljan (ed.), *Na rubu zakona: društveno i pravno neprihvatljiva ponašanja kroz povijest*, Biblioteka *Dies historiae*, vol. 3 (Zagreb: Hrvatski studiji, 2009).

urban arguments. The secular authorities emphasized moral, national, and religious components, highlighting the necessity of averting God's wrath.

The perception of the behaviour of pilgrims is the topic of Zoran Ladić's contribution. He shows, in contrast to the idealized vision of pilgrimages and pilgrims, that pilgrimages made by average medieval or early modern believers were also considered superstition and that the pilgrims often engaged in fights, robberies, prostitution, and other forms of delinquent behaviour.

Paul Freedman offers an article on late medieval and early modern public acts of torture and execution, which were carefully choreographed events whose solemnity and meticulous preparation made the infliction of mutilation and death horrifyingly impressive. He also concentrates on the various *topoi* of peasant rebellion as described by literate contemporaries, such as rape, murder, cannibalism, the roasting of victims, and so on.

Lovorka Čoralić deals with Croats accused in the records of the Venetian Inquisition. Four types of accusation can be recognized: conversion to Islam, Protestantism, the use of magic, and conduct considered improper for clergymen (priests and other members of religious orders).

The last article is by Slaven Bertoša, dealing with poor social conditions in Istria in the early modern period that led to hunger, poverty, depopulation, and general insecurity, which in turn provoked dangerous behaviour, robbery, and murder. Capital crimes were under the jurisdiction of the *Potest* and Captain of Koper or, respectively, the Captain of Rašpor with his seat in Buzet. The village communities were also starting to organize themselves by introducing patrols, although in a modest way.

The collection of articles tries to popularise the topics for one plain purpose, that is, to erase the border between history and legal studies, since until now one cannot actually speak of "interdisciplinarity," but only of looking at many research problems from various reference points. Hopefully, this volume will be useful not only for historians dealing with this poorly researched topic of (Croatian) historiography, but also for a wider public generally interested in the functioning of the legal and social system in the past.

Finally, my special gratitude goes to Judith Rasson for copy editing the volume and to Gerhard Jaritz for offering the opportunity to publish it as a special issue of *Medium Aevum Quotidianum*, thus promoting this research on an international level.

Suzana Miljan