

PEASANT WOMEN UNDER THE SEIGNEURIAL SYSTEM. MANORIAL
ENGLAND AND FORAL NORTH-WESTERN IBERIA: A COMPARATIVE STUDY
(13th -14th CENTURIES)

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ABSTRACT

This dissertation intends to provide an analysis about medieval peasant women in two territories subject to different seigneurial systems, the English manorial based on direct management and the one from the north-west of Castile and the north of Portugal where agrarian contracts outside the demesne or “coto” were more common. Peasant women and their situation in both lordships are the main topics to be studied, and, consequently, we have proceeded to clarify through the sources their role within the largest estate existing throughout the Middle Ages.

This study also intends to establish a comparative approach that can shed some light on the legal status, importance, and agency of peasant women in these domains. Historiography has always referred to peasant women tangentially, including them in a whole together with their husbands and children. It is also true that the trend in recent years by European academics has been to confine their contributions within regional and local frameworks, sometimes leaving aside comparative analysis. Therefore, the main motivation of this dissertation has been to carry out a comparative study that try to bring the reader closer to what was the day-to-day life of peasant women born in these territories and subject to two different seigneurial systems more than a thousand miles away.

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Chapter 1: Introduction

The main objective of this dissertation is to carry out a comparative study that reflects the differences and similarities regarding the status and daily reality of women in the rural world, both in manorial England and in foral north-western Iberia.

For those who are not familiar with the socioeconomic reality of medieval Spain, remember that just as the term manorial derives from the word manor, the term foral comes from foro. As it will be discussed below later, the foral agreement was established as the backbone of the seigneurial system of the north-west of Castile and the north of Portugal. Based on strictly legal terminology, the foro can be explained as a contract in which the owner of an immovable thing agrees to cede his beneficial ownership for a limited term to another in exchange for receiving an annual income. At the time that concerns us, such a definition obviously deserves certain nuances.

In the first place, we can identify the owner of the domain as the lord, who, reserving the eminent domain of the property, cedes its use to his vassal for a variable period stipulated in “voices” or generations.

Secondly, there was the requirement of a main income of an essentially agrarian nature, determined either as a proportionate share of the harvest, a rent fixed in kind, or paid in money, as compensation for the transfer of the usufruct related to the aforementioned domain.

Finally, the payment of certain services and taxes, due to the conditions that the forero (vassal) has with respect to the forista or lord; that is, an income generated as a result of the recognition of the lordship by the recipient of the foral contract.

It is for all these reasons that it can be argued that the foro in its very essence is the unification in a whole both of the demands derived from the ownership of the land, as well as those coming from the domain of men. In fact, from an etymological perspective, the word foro itself, around the twelfth and thirteenth centuries, went from designating the different rents and benefits that the vassal had to pay to his lord, both as owner of the land as in recognition of his superior power over the inhabitants of his domain, to denominate all agrarian contracts that included such exactions.¹

¹ F. Martínez Martínez, “De Verborum Significatione: Notas Sobre las Aceptaciones Medievales de la Voz Foro,” *Boletín do Museo Provincial de Lugo*, 11 (2003-2004), 247-264 (pp.258-261).

In order to draw a whole picture of what must have been the daily life of peasant women in these two geographical areas, the information offered by the main sources of both territories has been selected and analysed, that is, the information found in the foral contracts from Iberia and that from the manor records for England. However, this study not only aims to establish a comparative study but also seeks to contribute its bit when it comes to rescuing women from obscurity in a world where record creation was dominated by men. As will be examined in greater depth below, it is still true that for the Christian West as a whole, it can be said that the sources, eminently androcentric, are very irregular in regard to the amount of information related to the situation of women. This situation is aggravated with regard to peasant women, since the vast majority of them lived and died without leaving any documentary trace, working in the fields and at home. In fact, it seems that these women were only valued for their labour and reproductive capacity. Almost all medieval women participated in agricultural tasks, and domestic chores were also an equally oppressive burden. But as was the case with their husbands and sons, given the prevailing illiteracy of the time, it is impossible to find direct testimonies arising from the very hands of the protagonists of the object of study of this dissertation.

However, it must not be forgotten that the sources analysed had a priority purpose: to serve as a tool for the proper management of the seigneurial lands. Consequently, most of them have a marked economic nature. Thus, the portrait that is made of the peasant woman will depend a lot on her degree of participation in the economic activity in the domains of the lord. This participation was mostly within the marriage and the exploitation unit. Although there are also cases of women with a large presence in the land market and performing labour services just like men.

Nevertheless, the most characteristic difference for the study of women in both territories is limited to the same sources. While it is true that peasant women are forgotten in literature, in chronicles and, in general, by historians, it is no less true that English documents are much richer when it comes to obtaining information regarding their existence. A clear example of this can be found in the manorial records that are direct witnesses of the life and conditions of peasant women. These records are abundant as they were the cornerstone of good governance in vast areas of England. This is the reason why it is easier to understand how peasant women lived and contributed with their efforts both to support their family and to play a big role in the economy of the manor. On the other hand, with regard to the north-west of Castile and the north of Portugal, the presence of rural women is very scarce in the documentation. This is only circumscribed, and in a

very tangential way, to the land contracts, the long lists of obligations that they have to satisfy both in rent and in work, the wills and, finally, the small inventories coming from the abbeys and bishoprics. They were surely the most active subjects of feudal society, but the least interesting to those who produced literature and art.

The historical elements to be dealt with will be largely related to those aspects regarding the situation of women within the public sphere (family household, access to land, and workforce). However, attention will also be paid to those seignorial institutions that were designed to exercise control over the most intimate facets of the lives of peasant women, both concerning marriage and their sexuality (merchet, leyrwite, childwite, ius primae noctis).

1.1 Literature Review

The main object of this study are medieval women and, more specifically, those who were born and died after a lifetime of work in the fields and, in most cases, shrouded in the greatest of anonymity. Peasant women represented by far the largest percentage of the female population in medieval times. This fact should not be surprising if one takes into consideration that in this period the rural world was predominant, and, to a greater or lesser extent, wealth and social status were closely linked to agricultural production. There was a time when considering women as a subject of differentiated study was completely unthinkable, thus perpetuating the anonymity mentioned above that still characterized the simple existence of medieval women. Traditional historiography had deliberately excluded women from global history. In an androcentric historical discourse, women did not exist and when they appeared, they did so as the exception that proves the rule.²

If women were excluded from the historiographic production, peasant women suffered this exclusion doubly since, in addition to being women, they were part of a social group that, although forming the majority, was not of great interest for institutionalist historians. We must not forget the traditional neglect and disdain suffered by the peasantry. Its active role in the historical development has been systematically denied. Peasants were considered a passive subject, easy to manipulate, and their participation in relevant events was explained as emotional and irrational acts devoid of

² A. Moreno, *El Arquetipo Viril Protagonista de la Historia: Ejercicios de Lectura no Androcéntrica* (Barcelona: La Sal, 1986) p. 31.

any ideological component or planning.³ Such line of thought was even, if possible, strengthened by the approaches from the materialistic orthodoxy, which gave to the proto-capitalist bourgeois and urban world full prominence in a historical interpretation always linked to the class struggle.⁴

A dissenting opinion arose in 1946, the year in which Dobb theorized about the prominence of a peasant elite enriched as a result of its participation in the market during the process of transition from feudalism to capitalism.⁵ Later, the acknowledgement of the peasantry as a historical actor gained strength when Hilton defended its status as a distinctive social class⁶. However, the interest aroused by the peasantry and the rural world has always been connected with a social and economic context in which women did not receive individualised attention. It was not until the eighties of the last century that writings focused on peasant women began to appear.⁷

On the other hand, it seems clear that from that decade there has been a growing interest in the history of medieval women, which, in turn, has led to an increase in historiographic production on the subject.⁸ This is the reason that explains my purpose of reviewing trends in scholarship over the last few decades, particularly since the 1990s when scholars started to ask new questions, shed assumptions, and interrogate the sources in a new light. However, in my opinion, the attention given to peasant women during all

³ P. H. Freedman, "La Resistencia Campesina y la Historiografía de Europa medieval", *Edad Media: revista de historia*, 3 (2000), 17-38.

⁴ A class struggle scheme that as a result of the process of historiographic revisionism has been replaced by the concept of struggle for rent since the bourgeoisie of the period cannot yet be considered fully capitalist: F. Herreros Vázquez, *Hacia una Reconstrucción del Materialismo Histórico* (Madrid: Istmo, 2005) p. 58.

⁵ M. Dobb, *Studies in the Development of Capitalism* (London: Routledge & Kegan Paul Ltd, 1946) pp. 60-65.

⁶ R.H. Hilton, "Peasant Movements in England before 1381", *The Economic History Review*, 2(2) (1949), 117-136 (p. 118).

⁷ S.H. Wright, "Medieval European Peasant Women: A Fragmented Historiography", *History Compass*, 18 (6) (2020), 1-12 (p. 2).

⁸ For a general historiographic overview from the end of the seventies to the beginning of the nineties, consult G. Solé, "La Mujer en la Edad Media. Una Aproximación Historiográfica", *Anuario filosófico*, 23 (3) (1993), 653-672. This piece of research is complemented very well with Rubin's analysis on the different works that share medieval women as a subject of study in the decade of 1987-1997: M. Rubin, "A Decade of Studying Medieval Women, 1987-1997", *History Workshop Journal*, 46 (1998), 213-239. From a feminist perspective, the panoramic point of view offered by Rivera Garretas on the historiography of women in medieval times is also of interest: M.M. Rivera Garretas, "La Historiografía de las Mujeres en la Europa Medieval", *Historia Social*, 4 (1989), 137-147.

Specifically for the English case, the historiographical survey carried out by Hanawalt from the nineteenth century to 1987 stands out: B.A. Hanawalt, "Golden Ages for the History of Medieval English Women", in Stuard, S.M, *Women in Medieval History & Historiography* (Philadelphia: University of Pennsylvania Press, 1988), pp. 1-24.

In relation to the Spanish case, it is worth mentioning the study by Fuster García, closer in time, and which gives greater relevance to methodological models when addressing the history of medieval women: F. Fuster García, "La Historia de las Mujeres en la Historiografía Española: Propuestas Metodológicas desde la Historia Medieval", *Edad Media: revista de historia*, 10 (2009), 247-273.

those years does not correspond to the major role they played in the society of the moment, both in terms of their number and the work they performed. This lack of prominence is very much in line with the scarcity of written references throughout the medieval period. This is a circumstance that is clearly visible in the reluctance of the Castilian historical scholarship to include peasant women as an active agent in the intrigues of its texts.⁹ And, if there are allusions in this respect, they carry derogatory denotations as is inferred in some passages of *El Libro del Buen Amor*. In this highly representative work of the fourteenth century, the women of the mountains (*serranas*) and, therefore, far from the realm of the town, are represented as beings of horrible appearance, libidinous, foul-mouthed, and rude.¹⁰ Nonetheless, it is important to point out that, as in the case of Castilian texts, the most common trend with regard to medieval literature was the relegation of the peasant world to the background in all its genres.¹¹

In some ways the literary and heuristic void determined the approach of historians and philologists towards peasant women. This can be explained by a simple but at the same time glaring evidence: like their parents, husbands, and children, peasant women were illiterate, and because they themselves left no written record; they did not have a voice. As a result, the most normal thing would be for these women, in most cases and with some exceptions, never to leave the deepest anonymity. On the contrary, it is women of high rank, both secular and religious, privileged for having access to education, who arouse great interest due to the writings they left behind.¹² However, this literary activity does not change the fact that men continued to be the owners of the collective memory. In this way, women's own voices were as secondary as they were scarce.¹³ Not only do female writings attract the attention of the historiography of gender, but so do the authority and power that sometimes fell into the hands of some women. In this way, works

⁹ R. Walthaus, *La Mujer en la Literatura Hispánica de la Edad Media y el Siglo de Oro* (Amsterdam: Rodopi, 1993); R.M. Mérida Jiménez, "La Imagen de la Mujer en la Literatura Castellana Medieval: Hacia un Laberinto Bibliográfico de Mudable Fortuna (1986-1996)", *Acta historica et archaeologica mediaevalia*, 19 (1998), 403-432; A. García Velasco, *La Mujer en la Literatura Medieval Española* (Málaga: Aljaima, 2000).

¹⁰ L.R. Miranda, "Los Espacios Femeninos en el Libro de Buen Amor", *Anclajes*, 1 (1) (1997), 123-136 (pp.132-133).

¹¹ N. Cabré, *Dona i Literatura: La Imatge de la Dona en la Literatura Medieval* (Barcelona: Laertes, 1992).

¹² A sample of this interest can be associated with the following works: P. Dronke, *Women Writers of the Middle Ages: A Critical Study of Texts from Perpetua to Marguerite Porete* (Cambridge: Cambridge university press, 1984); K.M. Wilson, *Medieval Women Writers* (Athens (Georgia): University of Georgia Press, 1984); L.A. Finke, *Women's Writing in English: Medieval England* (London: Longman, 1999); D. Watt, *Medieval Women's Writing Works by and for Women in England, 1100-1500* (Cambridge: Polity, 2007).

¹³ M.^a J. Fuente Pérez, *Velos y Desvelos: Cristianas, Musulmanas y Judías en la España Medieval*. (Madrid: Esfera de los Libros, 2006) p. 21.

focused on the lives of queens and aristocrats are very common.¹⁴ Unfortunately, this large number of studies does not correspond to the limited amount of research on the daily life of peasant women.¹⁵

Before the 1990s, the English case could have been seen as a minor exception to this rule due, in large part, to the great interest that historiography has shown to the medieval peasantry.¹⁶ Historians that, at least indirectly and partially, had no choice but to also take into account women as an inherent part of this social group.¹⁷ After that decade English historiography mainly thanks to the work of Judith Bennett began to focus on peasant women from the perspective of their economic activity, position in society, and agency.¹⁸ Regarding the Spanish case, a gradual increase in research on this subject

¹⁴ A selection of these works in the last twenty-five years could be the following: J.C. Ward, *Women of the English Nobility and Gentry, 1066-1500* (Manchester: Manchester University Press, 1995); T. Evergates, *Aristocratic Women in Medieval France* (Philadelphia: University of Pennsylvania Press, 1999); P.R. Coss, *The Lady in Medieval England 1000-1500* (Stroud: Sutton, 2000); C. Levin, and R. O. Bucholz, *Queens & Power in Medieval and Early Modern England* (Lincoln: University of Nebraska Press, 2009); A. Duggan, *Queens and Queenship in Medieval Europe* (Woodbridge: Boydell, 2008); L. Benz St John, *Three Medieval Queens: Queenship and the Crown in Fourteenth-Century England* (Palgrave Macmillan, 2016); E. Pardo de Guevara y Valdés, *Mujeres con Poder en la Galicia Medieval (Siglos XIII-XV): Estudios, Biografías y Documentos* (Santiago de Compostela: Consejo Superior de Investigaciones Científicas, 2017); A. Weir, *England's Medieval Queens* (New York: Ballantine Books, 2017); H. J. Tanner, *Medieval Elite Women, and the Exercise of Power, 1100-1400: Moving beyond the Exceptionalism Debate* (New York: Springer International Publishing, 2019).

¹⁵ An example of this is the absence of peasant women in the selection of essays on eight medieval women edited by F. Bertini: F. Bertini (ed.), *Medioevo al Femminile* (Roma-Bari: Laterza & Figli Spa, 1989). The communities of peasant women are also forgotten in favour of religious and chivalric communities, craft, and trade guilds, and even brothels: D. Watt (ed.), *Medieval Women in Their Communities* (Cardiff: University of Wales Press, 1997). And as is also obvious, the objects used by peasant women to carry out their daily tasks are not of much interest either: J. Adams, and N.M. Bradbury, *Medieval Women and Their Objects* (Ann Arbor: University of Michigan Press, 2017). In short, it seems clear that the portrait of the medieval woman only includes the aristocratic medieval woman: L.E. Mitchell, *Portraits of Medieval Women: Family, Marriage, and Politics in England, 1225-1350* (New York: Palgrave Macmillan, 2019).

¹⁶ As evidenced by the early work of H.S. Bennett on the conditions of the peasantry within an English manor: H.S. Bennett, *Life on the English Manor: A Study of Peasant Conditions, 1150-1400* (London: Cambridge University Press, 1938).

¹⁷ Solé, "La Mujer en la Edad Media", 668.

¹⁸ In the last thirty years there have been many contributions related to this line of research. The ones that follow are some of them, others are not included here because they will be cited later: P.J.P. Goldberg, *Women, work and lifecycle in a medieval economy: Women in York and Yorkshire c.1300-1500* (Oxford: Clarendon Press, 1992); M.E. Mate, *Daughters, Wives and Widows after the Black Death: Women in Sussex, 1350-1535* (Woodbridge: Boydell Press, 1998); S. Bardsley, "Women's Work Reconsidered: Gender and Wage Differentiation in Late Medieval England", *Past & Present*, 165(1) (1999), 3-29; J.M. Bennett, "Widows in the Medieval English Countryside", in Mirrer, L. (ed.), *Upon my Husband's Death: Widows in the Literature and Histories of Medieval Europe* (Ann Arbor: University of Michigan Press, 1992), pp. 69-114; J.M. Bennett, *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300-1600*, (Oxford: Oxford University Press, 1996); J.M. Bennett, "Women and Poverty: Girls on Their Own in England before 1348", in Kowaleski, M., Langdon, J., and Schofield, P.R., (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M.S. Campbell* (Turnhout: Brepols, 2015), pp. 299-323; C. Briggs, "Empowered or Marginalized? Rural Women and Credit in Later Thirteenth and Fourteenth century England", *Continuity and Change*, 19(1) (2004), 13-43; S. Olson, "Women's Place and Women's Space the Medieval Village", in Classen,

can also be observed by this time. Within this scholarship, the works of Borrero Fernández, Reyna Pastor, Furió, and Rangel López stand out in relation to the participation of women in the household and seigneurial economy and their agency in different areas of medieval Spain.¹⁹

1.2 Methodological Perspective

From a strictly methodological point of view, it is necessary to address in this section certain elements that will articulate, shape, and limit the research behind this dissertation. My intention is to shed some light on the portrait that can be drawn of women in rural areas by analysing the sources that the seigneurial system provides in the environment where these female peasants carried out their daily work. Consequently, and unfortunately, the sources are not going to be associated with the perspective and subjectivity of women²⁰, but rather will come from the typical framework of mandatory rules and laws that characterized the lordship.

We must remember the specific relationship established between the object of study, in this case the peasant woman, and the primary sources within our reach. Both the manorial and foral systems generated a series of textual documents with the ultimate aim of effectively managing the lordship and extracting the rent from lands and vassals. These documents will constitute the primary sources on which this dissertation will be based. In the case of the foral system and, as its name indicates, these sources will be almost

A. (ed.), *Rural Space in the Middle Ages and Early Modern Age: The Spatial Turn in Premodern Studies* (Berlin and Boston: Walter de Gruyter, 2012), pp. 209-226; M.M. Müller, "Peasant Women, Agency and Status in Mid-Thirteenth- to Late Fourteenth-Century England: Some Reconsiderations," in Beattie, C., and Stevens, M.F., (eds.), *Married Women and the Law in Premodern Northwest Europe* (pp. 91–113) (Woodbridge: The Boydell Press, 2013), pp. 91-113.

¹⁹ Perhaps the most notable works of these three authors on this subject are those that follow: M. Borrero Fernández, "La Mujer en la Gestión de las Explotaciones Agrícolas. Diferentes Grados de Actuación en el Ámbito rural de la Baja Edad Media Sevillana", in Muñoz Fernández, A., and Segura Graíño, C. (eds.), *El Trabajo de las Mujeres en la Edad Media Hispana: [Estudios Presentados a las V Jornadas de Investigación Interdisciplinaria]* (Madrid: Asociación Cultural Al-Mudayna, Universidad Autónoma de Madrid, 1988), pp. 69-82; R. Pastor, "El Trabajo de la Mujer en la Explotación Campesina. Castilla y León. Siglo XI-XIV", in *Primer Colloqui D'Historia de la Dona: De la Casa a la Fàbrica, Segles V-XX Ponències* (Barcelona: Centre d'Investigació Històrica de la Dona, Universitat de Barcelona, 1990), pp. 4-22; A. Furió, "Entre la Complémentarité et la Dépendance: Rôle Économique et Travail des Femmes et des Enfants dans le Monde Rural Valencien au bas Moyen Âge", *Médiévales*, 30 (1996), 23–34; N. Rangel López, "Contribución y Participación de la Mujer Campesina en la Economía Familiar. El Caso de l'Horta de Valencia en el Siglo XV", in *Actas V Simposio de Jóvenes Medievalistas* (Lorca, 2010), pp. 181-191.

²⁰ This would be extraordinary not only regarding the historical research of peasant women but also concerning the peasantry in general.

exclusively constituted by the *foros*.²¹ As already mentioned in the introduction from the thirteenth century it became the cornerstone that supported the entire feudal system. These deeds not only aspired to regulate the relations between lords and peasants, but also to establish them in writing, making clear who was the owner as well as the degree of dependency and obligations that the vassal had to assume.

Regarding the manorial lordship, the sources form a broad category, the manorial records, that contain both court rolls and different varieties of surveys. In fact, the manorial documents can be classified into two large categories: those that focus on the manor's resources, describing its domains and relating the list of obligations to be fulfilled by the tenants; and those more concerned with the direct management of the manor, and, therefore, with the collection of all assets from the application of jurisdictional rights.²²

In this way, the first objective will be to collect, scrutinize, and interpret any piece of relevant information that will help provide peasant women with a space of their own within the parameters of the domestic and agrarian economy within the seigneurial framework.

It is well known that historians are slaves to the available sources. These sources were designed both for fiscal purposes and to control land and men. All the information collected was subject to the socioeconomic interests of the lordship. Consequently, everything related to the life of the peasant that did not fit this purpose, tended not to appear in the texts and, therefore, condemned to never have happened. This explains why medievalists are inclined to focus on villein tenants and *foreros*, given their prominence in the sources. Thus, in most cases when the medieval peasantry is studied, these two groups are given the leading role due to their majority presence in the documentation. A similar logic can be used with respect to peasant women. There is a predisposition to consider the peasantry, not neutral but masculine. This is an attitude that is explained by two factors: the elusive and partial nature of the sources and the narrative elaborated by traditional scholarship that placed the woman together with her husband within an indissoluble whole under the name of household economy. Accordingly, the researcher

²¹ Agrarian contracts by which the lord gives the usufruct of a possession to the peasant in exchange for a rent and the establishment of a relationship of vassalage. For a broader view of the *foro* regarding its origins and development, consult M^a.L. Ríos Rodríguez, *As Orixes do Foro na Galicia Medieval* (Santiago de Compostela: Universidad de Santiago de Compostela, 1993).

²² M. Bailey. *The English Manor c. 1200-c. 1500. Selected Sources Translated and Annotated by Mark Bailey* (Manchester: Manchester University Press, 2002) pp. 18-19.

often must work with few references in which women appear as a distinctive entity object of a specific attention.²³

In order to portray peasant women, I have chosen two seigneurial systems with their own particularities in terms of structure, composition, and operation. This choice is due more to their differences than to their common elements. In north-western Iberia²⁴ historians have long recognised the importance of feudal contracts that enabled monasteries to expand the feudal mode of production further away from the boundaries of the original demesne. In this way, the domain exercised over the land and the cultivators, or what is the same, over the product and the producers, will be generalized throughout all the territories that fall under monastic jurisdiction, thus establishing a definite link between men and the land. At that point, property rights became more important in the sense that they laid the foundations on which the dependency relationships were grounded by transferring land in return for vassalage and income. In manorial England, from the beginning of the thirteenth century, the direct management of the manors became progressively popular. By contrast, in the north-west of the Iberian Peninsula and for the same period, indirect management mostly succeeded. Given the increasing level of manorialisation in England, the strength of the territorial and jurisdictional lordship over the peasantry, and the significance of direct management of the land, there was no need for the lords to produce farm lease agreements to guarantee the obedience and loyalty of the tenants. Nevertheless, in some parts of Castile and Portugal, these legal deeds constituted the cornerstone on which all the feudal relationships were built.

These differential factors will be of great importance in establishing the whole picture of the peasant woman subject both to the customs of the manor and to the clauses of the foro. The goal here is to achieve an overall vision that overcomes both geographical barriers and the distinguishing seigneurial features of customary manorialism and contractual foralism. As can be deduced from what has been said so far, this dissertation will participate in the aims of Comparative History, that is, both highlight the common

²³ Fortunately, this is not the case with Cecilia Penifader: J. M. Bennett, *A Medieval Life: Cecilia Penifader and the World of English Peasants before the Plague* (Philadelphia, PA: University of Pennsylvania Press, 2021).

²⁴ The territorial scope will be limited to Galicia, western Asturias, El Bierzo, and northern Portugal

aspects that occur in different environments and, to a lesser extent, give testimony of the different elements that, nevertheless, share certain common characteristics.²⁵

Regarding the bibliography, all works that address local and regional history from the nerve centres of the emanation of feudal power must be consulted for both north-western Iberia monasteries and English manors, and more specifically the studies based on the social conditions of the peasantry, underlining the role of women within this social estate. This survey of scholarship is reflected in part in the previous section within this same chapter, and can be consulted in its entirety in the list of sources cited at the end of this dissertation.

²⁵ C.S. Maier, “La Historia Comparada”, *Studia Histórica-Historia Contemporánea*, 10-11 (1992-1993), 12-32 (p. 12).

Chapter 2: Lordship and Public Sphere

It has been very common for historiography to attribute an opposition of gender to the dichotomy between both private and public spheres. In this way, many times the temptation was to assign a feminine nature to the domestic world and a masculine character to public authority.²⁶ However, this dichotomy in the medieval countryside was far from being a reality. The truth is that the day-to-day life in rural areas was so public that even matters as intimate as marriage and sexual relations were the object of interest and control by the lords. On the other hand, it must be remembered that women, instead of being isolated and locked up at home, actively participated in the public and economic life of the village.²⁷ However, and purely for methodological purposes, I have proceeded to divide the content of this dissertation into these two sections: the public sphere and the private sphere of peasant women in relation to the lordship. The first part will be dedicated to the "public" facet of the seigneurial regime, understanding as "public" what is "open" to everyone, that is, everything connected to what is "visible" and happens in the common spaces of coexistence and work. On the other hand, the "private" will refer to the "intimate" which according to our current perspective should never have been subjected to the interference of the lord but that, on the contrary and, as happened with the "public", was regulated by the seigneurial authority.

2.1. The Legal Status of Peasantry: A Brief Approach.

In order to begin a study of women in the countryside in the thirteenth and fourteenth centuries, it is convenient, even if only briefly, to examine the legal status of the peasants within the dominant seigneurial system of the time. After all, these lawful contours will largely shape the daily existence of these women.

The first noteworthy point to be addressed is the one relative to the law and the personal situation of the peasantry. In this respect, the two seigneurial systems shared the same starting point; that is, a clear division of peasant society between free and unfree individuals. However, in England, unlike what happened in north-western Iberia, this

²⁶ G. Duby and M. Perrot, *Historia de las Mujeres. Tomo 2. La Edad Media* (Madrid: Taurus, 2003) pp. 24-25.

²⁷ J.M. Bennet, "Public Power and Authority in the Medieval English Countryside", in Erler, M., and Kowaleski, M. (eds.), *Women and Power in the Middle Ages* (Athens, Georgia: University of Georgia Press, 1988), pp. 18-36, (pp.18-19).

differentiation, at least referring to its legal character, practically prevailed throughout the entire Middle Ages. The peasantry of both territories was subjected to very similar burdens and ties derived from their dependent status within the feudal framework. However, the trend resulting from the triumph of indirect management through agrarian contracts was the progressive fading of the various categories of the peasantry in line with their diverse degrees of legal freedom. By 1219, any mention of the term "serf" had completely disappeared from the records of the monastery of Sobrado.²⁸ Consequently, with the success of the foral agreements, all the countrymen shared an equal legal status within the ties of dependence towards their lord.²⁹ Over time the term *forero* would replace that of *serf* within the process of turning land into tenure in exchange for seigneurial income.

Concerning the legal status of villeins and *servi*, this process is also observed in the England of the eleventh and thirteenth centuries. In this way, the lines that marked the distinction between the two groups, although very notable and accentuated during the early Norman period, faded over time, resulting in the same overwhelmed class, the villeins.³⁰ This term derived from the Latin word *villanus* (villager) to a new meaning thanks to a charter of the 1190s in which a clear division was established between the three parts of the manor: demesne, free tenements and villeinage.³¹ Consequently, and as opposed to the free tenements, the villeins, being associated with the villeinage, could not be considered as free tenants. However, the legal and social status of the peasantry had not so much to do with the part of the land held as with the commitment transmitted from parents to children to providing labour services.³² Although it is true that these burdens were closely related to the legal character of the land, this did not mean that sometimes free men in distress were compelled to work unfree holdings assuming the onerous obligations attached to them. Nevertheless, and for all practical purposes, the authors of

²⁸ M.^a C. Pallares Méndez and E. Portela Silva, "El Lugar de los Campesinos. De Repobladores a Repoblados" in Rodríguez, A. (ed.), *El lugar del campesino en torno a la obra de Reyna Pastor* (Valencia: CSIC, 2007), pp. 61-88, (p. 66).

²⁹ D. Mariño Veiras, *Señorío de Santa María de Meira (de 1150 a 1525). Espacio Rural, Régimen de Propiedad y Régimen de Explotación en la Galicia Medieval* (A Coruña: Ediciones Nos, 1983) p. 176.

³⁰ P.R. Schofield, *Peasant and Community in Medieval England. 1200-1500*, (Basingstoke: Palgrave Macmillan, 2003) p. 13.

³¹ T. Madox, *Formulare Anglicanum, or, A Collection of Ancient Charters and Instruments of Divers Kinds Taken From the Originals, Placed Under Several Heads, and Deduced (in a Series According to the Order of Time) From the Norman Conquest to the End of the Reign of King Henry the VIII* (London: Jacob Tonson and R. Knaplock, 1702) p. 274.

³² R. Hilton, *The Decline of Serfdom in Medieval England* (London: Palgrave Macmillan, 1982) p. 12.

the surveys considered these tenurial allegiances as evidence of legal status since unfree tenants were in no way allowed to hold free land.³³

The parameters used to differentiate between free and unfree tenants were established by the end of the twelfth century. One of the objectives of the legal reforms undertaken by Henry II was to know for sure the sectors of the population that were free, that is, who had the right to go to the king's court. In this way, it was concluded that about 40 percent of the peasantry was made up of unfree villeins under the jurisdiction of their lords.³⁴ This part of the peasantry bore the greatest weight of the seigneurial obligations, among which the onerous labour services stood out. The unfree peasants were bound to work the land of the lord, the demesne, during a period established by the custom of the manor. That was why they were known as customary tenants. On the contrary, the free tenants used to satisfy fixed rents in cash or kind and, what is more important, the few labour services were assigned to the tenure and previously established, so they were relieved from the usual alterations as a result of the changing whims of the lord.

Labour services were also included in the foro. Therefore, all tenants were fully aware of these obligations from the first moment that they committed to accepting the clauses of this farming agreement. Unlike the manorial system, the work in the demesne never drew a clear difference between free and unfree burdens since the ultimate goal of the foro was to guarantee a rent (in most cases a share of the crop) that was able to both provide supplies to the lord and at the same time protect the seigneurial income from inflationary periods.³⁵ That was the reason why labour services were less common, more occasional and lighter within the scope of foral contracts if compared to the work demanded in the manorial system. In fact, the requirements of workforce in the seigneurial demesne or coto were more aimed at stressing the peasants' acknowledgement of the feudal rights that the lords possessed in the lands they tilled.³⁶ In this aspect, a certain parallel could be established between foral tenants and free English peasants since both would have to fulfil fixed rents and pre-set labour services.

³³ J. Hudson, *The Oxford History of the Laws of England 871–1216*, v. 2 (Oxford: Oxford University Press, 2012) p. 663.

³⁴ C. Dyer, "The Economy and Society", in Saul, N. (ed.), *The Oxford Illustrated History of Medieval England* (Oxford: Oxford University Press, 1997), 137–173 (p. 150).

³⁵ Ríos Rodríguez, *As Orixes do Foro*, pp. 87–88.

³⁶ E. Álvarez Álvarez, "Las Exigencias Señoriales en la Galicia Meridional a través de la Duración y la Renta de los Contratos de Foro (1340–1450)", *Cuadernos de estudios gallegos*, 34 (1983), 117–152.

From the early 14th century these labour services began to be gradually commuted by rents in cash.³⁷ In England, it became increasingly clear that it was more profitable to hire seasonal workers than to force unwilling villeins to work at the demesne. This is evident in the records of Battle Abbey that show how the cost of the meals provided to the villeins far exceeded the wages of the hired workers.³⁸ To this must be added that the use of hired workers instead of customary villeins was accompanied by a large increase in production.³⁹ Regarding the manorial system, the conversion of rent in work into rent in cash radically transformed the largest source of feudal income.⁴⁰ However, with respect to indirect management through foral agreements, this transformation, as it affected a minimal part of the income, was much less significant.

2.2. Peasant Women in the Foro

In the peninsular north-west, peasant women used to spend their existence in the *casal*⁴¹. This place became the domestic space and production unit par excellence in the world of the foral leaseholds. The lords' greatest interest was to frame their vassals in these dwelling and farming units in order to facilitate their control over men, territory, and income.⁴² In manorial extents and surveys it is not uncommon to find mentions referring to holdings as *messuages* with *croft* adjacent.⁴³ In other words, homesteads composed of the main house, outbuildings, orchards and gardens.⁴⁴ A description that fits perfectly with what in the north-west of the Iberian Peninsula is known as a *casal*.⁴⁵

These small farms became the basic cells in which the peasant labour force developed, and they were closely linked to a domestic group that mostly corresponded to

³⁷ J. Clemente Ramos, "Las Sernas en el Becerro de las Behetrías", in *Homenaje al profesor Juan Torres Fontes*, 1 (1987), pp. 299–318.

³⁸ E. Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066–1538* (Toronto: Pontifical Institute of Mediaeval Studies, 1974) pp. 176–179.

³⁹ D. Stone, "The Productivity of Hired and Customary Labour: Evidence from Wisbech Barton in the Fourteenth Century", *The Economic History Review*, 50 (1997), 640–655.

⁴⁰ M. M. Postan, *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge: Cambridge University Press, 2008) p. 89.

⁴¹ Receiving in Asturias also the name of *casería* or *yuguería*: J.A. Álvarez Castrillón, *La Comarca de los Oscos en la Edad Media. Poblamiento, Economía y Poder* (Oviedo: Consejería de Cultura y Turismo. KRK Ediciones, 2007) p. 191.

⁴² E. Portela Silva, *La Región del Obispado de Tuy en los Siglos XII a XV. Una Sociedad en la Expansión y en la Crisis* (Santiago de Compostela: El Eco Franciscano, 1976) pp. 85–86.

⁴³ C. Dyer, *Everyday life in Medieval England* (London: Hambledon and London, 2000) p. 69.

⁴⁴ J. Raftis, *Peasant Economic Development within the English Manorial System* (Montreal: McGill-Queen's University Press, 1996) p. 12.

⁴⁵ A. Bouhier, *Ensaio Xeográfico de Análise e Interpretación dun Vello Complexo Agrario*, vol.2 (Santiago de Compostela: Xunta de Galicia, 2001), p. 1212.

a biological family household. Within this basic cell, the woman's workforce, along with that of her husband, was oriented towards obtaining production goods that would allow both the reproduction of this family nucleus and the payment of an annual rent.⁴⁶

Thus, in the peasant world, men and women not only constituted a conjugal association, but also a labour partnership. The foral contracts, which from the first years of the thirteenth century regulated the relations between lords and peasants, gave women an importance that seems just comparable to men in terms of the management of leasehold tenures. In fact, if the foro was granted to a married couple, the conditions to be met will be the same regardless of whether it was the wife who became widowed. These conditions would always have the goal of guaranteeing the productivity of the holding transferred by keeping it populated, cultivated, and stocked with livestock.⁴⁷

It is an undeniable fact that for the period in question most of the foros were agreed with a married couple. Reyna Pastor in her study on feudal power and its incidence on Galician peasant domestic groups established that for the chronology between 1281 and 1380 out of 492 records, the percentage corresponding to married couples receiving foros was 63,82%.⁴⁸ The records of the monastery of Ferreira de Pantón from the fourteenth century indicate that the percentage of married couples obtaining joint contracts was 60.46%.⁴⁹

The prominence of peasant women was not only circumscribed to the sphere of marriage but was reaffirmed and was made more than evident in the foros given to women on their own. For instance, among the foros granted by the monastery of Ferreira to these women, one dated in 1332 stands out. In this agreement, in addition to a third of the cereal harvest and an annual rent in cash, a monthly labour service is required.⁵⁰ If the demands of the monasteries did not differ due to gender, it is not illogical to think that the economic

⁴⁶ R. Pastor, "Poder y Familia en la Sociedad Foral Gallega. Aproximación a su Estudio, siglos XIII y XIV", in Pastor, R. (ed.), *Relaciones de Poder, de Producción y Parentesco en la Edad Media y Moderna* (Madrid: CSIC, 1990), pp. 171-202, (p. 178).

⁴⁷ Portela Silva, *La Región del Obispado de Tuy*, p. 441.

The examples are plentiful. Perhaps a representative sample is found in the records of the monastery of Montederramo. Here a foro is granted to Mariña Paz and subject to being transmitted to one of the sons or daughters regardless of not only the gender of their offspring but also whether the wife survives her husband. R. Lorenzo, *Colección Documental do Mosteiro de Montederramo* (Santiago de Compostela: Consello da Cultura Galega, 2016) doc. 1206.

⁴⁸ R. Pastor, *Poder Monástico y Grupos Domésticos en la Galicia Foral (Siglos XIII-XV)*. La Casa. La Comunidad (Madrid: CSIC, 1990) pp. 133-134.

⁴⁹ Percentage resulting from the examination of the cartulary of this monastery compiled and edited by J.I. Fernández de Viana y Vieites, *Colección Diplomática del Monasterio de Santa Maria de Ferreira de Pantón* (Lugo: Diputación Provincial de Lugo, 1994).

⁵⁰ Fernández de Viana y Vieites, *Colección Diplomática del*, doc. 45.

value of women in peasant exploitations exceeded the domestic space. This consideration of women as reliable economic agents is evident in a deed dated 1314 belonging to the records of the monastery of Montederramo by which a woman is named as heiress to all the foros previously granted to her father.⁵¹

It is evident from the charters that the domestic space was not of great interest to the lords and, consequently, it is excluded from the foros. It must be borne in mind that these agreements were intended to establish in writing the rights of the lord and the duties of the vassal, as well as to guarantee the economic performance of the land leased. That is why the information related to the work of peasant women inside the house is non-existent in the foral documentation.⁵² However, it can also be argued that in the rural world the difference between household chores and work outside the home was imperceptible. Especially with regard to the work in the orchard, the care of the poultry and the cattle in the barn, together with the sale of eggs, milk and cheese.⁵³

However, the great significance of women as legal subjects went beyond the scope of tenurial arrangements and can also be observed in their leading role in purchase-sale contracts. Thus, in the documentation from the monastery of Montederramo it is common to find sales made by women to men, other women, married couples, relatives and even to the monastery itself⁵⁴ and, what is more significant, without any explicit man's permission, be it the father's, husband's, brother's, son's or that of another male guardian.⁵⁵ A similar trend is reflected in one of these contracts dating from 1334 by means of which a woman named María Domínguez acted as head of the household as she was considered qualified to sell to the monastery of Montederramo and without the consent of any man, not only her properties but also those that belonged to her mother and her brothers.⁵⁶ The importance of women as legal actors is also outstanding in a document from 1310. In most cases when a woman decided to sell or lease land must have had the approval of her husband or her sons. Here, on the contrary, it was the husband who, in order to sell a piece of vineyard, had to have the permission of his wife.⁵⁷

⁵¹ Lorenzo, *Colección Documental do Mosteiro*, doc. 786.

⁵² As can be seen in the selected sources for the history of women in Galicia and edited by M^a.X. Rodríguez Galdo, *Textos para a Historia das Mulleres en Galicia* (Santiago de Compostela: Consello da Cultura Galega, 1999).

⁵³ F. Miranda García and Y. Guerrero Navarrete, *Medieval: Territorios, Sociedades y Culturas* (Madrid: Sílex, 2008) pp. 313 and 319.

⁵⁴ Lorenzo, *Colección Documental do Mosteiro*, docs. 251, 334, 564, 721, 726, 881.

⁵⁵ Lorenzo, *Colección Documental do Mosteiro*, docs. 750, 985, 1037, 1040, 1051, 1340.

⁵⁶ Lorenzo, *Colección Documental do Mosteiro*, doc. 1069.

⁵⁷ Lorenzo, *Colección Documental do Mosteiro*, doc. 704.

This leading role of women that the records of Montederramo show in relation to the transactions within the land market is difficult to explain. Reyna Pastor suggests two possible reasons: the first, that when a woman grew older, she bestowed most of her possessions to her family or the monastery in search of security, sustenance, and protection from the vulnerability that old age implies. The second is perhaps simpler: the woman enjoyed a higher social and economic status than that of her husband and was given a large capacity to manage wealth and assets.⁵⁸

In the light of the above, it is clear the great role played by women in peasant households. A distinction between the tasks performed by men and women also seems likely. The former would be in charge of the work that required greater physical strength such as ploughing, digging, and everything related to weighty transport. Thus, for example, in a document from 1371 analysed by López Carreira on the work of a vineyard, it is quite clear that the men were responsible for the heaviest work: digging, carting the grapes and transporting them first to the winepress and later to the place of collection set by the lord. Instead, the work of women was reduced exclusively to the harvest.⁵⁹ In contrast, hunting remained in the realm of men, as can be inferred from the testimony of Martín Rodríguez, according to which when he was just a child used to accompany his father on deer and wild boar hunting.⁶⁰ Whereas and, leaving aside the grape harvest and domestic tasks, peasant women directed their efforts to work in the garden, participation in planting and harvesting cereals, caring for poultry and stabled cattle.⁶¹

2.3. Peasant Women in English Manorial Records

As was the case with the *foros* and with any medieval written source, manorial records were written taking into account only the socioeconomic interests of the landlord. In this way, the peasant always appears in the documents in a fragmented and incomplete way and invariably, always owing rents and bearing seigneurial burdens. As the man was the head of the household his presence in the documentation making legal transactions is

⁵⁸ R. Pastor, *Transacciones sin Mercado: Instituciones, Propiedad y Redes Sociales en la Galicia Monástica: 1200-1300* (Madrid: CSIC, 1999) pp. 68-71.

⁵⁹ A. López Carreira, "O Traballo de Viña nun Documento Ourensán do Século XIV", *Boletín Auriense*, 18-19 (1988-1989), 155-167 (p. 159).

⁶⁰ M.^a C. Pallares Méndez, *El Monasterio de Sobrado: Un Ejemplo de Protagonismo Monástico en la Galicia Medieval* (La Coruña: Diputación Provincial de la Coruña, 1979) doc. 54., p. 317.

⁶¹ M.^a C. Pallares Méndez, *A Vida das Mulleres na Galicia Medieval 1100-1500* (Santiago de Compostela: Universidade de Santiago de Compostela, 2003) p. 114.

always greater than that of the woman whose representation is reduced to the widows and unmarried daughters of deceased tenants without male heirs.⁶²

If in north-western Iberia the basic core of dwelling and farming was the *casal*, in manorial England this leading role was taken by the *messuage* or what would be the same the *toft* and the *croft*. This is a typical medieval settlement. The *toft* referred to the land where the house and its outbuildings were located, while the *croft* was the adjoining parcel of land. The layout of this land used to be divided into a garden and an orchard for the growing of vegetables and fruit trees, pastures for cattle and even a small arable plot for the cultivation of cereals.⁶³

As was the case within the *foral* lordship in manorial England, the biological family household also represented the gravitational centre around which peasant labour force and rural economy orbited. In this way, Bennett defends the leading role of rural households sustained on the basis of a conjugal union between husband and wife. Consequently, for each marriage that was celebrated, a small nuclear domestic and economic unit was created in turn.⁶⁴ However, Bennet also emphasizes the weight of relationships established not only by kinship but also by belonging to the same community, that is, by sharing residence and workplace.⁶⁵ After all, historiography has for a long time based its farm economic studies on the analysis of changes in terms of the structure, wealth and size of the peasant family's household, always linked to accessibility to land and to work.⁶⁶ We must not forget that the world of the land was far from static but was always changing, evolving, and subject to the fluctuations of a market in which many families participated. In fact, not a few articles and monographs have used the land market in order to take the pulse of the resources of the peasant family and, thus, to better understand the medieval economy.⁶⁷ In this way, some historians do not hesitate to

⁶² L.E. Mitchell, *Women in Medieval Western European Culture* (New York: Routledge, 1999) p. 51.

⁶³ J.L. Singman and J.L. Forgeng, *Daily Life in Medieval Europe* (Westport (CT) and London: Greenwood Press, 1999) p. 86.

⁶⁴ J.M. Bennett, *Women in the Medieval English Countryside. Gender & Household in Brigstock Before the Plague* (Oxford: Oxford University Press, 1989) pp. 48-49.

⁶⁵ J.M. Bennett, "The Tie That Binds: Peasant Marriages and Families in Late Medieval England", in Neel, C. (ed.), *Medieval Families: Perspectives on Marriage, Household, and Children* (Toronto: University of Toronto Press, 2004), pp. 214-233.

⁶⁶ B.A. Hanawalt, *The Ties that Bound. Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986) p. 107; Schofield, *Peasant and Community*, p. 77.

⁶⁷ An example of this trend can be seen in the following titles: R.M. Smith, "Families and their Land in an Area of Partible Inheritance: Redgrave, Suffolk 1260-1320", in Smith, R.M., *Land, Kinship and Life-cycle* (Cambridge: Cambridge University Press, 1984), pp. 135-196; P.R. Schofield, "Dearth, Debt and the Local Land Market in a Late Thirteenth-Century Village Community", *Agricultural History Review*, 45 (1997), 1-17; J. Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk 1440-1580* (Oxford, Oxford University Press, 2000).

highlight the great influence of the role played by the peasantry in the English economy, especially since the beginning of the thirteenth century.⁶⁸

While in the north-western Iberia, women could have access to land in three ways: by receiving it during their father's lifetime, by inheriting it, or by obtaining it on lease through the foro, in systems where direct management was successful, such as manorial England, women in most cases had to settle for the first two.⁶⁹ Therefore, daughters were likely to receive land from their fathers before they married. Regardless of the inheritance customs of the manor, the parents always tried to grant the non-inheriting children, especially their daughters, a piece of land no matter how small it was. In the area of influence of the manor of Brigstock in Northamptonshire studied by Bennet, the daughters who entered into the land market transactions benefited from up to a quarter of these endowments.⁷⁰ These grants could not be considered a dowry since in many cases they were granted years before the daughter married. This was the case of Cristina Penifader who married in 1317 but received land grants from her father between 1312 and 1316.⁷¹

Although in inheritance customs the male child prevailed over the female, it is not uncommon to observe how the daughters, when they outlived their brothers, became the sole heirs of their parents. In some manors, the eldest daughter inherited all the holdings, excluding her sisters from the inheritance.⁷² However, it should be noted that access to land by this route was always very limited. Thus, in fourteenth century Winchester, heiresses only constituted ten percent of the property holders.⁷³ Nevertheless, the lordship differences between manors also drew distinctions between the status of women with respect to the land. For instance, at manors such as Brandon in Suffolk and Laughton in Sussex, women were much more likely to held lands if they were freehold.⁷⁴ It must also

⁶⁸ J. Masschaele, *Peasants, Merchants, and Markets: Inland Trade in Medieval England, 1150-1350* (Basingstoke: Macmillan, 1997).

⁶⁹ However, although rare, examples have been found of single women who have been able to buy land with the capital obtained from their working lives. H. Leyser, *Medieval Women. A Social History of Women in England 450-1500* (London: Phoenix Giant, 1999) p. 144.

⁷⁰ Bennett, *Women in the Medieval English Countryside*, p. 81.

⁷¹ Bennett, *A Medieval Life Cecilia Penifader*, p. 109.

⁷² L.R. Poos and L. Bonfield, *Selected Cases in Manorial Courts, 1250-1550: Property and Family Law* (London: Selden Society, 1998) p. cix.

⁷³ J.M. Bennett, *History Matters: Patriarchy and the Challenge of Feminism* (University of Pennsylvania Press, 2007) p. 88.

⁷⁴ M.M Müller, "Peasant Women", p. 111.

be considered that the Black Death, according to Bardsley, did not lead to a significant change in the percentages of female inherited landholdings.⁷⁵

As was the case with the foros, there was a tendency in manorial England from the thirteenth century onwards for married couples to acquire land and held it in partnership as if they constituted a shared enterprise. In this way, in case the husband died before his wife, the land automatically passed to her.⁷⁶ Also, as occasionally happened in the foral documentation⁷⁷, the lords cared little about the sex of their tenants as long as they properly rendered the dues and the services imposed. Thus, at the manor of Laughton in 1292, Alice atte Hamme was required to perform certain labour services such as carting dung and wood, harrowing, hoeing, carrying hay and reaping.⁷⁸ Similarly, at Taunton manor Hawis de Staplegrove was expected to perform some heavy duties such as ploughing, sowing, threshing, harrowing, mowing the meadow, making hay, reaping, and carrying the corn.⁷⁹

This information seems to contradict a statement quite rooted in historiography that underlined differences between men and women according to the level of physical demand required to perform agricultural work. The truth is that what the sources tell us is too contradictory to establish a general standard. As seen above, in the foral lordship, on the one hand, women could provide labour services like a man⁸⁰, but on the other hand, they were relegated to grape harvesting, leaving the back-breaking work to men.⁸¹ In the same way, as seen above in manors such as Laughton and Taunton, women were required to carry out heavy work. However, the general tendency to establish a clear division of labour according to the sexes seems to be widely accepted. Thus, the husband dedicated himself to tilling the fields while his wife's tasks were usually confined to the immediate vicinity of the house.⁸² Nevertheless, although this division of labour is clear, it seems

⁷⁵ S. Bardsley, "Peasant Women and Inheritance of Land in Fourteenth-Century England", *Continuity and Change*, 29 (3) (2014), 297–324 (pp. 315–316).

⁷⁶ R.M. Smith, "Women's Property Rights under Customary Law: Some Developments in the Thirteenth and Fourteenth Centuries", *Transactions of the Royal Historical Society*, 36 (1986), 165–194.

⁷⁷ Fernández de Viana y Vieites, *Colección Diplomática del*, doc. 45, doc. 58, doc. 73, doc. 79.

⁷⁸ A. E. Wilson, *Customs of the Manors of Laughton, Willingdon and Goring* (Chichester: Sussex Record Society, 1961) vol. 60, p. 11.

⁷⁹ T. J. Hunt, *The Medieval Customs of the Manors of Taunton and Bradford on Tone* (Taunton: Somerset Record Society, 1962) vol. 66, pp. 65–66.

⁸⁰ Fernández de Viana y Vieites, *Colección Diplomática del*, doc. 45.

⁸¹ López Carreira, "O Trabalho de Viña nun", p. 159.

⁸² Duties like milking, making butter and cheese, taking care of children, tending the poultry, brewing, cooking, cleaning, baking, and weaving linen and wool as well depicted in the Late Medieval poem "Ballad of the Tyrannical Husband": T. Wright and J.O. Hallywell (eds.), *Reliquiae Antiquae: Songs and Carols* (London: Percy Society, 1841) pp. 196–199.

that it was not completely firmly established. Thus, the sources show how women were hired to perform men's jobs, including ploughing, while men were also employed to fulfil women's duties such as dairying and gleaning. The conclusion that can be drawn is that although many tasks were associated with the physical capacity to carry them out, few were limited to one of the sexes.⁸³ Thus, for example, in the custumal of the manor of Cockerham between 1326 and 1327 no distinction is made between men and women when it comes to hay making and reaping.⁸⁴

However, on the contrary, a careful analysis of the Pipe Roll of the Bishopric of Winchester for the years 1301-1302 seems to reaffirm the existence of a sexual division of labour. According to these financial records, women appear performing various small tasks such as cleaning, winnowing, gleaning, collecting moss, assisting a male roofer, and clearing forage.⁸⁵ Nonetheless, the leading role of men in the toughest labour services is a constant. Thereby, ploughing, reaping, and carting corn were always conducted by them.⁸⁶

⁸³ Bennett, *Women in the Medieval English Countryside*, p. 116.

⁸⁴ Bailey, *The English Manor*, p. 65.

⁸⁵ M. Page (ed.), *The Pipe Roll of the Bishopric of Winchester 1301-2* (Winchester: Hampshire County Council, 1996) pp. 65, 138, 203.

⁸⁶ Page (ed.), *The Pipe Roll of the Bishopric*, pp. 27, 139, 148, 203.

Chapter 3: Lordship and Private Sphere

This chapter will focus on the interference of the lords in those aspects of women's lives that, although currently considered intimate and deprived of any public interest, in the period of this study also entered the sphere of the seigneurial control. This is so because the lordship not only granted its holder the public jurisdiction as owner of the land, but also guaranteed private authority over the everyday lives of the men who worked on it. In a time when all the features concerning peasants' life passed by under the thorough oversight of the seigneurial power, it is not wondering that all concerning marriage and sexual behaviour, far from being an exception due to its intimate nature, became a profitable foundation over which seigneurial supervision and income would be raised.

3.1. Marriage and Merchet

Thus, throughout Europe, it was usual to consider marriage as a source of cash designed to increase the overlords' assets rather than a mere social institution defined by its privacy. The point was that marriage, on occasions, could undermine the working power of the manor, especially, if the peasant woman married an inappropriate man, that is, one who did not share her vassal status or if this marriage took place outside the domain of the lord. The lord had to avoid this and ensure that the newlywed husband participated in the work on the land and in the payment of the seigneurial rent.⁸⁷ Therefore, the lords, at the prospect of a likely reduction of income, decided to mend the situation by imposing levies on their vassals.⁸⁸

These types of economic burdens were known by different names depending on the countries or regions: *Merchet* in England, *Huesas* in Castile, or *Firma de Spoli* in Catalonia, but all of them shared a common feature: the peasant was forced to ask the lord's permission for him or his daughter to be able to get married, for which a fine had to be paid.⁸⁹ In France an institution called *formariage* was erected. It is characterized by being a fee to be paid at the time the marriage takes place outside the manor of the lord.

⁸⁷ H. Dillard, *La Mujer en la Reconquista* (Madrid: Nerea, 1993) p. 65.

⁸⁸ J.M. Bennett, "Medieval Peasant Marriage: An Examination of Marriage License Fines in Liber Gersumarum", in Raftis, J.A. (ed.), *Pathways to Medieval Peasants* (Toronto: Pontifical Institute of Medieval Studies, 1981), pp. 193-246.

⁸⁹ E.M. Searle, "Women and Marriage in Medieval Society," *Engineering and Science*, 44 (1981) (pp. 16-19).

The basic purpose of *formariage* is not to undermine the assets of the manor since the serfs must marry each other so that their fertility, controlled, maintains, and even increases the wealth of the lord. On the other hand, although marriage did not modify the servile condition of the contracting parties, it could alter the status of the descendants, thus producing what is called *abrègement de fief* in feudal law, that is, a reduction in the value of the domain that must be compensated with the *formariage* payment.⁹⁰

In north-western Iberia, affiliation to the land was an inalienable condition to the status of the dependent peasantry since the early medieval period. It must be borne in mind that the term *servi* in its classical-Latin meaning referring to slaves, although slavery began to decline from the tenth century, would still last, albeit residually, until the twelfth century.⁹¹ Being considered movable property, serfs appeared in early medieval charters as an inherent portion of those disposals for the benefit of certain monasteries and, consequently, as an intrinsic part of their patrimonies.⁹² In this way, the equation of the peasantry with the legacy that is donated, sold and inherited, lasted even until the second half of the twelfth century.⁹³ It was in this same period that the owners' predisposition to attach the vassals to the jurisdictional boundaries of their *cotos* under penalty of exile and loss of half of their possessions in case of leaving them in order to serve another lord took shape.⁹⁴ With the triumph of the foral agreements, the lord's need to impose a fine towards the peasantry for getting married outside his domains became increasingly irrelevant. The reason is that since the second half of the thirteenth century the *foro* has become the best instrument to demand compulsory residence. Through the final clauses of these agrarian contracts, the tenant was impelled to dwell on and populate the leased land either themselves or by others.⁹⁵ The change of residence of the dependent peasantry was only possible to the extent that said freedom of movement did not imply a detriment to the lord in relation to his rights over men and land.⁹⁶ On certain occasions, it was even prohibited

⁹⁰ A. Boureau, *The Lord's First Night: The Myth of the Droit De Cuissage* (Chicago:University of Chicago Press, 1998) p. 139.

⁹¹ M. Ferreiro Fernández, *Servos e Escravos Altomedievais no Noroeste da Península ibérica* (Noia: Toxosoutos, 2011) p. 45.

⁹² J.M. Andrade Cernadas, *El Monacato Benedictino y la Sociedad de la Galicia Medieval (Siglos X al XIII)*, (Sada: Edicions do Castro, 1997) pp. 141-148.

⁹³ A. Fernández Fernández, *O Mosteiro Feminino de San Miguel de Bóveda na Idade Media. Estudo Histórico e Colección Documental (Séculos XII-XV)* (Noia: Toxosoutos, 2005) doc. 3.

⁹⁴ J.I. Fernández de Viana y Vieites; M.T. González Balasch and J.C. de Pablos Ramírez, "El tumbo de Caaveiro", *Cátedra: revista eumesa de estudos*, 3 (1997) doc. 70.

⁹⁵ Ríos Rodríguez, *As Orixes do Foro*, p. 217.

⁹⁶ J.L. Martín, "¿Campesinos de remensa en Castilla y León? (siglos XII y XIII)", *En la España Medieval*, 3 (1982) (pp. 37-48).

to leave the monastic preserve without a license. This was the epitome of the subjection to the land, as it exceeds the original seigneurial interest aimed at satisfying the effective and permanent occupation of the tenancy—regardless of who the vassal was qualified for that purpose. This model of pure subjection appears as a common practice in the charters of Celanova as a final provision by which the abandonment of the domain inevitably entailed the revocation of the *foro* and the restitution of the leased assets back to the monastery.⁹⁷

In manorial England, the fee imposed for getting married takes the name of Merchet. However, this burden presents a notable difference with its Iberian and French counterpart: in the vast majority of cases, it was only required to be payable by villein women, either through their fathers or their future husbands or even through themselves.⁹⁸ Examples of the latter can be found in the court rolls of Kibworth Harcourt, Eggleton, Flixton in South Elmham, Colerne, and Bradninch.⁹⁹ In a minority of manors, however, this payment was also required from male villeins for licence to marry.¹⁰⁰ In Crowle Manor, Worlingworth, and the manors of Crowland Abbey this fee was also demanded from widows if they wanted to remarry.¹⁰¹ Non-payment of merchet could lead to seizure of customary land, and even on occasions of free tenure.¹⁰² Although it is also true that this infraction in most cases resulted in a fine. Actually, there is evidence in the court rolls of the manor of Walsham Le Wilows (Suffolk) for the fourteenth century of many cases in which women were fined sums of money for marrying without leave.¹⁰³ The sum of the fine could vary from one manor to another for the same period. Thus, in Hanbury (Worcestershire) the quantity to be paid was sixpence in 1379, while in Walsham Le Willows for a year earlier the amount was half a mark.¹⁰⁴

The fact that women were so willing to pay for this licence has been seen as an attempt by them to escape both the control of their families¹⁰⁵ and the seigneurial

⁹⁷ M.B. Vaquero Díaz, *Colección Diplomática do Mosteiro de San Salvador de Celanova (ss. XIII-XV)* (Santiago de Compostela: Tórculo, 2004) docs. 175, 176, 178, 186, 188, 190, etc.

⁹⁸ Bennett, “Medieval Peasant Marriage”, pp. 204-208.

⁹⁹ Poos and Bonfield, *Selected Cases*, docs. 136, 144, 151, 159, 165.

¹⁰⁰ A.E. Levett, *Studies in Manorial History* (New York: Barnes & Noble, 1963) p. 237.

¹⁰¹ Poos and Bonfield, *Selected Cases*, docs. 146, 147, 152.

¹⁰² E. Searle, “Seigneurial Control of Women’s Marriage: The Antecedents and Function of Merchet in England”, *Past & Present*, 82 (1979), 3–43 (p. 17).

¹⁰³ In total this would occur forty-four times in the first half of the century and another seventeen for the second half. So much so that it became necessary to conduct an enquiry in 1385 to certify all those villein women who got married without asking their lord for permission. R. Lock (ed.), *The Court Rolls of Walsham Le Willows. 1351-1399* (Bury St Edmunds, Suffolk: The Boydell Press, 2002) doc. 75.

¹⁰⁴ Poos and Bonfield, *Selected Cases*, doc. 158; Lock (ed.), *The Court Rolls of*, doc. 67.

¹⁰⁵ Bennett, “Medieval Peasant Marriage”, p. 213.

jurisdiction through marriage, either by marrying outside the seignery or by contracting matrimony with free men.¹⁰⁶ This would surely be the reason for the stewards to question the bride about this aspect, since in both circumstances the amount to be paid would be higher than average.¹⁰⁷ Thus, for example, in the period between 1366 and 1390, Alice Deneys, Cristiana Rampolye, Alice Allwood, Juliana Osbern, and Sarah Osbern, were all fined half a mark by Walsham court for marrying free men without the consent of the lord.¹⁰⁸ This attempt to limit women's freedom of movement served a single purpose: to prevent part of the customary land from coming under the control of an individual not subjected to the full jurisdiction of the manor, either by being resident outside the domain or by being a free man.

On many occasions we are faced with the marriage of an heiress belonging to a wealthy family despite her villein status and, what is intended to be compensated through *merchet*, is the loss of a valuable seignorial asset, an inheritance, not to mention that nuptials with an outsider or a free man prevent a member of the community from taking over the exploitation of the holding.¹⁰⁹ It should also be noted that the marriage of a woman to a free man could have a negative impact on the rights that she could claim over inheritances located within the jurisdiction of the manor.¹¹⁰ This is in line with the notion of *merchet* as an instrument that enabled the lord to exercise exhaustive control over customary lands and villeins' assets. For instance, it was customary for the father to give his daughter part of his chattels as a dowry. In this case, in order to obtain the consent of the lord for the delivery of this premortem inheritance it was compulsory to pay *merchet*.¹¹¹ Hereby, a link between this burden and property taxes is glimpsed, especially, when the status of the unfree tenant began to be linked to land ownership rights but not to his legal condition. Thus, if an adjudged free man were required to pay a licence to marry his daughter, he would be considered as an unfree tenant.¹¹² In such circumstances,

¹⁰⁶ M. Schaus (ed.), *Women and Gender in Medieval Europe. An Encyclopedia* (New York and London: Routledge, 2015) p. 559.

¹⁰⁷ F.W. Maitland and W. Paley Baildon, *The Court Baron: Being Precedents for Use in Seignorial and Other Local Courts, Together with Select Pleas from the Bishop of Ely's Court of Littleport* (London: Bernard Quaritch, 1891) p. 102.

¹⁰⁸ Lock (ed.), *The Court Rolls of*, docs. 32, 37, 75, and 83.

¹⁰⁹ L. R. Poos and R. M. Smith, "Legal Windows onto Historical Populations? Recent Research on Demography and the Manor Court in Medieval England, *Law and History Review*, 2 (1984), 128-152 (pp. 144-148).

¹¹⁰ Poos and Bonfield, *Selected Cases*, doc. 150.

¹¹¹ P.A. Brand, P.R. Hyams, and R. Faith, "Seignorial Control of Women's Marriage", *Past & Present*, 99 (1983), 123-148 (pp. 123-124).

¹¹² E. Searle, "Freedom and Marriage in Medieval England: An Alternative Hypothesis", *The Economic History Review*, 29 (3) (1976), 482-486 (p.485).

this exaction was imposed for the sole purpose of recognition of lordship, that is, as unequivocal evidence of the status of the unfree. In short, these would be the double function of merchet, a levy on the property that was intended to be alienated and on the status of the people under seigneurial domain¹¹³. The trend of some manors would be to concentrate their tax collection effort on those more affluent families, leaving aside the serfs with less means.¹¹⁴ The decline of this imposition it began to be observed after the epidemic of 1348, but it became notorious with the wane of serfdom during the fifteenth century.¹¹⁵

3.2. Adultery and Leyrwite

It is well known that the woman's sexual conduct also came under close scrutiny by the lord. Lleyrwite or legerwite, etymologically “lying down”, was a fine imposed mostly on women for premarital or extramarital sexual relations, that is to say, illicit fornication in the eyes of the Church, and consequently banned.¹¹⁶ In fact, it has been suggested that the direct cause of the imposition of leyrwite by the manor court is that this offence has already been penalized by a church court.¹¹⁷ In this way, unlawful sexual intercourse was punished by the Church with a penance that could be avoided after paying a fine. That is why, for some historians, the imposition of leyrwite by manor courts was a way of financially compensating the lord for the alienation of part of the assets of his villeins for the benefit of the ecclesiastical jurisdiction, or ultimately, for the very probable loss of an unfree labour force as the bastards were granted the status of free men if the father were a free man.¹¹⁸ For all this, in the words of Bennet it is quite accurate to consider the leyrwite as “a response to moral lapse and a manifestation of seignorial power”.¹¹⁹ However, the supposedly close relationship between leyrwite and church court rulings

¹¹³ P.L. Larson, *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349-1400* (New York and London: Routledge, 2014) pp. 92-94.

¹¹⁴ E.D. Jones, “The Spalding Priory merchet evidence from the 1250s to the 1470s”, *Journal of Medieval History*, 24 (2) (1998), 155-175 (p. 165).

¹¹⁵ M. Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom*, (Martlesham: The Boydell Press, 2016) p. 295.

¹¹⁶ E. D. Jones, “The Medieval Leyrwite: A Historical Note on Female Fornication”, *The English Historical Review*, 107 (425) (1992), 945-953 (p. 945).

¹¹⁷ G.C. Homans, *English Villagers of the Thirteenth Century* (Russell & Russell, 1960) p. 169.

¹¹⁸ F. Pollock and F.W. Maitland, *History of English Law* (Cambridge: Cambridge University Press, 1963) vol. 2, p. 543.

¹¹⁹ J.M. Bennet, “Writing Fornication: Medieval Leyrwite and Its Historians: The Prothero Lecture”, *Transactions of the Royal Historical Society*, 13 (2003), 131-162 (p. 139).

seems to be in question. This is explained by the fact that on very few occasions the ecclesiastical origin of this punishment is made explicit in court rolls.¹²⁰

The few mentions of this charge suggest the little economic importance given to leyrwite. This is deduced from the meagre sums that were demanded of women with fewer resources.¹²¹ Although, it is also true that the presence of this burden used to depend much more on the lord's need for money than on his fight against immorality in his estates.¹²² Nevertheless, there were cases in which, due to its seriousness, the amount to be paid was higher than usual, two shillings. These are those concerning adultery with one or more men, and sex with a priest.¹²³ It also highlights the two shillings and sixpence to be paid for leyrwite with a free man but here surely the seigneurial control of his assets would weigh more than the immorality of the case itself.¹²⁴

There was always an intimate relationship between leyrwite, pregnancy and, consequently, childwite. The connection between pregnancy and extramarital affairs became so common that leyrwite has come to be associated with illegitimate births¹²⁵. The reason for this is not lost on anyone, pregnancy was impossible to hide and therefore it was clear evidence of extramarital fornication. In fact, it is known that the difference between childwite and leyrwite in some manors was non-existent when both came together.¹²⁶ Thus, it was not unusual for the jurors to impose leyrwite on women bearing an illegitimate child.¹²⁷ In fact, in parts of East Anglia childwite used to replace leyrwite as the tax payable for the birth of children out of wedlock.¹²⁸ However, it is equally true that in this same region, and more specifically in Suffolk, it can be seen how giving birth out of wedlock was penalized as much as childwite in Worlingworth in 1324, as leyrwite in Flixton in South Elmham twenty years later.¹²⁹ This fact supports the thesis that argues that both levies were exclusive, since one or the other could be required indifferently, but

¹²⁰ Poos and Bonfield, *Selected Cases*, pp. clxxxii-clxxxiii.

¹²¹ Jones, "The Medieval Leyrwite", p.947.

¹²² Searle, "Seigneurial Control", p. 28.

¹²³ T. North, "Legerwite in the Thirteenth and Fourteenth Centuries", *Past & Present*, 111 (1986), 2-16 (p. 10).

¹²⁴ Poos and Bonfield, *Selected Cases*, doc. 182.

¹²⁵ Z. Razi, *Life, marriage and death in a medieval parish: Economy, society and demography in Halesowen 1270-1400* (Cambridge: Cambridge University Press, 1980) pp. 64-71.

¹²⁶ R.M. Smith, "Marriage Processes in the English Past: Some Continuities", in L. Bonfield et al, *The World We Have Gained: Histories of Population and Social Structure* (New York: Basil Blackwell, 1986) pp. 53-56.

¹²⁷ Poos and Bonfield, *Selected Cases*, docs. 170, 178.

¹²⁸ Bennet, "Writing Fornication", p. 141.

¹²⁹ Poos and Bonfield, *Selected Cases*, docs. 170-178.

not at the same time.¹³⁰ As already happened with merchet, the decline of this burden began to manifest itself after the second half of the fourteenth century to be only testimonial from 1383.¹³¹

Historians have argued that leyrwite is unique and distinctive to England since it is not observed in any other part of the British Isles or in the continent.¹³² Certain considerations must be made in this regard. The fine for premarital sex in Wales was called *amobr*, a levy payable to the lord due to loss of virginity.¹³³ After the loss of Welsh independence following the Edwardian Conquest of the 1280s, the English made the native *amobr* and the imported leyrwite merge, and thus punish unlawful sexual intercourse, as was already the case in England. On the other hand, in Catalonia there was a feudal levy that received the name of *Cugucia* or *Cogucia*. It was a penalty imposed on the assets of the adulterous woman, as a right of the jurisdictional lord. If the adultery had not been consented by the husband, he and her lord would divide the property of the adulteress in equal proportion; if there was consent of the husband, the benefit would pass entirely to the lord.¹³⁴

Regarding north-western Iberia there is no record of any type of seigneurial charge on the sexual activities of women outside of marriage. However, it can be seen how, since the beginning of the eleventh century, the punishment for adultery was closely linked to an increase in the patrimony of the monastery of Celanova. The reason was that this monastery used to receive donations of land made by adulterers as penance for their sins.¹³⁵ In addition, extramarital relationships were the perfect vehicle to repress women both to the extent that they aggravated their dependence on men and increased the risk of receiving physical abuse. It must not be forgotten that much of the Castilian medieval legislation envisaged the murder of the adulteress at the hands of her husband, her father, and even her brothers.¹³⁶ In some cases the retaliation by the husband had only an economic nature. Thus, Juan García de Parada was able to take over all his wife's assets that belonged to her by inheritance, earnest money and community property because she

¹³⁰ Bennet, "Writing Fornication", p. 141.

¹³¹ Bailey, *The Decline of Serfdom*, p. 264.

¹³² Schaus (ed.), *Women and Gender*, p. 560.

¹³³ J. Cartwright, "The Desire to Corrupt: Convent and Community in Medieval Wales", in Watt, D. (ed.), *Medieval Women in Their Communities* (Toronto: University of Toronto Press, 1997), pp. 20-48, (p. 36).

¹³⁴ A. Rovira i Virgili, *Història Nacional de Catalunya* (Barcelona: Edicions Pàtria, 1934) vol.7, p. 385.

¹³⁵ J.M. Andrade Cernadas, *Tombo de Celanova (Séc. X-XI)* (Santiago de Compostela: Consello da Cultura Galega, 1995) docs. 471 and 547.

¹³⁶ A. Morín, "Matar a la Adúltera: El Homicidio Legítimo en la Legislación Castellana Medieval", *Cahiers de linguistique et de civilisation hispaniques médiévales*. 24 (2001), 353-377 (p. 355).

was unfaithful.¹³⁷ Although it is also fair to point out that the punishment in large areas of Galicia, at least since 1224, was not limited only to the adulteress but also to the adulterer. In this way, and as reflected in the charter of Parga, in the event that a couple were caught red-handed having adulterous relations, the penalty would be death and the confiscation of all their patrimony.¹³⁸ Nevertheless, in practice the adulterer was rarely punished by law. What means the most, sometimes they even brag about their illicit relationships, arguing that they never loved their wives the way they loved them, and they even have no qualms about entrusting their wife and legitimate heirs with custody of the fruit of their adultery.¹³⁹ Only the honor of the man is defended. It is for this same reason that sexual violence is punished, especially that committed against married women. Along the same lines, it is understood the existence of a levy of jurisdictional nature called *rouso*, or what is the same, the tax that was imposed on everyone guilty of rape or kidnapping of a woman.¹⁴⁰

3.3. *Ius Primae Noctis*

What can best identify lordship with a woman's sexual freedom is the *ius primae noctis*, or the lord's right to deflower his vassal's wife on the first wedding night. However, the truth is that there are no references that evidence this manifestation of lordly power in written medieval law.¹⁴¹ This is the reason why some historians argue that the *ius primae noctis* did exist, but rather than a right it was basically an unwritten custom.¹⁴² However, this lack of written references has led to part of the historiography to consider this practice as a myth that, as happened with the chastity belt, belonged to the realm of popular folklore in distant times of darkness.¹⁴³ Another interpretation is that it was very convenient for the lord that the peasantry believed that this right could be exercised. Thus, the *ius primae noctis* would become the perfect vehicle for the lord to display his power over his domains and vassals at a time when socioeconomic differences seemed to be

¹³⁷ M.^a C. Pallares Méndez, *Historia das Mulleres en Galicia. Idade Media* (Santiago de Compostela: Xunta de Galicia, 2011) p. 149.

¹³⁸ J. González, "Aportación de fueros castellano-leoneses", *Anuario de Historia del Derecho Español*, 16 (1945), 605-654 (doc. 11).

¹³⁹ Pallares Méndez, *A Vida das Mulleres*, p. 50.

¹⁴⁰ Ríos Rodríguez, *As Orixes do Foro*, p. 168.

¹⁴¹ V.L. Bullough, "Ius Primae Noctis or Droit du Seigneur", *The Journal of Sex Research*, 28(1) (1991), 163-166 (p. 166).

¹⁴² Brand, Hyams, and Faith, "Seigneurial Control", p. 140.

¹⁴³ A. Classen, *The Medieval Chastity Belt. A Myth-Making Process* (New York: Palgrave Macmillan, 2007) pp. 147-154.

diminishing. Unfortunately, the testimonies of this exhibition of authority exceed both the geographical and temporal framework of this dissertation. Indeed, the best examples of this practice can be found in Switzerland and Catalonia at the beginning and end of the fifteenth century, respectively. In the first case, the groom could avoid giving his future wife to the lord the first night in exchange for an affordable sum. In the second, unfree peasants complained that they had to endure symbolic rituals of humiliation and harassment by the lord on their wedding night.¹⁴⁴

So far as manorial England is concerned no written testimony has survived to the present day in relation to this seigniorial right. However, with regard to north-west Iberia, two indirect references can be observed. The first is registered in the Royal Charter (*Fuero Real*) where a fine of five hundred *sueudos* is imposed on that man who dishonours another by lying with the bride on his wedding day.¹⁴⁵ The other reference is from the later fourteenth century. In 1385, after a sentence, the king's judge abolished an abusive right that the peasants of Aranga had to satisfy to the Sobrado monastery: the delivery of women against their will twice a year in order to perform unknown tasks. The royal judge's ruling was that these services were dishonest and therefore should not be performed.¹⁴⁶

In general terms, it can be affirmed that the difference between the *ius primae noctis* and a simple violation resides in the fact that the gestures and its meaning are, in principle, more important for the rite of the first night than the forced sexual act itself. In the feudal rituals of taking possession, it is usually placed "above" the possessed the representation of the possessor, but also, in the case of houses and fortresses, the possessor enters and leaves the possessed building "as a sign of lordship". The misogyny of the time did not hold women in higher regard than material objects. Thus, the most effective and pedagogical seigniorial ritual, on the wedding night, would therefore be to sleep with the virgin bride.¹⁴⁷

¹⁴⁴ J. Wettlaufer, "The Jus Primae Noctis as a Male Power Display: A Review of Historic Sources with Evolutionary Interpretation", *Evolution and Human Behavior*, 21 (2000), 111–123 (pp. 114-115).

¹⁴⁵ J. de Azevedo Ferreira, *Alfonso X. Fuero Real* (Braga: Universidade do Minho, 1982) p. 164.

¹⁴⁶ B. Vicetto, *Historia de Galicia* (Ferrol: Establecimiento Tipográfico de Taxonera, 1872) vol. 6, pp. 57-62.

¹⁴⁷ C. Barros Guimerans, "Rito y Violación: Derecho de Pernada en la Baja Edad Media", *Historia social*, 16 (1993), 3-18 (p. 17).

Chapter 4: Conclusions

The main object of this study has been to carry out a comparative analysis that reflects the differences and similarities of the situation of peasant women within two seigneurial systems as similar as they are disparate: the manorial in England, and the foral in north-western Iberia. To this end, I have proceeded to address those areas of both territorial and jurisdictional lordships, the first concerning the management of the land and the second more aimed at exercising control over the lives and behaviour within the private sphere of the female tenants.

Both seigneurial systems share in common a significant presence of women in the economic activities of the countryside. This role is generally based on two foundations: a conjugal union and a unit of agricultural exploitation, whether it is a casal or a message. However, it must be pointed out that there are not infrequent occasions in which it is a single woman who ends up accessing possession of the land to work it. There are also testimonies that reflect the demand for labour services for women. This seems to contradict the general thesis in historiography according to which women were excluded from the heaviest works in the fields. There are cases that testify to the contrary both in foral agreements and in manorial sources. This documentation also reflects the participation of single or widowed women in the land market with a major role in buying and selling holdings.

There is no doubt that both lordships used their jurisdictional prerogatives to extract an extra income that complemented the rentals obtained from the exploitation of their lands. However, unlike in the northwest of the Iberian Peninsula, in England, these exactions were aimed at the most intimate sphere of the individual, that is, marriage, sexual activities outside of it, and the result thereof. Thus, Merchet's ultimate goal was to compensate for the possible loss of a seigneurial asset or workforce in the event that the woman married a resident outside the manor or a free man. It was also an instrument for the lord to exercise effective control over customary land and villein's wealth, since the licence to marry off a daughter made the difference between a free man and an unfree tenant. Leyrwrite or the fine imposed for illicit fornication, that is, out of marriage, was an exaction that, with few exceptions, was clearly of English origin. And how could it be otherwise, it was soon consolidated as an effective means to compensate the lord for the alienation of assets from his villeins in favour of ecclesiastical institutions and, ultimately, for the loss of an unfree labour force since the bastards were granted the free status. A

natural consequence of illicit sexual activity was childwite, the fine imposed on a woman for being pregnant or giving birth to a child born out of wedlock. Regarding the *ius primae noctis*, it should be said that despite the great popularity of this medieval institution in the imagery of the people, direct testimonies are very scarce in Western Europe to consider it a common practice. In fact, no reference is found in the English sources and in the Galician documents the mentions are as unusual as they are indirect.

To summarize, it must be pointed out that there are clear similarities, within the conjugal unit, in the life of peasant women under territorial lordship both in manorial England and in the foral north-western Iberia, especially as regards their facets of productive force: access to land, work in the fields and participation in the land market. However, the big difference resides in the great control that was exercised in England over women's sexual activities and marriage, since such jurisdictional interest in these very private aspects is not appreciated in the other geographical space studied. Perhaps the reason is that it was not necessary since the foral contract and its clauses were the most effective tool for the lords to maintain and keep under control both the men and the properties circumscribed in their domains.

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