

# HUSBAND - WIFE RELATIONS IN LATE MEDIEVAL MALTA 1486-1488

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The family was a central institution in medieval society. People were generally born, grew and lived in families. Thus, an understanding of interpersonal relations within the family-structure is essential for understanding late medieval Maltese society.<sup>1</sup> Yet what does the term 'family' mean? It can equally be understood to imply the kin as well as the nuclear family. Given the wide range of relationships encapsulated in the term 'family', a definition of what is understood by the term 'family' is necessary. The following discussion will only look at the nuclear family, primarily focusing on the husband - wife relationship in late medieval Malta.

Nuclear family patterns primarily imply the taking of a husband or a wife. Church doctrine had an important role in this matter. The prohibition of marriage within the seven degrees of consanguinity ruled out endogamous marriage.<sup>2</sup> This meant integration within the European marriage patterns in general and the Sicilian patterns in particular. It also meant an alienation from the Arab marriage patterns, which should have still existed among the local Jews, at least if what was true for the nearby Sicilian Jews was equally true for the Maltese Jewish community.<sup>3</sup>

Patterns of marriage easily translate themselves into patterns of ownership within a marriage. An in-marriage is generally associated with the retention of the family patrimony, in order for the latter not to be divided into parts and alienated from the family.<sup>4</sup> On the other hand, an exogamous marriage implies a division of the original family estate. Indeed this seems to have been the case in late medieval Malta. Thus, the lands originally belonging to Len-

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cius and Catherina Barbara of Tarxien, were divided amongst their children on the marriage of the latter. When their daughter Agnesia married Lucas Casaha, she took in dowry, amongst other things, two fields situated at Mihatab and Muezeb respectively. Her brother Andreas was endowed with three fields and a house, a field and the house in his native village of Tarxien.<sup>5</sup>

Apart from the dowry, a wife also received the *dodarium*. This was very similar to the English dower<sup>6</sup>, but whereas English wives could receive land as dower, their Maltese counterparts tended to receive cash. Thus, Agnesia Barbara received fifteen uncie of Sicily; Paula Saccu received thirteen uncie; Zuna de La Habica received one hundred and one uncie of Sicily.<sup>7</sup> Together with the dowry, the dower served as insurance for the wife's future. If she was widowed, it could be counted upon either as a means of subsistence or to provide her with a 'new' dowry in a second marriage. Nothing similar seems to have existed in late medieval Southern Europe. Yet, from the way it was given, it resembled the old European *sponsalium* or morning gift, which the husband gave to his bride after consuming his marriage.<sup>8</sup> Closer seems to have been the Arab *mahr musamma* which corresponded exactly with the 'Maltese' *dodarium*, thus suggesting a possible remnant from the Muslim past.<sup>9</sup>

Another aspect, which emerges about the husband and wife relationship, is that of the husband's predominance in the household. Given the position as *pater familias*<sup>10</sup>, husbands administered their family's estates, selling them, pawning them or leasing them. This was true for all the property forming part of the conjugal fund whether bought, or brought as a dowry by his wife. Not only was he the administrator of his wife's property, but although the dowry was the wife's property, it was given to the husband on the wife's behalf. According to the Maltese custom, for a husband to alienate goods which formed part of the wife's dowry, he needed his wife's consent. At times, the husbands did more than they were allowed. This was the case with Zaccharia Bunnichi and Johannes de Fauczono who sold part of their wife's dowry without the latter's consent. This, together with the fact that the wives reacted against the said sales only after their husband's death, shows the husband's strength within the household as well as with regards to the conjugal fund.<sup>11</sup> Male predominance also emerges from the fact that a wife was always *premunita consilio et auctoritate* of her husband (and when the latter was absent either

through death or through being away from Malta she was *premunita* either by her son or by a friend as a *mundualdo*).

Notwithstanding the husband's predominance in the household, the wife had her own sphere of influence. Indeed she could transact in business as well as manage the family's household. In this aspect the Maltese wife fitted well into the general European pattern. Labarge, in her analysis of the treatises of Christine de Pizan and Menagier de Paris, describes the wife at an upper level of the urban society as being "in charge of the household, and took over [the management of her husband's estate] when her husband was away."<sup>12</sup> Clara de Stunica fitted well in this model. She leased money to Johannes de Guyvara in the form of sales *cum gracia* twice in the course of 1487.<sup>13</sup> She also leased parts of the property at Ghajn Tuffieha on three occasions: to Fra Johannes Zurki on the 11 July 1487; to Arnaldus Galie and Arrigo Burg on the same day; and to Berengarius Mizangar two days later. All this while her husband Ferrandus was absent from Malta.<sup>14</sup> What was true for the upper strata of society was equally true for most people. Thus, one encounters Ysolda Vella managing the household on behalf of her husband Petrus who was not on the island. On the 17 January 1488, she assigned a field and a small house in Mqabba, with some reservations, as payment for the debt of six and a half Maltese uncie which her husband owed Bartholomeus Ferraru.<sup>15</sup>

Chicca de Burdino provides an interesting case of women playing an independent role from their husband. With the provision and authority of her husband Nardus, she bought two Sicilian horses and a bale of raw cotton from Johannes de Guyvara for 20 uncie.<sup>16</sup> Notwithstanding the fact that her husband was in Malta, indeed present in the same contract of sales, it was the wife not the husband who bought the two horses and the bales of cotton. Besides, Chicca received an annual salary from the Maltese *Secrezia*.<sup>17</sup> This case suggests that a woman, at least from the higher ranks of society, enjoyed a degree of economic independence, buying on her own behalf as well as receiving a salary herself.

Another consideration on marital relations should look at the ages in which the husband and the wife contracted marriage. Ages in numerical figures are not given, nor can such data be calculated from the available information, yet

general trends can be traced. Comparing the brides with their bridegrooms one notices that whereas the former's parents are always given, the latter's are only given on three occasions, namely for Lucas Casaha, Andreas Barbara and Thomeus Xuereb.<sup>18</sup> Besides, the mother of Salvus Falczono can be arrived at from another document.<sup>19</sup> Those grooms whose parents are given were not yet emancipated, therefore they should have been in their first marriage. Otherwise, the groom being mentioned was possibly in his second marriage.<sup>20</sup> Indeed this can be proved on one occasion for one such bridegroom: Antonio Falca was a widower for a few months when he married Zuna de La Habica. Whereas the dowry contract for his marriage with Zuna was celebrated on the 8 August 1487,<sup>21</sup> his preceding wife Ventura expressed her last will before the notary merely ten months before.<sup>22</sup>

Besides all spouses whose parents are given but six, (i.e. eight out of fourteen) had a dead father, and one father of those six was to die within two months.<sup>23</sup> Assuming that their deaths had been natural, and an almost equal life expectancy for men and women one can safely arrive at either of two conclusions (according to the data from Zabbara's documents between 1486 and 1488). Men married at a much later age than women did and they tended to marry twice as Antonius Falca did, the second time marrying a girl much younger than themselves. This seems to have been the case, as Antonius' marriage to Zuna shows. Thus, Maltese marriage patterns fitted neatly into those of nearby Sicily. There, young girls were given in marriage to men much older than them.<sup>24</sup>

The young marriage age for brides is further attested by the young age at which Paulus de Bunello promised his daughter Margerita to Antonius Rapa. At the time of the contract, she was still too young to be married. Thus at the time of her marriage the bride should have been about twelve.<sup>25</sup> The bride's young marriage age points out to at least two forces. The eagerness of the parents to find a suitable match for their daughter. Secondly the importance of virginity in a marriage. As Goody points out the later a woman married, the greater the chance for her to have lost her virginity before that marriage and virginity was essential to guarantee the purity of the lineage.<sup>26</sup> A third force could have been the bridegroom's urge to have an issue from that marriage. After all, given the bad medical conditions of the time, there was a greater chance to have a surviving son from a long marriage with a bride as

young as possible. A widowed bride may not have any children from her second marriage and even risk her life in trying to have an issue. Indeed, Catharina de Urso, previously married as de Sillato, seems to have died at childbirth.<sup>27</sup>

Another factor emerges clearly, at least from the marriage between Antonius Rapa and Margerita.<sup>28</sup> Marriage was not a question of love, but rather a contract between two families. Similarly, it is evident that there was no love in the marriage between Stephanus Seykel and his wife Laurenza alias Cueyna. The marriage itself had been contracted on the invitation of Johannes de Guyvara, to whom Laurenza had been a concubine.<sup>29</sup> Not only but while Stephanus was away from Malta, she went back to her lover. Eventually, the same Laurenza was guilty of adultery with Petrucius de Mazara.<sup>30</sup> Naturally, nothing can be generalised from only two, though clear-cut examples. After all, as Goody claims "agreement, even love, between the partners is not excluded from what are known as arranged, preferred or prescribed marriages."<sup>31</sup> On the other hand, a number of factors point to the lack of real love between the husband and the wife, at least when the love between them is compared to the love between mother and child. Thus, the main preoccupations of the wife, in her will concerns the property and goods she bequeaths to her children. Secondly, for a society in which the remarriage of a widow or widower was a common occurrence, one could not afford to risk alienating one's property to someone else's children, thus forsaking one's own lineage. However, given the formality expected, and indeed found, in a notarial archive one cannot expect to detect any notion of love, and it is only natural that the contractual nature of marriage predominates.

Having considered how the marriage was contracted a look at how it ended is necessary. Given the prohibition of divorce and the lack of any reference to the annulment of marriage, at least in the Zabbara's acts under review, death was generally the only way a marriage could end. Yet, what happened to the surviving partner? Those partners had to choose between two options, namely remarry or remain a widow/er until one's death. In analysing the general European picture, Bresc saw remarriage as an option only for rich widows (he does not consider widowers). Otherwise, the widow could only hope for a small income and an obscure and lonely old age.<sup>32</sup> The paupers cared for by the Santo Spirito hospital might have included some,<sup>33</sup> but the picture as seen

through Zabbara's documents is rather different. A number of widows remarried. Those widows who chose not to remarry, either out of their own free will or because of their old age, made sure of their future subsistence. Ysmiralda Zarb reserved one third of the house she donated to her daughter Johanna for her use. Besides, the fact that she lived in the same house with her daughter could also imply the latter's help in times of necessity. On similar lines, Margarita Salamura donated a field to her children from an earlier marriage with the proviso that if they would not help her by providing the necessary victuals, she could sell or pawn that same field. At times, the husband provided for his wife's possible widowhood, through a contract. Jackinus Caruana stipulated that if he predeceased his wife, as long as she did not remarry (she was already in her second marriage) his heirs should provide an accommodation to his wife.<sup>34</sup> In other cases, the wife provided for her husband after her death. Thus, Ventura Falca left the *viridarium* of Ayn Culliye to her husband Antonius for his maintenance after her death, to revert to her niece after his death.

Besides, the widowed partner was heir to one third of the conjugal fund which the Maltese custom allocated to him/her on the spouse's death. According to the Maltese custom, anything acquired once the marriage was contracted belonged to the husband and the wife in conjunction. Whenever either of the two partners died, the surviving one had the right to one-third *de comunj substancia matrimonij*. The remaining two thirds were allocated to the surviving children.

An interesting anecdote concerning widowhood emerges about mourning customs. Catherina de Urso mandated, in an addendum to her will, that her husband Albanus (as well as the other beneficiaries of her will) must wear *veste lugubrij videlicet clamide et capucho*. The fact that the wearing of mourning vestments had to be imposed, seems to suggest that it was not a common practice.<sup>35</sup> Indeed, although the Maltese custom stipulated that mourning clothes had to be worn, at times this was impossible "as not a hand's span of black cloth was available in Malta."<sup>36</sup>

Once the marriage was contracted, there started a new nuclear family which was the result of a fusion between members of two households. Naturally, it needed a house in which to live. In the available documents, ten marriages

were contracted or had been contracted in the past. Among these, seven were contracted between two inhabitants of Mdina. On another occasion the husband's town of origin is not given. In the remaining two marriages, the contractants were Lucas Casaha of Mdina and Agnesia Barbara of Tarxien on one occasion and Andreas Barbara of Tarxien and Paula Saccu of Gudja on the other.<sup>37</sup> In these cases, the wife went to live in her husband's town or village. Thus, Agnesia went to live in Mdina, while Paula went to live in Tarxien. With regards to those couples where both the husband and wife came from Mdina, the future place of habitation is never explicitly stated as in the other two documents. Yet in three occasions the marriage had been contracted in the past. In two of these, the husband acknowledged the payment of the dowry.<sup>38</sup> In another, Marciano de Pirera received the second half of the dowry promised by Ventura Falca after the latter's death. Given that at the time of the contract the husbands lived in Mdina, and the nature of the contracts, it is safe to assume that the respective wives lived with their husbands, in Mdina. These examples point clearly at a virilocal place of residence, where the wife leaves her own place of habitation to go to live with her husband. This is further corroborated by the fact that Laurencza alias Cueyna went to live with her husband Stephanus Seykel after having been a concubine of Per Johannes de Mazara.<sup>39</sup>

An overall view of the husband and wife relationship in late medieval Malta points at two seemingly opposite, yet complimentary forces. Both the husband and the wife had equal rights with regards to the property forming part of the conjugal funds, and even appear to have had, (admittedly only one case shows a woman acting independently in her husband's presence) an independent economic life of their own. Similarly men and women had an equal right to bequeath their property through wills, and both received an endowment on marriage, an endowment which in the acts of notary Zabbara under analysis, included land property for both the husband and wife. Yet, this theoretical equality must not obscure the fact that late medieval Maltese society was a male dominated society. The husband essentially administered the conjugal fund, to which the husband and the wife had an equal claim, often usurping the claims the wives had over their dowry. Besides, in Malta as in the rest of the Sicilian *Regno*, women could not have an independent legal life of their own. Whether they were proceeding in court against a second party, or simply being a party to a notarial act, they had to be represented or

at least assisted by a male, the *mundualdo*. Usually this was the husband, but legally he could have been a son, brother, or even a friend. The *mundualdo* apart from being a legal reality was symbolic of that male dominant society. Not even if the male presence was a mere formality, it had to be there. It was also symbolic of the differences between the Maltese customary law (to which references are continuously met in notarial acts) and the Sicilian legal system that imposed the *mundualdo*, but that is another story.

## Notes

<sup>1</sup> The following discussion will look at such family relationships, which emerge from the notarial acts of Notary Giacomo Zabbara published by Fiorini. Hence only a partial view of family relationships in late medieval Malta is possible. S. Fiorini (ed.), *Documentary Sources of Maltese History: Part I Notarial Documents: No 1 Notary Giacomo Zabbara R 494/1 (I): 1486-1488*, Malta, 1996, henceforth Zabbara.

<sup>2</sup> For the Roman system of the seven degrees of consanguinity see J. Goody, *The Development of the Family and Marriage in Europe*, Cambridge, 1983, p.138.

<sup>3</sup> On the Sicilian Jews see H. Bresc, 'La Famille dans la Société Sicilienne Médiévale' in *La Famiglia e la Vita Quotidiana in Europa dal '400 al '600: Fonti e Problemi*, Rome, 1986, 3 pp.187-206, 188. The matter is not discussed by G. Wettinger in *The Jews of Malta*, Malta, 1985.

<sup>4</sup> J. Goody, 'Bridewealth and Dowry in Africa and Eurasia', in J. Goody and S.J. Tambiah *Bridewealth and Dowry*, Cambridge, 1973, p.19.

<sup>5</sup> Zabbara nos.11 (13.iv.1486), 23 (27.iv.1486), The relationship between the land and the family is discussed in chapter 4.

<sup>6</sup> J. Goody, 'Inheritance, property and women: some comparative considerations' in J. Goody, J. Thrisk and E. P. Thompson (ed.), *Family and Inheritance: Rural Society in Western Europe 1200 - 1800*, Cambridge, 1976, 10-36, p. 16.

<sup>7</sup> Zabbara nos.11 (13.iv.1486), 23 (27.iv.1486), 234 (8.viii.1487).

<sup>8</sup> D. Owen Hughes, 'From Brideprice to Dowry in Mediterranean Europe', in M.Kaplan (ed.), *The Marriage Bargain: Women and Dowries in European History*, London, 1985, pp.13-58, 26-7.

<sup>9</sup> The Arab *mahr musamma* was a sum fixed in the marriage contract. O. Spies, *Mahr*, C.E. Bosworth et al (ed.), *Encyclopedia of Islam*, New Edition, VI, Leiden, 1991, p.79.

<sup>10</sup> J.L.Flandrin, *Families in Former Times*, Cambridge, 1979, p.118 et seq.

<sup>11</sup> Zabbara nos. 64 (6.ix.1486), 274 (1.ix.1487).

<sup>12</sup> M. Labarge, *Women in Medieval Life*, London, 1986, p.147.

<sup>13</sup> Zabbara nos.112 (1.ii.1487), 187 (12.v.1487).

<sup>14</sup> Zabbara nos. 212 (11.viii.1487), 213 (11.viii.1487), 214 (13.viii.1487).

<sup>15</sup> Zabbara no. 320 (17.i.1488). The reservation was the right of entrance to the kitchen.

<sup>16</sup> Zabbara no. 321 (21.i.1488).

<sup>17</sup> *Salarium Recipiendum a secrecia Melite per eandem dominam Chiccam anno qoulibet*. Zabbara no. 321 (21.i.1488). The act does not specify why she was in receipt of that salary.

<sup>18</sup> Zabbara nos. 11 (13.iv.1486), 23 (27.iv.1486), 302 (15.xi.1487).

<sup>19</sup> Zabbara no. 297 (17.ix.1487).

<sup>20</sup> Another possible explanation is that the groom was in his first marriage, but his parents had died. Yet, no such an example is found in the acts under scrutiny.

<sup>21</sup> Zabbara no. 234 (8.viii.1487).

<sup>22</sup> Zabbara no.40 (11.v.1486).

<sup>23</sup> On the 15 September 1487 Johannes de Sillato was confirmed the payment of dowry by his son-in-law Notary Matheus de Vassaldo. On the 15 November of the same year, he is described as *quondam Johannes*



de Sillato. *Zabbara* nos.296 (15.ix. 1487), 302 ( 15.xi. 1487).

<sup>24</sup> H. Bresc, 'Europe: Town and Country (Thirteenth-Fifteenth Century)', in A. Burguière, *et al.* (ed.). *A History of the Family: Vol.1 Distant Worlds, Ancient Worlds*, Cambridge Massachussets. 1996. pp.430 – 466, 448.

<sup>25</sup> According to Brooke, the age of consent was reckoned to be twelve for a woman.' C. Brooke. *The Medieval Idea of Marriage*, p.137.

<sup>26</sup> J. Goody, *The Development of the Family and Marriage in Europe*, Cambridge. 1983, p.29. 258.

<sup>27</sup> Indeed Catherina seems to have died before childbirth. On the 26 May she instituted as her universal heir, her to-be-born child: *jintuit sibi heredem universalem postumum seu postumam nasciturum vel nascituram ex ventre eiusdem testatricis*. *Zabbara* no. 41 (26.v.1486). A few months later, her brother Don Amatore is described as *heres quondam Catherine sue sororis*. *Zabbara* no. 177 (24.iv.1487); implying both Catherina's death as well of that of her baby, given that on the 26 May 1486, she had made Don Amatore second in line of succession.

<sup>28</sup> *Zabbara* no.333 (9.ii.1488).

<sup>29</sup> *Dictus Stephanus invito dicto magnifico Perio Johannes contractavisset matrimonium cum ipsa Laurencza*. *Zabbara* no. 206 (27.vi.1487)

<sup>30</sup> *Zabbara* no. 284 (11.ix.1487).

<sup>31</sup> J. Goody, *The Development of the Family and Marriage in Europe*, p.206.

<sup>32</sup> H. Bresc, 'Europe: Town and Country (Thirteenth-Fifteenth Century)', p.451.

<sup>33</sup> S. Fiorini, *Santo Spirito Hospital at Rabat, Malta: The Early Years to 1575*, Malta, 1989, pp.27-8.

<sup>34</sup> *Zabbara* nos. 128 (1.iii.1487), 298 (17.ix.1487), and 273 (1.ix.1487) respectively.

<sup>35</sup> This might be only an impression due to the nature of the document.

<sup>36</sup> G. Wettinger, 'The Widow on Gozo Who Remarried Too Soon', in *Melita Historica* XII. 2. Malta, 1997, p.139-150, p.141.

<sup>37</sup> The sample is too small for any generalisation.

<sup>38</sup> Petrus Axac from Perus de Frendo; and Matheus de Vassaldo from Johannes de Sillato. *Zabbara* nos. 10 (13.iv.1486), 296 (15.ix.1487) respectively.

<sup>39</sup> *Stephanus ... contractavisset matrimonium cum ipsa Laurencza cum qua cohabitavisset*. Then, Laurencza re-went to live with PerJohannes de Mazara as the latter's concubine while her husband was away. When Stephanus returned, he promised to *reassumere jn eius cohabitacione dictam Laurencza*. *Zabbara* no. 206 (27.vi.1487).