

# COMPETING CONCEPTUALIZATIONS OF WOMEN'S ECONOMIC ACTIVITIES IN FOURTEENTH-CENTURY GHENT<sup>1</sup>

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On 16 October 1349, two parties reached an agreement to exchange properties from the estate of the deceased Pieter van Overtwater. The first party was his mother, identified as «*Joncvrouw* Kateline, mother of Pieter van Overtwater,» and the second was «*Joncvrouw* Celie, who was the wife of Pieter van Overtwater, and Jan ser Magheleins of Sint Baafs, who is now her legal husband and guardian»<sup>2</sup>. Jan ser Magheleins was acting for his wife, following a patriarchal provision of the custom of Ghent, which like customary law all over northwestern medieval Europe, stipulated that a married woman was legally incapable and that her husband was the rightful manager of her property. However, cases where men managed women's property comprise less than ten percent of all the acts preserved in the earliest extant year registers of the aldermen of the *Keure* in Ghent. The aldermen of the *Keure*, the most important governing body under the unwritten customary law of Ghent, adjudicated disputes, issued ordinances, and legitimized and recorded contracts and other legal documents. A husband acted as his wife's «guardian» (*voogd*) in less than five percent of those acts.

A more typical case occurred on 19 March 1350, when Ghiselbrecht van Wondelghem came before the aldermen of the *Keure* and appointed Beatrise Blanckaerds to collect a debt owed to him by Jan Braem<sup>3</sup>. Ghiselbrecht

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<sup>2</sup> Stadsarchief Gent (hereafter SAG), series 301, no. 1, f. 30r, act no. 2, 16 Oct. 1349: «*Kenlic zij etc. dat een acord es ghemaect ende besproken ende eene effennighe vormen van wisselinghen tusschen Joncfr. Katelinen Pieters moeder was van Overtwater in deene zijde ende Joncfr. Celien Pieters wijf was van Overtwater ende Janne ser Magheleins van Sente Baefs haren wetteliken man ende voght nu es an dander zijde...*».

<sup>3</sup> SAG, series 301, no. 1, f. 55v, act no. 3, 19 Mar. 1350: «*Kenlic zij etc. dat Ghiselbrecht van Wondelghem commen es vor scepenen van der kuere in Ghend, der Gillis Rijnvisch ende andren sinen ghesellen, de welke maecte machtech ende stelde in sijne stede Joncvrouw Beatrisen Blanckaerds omme te innene ende te ghecreghen de scult den her Jan Braem sculdich es, daer af dat borghe es Boudin de Kempe over den vors. Jan Brame, also te cyrographien der up ghemaect inne houden ende wel verclaren...*».

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showed the aldermen his chirograph, a debt contract written on a strip of parchment, which was his legal proof that Jan Braem owed him money. Following the customary procedures, Ghiselbrecht empowered Beatrise and put her in his stead to collect this debt. Although appointed representatives were most often male, Ghiselbrecht's action was exceptional in only one particular: he appointed as his representative a woman who was not his wife<sup>4</sup>. Beatrise lost no time in pursuing the debtor. Five days later, she brought her case against Jan in front of the aldermen, who ordered Jan to pay the debt of nine pounds and ten shillings gros to her within two weeks. If Jan did not pay, Boudin de Kempe as his surety, or co-signer, had to pay that amount to Beatrise, or suffer imprisonment<sup>5</sup>. Beatrise Blanckaerds was not an exceptional woman. Twenty-seven percent of the individual economic and legal acts recorded in the year registers include at least one woman who played an active role in the transaction.

The two acts described above show the two competing conceptualizations of women's economic activities in fourteenth-century Ghent. The case of Jan ser Magheleins and Celie, his passive wife, exhibits a patrimonial system. The case of Beatrise Blanckaerds shows the customary system. The first conceptualization held that men were the proper managers of property and should act for women in legal space, and the second envisioned women as worthy managers of their own property and competent actors in legal space. The operation and the prevalence of both systems appear in the year registers of the aldermen of the *Keure*, which offer many insights into the spatial aspects of women and economic activities, especially viewed through the lens

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<sup>4</sup> The two may have been related in some way. In an act before the aldermen of the *Gedele*, the overseers of inheritance matters, dated 18 Dec. 1349, Beatrise Blanckaerds and Ghiselbrecht van Wondelghem granted each other a quit declaration from all claims each might make on the other. No reason nor further details are provided. Quit declarations in the registers of the aldermen of the *Gedele* most often deal with claims on the estates of deceased persons and occur most commonly between relatives, by birth and by marriage. SAG, series 330, no. 1, f. 11v, act no. 1, 18 Dec. 1349.

<sup>5</sup> SAG, series 301, no. 1, f. 56r, act no. 4, 24 Mar. 1350: «*Kenlic zij etc. dat van den tebatte ende gheschille dat was tusschen Joncvr. Beatrisen Blankaerds an deene zijde ende Janne Brame ser Lievine sone an dander zijde, als van IX lb. en X s. gro. torn. halle paien die so hem ende Boudine den Kempe sinen borghe eesschende was, daer af dat so eene cyrographen up hemlieden sprekende heift, scepenen, der Gillis Rijnvisch, der Jan Yoens, der Boudin van Zwijnaerde ende andre van haren ghezellen, terminerden ende wijsden dat de vors. Jan Braem der vors. Joncvrouw Beatrisen betalen ende ghemoeden sal van der vors. summe van ghelde XIII nacht naer Paesschen naest commende zonder langher respijt. Ende ne dadijs niet, zo zoude Boudin de Kempe vors., als borghe svors. Jans, der vors. Joncvr. moeten betalen de vors. summe van ghelde daer naer te meye eerst commende, ende ne dadijt niet ten vors. daghe, so zoude hij moeten gaen in tsaestelet, ende van danen niet sceeden het en ware bi VII scepenen hete hijt, dat ware up de boete van L lb....*».

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of Pierre Bourdieu's theory of masculine domination. Bourdieu describes a relationship of women to male space that matches the patrimonial conceptualization of the role of women in economic activities. This paper considers «space» both as the legal space of the chamber of the aldermen of the *Keure*, and as physical territory, that is, real, immovable property. The intersection between these two definitions of space is crucial to understanding women's economic activities in late medieval Ghent. Because women owned property, or space, and because that ownership was understood in a particular way by the custom of Ghent, women gained regular access to a central arena of judicial power, the chamber of the aldermen of the *Keure*.

Bourdieu explains male domination in terms of socially constructed divisions so deeply internalized that they need no justification. He says: «The social order functions as an immense symbolic machine tending to ratify the masculine domination on which it is founded: it is the sexual division of labour, a very strict distribution of the activities assigned to each sex, of their place, time and instruments; it is the structure of space, with the opposition between the place of assembly or the market, reserved for men, and the house, reserved for women»<sup>6</sup>. Spaces are reserved for men by excluding women, but also by more subtle means, such as requiring proper behavior for women – silence, bent heads, and lowered eyes. These behaviors, which Bourdieu calls the *habitus*, are so ingrained below the level of consciousness that women as well as men accept them as natural<sup>7</sup>. Although Bourdieu developed his theoretical model in the context of modern society, applying it to the medieval legal acts offers a way to analyze the *habitus* of women who are engaged in economic and legal activities. This paper will combine statistical data and close reading of texts to examine three roles – active women, passive women and consenting wives – and measure each against Bourdieu's model.

Many scholars have noted that some women in the Low Countries during the late Middle Ages were more active economically than women elsewhere in Europe. M. Howell's study of Douai links changes in marital community property customs to shifting perceptions of economic security<sup>8</sup>. As M. Boone and Th. de Hemptinne have shown, marital property customs throughout the southern Low Countries gave more equality to married women and men than is found elsewhere in Europe, with the result that women controlled large

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<sup>6</sup> BOURDIEU P., *Masculine Domination*, translated by NICE R., Cambridge, 2001, pp. 9-11.

<sup>7</sup> BOURDIEU P., *Masculine Domination*, p. 95.

<sup>8</sup> HOWELL M., *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries, 1300-1550*, Chicago, 1998.

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amounts of property<sup>9</sup>. M. Danneel's study of widows and orphans in late fifteenth-century Ghent reveals widows working at many trades, but also enumerates the difficulties and poverty they faced<sup>10</sup>. P. Stabel has revealed that many women worked in the crucial economic space of the market, where he found that most of married women's activities were hidden behind their husbands' names<sup>11</sup>. These studies point to an increase in patrimonial regimes and a decrease in women's economic activities in the fifteenth century, perhaps connected to the transformation of urban elites in the Burgundian state-forming process.

The aldermen of the *Keure* were the most important civic legal body in mid-fourteenth-century Ghent. They sealed contracts and judged civil disputes, as well making ordinances and dealing with some criminal cases. The sources for this study are the year registers from 1339 to 1360, the earliest ones still in existence<sup>12</sup>. These registers do not contain all contracts and disputes in the city of Ghent, because many acts were oral, and there were other courts and corporate bodies that performed these functions. In addition, the year registers include only a fraction of the acts heard before the aldermen, because copying the act into the register cost extra money. Therefore, these acts concern mainly the transactions of the wealthy. We must also take into account that the mid-fourteenth century was an extremely difficult period, with plague, warfare, and inter-guild fighting. The deaths of men may help to explain why so many women were active in these year registers. The reaction of Ghentenars to demographic pressures nevertheless arose from their conceptualizations of the appropriate roles for men and women in the management of property.

The inheritance and marital property customs of Ghent are the most crucial elements in understanding women's ownership of property and access to legal space. Patriarchal constraints clearly limited women's activities. Married women had no independent legal status, and their husbands controlled the

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<sup>9</sup> BOONE M., DE HEMPTINNE TH. and PREVENIER W., «Gender and Early Emancipation in the Low Countries in the Late Middle Ages and Early Modern Period», in MUNNS J. and RICHARDS P. (eds.), *Gender, Power and Privilege in Early Modern Europe*, Harlow and London, 2003, pp. 21-39.

<sup>10</sup> DANNEEL M., *Weduwen en wezen in het laat-middeleeuwse Gent*, (Studies in Urban Social, Economic and Political History of the Medieval and Modern Low Countries), Leuven-Appeldoorn, 1995.

<sup>11</sup> STABEL P., «Women at the Market: Gender and Retail in the Towns of Late Medieval Flanders», in BLOCKMANS W., BOONE M. and DE HEMPTINNE Th. (eds.), *Secretum Scriptorum: liber alumnorum Walter Prevenier*, Leuven-Appeldoorn, 1999, pp. 259-276.

<sup>12</sup> SAG, series 301, no. 1 contains fragments of the year registers from 1339-40, 1343-44, and 1345, and four complete year registers, from 1349-50, 1353-54, 1357-58, and 1360-61.

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community property during the marriage<sup>13</sup>, although the custom gave equal rights over the community property to both spouses. Widows (and widowers) inherited full control over half of the marital community property and enjoyed a lifetime usufruct of half of their deceased husband's own property (*eigen goed*). With privilege also came responsibility; widows were responsible for all the debts of their late husbands, and could not claim ignorance, lack of consent or dower rights<sup>14</sup>. A married woman of means also possessed her own property (*eigen goed*), immovable wealth from her family of origin. A married woman could have independent legal status as a public merchant (*coopwiff*), if she practiced a trade different than that of her husband<sup>15</sup>. While these norms offered advantages to women, gender was still an important marker in economic activities, and women did not enjoy anything like an equal position with men. An analysis of actual practice, however, reveals that many more women than one might expect appeared in the male space of the alderman's court, doing a male job, managing property.

This study employs a statistical analysis, developed in light of Bourdieu's theory, in order to show the prevalence of each of the competing conceptualizations of women's role in economic activities. I have divided the women who appear in the acts into three categories: active women, passive women and consenting wives. All of the women discussed in this study owned or had interests in the money, land or goods involved in the act, so this tripartite categorization is based on how much authority and how much involvement the woman had in the economic act. These categories are rough, but they offer a way to look at gender in economic activities when the exact nature of the economic acts is frequently unclear. I will begin with a brief definition of each of the three categories and the results of the statistical analysis. Then I will analyze each of the categories in greater depth.

Active women include those who represented themselves before the aldermen of the *Keure* as creditors, debtors, sellers, buyers, donors, sureties, and principals in disputes. Women appointing male representatives, wives empowered by

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<sup>13</sup> GODDING Ph., *Le droit privé dans les Pays-Bas méridionaux du 12<sup>e</sup> au 18<sup>e</sup> siècle* (Académie Royale de Belgique: Mémoires de la classe des lettres, Collection in -4°, -2° série, 14), Brussels, 1987, pp. 124-137.

<sup>14</sup> A significant difference from both Douai, where a widow could flee her late husband's estate, and Bruges, where creditors were paid only after the widow was given her portion of the community property. HOWELL M., *Marriage Exchange*; MURRAY J., «Family, Marriage and Moneychanging in Medieval Bruges», *Journal of Medieval History*, 14, 1988, pp. 115-125.

<sup>15</sup> GHELDORF A.-E., DU BOIS A. and DE HONDT L. (eds.), *Les coutumes de la ville de Gand. Volume 1: Coutumes des pays et comté du Flandre. Quartier de Gand*. (Commission royale pour la publication des anciennes lois et ordonnances de la Belgique. Recueil des anciennes coutumes de la Belgique), Brussels, 1868-1887, rubrica XX, 2. (Hereafter cited as *Coutume Gand*.)

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husbands, and women collecting debts and granting quittances for their husbands, also belong in this category. Therefore, this category includes women who were acting on behalf of their husbands. If these women were not included in this category, the percentage would be slightly lowered. But in my view, such acts offer evidence of the active participation of wives in the economic partnership of marriage, and should not be dismissed because the woman was acting under male authority. In Bourdieu's terms, the active and unassisted pursuit of one's own and/or one's family's interests before the aldermen of *Keure* would constitute operating powerfully in a public space – a quintessentially male role. I believe it is incorrect to privilege the actions a medieval woman took on her own behalf over her actions on behalf of her household and family.

An active woman is anyone who appeared without a male representative, either alone, or as a equal co-participant with others, and performed an economic act, as in the following example:

«Know all that *Joncvrouw* Lijsbette vander Most, daughter of ser Hugh vander Most, came before the aldermen of the *Keure*... [and] has honestly sold to sir Lieven vanden Hoghenhuus for the benefit of Liefkin vanden Hoghenhuus son of Jan... [a] city lot... for a certain sum of money that *Joncvrouw* Lijsbette considers herself paid and satisfied by sir Lieven»<sup>16</sup>.

This act treats Lijsbette and Lievin as equal parties, and the language is identical to the language of any contract involving the sale of immovable property. The act either states or implies a certain habitus – the physical presence of Lijsbette before the aldermen, speaking for herself and managing the sale of her own property. Although her father is mentioned, the act does not say that he was present, or that he was involved in the sale, or that he gave his consent to it. The key element of this category is that an active woman is one who appears as a principal without male representation.

The second category, passive women, incorporates the opposite. Passive women include women receiving something (a gift, a life-rent, etc.) and all women, married and otherwise, whose interests were represented by a man, usually a husband or family member, except in those cases where the woman was specifically appointing a man to represent her temporarily in a certain case. I have also included women owning something (a piece of land or *erf*, a life-rent, a house) in this category, if they were not also active. In this manner, I consider a woman who owned a house as a passive woman, but a woman

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<sup>16</sup> SAG, series 301, no. 1, f. 192r, act no. 4, 11 June 1358: «*Kenlic zij etc. dat commen es vor scepenen vander kuere in Ghend, heer Lievine den Amman ende sinen ghezellen, Joncvr. Lijsbetten vander Most, ser Hughs dochter vander Most, de welke heeft vercocht wel ende redenlike her Lievine vanden Hoghenhuus te Liefkins bouf vanden Hoghenhuus Jans sone was vanden Hoghenhuus, de herve...*»

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who defended that ownership in a dispute as active. This exclusion avoids an artificial increase in the numbers of active women resulting from including women who owned property given to them and managed solely by men.

The final category, consenting wives, includes both married women who were consenting to their husband's activities and women whose names appear after their husbands' names in the introduction of the parties and throughout the act. While some of these married women might be the more active member of the couple, I have excluded the wife from consideration as an active woman unless there was specific wording in the act suggesting her independent action. When the clerk identified the husband as «husband and guardian» (*man ende voogd*), or used other language denoting female subordination, I have categorized the woman as passive. The following act shows the distinction between consenting wives and passive women. Mergriete is a consenting wife because she was named after her husband as one of the buyers of a life-rent, a common form of investment in late medieval Ghent. The sale of a life-rent meant that Jacop and Mergriete paid sir Gherard a lump sum of money, and in exchange, for each year of their lives and their daughters' lives, sir Gherard had to pay them 60 pounds parisis, divided in two parts, as the act explains:

«Know all that in the same sale of a 60-pounds parisis per year life-rent that Sir Gherard van Massemine the knight, lord of Berleghem, has sold to Jacop van Muushole and *Joncvrouw* Mergriete his wife, that one 30 pounds parisis per year of this [life-rent] is for the lives of Jacop van Muushole and *Joncvrouw* Kateline his daughter, and the other 30 pounds parisis per year of this is for the lives of *Joncvrouw* Mergriete, Jacob's wife, and *Joncvrouw* Celie, the other daughter of both of them»<sup>17</sup>.

Whenever Jacob is named (except for the phrase describing the division of the life-rent), Mergriete is named with him, making her more than a passive participant, but not a fully active woman. Kateline and Celie, their daughters, are passive women.

Many studies of women in northern Europe show that widows and a few single women appear in active roles in contracts and legal acts, but women

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<sup>17</sup> SAG, series 301, no. 1, f. 243v, act no. 1, 10 Mar. 1361: «*Kenlic si etc. dat den zelven coop van den LX lb. par. renten tsiaers dien her Gherard van Massemine riddere here van Berleghem vercocht heeft Jacoppe van Muushole ende Joncvr. Mergrieten sinen wive, den ene XXX lb. par. tsiaers der af ten leven van Jacoppe van Muushole vors. ende Joncvr. Katelinen siere dochter, ende dandere XXX lb. par. tsiaers der af ten leven van Joncvr. Mergrieten svors. Jacobs wive ende Joncvr. Celien harer beeder andere dochter...*»

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appearing in consenting or passive roles are far more frequent<sup>18</sup>. The opposite is true for Ghent; the number of active women exceeds the number of passive women and consenting wives combined. Chart 1, «Acts by Gender and Category», shows the numbers of acts with active women, passive women and consenting wives in the four complete year registers from 1349 through 1361, with the total number of acts in each year at the bottom. «Men Only» is a control group of all the acts that do not include women. Forty-two percent of the acts include at least one woman, and there is a significant overlap of acts that include women from more than one category. There are 429 acts involving economic activities in the 1349-50 year register, of which 95 acts include at least one woman who played an active economic role. In 1353-1354, there were 97 acts with active women out of a total of 315, and in 1357-58, 82 out of 298 acts involve active women. The highest number was in 1360-61, when 133 cases out of 441 total include at least one active woman. For the four years, an average of 27 percent of the acts include active women. The absolute number of men included in the register is much higher; men far outnumber women as total participants, but the presence of so many active women is still striking. The customary conceptualization created a space for women to act for themselves, while in a patrimonial system, such activity would be a challenge to male authority. In the space of the mid-fourteenth-century aldermen's court, women routinely acted in ways that contradict Bourdieu's model and patrimonial ideas. There were far fewer passive women, an indication that the patrimonial conceptualization was much less prevalent than the customary system.

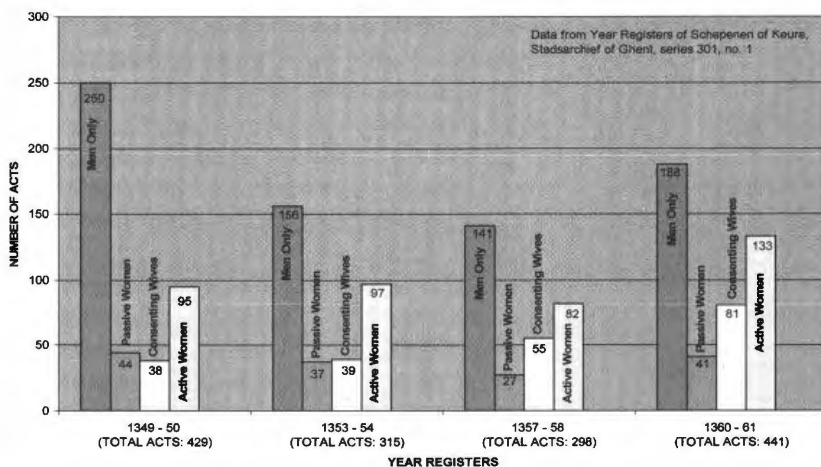
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<sup>18</sup> HANAWALT B. (ed.), *Women and Work in Preindustrial Europe*, Bloomington, Indiana, 1986; HERLIHY D., *Medieval Households*, Cambridge, Mass., 1985; BENNETT J., *Ale, Beer and Brewsters in England: Women's Work in a Changing World, 1300-1600*, New York and Oxford, 1996; MATE M.E., *Women in Medieval English Society*, (New Studies in Economic and Social History), Cambridge, 1999; GOLDBERG P.J.P., «Household and the Organisation of Labour in Late Medieval Towns: Some English Evidence», in CARLIER M. and SOENS T. (eds.), *The Household in Late Medieval Cities: Italy and Northwestern Europe Compared: Proceedings of the International Conference Ghent 21<sup>st</sup>-22<sup>nd</sup> January 2000* (Studies in Urban Social, Economic and Political History of the Medieval and Early Modern Low Countries, 12), Leuven-Apeldoorn, 2001), pp. 59-70; among others.



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CHART 1: ACTS BY GENDER & CATEGORY



Beyond the statistical analysis, examination of the language of the acts reveals the two competing conceptualizations of the role of women in economic activities. This is not always easy to detect, because the acts are brief, and sometimes they are copies of documents submitted to the aldermen from the *erfachtige lieden* or other bodies<sup>19</sup>. For the rest, it is usually not clear who exactly was present in the aldermen's chamber at the time of the act or judgment. When both members of a couple are mentioned, we cannot know whether a wife stood with her head down and let her husband speak for her, embodying renunciation, which Bourdieu says «is inscribed at the deepest level of the dispositions constituting the habitus»<sup>20</sup>, or whether she was the one who pushed her own case, while her husband stood nodding at her elbow. However, the acts do preserve the names of those who were the most important legal actors. And I argue that the language of acts themselves reveals a type of habitus, a certain legal posture and behavior. We can draw conclusions about who the participants, the aldermen, and their clerks thought were the active persons in this legal space and how they stood in relation to each other.

The language of the acts shows that there were two entirely different systems or conceptualizations of female economic roles. In the first, the patrimonial system, women were passive and men controlled their property and acted for

<sup>19</sup> The *erfachtige lieden* was an older urban institution that witnessed contracts and brokered agreements. It disappeared in the fifteenth century. Other courts that adjudicated disputes were the *vinderijen* (arbitration boards), guild courts and courts of the various market halls.

<sup>20</sup> BOURDIEU P., *Masculine Domination*, 79.

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them; sometimes the woman even disappeared entirely. This patrimonial system fits Bourdieu's model of masculine domination closely, and it is in line with common medieval European practice. Looking at the chart, we can see that number of acts including passive women hovered between 27 and 41, or an average of 10 percent, a distinct minority of the entire group of women who appear in the registers. Many of the conditions that made women passive – receiving a gift or bequest, minority, diminished capacity – were not gender-specific. But in other cases, husbands managed their wives' property. Such an act appeared in 1357, when Lijsbette vander Scildekijne sold her rights in a property and its contents: «Pieter vanden Bossche, who is married to ver Lijsbette's daughter, gave his consent»<sup>21</sup>. Pieter was acting as the manager of his wife's interests in her mother's property without any expression of her consent. There are also a few acts in which men use their wives' property without any expression of the wives' consent. One husband leased part of a tithe (*tiende*) that came from his wife, and other husbands claimed property their wives had inherited<sup>22</sup>. In some acts, men were described as guardians (*voogden*) of women. Some of the women under guardianship were probably minors, since the custom of Ghent was that unmarried women (and men) under the age of 25 were subject to either their parents or a guardian<sup>23</sup>. In other acts husbands were explicitly named as guardians of their wives, in formulas like this one: «Clais Alverdoe in the name of and as guardian of my lady Agnees van Brakele, Lady of Sonnemare, his legal wife»<sup>24</sup>. In the resolution of a dispute between a nobleman and noblewoman in 1344, the aldermen gave the fief in question to «my lady» but then appointed «my lord Jan as guardian of my lady»<sup>25</sup>. These acts clearly express that the women owned the property, but it was controlled and managed by men. They are in line with the principle that husbands have control over their wives' property, and male family members should provide for the support of females. Such examples show that the aldermen's clerks did know legal formulas that explicitly outlined male authority over women in the economic sphere. Yet, act using these patriarchal formulas comprise less than five percent of the total number of acts in the annual registers, compared to 42 percent of the total acts that involve women.

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<sup>21</sup> SAG, series 301, no. 1, f. 153r, act no. 3, 24 Oct. 1357: «... Ende tallen desen vors. saken, so heift ghedaen siin consent Pieter vanden Bossche, die ver Lijsbetten dochter heift...».

<sup>22</sup> SAG, series 301, no. 1, f. 1v-2r, 6 June 1339; f. 3v, act no. 1, 5 June 1339; f. 87r, act no. 1, 4 Aug. 1350; f. 44r, act no. 2, 3 Dec. 1349.

<sup>23</sup> GODDING Ph., *Le droit privé*, pp. 124-137.

<sup>24</sup> SAG, series 301, no. 1, f. 31v, act no. 2, undated, in 1349-50 register: «Claise Alverdoe in den name ende also vogt van mirer vrouwen Agneesen van Brakele vrouwe van Sonnemare sinen wetteliken wive...»

<sup>25</sup> SAG, series 301, no. 1, f. 16r, act no. 6, 2 Aug. 1344: «... mijns heren Jans vors. als voocht mire vrouwe vorn...».

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Another way women are passively present in the documents is as objects in the marriage market, in an exchange of symbolic capital. Consider the following: «Know all that Jan de Jonghe, son of my lord Heinric, came personally before the aldermen of the *Keure* in Ghent... and has declared Willem Wiericke his father-in-law quit of the promises that he had made him for the marriage of his wife. And besides that, each of them has declared the other quit of all claims they might make on each other from this day onward»<sup>26</sup>. Here the woman all but disappears. She is an object along with the property her father bestowed upon her husband in the all-important transfer of symbolic capital between two men.

Another series of acts shows the disappearance of a woman from legal capacity and presence in the judicial space. In the first act preserved, Beatrise Bloemen appeared as a active woman, without any male representative, before the aldermen, in a dispute with Jan Westrem, the bailiff of Gherard van Massemine, a local noble. Westrem had challenged Beatrise's right to property that her father, Sir Ghiselbrecht van Coleghem, had given to Beatrise and her brother Ghiseline. The aldermen awarded the property to Beatrise<sup>27</sup>. Four months later, Gherard van Massemine himself appeared before the aldermen challenging this decision because it did not follow the custom of his seigneurie. Gherard van Massemine addressed his challenge to Clais van Oeterghem, his servant, and Beatrise Bloemen, Clais' wife, who Gherard said had left his manor without paying «what he was owed by Clais and his

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<sup>26</sup> SAG, series 301, no. 1, f. 174r, act no. 3, 2 Feb. 1358 (n.s.): «*Kenlic sij etc. dat Jan de Jonghe f. mijns heer Heinric in propren persone es comen voer scepenen vander kuerre in Ghend, der heer Janne den Grave ende der Hughen van Lembeke, ende heeft quite ghescolden ende scelt quite Willemme Wiericke sinen zweer van al den gheloften die hem ghedaen mochten siin gheweest int uweleec met sinen wive. Ende daer boven scalt elc van hem beeden andren quite ende al quite van al dien dat elc andren eesschende mochten siin gheweest tote den daghen van eden...».*

<sup>27</sup> SAG, series 301, no. 1, f. 38r, act no. 2, 13 Dec. 1349: «*Kenlijc sij etc. dat van den tebatte ende gheschille dat was tusschen Janne Westreme, Gheraerds baillu van Massemine, in den name van Gheerard vors., an deene side ende Beatrisen Bloemen an dander side also van den goede dat her Ghiselbrecht van Coleghem haer vader gaf Beatrisen vors. ende Gheseline haren broeder, dwelke Westrem calengierde te Gheerard bouf vors., so dat scepenen van der kuere in Ghend, Gillis Rijnvisch ende sinen ghesellen nar tale nar wedertale ende naer al dats voer hem quam, terminerden ende wijsden dat Beatrise vors. sal behouden al tgoet gheheel up langhe al soe leven sal dat Her Ghiselbrecht haer vader haere gaf ende Ghiseline haren broeder in wat manieren dat ment vinden sal, ende also Beatrise vors. sal siin ghegaen van live ter doet, dan sta elc up siin recht omme ane tfors. goet te haelne dat si sculdech siin te haelne...».*

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wife»<sup>28</sup>. Whether Clais and Beatrise were married at the time that Beatrise originally appeared before the aldermen is impossible to determine with certainty. What is clear is that Gherard van Massemine was determined to deal not with her but with her husband. The aldermen delivered their decision in just one week, as follows: «Know all that in the dispute between Gherard van Massemine on one side and Clais van Oeterghem on the other side, over a certain property, land, movable and immovable as remains from Ghiseline uten Bloemen, the aldermen of the *Keure* in the city of Ghent order... that Clais pay Gherard... 13 shillings and 6 pence gros»<sup>29</sup>. There is no mention of Beatrise, even though it is clear that the property in dispute was hers, inherited from the estate of her brother. The absence of the woman may be related to the fact that the case had become more important, involving higher issues relating to jurisdiction and the relations between the city patriciate and a prominent local nobleman. The disappearance of the woman from legal space fits Bourdieu's model. Here the dispute is between men over a property that represents both economic and symbolic capital; the woman, as a passive object, had been removed.

The patrimonial conceptualization of women's economic activities emphasizes the role of women as passive carriers of wealth between families. Men act for women, unless those women are widows. It seems to be based on what might loosely be called «feudal law», in that it is aimed at preservation of patrimony and often concerns rural land. In a recent study, J. Dumolyn has shown how the lineage model, with its concern for the preservation of patrimony, spread in the fifteenth century from the nobility to some members

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<sup>28</sup> SAG, series 301, no. 1, f. 63r, act no. 4, 27 Apr. 1350: «*Kenlijc si etc. dat Gheerard van Massemine quam voer scepenen vander kuere in de stede van Ghend, her Gillis Riinvische, Boudin van Swinarden, Willem vanden Hecke, Janne den Pape, ende andren haren ghesellen, ende calengierde wettelike na costume ende usage van sinen heerscepe Claise van Oeterghem over sinen dienstman en Beatrisen Bloomen siin wijf over vogt wijf met protestacien dat hi hemlieden alse volgt quam ende sine calange dede wel tetide binnen jare ende daghe, dat Clais ende siin wijf van Gheerard heerscepe trocken, ende dese calange {naer} scepenen kenlec, ende dit dede de vors. Gheerard te dien sine dat in ombegrepen begerde te sine in tiden toe te comene omme te hebbene dat hi sculdech ware te hebbene van Claise ende van sinen wive vors...».*

<sup>29</sup> SAG, series 301, no. 1, f. 66r, act no. 3, 4 May 1350: «*Kenlijc si etc. dat alse content ende ghescil van tusschen Gheerard van Masseminne an deene side ende Claise van Oterghem an dander side, omme alsulc goet, lant, have ende arve alse bleef achter Ghiseline uten Bloemen, so wijsden scepenen van der kuere in de stede van Ghend, Gillis Rijnvische ende sine ghesellen, naer al dats voer hem comen was, dat Clais Gheerard ghenouch doen soude onthier ende Sente Jans messe in midden somer naest commende van XIII s. ende VI d. gro sonder eneghe fraude of malengien, ende tote dan ware al Clais lant ende goet Gheerard pant, ende so welken tijt hi de vors. somme betaelt hadde, so ware siin land ende goet voert meer onghעהauden als van der sommen vors...».*

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of the urban elite who had become officials of the Burgundian dukes<sup>30</sup>. This patrimonial conceptualization also fits Bourdieu's theoretical model closely, just as it matches the category of passive women.

In mid-fourteenth-century Ghent, however, a mere ten percent of the acts included a passive woman. Furthermore, of these more than half do not necessarily reflect the patrimonial system, because the conditions that made women passive – receiving a gift or bequest, minority, diminished capacity – were not gender-specific. The legal phrases used by the clerks to describe men representing women were also used in situations when men temporarily represented other men. This practice strongly suggests that when these phrases were used to describe men acting for women, they implied temporary representation limited to a specific case. The word «guardian» (*voogd*) offers another example. If the clerk wrote that a husband was the guardian of his wife, I have taken that as an example of the patrimonial conceptualization. But in most cases, the woman under guardianship was a minor orphan, under the age of 25, as in this case where Calle, an underage girl, was represented by Jan de Visch, her uncle and guardian:

«Know all that Jan de Visch, on behalf of himself and guardian of Calle, his sister's daughter, declares that he has honestly sold to Jacquemarde den Blauwere and Aeghte his wife, the half of the whole blue dye works on the Neder Kwaadham on the hereditary city lot [belonging to] Jan Visch and Calle, his niece, and in the same way half of the equipment of the blue dye works. And this for a certain sum of money that Jan, on behalf of himself and as guardian of his niece, testifies that he has been paid and satisfied, and for this he turns over [the property] on behalf of himself and as guardian for his niece, who was present, and she [turns over the property] with him and renounces it to the buyers' benefit»<sup>31</sup>.

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<sup>30</sup> DUMOLYN J., «Patriarchaal patrimonialisme. De vrouw als object in sociale transacties in het laatmiddeleeuwse Vlaanderen: familiale strategieën en genderposities», in *Verslagen van het Centrum voor genderstudies – UGent*, 12, 2003, pp. 1-28.

<sup>31</sup> SAG, series 301, no. 1, f. 170v.171r, 5 Jan. 1358 (n.s.): «*Kenlec zij etc. dat Jan de Visch over hem ende alse vooght van Callen zijre zuster dochter kende ende verlyde dat hij heift vercocht wel ende wettelec Jaquemarde den Blauwere ende Aeghten zijnen wive, de eelt van der gheelre blauwerien staende in den nederen Quaetham up Jans Visch ende Callen zijre nichten herve ende dier ghelike de eelt van den allemen vanden vors. blauwerien ende dit omme eene sekere somme van ghelde van der welker Jan vors. over hem ende alse vooght van zijre vors. nichten hem kende ghemoedt ende al ghenouch ghedaen ende alse hier of so ghiinc hij over hem ende alse vooght van zijre nichten die vor oghen was ute ende sie met hem ende worpens tharer coepers bouf...».*

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Calle was present and gave her consent, a rather unusual circumstance, but her uncle Jan, as her guardian, was the active party. However, if Calle had been a boy, the act would not have differed. The key condition for passivity was age, not gender. Five other expressions were used to describe a man acting for a woman – «in the name of» (*in den name van*), «represents in this case» (*vervaet in deze zake*), or «represents» (*vervaet*) alone, «on behalf of» (*over*), and «for the benefit of» (*te bouf*). These phrases probably expressed male dominance in some cases, but they were also often used when men represented other men. Here one woman, Kateline Haens, and two men, Arnoud and Jan Bollard, appeared before the aldermen to appoint men to collect a debt:

«Know all that Kateline Haens, Arnoud Bollard on behalf of himself and Jan his son, Jan his brother and Kerstian his son, whom he represents in this case, have come in person before the aldermen... [and] legally place in their stead Arnoud Bollard, Jan Coprinhoeft and Jan Herdekiin... to pursue a debt that Jacob Goedghenouch owes them, to the extent that the chirograph that is in the possession of the aldermen explains...»<sup>32</sup>.

In this act, Kateline Haens represented herself, and Arnoud Bollard represented himself and his son Jan. Arnoud's brother Jan represented himself and his son Kerstian. All of them were apparently creditors, and the chirograph probably listed the amount of money that Jacob Goedghenouch owed each of them. The men may have been representing their sons because the sons were minor children, but it could be that in this one situation some family members appeared for others who were not there on that day. Representation was often both situational and temporary, as it appears in this case from 1357, in which two individuals declared that Willem den Quinquere has paid them and two other individuals they represent:

«Know that *Joncvrouw* Cateline Houdewinds, on behalf of herself and Jan Staveliin whom she represents in this case, [and] Jan Libersa, on behalf of himself and Lisbette Ghiseliins whom he represents in this case, have come before the aldermen... [and] declared that they have been paid and satisfied by Willem den Quinquere for the ten pounds gros minus eight pence, which he promised them for the property of Lievin vanden Woelpitte and his wife,

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<sup>32</sup> SAG, series 301, no. 1, f. 109r, act no. 5, 12 Oct. 1353: «*Kenlec zij etc dat commen siin in propren persoene vor scepenen vanden kuere in Ghend Symoene vanden Kerchove ende zijnen gesellen, Kateline Haens, Arnoud Bollard over hem ende over Janne zijnen zone, Janne zijnen broeder, ende Kerstiane zijnen zone, die hij vervaet in dese zake, setten in hare stede wettelec Arnoud Bollard, Janne Coprinhoeft, Janne Herdekiin ende elc over al omme te vervolghene alsulke scult als Jacob Goedghenouch hemlieden sculdech es, alse verre alse de cyrographen verclaren die onder scepenen ligghen...».*

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which Lieven left behind [after his death]. Willem delivered the legally appraised value [of the property], and so they declared Willem quit forever and [the same to] all others to whom this quittance belongs»<sup>33</sup>.

While the four people might be creditors, it is more likely that they are heirs of the deceased Lievin vanden Woelpitte and his wife, and so they might all be related to each other. No act shows so clearly how representation was not specific to the female gender, with one woman representing one man, and another man representing another woman. Although at first glance it may appear that the use of words and phrases indicating representation indicate male management of female property, implying a certain economic and legal incapacity of women, frequent and consistent use of the same words and phrases to describe the activities of men shows that this is extremely misleading<sup>34</sup>.

The language of these acts contrasts sharply with the language used in acts written with formulas from the patrimonial system. The comparison shows that there was another conceptualization of women's economic activities, the customary system, which emphasized the active role of women as managers of their own property. Both systems held that a married woman was subject to her husband, and that he should control the community property, and were thus clearly patriarchal. The customary conceptualization seems to be based upon the custom of the city of Ghent, and was concerned with protecting property rights and honoring contracts. It aimed at both preserving public order and promoting the circulation of commerce and wealth. This customary system was more fluid, less systematic, and more based upon practical resolutions to specific problems. It corresponds with the category of active women and differs sharply from Bourdieu's theoretical model. And it was quite widespread; an average of 27 percent of the acts included an active woman. The customary system allowed women to manage the property they owned, and the aldermen supported women's activity, perhaps unintentionally, by stressing individual property rights and adherence to

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<sup>33</sup> SAG, series 301, no. 1, f. 148r, act no. 1, 17 Aug. 1357: «*Kenlic zij etc. dat comen siin vor scepenen van der kuere in Ghend, Lievine den Amman ende zinen ghesellen, Joncvr. Cateline Houdewinds over hare selven ende Janne Staveliin dien zoe vervaen heeft in dese zake, Jan van Libersa over hem ende over Lisbetten Ghiseliins die hij vervaen heeft in dese sake, de welke kenden ende verlijeden dat zij betaelt ende vergolden waren van Willemme den Quinquere van tien ponden gro. torn. VIII gro. min, de welke hij hemlieden gheloofde over Lievins goed vanden Woelpitte ende siins wijs, twelke achter Lievine bleef ende de vors. Willeme ghetelivirert was bi prijse van wette, ende als daerof zo scolden zij quijte teuweliken daghen Willeme vors. ende alle andre diere quijtance af behoert te hebbene...*».

<sup>34</sup> However, in the absence of details which explain the nature of the activity, it is risky to assume that the woman being represented by a man is an active woman. Some undoubtedly were, but I have chosen to take a more cautious approach and to categorize all women represented by men (and by women) as passive women.

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contracts rather than focusing on patriarchal concerns. A woman of means could be active at all stages of her adult life, even when she was married, because she owned immovable property of her own (*eigen goed*).

When the aldermen of Ghent legitimized a contract or adjudicated a dispute, their foremost concerns were rightful ownership of property, adherence to contractual agreements and preservation of peace and order. They were not as concerned about preserving gender distinctions. The aldermen's clerks used precisely the same words and formulaic phrases to describe the activities of men and women in most of the acts, those that express the customary conceptualization, with one exception. It was more common for a woman to be identified by a preceding title, most commonly «*joncvrouw*», and by her marital status and/or the name of a male relative, than it was for a man. But even this was not universal; many women were identified only by their first and last names. The language used varies according to the legal act itself and according to the specific provisions and protections desired by the principals, but not according to gender.

Two sales contracts from the year registers show the actual operation of the customary system. Both of these contracts have the formulaic clauses used for sales of hereditary city lots (*erven*) and were probably the results of divisions of inherited estates. In the first contract, two men sold their portion of a house and lot to a third man:

«Know all that Gillis Mond and Daniel de Meijere have declared that they have honestly sold to Sir Robbrechte van Eeke, Sr. all the rights that they had in the house and land that is across from the Gherard de Duivelsteen where sir Robbrecht now lives, with all that belongs in it from the front to the back. And this for a certain sum of money they testify that they have been paid»<sup>35</sup>.

In the second contract, a woman sold her half of a building and land to the man who owned the other half:

«Know all people that *Joncvrouw* Lijsbette Beiards has honestly sold to Justase vanden Hole her half of the small building and hereditary city lot that is next to his own half. [The building] lies in front of the Walporte, where Jan de Langhe the tin pot maker lives in the back part, on the side in Jan

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<sup>35</sup> SAG, series 301, no. 1, f. 255r, act no. 1, 12 May 1361: «*Kenlic zij etc. dat Gillis Mond ende Daniel de Meijere hebben verkend ende verlijt dat zij vercocht hebben wel ende redelike her Robbrechte van Eeke den houden al drecht dat zij hadden in huus ende in erve staende jeghen sGheeraerds Dievelsteen daer her Robbrecht van (sic) in woend up den tijt van nu met al dather toebehoord van voren bisden toten bachten. Ende dat omme eene zekere somme van ghelde daer af zij hem kenden vermoet ende ghenouch ghedaen...».*



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Leyscoefs' direction. And this for a certain sum of money that *Joncvrouw Lijsbette* testifies that she has been paid and satisfied»<sup>36</sup>.

The aldermen, their clerks, and the buyers and sellers paid attention to the names of the sellers and buyers, the exact location of the property, and whether the purchase price had already been paid or how it was to be paid in the future. The aldermen and their clerks did not think it was necessary to explain how and why a woman could sell a piece of land in her own right. There was no expression of Lijsbette's marital status nor approval of male family members for her action. The gender of the principals did not affect the language used in the act.

Another case, a dispute over property ownership, which gives us an unusual degree of detail, shows an active woman defending her rights:

«Know all that in the dispute that was between Jan Volgheleest on the one side and Beatrice van Buxelaer on the other side, over the hereditary piece of land and the profit from it that he was claiming from her . . . he said that it belonged to him. Against this Beatrice said that she brought and received the same land in the past and that she had held it in peaceful possession for 25 years and more. And he agreed to abide by her oath. If she dared to swear that she had brought and received the same land without deceit and had held it as long a time as she said, he would let her use it peacefully. She accepted this proposal and gave out her oath, [and] as a result, Jan . . . [gave up] his claim to the land and let Beatrice use it peacefully, like her own property»<sup>37</sup>.

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<sup>36</sup> SAG, series 301, no. 1, f. 233v, act no. 1, 17 Feb. 1361 (n.s.): «*Kenlic zij allen lieden dat Jonfr. Lijsbette Beiaerds heeft vercocht wel ende wetteleke Justase vanden Hole hare eelt van der loove ende de erve daer de zelve eelt na staet staende ende licghende vore de Walporte daer int weder deel in woent Jan de Langhe de tenin potghiet an de zide te Jans Leyscoefs waerd. Ende dit omme eene zeker somme van ghelde daer af dat hare de vors. Joncvr. Lijsbette kende vermoet, betaelt ende al ghenouch ghedaen van Justase vors...».*

<sup>37</sup> SAG, series 301, no. 1, f. 25r, act no. 3, 16 Feb. 1361 (n.s.): «*Kenlic zij etc. dat van den tebatte ende ghedinghe dat was tusschen Janne Vogheleest an deene zijde ende Beatricen van Buxelaer an dander zijde als van gronde van hervachteheden die hij hare eesschende was ende de bladinghe der af licghende in de prochie van Huesdiin zecghende dat soe hem toebehorde. Daer jeghen Beatrice vors. dede zecghen dat zoe die zelve herve cochte ende ghecreech vortijts ende dat zoe die ghehouden hadde in paisivelre possessie wel XXV jaer lanc ende tyts meer. Twelke hij hare consenterde ende het staen tharen eede, waerd zoe dat soe dat zoe (sic) zweeren dorfte dat zoe die zelve hervacht. ghecocht ende ghecreghen hadde zonder scamp ende also langhe tijt ghehouden hadde also ghesiet hadde, hij zoudse hare laten paisivelic ghebr. Welke presentatie ende consent zoe an ghinc ende dede af haren eed mids den welken Janne vors. gheseit was naer tconsend dat hij dede dat hij sine hande dade van deser vors. hervacht. ende Beatricen die paisiveleec te laten ghebr. ghelijc haren propren goede».*

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The procedure of daring Beatrice to swear was a common one in the Ghent custom, and it held serious risks for Beatrice if she was lying. However, for our purposes it is clear that a woman's oath held enough weight for the aldermen to uphold both her response to the challenge and her subsequent right to the land. As is very common in these acts, the clerk did not write down either the marital status of Beatrice van Buxelaer nor the name of her closest male relative. The omission of marital status for so many women is striking, and, along with other evidence, it suggests that marital status may have been less important as a determinant of women's economic and legal status than it was elsewhere in Europe<sup>38</sup>. Beatrice stated that she had bought the land more than 25 years before, rather than inheriting it or receiving it from a late husband's estate. This strongly suggests that she had been single for a long time. Her claim to the property was probably legally shaky; perhaps she bought the property from someone who did not have the right to sell it, and she clearly did not have a chirograph to prove her ownership. However, she was able to prove to the aldermen's and the community's satisfaction that she thought she was the owner of the property and she had possessed it for a long time, because her oath was not challenged.

A number of women in the registers seem to have invested their money in moneylending, often to other women. Usually the act does not record the reason that the money was owed, as in this example: «Mergriete Paesschedaechs owes the lady Willem Otters' wife three pounds and eleven shillings gros, to be paid within three weeks»<sup>39</sup>. A few acts are more detailed. In October 1360, *Joncvrouw* Gheertruud Smaerders stated that she owed *Joncvrouw* Volcwife Parijs 8 pounds and 6 shillings gros «for good loaned money»<sup>40</sup>.

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<sup>38</sup> HUTTON S., «On Herself and All Her Property: Women's Economic Activities in Late Medieval Ghent», in *Continuity and Change*, 20, 3, 2005, pp. 325-349.

<sup>39</sup> SAG, series 301, no. 1, f. 213r, act no. 4, 29 Sept. 1360: «Mergriete Paesschedaechs d. es sculdech der vrouwen Willems Otters wijf drie pond ende ellef scelghe gro., te betaelne binnen drien weken...».

<sup>40</sup> This act was made before the *erfachtige lieden* and recorded later in the aldermen's register. SAG, series 301, no. 1, f. 213v, act no. 5, 3 Oct. 1360: «Kenlic sij etc. dat Gillis Masch ende Godeverd de Roede quamen vore scepenen vander kuere in Ghend, her Gheerolve Betten ende Lievine Rijnwisch, ende kenden over ghevende in recoorde dat sij also ervachte liede in Ghend waren gheroupen ende stonden over alsulke kennesse als hier naer volght van worde: Kenlic sij allen den ghenen die nu siin ende hier naer wesen zullen dat Jonfr. Gheertruud Smaerders heeft verkend ende verlijt dat soe sculdich es up hare ende up al thare waer dat gheleghen ofte ghestaen mach siin binnen Ghend ofte der buten Jonfr. Volcwiven Parijs VIII lb. ende VI s. g. tor. van goeden gheleenden ghelde...».

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Women sometimes acted as sureties (*borgen*) for other women and for men, and often sued to collect debts. Kateline Sparmalges, a widow, sued Marie sMaerscalx, widow of Jan Sceppe, to recover half of the legal damages she had paid because she and the late Jan Sceppe had served as sureties for a defaulting debtor. The aldermen ordered Marie sMaerscalx to pay Kateline Sparmalges half of the legal damages, plus a penalty of 17 mites per day until the debt was paid in full<sup>41</sup>. Married women also claimed money and borrowed in their own names. In April 1350, the aldermen ordered two men to pay three pounds gros to *Joncvrouw* Jehane, wife of Boudin Dullaerds<sup>42</sup>. Married women appear fairly frequently as both creditors and debtors, and there is almost never an expression of their husbands' consent. This strongly suggests that the aldermen (and creditors) held married women responsible for paying their own debts in some cases. These married women were probably making loans from their own real property or *eigen goed*, not community property, as this act from 1350 shows:

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<sup>41</sup> SAG, series 301, no. 1, f. 83r, act no. 5, 3 Aug. 1350: «*Kenlec zij etc. dat van den tebatte ende ghedinghe dat was tusschen Kateline Sparmalges Clerckins wedewe an dene zijde ende ver Marie sMaerscalx Jan Sceps wedewe an dander sijde, als van borchtichten daer sij beede in staken ende elc over al, van welker borchticht Kateline vors. bescaed es naer de vonnessen die wij gaven up de wettelike kennesse die wij saghen ende vor ons quamen, ende hiesch dat hire ver Marien holpe quiten, so dat scepenen vander kuere in Ghend, Gillis Rijvisch ende sinen ghesellen, naer eesch naer antworde naer tale naer wedertale naer de wettelike kennessen die wijs saghen ende naer al dat vor hem quam, wijsden dat ver Marie vors. sal ghelden ende betalen de eene eelft van der scade die Kateline vors. ghewijst es, omme toquoison van der vors. borchticht ende dese vors. scade sal Kateline halen en ghereeken up de XVIII miten sdaeghs die hare Jan Sceppe sculdech es toter tijd dat so al betaelt ende vernoucht sal siin also vors. es...».*

<sup>42</sup> SAG, series 301, no. 1, f. 63v, act no. 1, 22 Apr. 1350: «*Kenlic zij etc. dat Jan van Mendonc Santins sone ende Pauwel de Blende commen ziin vor scepenen vander cuere in Ghend, der Gillis Riinvissche, der Simoene den Necker ende andren van haren ghezellen, kenden ende verlijden dat sij sculdich ziin, ende elc over al Joncvr. Jehanen Boudin Dullaerds wijf drie pond gro. torn., als borghen ende sculdren Suuntens vanden Dale, te gheldene ende te betaelne binnen desen zesse weken naest commende. Ende ne daden zijs niet, zo zouden zij danne beede moeten gaen in sammans ende van danen niet sceeden het en ware bi seven schepenen lieten zijt, dat ware up de boete van vichtich ponden. Actum in scabinatum Egidii Rijvisch predicti et sociorum suorum XXII die aprilis anno M CCC L.»* Boudin Dullaerds, a master in the weavers' guild, appears in many acts in the year registers and in the city accounts from the 1350s, and one act in the registers of the aldermen of the *Gedele* identifies his wife as Johane van Vaernewijc. VAN WERVEKE A. (ed.), *Gentse Stads- en Baljuwsrekeningen (1351-1364)*, Brussels, 1970, v. 1, p. 5; SAG, series 301, no. 1, f. 113v.114r, series 330, no. 1<sup>1</sup>, f. 192v, act no. 5, f. 201v, act no. 2, f. 293v, act no. 4.

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«Know all that *Joncvrouw* Alise vander Pale, legal wife of Gillis vander Pale, came before the aldermen... [and] declared that she owed a legal debt of eight pounds gros to Robrecht van Eeke. She promised to pay this on herself and all her property (*up haer selven ende up al thare*) by the next St. Jan's mass without any fraud or trickery»<sup>43</sup>.

Alise vander Pale was borrowing money by herself and apparently without any authorization from her husband. Gillis vander Pale was still alive, as an act dated later in 1350 proves<sup>44</sup>. Alise contracted the debt in her own name and promised to pay it back using her own property. This gave the otherwise legally incapable married woman access to the aldermen's chamber, where she displayed a habitus of competence and authority. For the aldermen, her ownership of the property, not her gender, was the decisive factor.

Women from the urban elite and middling families inherited properties, both movable and immovable, from their parents and other relatives. If they were single or widowed, they could support themselves, by living off of rents, or by a combination of rents and their own labor. Women appear frequently buying and selling rents. In 1350, Lijsbette van der Eeke, probably single since she is identified by the name of her deceased father, sold a stretch of peat moor to Jan vander Velde for a life-rent of six schillings per year. Jan insured the liferent on all the property he owned, but Lijsbette also required the provision that in the event of Jan's death, his heirs had to provide for continuous payment of her life-rent before the estate was divided<sup>45</sup>. In this way, Lijsbette and other women in the same position turned pieces of rural land they had inherited but could not easily exploit directly into steady monetary incomes, in order to live as rentiers, or to supplement income from other economic activities. Women also inherited, sold, bought, received and paid hereditary rents (*erfrenten*), which were considered immovable property in the Ghent custom and would remain a woman's own property (*eigen goed*) if she married. In 1353, Beele, widow of Jacob Buux, sold a huge hereditary rent of 18 pounds parisis per year to the executor of a will, who then transferred it to a religious institution. The act includes the names of 30 people who owed

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<sup>43</sup> SAG, series 301, no. 1, f. 64v, act no. 4, 4 May 1350: «*Kenlijc si etc. dat Joncfr. Alise vander Pale Gillis wettelike wijf van der Pale quam voer scepenen vander kuere in de stede van Ghend, her Gillis Riinvissche, her Boudin van Swinarde, Hughe vander Most, Gillis de Curten, Willeme vanden Hecke, Fransois Soetarde, Symoene metten Scapen ende andren haren ghesellen, kende ende lijde dat sij sculdech ware van wettegher scout Robrechte van Eeke VIII lib. gr. torn. dwelke si ghelovede te gheldene up haer selven ende up al thare te Sente Jans messe naest commende sonder eneghe fraude of malengien...*».

<sup>44</sup> SAG, series 301, no. 1, f. 67v, act no. 4, 15 May 1350.

<sup>45</sup> SAG, series 301, no. 1, f. 5v, act no. 4, 26 Aug. 1339.

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parts of the hereditary rent and the amounts they owed. Fifteen were women, eleven were men and two were married couples<sup>46</sup>.

The involvement of single women, and widows who did not remarry, in the buying and selling of rents has a special significance. These rents were a major source of investment in Ghent, providing income to the investor, but also capital for trade and craft manufacture. For the economy at large, this activity of sale and investment was, like marriage, a circulation of money and property from family to family. Investment of a woman's income was not, of course, an activity unique to Ghent; what is unusual is that women often made this investment themselves, rather than a male family member doing this for them. Marriage is well-known as a method for the exchange of wealth between families and the circulation of wealth in medieval urban economies<sup>47</sup>. In fourteenth-century Ghent, investment in the rents markets provided a second way to keep wealth in motion, a movement that was critical to the commercial success of the city, and a substantial portion of this investment was controlled by women.

The category of passive women and the patrimonial conceptualization of women's economic activities fit Bourdieu's model closely, and the category of active women and the customary conceptualization clearly do not match his theoretical model. The third category, consenting wives, shows some of the characteristics described by Bourdieu, but other features contradict his model. In Bourdieu's terms, consenting wives should be clearly subordinate to their husbands. But let us look at the language of a typical act which includes a wife consenting to her husband's actions:

«Know all that Jan de Raijete and Lijsbette his wife have come before the aldermen of the *Keure*... and make known that they have sold a hereditary rent of eleven English pennies and two mites per year to Kateline and Aechte metten Coe... and this for a sum of money that Jan and Lijsbette his wife were paid by Kateline and Aechte. And Jan and Lijsbette give up and turn over the

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<sup>46</sup> SAG, series 301, no. 1, f. 116r, act no. 1, 4 Nov. 1353.

<sup>47</sup> NICHOLAS D., «Of Poverty and Primacy: Demand, Liquidity, and the Flemish Economic Miracle», in *The American Historical Review*, 96, 1, 1991, pp. 17-41; CHABOT I., «La Loi du lignage: Notes sur le système successoral florentin», in *Clio: Histoire, Femmes et Sociétés*, 7, 1998, pp. 51-72; GUZZETTI L., «Dowries in Fourteenth-Century Venice», in *Renaissance Studies*, 16, 4, 2002, pp. 430-473; KLAPISCH-ZUBER C., «La bourse ou les boules de saint Nicolas: De quelques représentations des biens féminins en Italie», in *Clio: Histoire, Femmes et Sociétés*, 7, 1998, pp. 73-90; OWENS HUGHES D., «From Brideprice to Dowry in Mediterranean Europe», in *Journal of Family History*, 3, 1978, pp. 262-96.

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hereditary rent»<sup>48</sup>.

The names of the husband and wife appear together throughout the act, and third-person plural pronouns are used. Lijsbette may have had no real say in the decision to sell the hereditary rent, and Jan had control over community property. However, Lijsbette had to agree in order for the hereditary rent to be sold, and this gave her some knowledge of Jan's actions. And, by the repetition of the two names together, the language of the act itself conveys an impression of a married couple acting together – a *habitus* of partnership.

This is even more noticeable in a case from 1349. Lady Isabelle of Oostende and her husband, Sir Gherard, borrowed 30 pounds gros from Heinric and Clais de Jonghe, which Lady Isabelle was unable to repay. The De Jonghe brothers turned to her surety, identified as «Vranke vanden Hamme... and *Joncvrouw* Mergriete his wife», and they paid the 30 pounds to the De Jonghes. Heinric and Clais De Jonghe «promised nevermore to claim the 30 pounds from Vranke and his wife, nor my lady of Oostende nor her descendants»<sup>49</sup>. The fact that Lady Ysabelle of Oostende was listed in this last

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<sup>48</sup> SAG, series 301, no. 1, f. 130v, act no. 1, 14 May 1354: «*Kenlic zij etc. dat Jan de Raijete ende Lijsbette siin wijf commen es vor scepenen vander kuere in Ghend, Simoen vanden Kerchove ende sinen ghesellen, de welke kenden ende verlijeden dat sij hadden vercocht Kateline metten Coe ende Haechten metten Coe XI inghelsche ende twee miten iaers erylaker renten licghende int dal in de Volstrate up therve Willem Lauwer huus up staet ende ser Gillis sClerx huus beneden up twater achter in de steghe, ende dit omme eene somme van ghelde van der welker hem de vors. Jan ende Lijsbette siin wijf hilden betaelt ende vergolden van den vors. Kateline ende Haechten. Ende de vors. Jan ende Lijsbette ghinghen ute ende te buten van desen vors. erylaker renten ende worpens ende deden daer toe met hande, met alme ende met monde al dat zij sculdich waren te doene omme hem te onthervene ende te ongoedene van der vors. herveliker renten, ende de vors. Kateline ende Haechte waren der toe ghedaen als te haren ghecochten goede. Ende de vors. Jan ende Lijsbette siin wijf ghelofden als hiernaer wettelike waersceep der vors. Kateline ende Aechten, ende zij bevalen hemlieden de waerscepen weder als recht...».*

<sup>49</sup> SAG, series 301, no. 1, f. 46r, act no. 1, 27 Jan. 1350 (n.s.): «*Kenlijc si etc. dat Heinric de Jonghe ende Clais de Jongher quamen voer schepenen van der kuere inde stede van Ghend, her Gillis Rijnvissche ende sinen ghesellen, ende kenden ende verlijden wettelec dat sij ontfanen hadden in ghereeden ende wel ghetelden ghelde Vranke vanden Hamme die men heet den Backere ende van Joncfr. Mergriete sinen wive dertech pond gr. torn. alse van borchtochte daer de vors. Franke borghe ane was jeghen den vors. Henricks ende Claise over mier vrouwe Ysabeelle miine her Gherards wijf van Oestende ende over mijn her Gheerards vors. Van welker somme de vors. Heinrick ende Clais hem hilden vernoecht ende ghepait ende verkenden dat se Vranke ghelden moeste van borchtochte over mier vrouwe ende haren man vors. ghelijc dat over wettelec kenlec es, ende beloveden Heinric ende Clais vors. den vors. Vranken ende sinen wive no mer vrouwen van Oestende no haerliede nacomers nemmermeer teisschene alse van der summen van XXX lib. gr. vors....».*

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phrase and Sir Gherard was not suggests that she was the person who borrowed the money. Her husband's name was included in the earlier text for reasons of liability, so that he could not later claim that she had borrowed the money without his consent. But why was Mergriete, the wife of Vranke vanden Hamme, included? If he died, by the custom of Ghent, she was already responsible to pay all of the debts he had contracted; she could not claim ignorance or flee his estate<sup>50</sup>. This act is not a temporary aberration, as a related act, dated two days later, shows:

«Know that my lord Gheerard van Oostende, knight... [and his heirs]... came before the aldermen... and declared that... they owe... Vranke vanden Hamme and *Joncvrouw* Mergriete his wife 51 pounds gros»<sup>51</sup>. In the remainder of this long act, the names of Vranke and Mergriete appear together seven more times, and Vranke's name never appears alone. The presence of Mergriete when there is no legal reason for her to be involved and the repetition of the names of the husband and wife together, suggests a certain habitus – a husband and wife pursuing mutual interests, actively involved together in investment. The money may have come from Mergriete's own property, an impression that is heightened by Mergriete's appearance alone before the other board of aldermen, the aldermen of the *Gedele*, in following year:

«Know all that Mergriete, wife of Vranke vanden Hamme, by consent of Vranke her husband, has come before the aldermen and declared that she has in her possession 15 pounds gros that belongs to *Joncvrouw* Mergriete, daughter of Sir Thomas sPapen. And Mergriete has insured this money on

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<sup>50</sup> DANNEEL M., *Weduwen en Wezen*, p. 263.

<sup>51</sup> SAG, series 301, no. 1, f. 44v-45r, 29 Dec., 1349: «*Kenlijc si etc. dat miin her Gheerard van Oestende ridder, Jan van Oestende siin sone, Jan van Halewine die men heet de Wesel, ende Joncfr. Marie mijns heer Gheeraerd dochter vors., Jans van Halewine vors. wettelike wijf, ende bi consente ende toe doene van den selven Janne van Haelwinen haren wetteliken man ende vogt, Danneel van Carsele, Jan van Carsele ende Gheer. van Carsele te Wareghem quamen voer scepenen van der kuere in de stede van Ghend, Jan Buke ende Symoene metten Scapen, kenden ende verlijden ende elc van hemlieden sonderlinghe, dat sij sculdech siin, ende elc over al wel redenlijc ende wettelijc van goeder gherechter wettegher scult Vranken van den Hamme, ende Joncvr. Mergriete sinen sinen (sic) wive LI pond grote torn...*» In his register of the acts, Boon lists vanden Hamme as vanden Harve, incorrectly in my view. BOON J., *Regesten op de jaarregisters van de schepenen van de keure te Gent*, Vol. 1: *Schepenjaren 1339-40, 1343-44, 1345-46, 1349-50*. (Belgisch centrum voor landelijke geschiedenis/Centre belge d'histoire rurale, no. 8), Gent – Leuven, 1968, p. 35.

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herself and all her property (*up hare ende up al thare*)»<sup>52</sup>.

The appearance of Mergriete alone before the aldermen, pursuing an investment with the consent of her husband, again suggests a habitus of active involvement of wives in the planning and execution of the family's economic goals. The expression of the husband's consent, so often considered by historians as a mark of her dependent status, may also be read as an expression of his confidence in her ability to negotiate legal space.

Consenting wives share some characteristics Bourdieu describes, but they are much more like active than passive women. On the other hand, husband-and-wife partnership fits neatly within the customary conceptualization, in which ownership of real property gives women access to legal space. I suggest that this system was based upon a different sexual division of labor, one in which women's economic activities were viewed as a generally beneficial and non-threatening, as long as they served the interests of the household.

Bourdieu's theoretical model of masculine domination builds upon a division of space; women are either excluded entirely from male space, or expected to behave in ways that embody their renunciation of power while men represent their interests in that male space. The chamber of the aldermen of the *Keure* in Ghent was such a male space, and this analysis of actual practice shows that there were acts in which men represented the interests and controlled the property of passive women in a patrimonial conceptualization of the place of women in economic and legal affairs. Although this conceptualization appears in less than five percent of the acts, its presence shows that the customary system was contested in the mid-fourteenth century. However, the customary conceptualization granted women control of the property that they owned, even if those women were married, and it was clearly the dominant system. Twenty-seven percent of the acts in the year registers of the aldermen of the *Keure* from 1339 to 1361 contained at least one active woman managing her own property and interests, in a sharp contrast to Bourdieu's model and to the patrimonial system. The language of the acts and the inclusion of wives even when their presence was not legally necessary also suggests an economic

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<sup>52</sup> SAG, series 330, no. 1, f. 14v, act no. 4, 7 Jan. 1350 (n.s.): «*Kenlic sij etc. dat Mergriete Vrancs wijf van den Hamme bi consente van Vranken haren man es commen voer scepenen ende heeft verkent ende verlijt dat soe onder hare heeft vijftiene pond gro. torn. toe behorende Joncfr. Mergriete ser Thomas sPapen dochter was. Ende deze voers. peneghe heeft Mergriete voers. verzekert up hare ende up al thare zo waer dat gheleghen of ghestaen es binnen Ghent of der buten. Ende het zijn borghen over hare ende elc over al Jan van der Wostinen, Joes van Meren de zadelere, Jan ser Raes sone van den Houtkine ende Woutere Bracke. Ende van dezen voers. vijftiene ponden gro. torn., zo zal Mergriete voers. gheven jaerlix pensioen ghelijc dat men van wesen goede gheeft na de wet van der poert...».*



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partnership of some husbands and wives that matches the customary conceptualization. While the customary system was contested, and patriarchal constraints limited women's activity, this analysis of sources of actual practice reveals a much wider pattern of women's economic and legal activity, both in numbers of women who were economic actors and in the access of women to a central arena of economic and legal power, than the written custom, ordinances and norms of Ghent lead us to expect. Such an outcome has implications for other cities of the Low Countries and for northern Europe in general. Many of the towns of Flanders had customary systems resembling that of Ghent, and an examination of the sources of actual practice in these towns might reveal a similar pattern of a wider space for women's activities than the prescriptive sources indicate. Throughout medieval Europe, wives appear alone representing their family interests with their husband's consent, as well as consenting to their husbands' acts, and a study of these often-dismissed acts could contribute to the discussion of the nature of late medieval marriage. Ghent was an important medieval city, but not a unique one, and perhaps the economic activity of mid-fourteenth-century Ghent women was not unique either.

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