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CHAPTER 7. CONCLUSION

This book started with Ursula Bagliardi's violent attack on her neighbour Barbara Lambertini in 1755. She was one of the many women and men whose transgressions filled the casebooks of Bologna's *Tribunale del Torrione* between the middle of the seventeenth and the eighteenth centuries. Offences like these complicate notions about Italian women's lives. Based on early modern didactic and prescriptive sources, images of seclusion and enclosure are often echoed in general and synthetising discussions about the divergence between the north and the more restrictive south. The criminal court records however reveal Italian women's involvement in property crimes, public order offences and particularly violence to be more pervasive than has commonly been believed. But not all of these behaviours were subjected to a formal criminal investigation or prosecution. The criminal court records themselves provide good indications that early modern Italy's legal culture played a significant role in obscuring women's criminal and deviant behaviours. After all, it is known that recorded crime was not only the result of actual criminality, but was also the outcome of decisions by both the authorities and communities on how to deal with certain behaviours by certain people. How these top-down and bottom-up processes ended up affecting women's recorded crime differed significantly across time and space.

In recent decades a growing body of scholarship has demonstrated that historical patterns of female involvement in crime are far less static and uniform than was previously assumed. Significant differences have for example been observed between rural and urban areas, shares of women in crime being much higher in cities. This has prompted scholars to consider which elements or characteristics of the urban environment engendered criminal behaviour or prosecution. Scholars of early modern England and Holland in particular have argued that the urban environment offered women a wider range of economic opportunities while lacking the communal social control and support networks that kept rural women away from crime or out of the hands of the criminal justice system. According to these studies, their freedom and vulnerability combined with highly institutionalised forms of control brought about particular patterns of crime in urban centres. In a qualitative sense these scholars have observed significant similarities in the character of crimes committed as well as the social profile of their offenders among a range of European cities. Property offences constituted the large majority of recorded crimes for which the oftentimes young, poor, migrant women were prosecuted. Quantitatively the freedom and vulnerability of their

public lives is believed to have led to relatively high levels of female involvement in crime compared to both before and after the early modern period.

However, while this model identifies some distinctive features of urban life, there is an increasing awareness that it does not account for regional variation across different areas of early modern Europe. There are some scattered though meaningful indications that the urban crime patterns in Southern Europe did not adhere to the one described above. The available evidence from pre-modern Italy points to important differences both in terms of incidence and the character of women's recorded crime. First, the share of Italian women among offenders investigated appears to have been significantly smaller than in many Northern European towns. While studies have demonstrated that women could constitute up to 50 per cent of offenders in major cities across northern Europe, several urban Italian samples indicate far lower shares of on average less than ten per cent all throughout the pre-modern period. A second characteristic relates to the types of cases that came before the Italian criminal courts and, in particular, the prominence of violence rather than property offences. A closer examination of the structures and circumstances that influenced variation across time and space is thus imperative to understand women's involvement in recorded crime in a northern Italian town such as Bologna.

The case of Bologna and European patterns of female crime

So far these divergent patterns of women's involvement in crime in Italy and their underlying causes have received only limited scholarly attention, especially for the so-called 'forgotten centuries' after the Renaissance. This book has therefore sought to overcome this lacuna by providing an in-depth examination of the relationship between gender, criminal behaviours and their treatment by the criminal court in seventeenth- and eighteenth-century Bologna. It confirms the comparatively low share of women among offenders investigated as a striking feature of criminal prosecution in early modern Bologna. Between the mid-seventeenth and mid-eighteenth centuries, women comprised about five per cent of those subject to a formal criminal investigation (*processi*) in Bologna. The available data on other towns on the Italian peninsula reveal similarly low shares. While the early modern period marked a peak for women's involvement in crime in better-examined towns in northern Europe, there is little evidence that this trend applied to the Italian peninsula. Although we must be cautious to make generalisations based on this limited data, there are no known examples of female crime shares (based on formal indictments) remotely as high as those found in

other early modern Northern European towns, nor is there much evidence for a rise of these shares during the seventeenth and eighteenth centuries.

To understand what engendered these comparatively low female crime shares in early modern Bologna it is important to examine what crimes passed through the criminal court process. An important characteristic of pre-modern criminal justice in Italy is the proportional importance of violence among investigated crimes. As in Florence and Rome during earlier centuries, the dockets of Bologna's early modern *Tribunale del Torrione* brimmed with violent acts ranging from insults and blows to stabbings, shootings and murder. Making up 43 per cent of the total caseload of formal investigations at Bologna's criminal court, these predominantly physically violent offences were the most common reason for an encounter with the law. They were followed by a parity of offences against property and public order (26 and 27 per cent), whereas criminal investigations concerning sexual offences were overall much more scarce (three per cent). When viewed alongside of the available data from Spain, Portugal and South-West France, the Bolognese case-study provides further evidence for the existence of southern European pattern of crime and criminal prosecution in which violent offences figured much more prominently than in the northern regions of Europe. This raises the question of the extent to which Italian women's lower share among criminal offenders can be attributed to an alleged culture of violence, which has commonly been linked to the enduring cultural importance of the masculine honour culture in which men frequently clashed over slights to reputation and status, in which women would have no place.¹⁵⁰

Although the pattern of reported crime in the seventeenth and eighteenth centuries was to a large extent moulded by violence, thefts of all shapes and sizes belonged to the serious crimes for which women were predominantly subjected to a formal investigation (39 compared to 33 per cent for violence). In general the authorities' interest in prosecuting these kinds of crimes was apparent in the fact that thefts made up significantly larger portions among these *processi* than among the denunciations, especially for women. Both male and female offenders accused of committing this type of crime generally belonged to the large group of the labouring poor who opportunistically resorted to simple theft of items such as clothing, household linen and miscellaneous textiles without resorting to violence. However, thefts did not only figure so prominently among the criminal investigations against women because of the authorities' great interest in prosecuting crimes against property. After all

¹⁵⁰ Ruff, *Violence in early modern Europe*, 75.

there is significant evidence for the Bolognese magistrates' paternalistic attitude towards women's roles in theft. That property crimes such as theft constituted the largest proportion of crimes for which women were investigated was also highly contingent on the fact that other types of offences – such as their violent encounters – were not.

While both stringent gender norms and the ethics of honour meant that it was neither expected nor desirable for women to engage in aggressive acts, violent behaviour was in practice by no means the preserve of men. That one-third of the female defendants among the *processi* were accused of committing serious physically violent affront already bears witness to this. However, the commonplaceness of women's violent altercations with male and female adversaries is above all apparent in the earlier stage of the denunciation – the moment when either local officials or the wronged individuals themselves denounced a crime to the criminal court. With about nine denunciations to each formal investigation in Bologna, more than 80 per cent of the women and two-thirds of the men in these far more plentiful denunciations were denounced for violent behaviours. For both men and women, most of these altercations can be categorised as petty physical aggression which by and large directed against members of their own sex and had erupted among their neighbours, fellow artisans, peddlers and porters during their daily social and economic affairs, arming themselves with whatever was at hand. Rather than relying solely on men for the defence of their reputation and interests – as prescribed by the ethics of honour – many Italian women took matters into their own hands. Clearly, while women's violent behaviour may have not found much cultural encouragement, it was far too common to be viewed as an anomaly.

To a certain extent these crime patterns reflected gendered socio-economic realities. Importantly, the microcosm of the immediate neighbourhood bore greater importance for women than for their male counterparts as a site of violent conflict as well as for their larcenous activities. Both male and female fighters by and large settled their violent quarrels in public, urban space. Nevertheless, a substantial part of women's violence in Bologna took place just outside of houses: when entering or leaving the house, when using the shared spaces in apartment complexes, while standing in the doorway, leaning out of windows or sitting on a doorstep under one of the city's many porticos. The close proximity and sharing of resources that were a factor not only of daily domestic chores, but also sociability and women's work being concentrated on houses – their own and those of their friends', families' and employers' – fuelled the bulk of women's neighbourly conflicts. The large majority of women accused of theft had also stolen from their neighbours' and acquaintances' houses,

while the geography of men's thieving was much more diverse. While both the social profiles and motives of offenders demonstrate that women's broad socio-economic roles in the urban economy should not be underestimated, the importance of the immediate neighbourhood for women's illicit behaviours reveals a gendered dynamic of women's everyday lives in early modern Bologna. While these dynamics may have in part been the result of a gender-appropriate judicial narrative, they likely also mirrored some socio-economic realities.

The significant discrepancy between 'crime patterns' at earlier and later stages of the criminal process, however, also illustrates the need to scrutinise how social and legal mechanisms affected the share of women in these records. After all, Italian women made up only five per cent of the accused offenders at the level of the formal investigation (*processi*), where property offences as well as serious violence constituted the majority of crimes. At the earlier stage of the denunciations, on the other hand, women constituted over 20 per cent of the offenders who were predominantly accused of petty violence – a figure much more similar to those found in other parts of Europe. This means that it is debatable whether Bologna's comparably low female crime shares can be explained away by its culture of violence. For the Bolognese context this book identifies three underlying mechanisms related to its legal culture that contributed to women's low share among the criminal court records: institutionalisation, judicial paternalism and peace-making practices.

The impact of Italy's institutions and judicial system

Because women have often been overlooked in the study of crime in early modern Italy, the underlying mechanisms that obscured their criminal offending have also received little systematic scrutiny. In an important article, one of Italy's most prominent legal historians, Mario Sbriccoli, reflected on how the legal system may have contributed to the low levels of women in recorded crime.¹⁵¹ He argued that the law and the criminal justice system were essentially masculine until the twentieth century. As such the conceptualisation of crimes was based on male behaviours, while many women's behaviours were actively categorised as matters of sin, disorder, irregularity or censorable anomalies rather than a criminal offence subject to criminal justice. According to Sbriccoli, women's deviant behaviours were therefore largely absorbed into a mesh of extrajudicial control ranging from the domestic sphere and the neighbourhood, to a range of ecclesiastical and civil institutions. While

¹⁵¹ Sbriccoli, 'Deterior est condicio foeminarum', 81.

similar arguments regarding the importance of extrajudicial social control have been made for other parts of early modern Europe, what may set Italy apart is the important role played by a host of semi-public charitable institutions in connecting spheres of control for women at the fringes of society.¹⁵²

Centuries before the better-known custodial institutions in Victorian England, integrated networks of semi-public charitable institutions emerged all over Italy from the sixteenth century onwards, seeking to correct, supervise and help 'problematic' women and girls.¹⁵³ This system consisted not only of orphanages, workhouses and conservatories, but also of dowry investment funds, institutions for mutual assistance and, importantly, a variety of enclosed shelters for women at the fringes of society. These institutions, which were also established in other parts of Catholic Europe as part of the Counter-Reformation reform movement, connected shorter and long-term care and control throughout women's different life stages. They became increasingly purgative towards the women under their supervision and they furthermore increasingly housed a range of 'difficult women' admitted by their husband or kin or placed there by magistrates for punitive enclosure.¹⁵⁴ In early modern Bologna we also find that women were relatively more often incarcerated for theft – above all in the city's poor house – than their male counterparts. This stemmed from a broader, general notion that viewed confinement as particularly appropriate for all categories of problematic women. Based on some admission data of these institutions, it furthermore does not seem unlikely that women suspected of committing a crime were also placed in these institutions without a conviction. While the criminal women within these 'custodial warehouses' deserve further scrutiny, these traces suggest that these early modern welfare provisions may not have only reduced the need for women to engage in crime but also may have obscured their participation in it.

Gendered prosecution policies also profoundly affected early modern Bolognese women brought before the criminal court. Criminal prosecutions were and are always the result of political and institutional choices rather than a reflection of all of society's transgressions.¹⁵⁵ The Bolognese *processi* therefore represent the crimes for which the criminal court was willing and able to start an inquisitorial trial, but these cases constituted only a fraction of the crimes that were reported, let alone occurred. What crimes were prosecuted

¹⁵² Woolf, *The poor in Western Europe*, 24; Terpstra, *Cultures of charity*, 17.

¹⁵³ Cohen, *The evolution of women's asylums*, 3, 8.

¹⁵⁴ *Ibidem*, 17, 36, 79; Terpstra, *Cultures of charity*, 213; Cavina, *Nozze di sangue*, 48.

¹⁵⁵ Dean and Lowe, 'Writing the history of crime', 3.

and in what way must therefore always be seen in relationship to the authorities' priorities and the discretion of the judges, who had a wide *arbitrium*. What offences merited prosecution in the eyes of the authorities was both contingent on the crime itself as well as on the 'personal qualities' of the plaintiffs and defendants. Rooted in ideas about women's legal minority, and subordination in every social sphere, one's sex constituted one such quality. This is reflected in Bologna's criminal by-laws. In the mid-eighteenth-century by-laws the introductory remarks stress that the judge is free to impose judgement on women proportional to their sex, commuting punishments like the galleys and public *strappado* to the more suitable options of confinement, exile, incarceration or lashing.¹⁵⁶

Aside from receiving different types of punishments for their crimes, there were a range of circumstances under which the seriousness of women's involvement in crime was essentially called into question by the *Torrone's* judges. Interestingly, this phenomenon is particularly evident among property offences; the type of crime for which most female offenders were subjected to a formal investigation. Overall, the Bolognese authorities regarded property offences of all shapes and sizes as serious crimes that the court sought to investigate and prosecute in any way possible. However, while the characteristics of these crimes themselves do not appear to have been inherently distinct, their judicial treatment was highly gendered. Particularly when women acted alongside male co-offenders in theft, regardless of their functional role, they could often count on less harsh sentences or were not even indicted at all, often being absolved before even being formally interrogated. Furthermore, by far most of the women involved in the distribution of stolen goods into the urban economy were never scrutinised as criminal actors. Women's violence was also commonly regarded as judicially irrelevant. In their important work on the early modern Bolognese criminal court system, Giancarlo Angelozzi and Cesarina Casanova argued that this indulgence towards women should not be viewed as 'chivalry' but rather as paternalism rooted in ideas of women's minority and subordination in every social sphere.¹⁵⁷ Women's involvement in crime was often considered harmless or irrelevant, regardless of their actual role in the crime.

Early modern Italy's widespread culture of peace-making furthermore contributed to the image emerging from Bologna's criminal court records. Although the participation of women remains understudied, the formal incorporation and continued importance of

¹⁵⁶ *Bando generale Serbelloni 1756*, 3-4.

¹⁵⁷ Angelozzi and Casanova, *Donne criminali*, 239, 242; Casanova, 'Crimini di donne, giudici benevoli', 1.

reconciliation in early modern Italy's criminal justice system is relatively well-documented.¹⁵⁸ In addition to exercising top-down control through the prosecution of crimes, early modern Italian criminal courts also encouraged their use as a site of bottom-up peace-making and conflict resolution for a wide range of crimes, particularly (though by no means exclusively) for what were considered 'minor crimes' such as brawls and scuffles not resulting in life-threatening wounds. While most scholarly attention has been paid to the better-known petitions and notarised peace accords predominantly used for graver types of crimes such as homicide, the most prevalent type of peace-making took place at the level of the denunciation. Here victims and their close kin were able to halt any legal action through a simple juridical withdrawal of the complaint (*rinuncia*), often following a composition of some sort.¹⁵⁹ While some victims hoped to see those who wronged them punished by the authorities, many others used litigation as bargaining power within their communities. Interestingly, as the denunciations represented the earliest stages of the criminal court process, they included the petty grievances caused by and endured by significantly larger percentages of women. These practices of conflict resolution help explain why so many of these cases were never turned into a formal investigation.

That the Bolognese criminal court records allow us to scrutinise the different stages of the criminal court process nuances our understanding of the meaning of Italian women's comparatively low shares among formal criminal investigations. These shares do not simply point to women's marginal involvement in crime, but the sources instead reveal that they were engendered by the combination of a propensity to institutionalise 'problematic women', a general judicial paternalism towards women as well as a widespread and pervasive culture of institutionally-endorsed reconciliation. However, with over five times more female offenders at the level of the denunciations, it is furthermore evident that women were far less passive in their actual behaviours than is commonly suggested.

Crime and Italian women's agency

By their very nature these criminal court records attest to the discrepancy between norms and actual behaviour. As such they allow us to assess the scope of action of those that appeared before it as defendants and plaintiffs beyond what was normatively prescribed. Notwithstanding their modest presence among the *Torrone's* formally investigated crimes, a

¹⁵⁸ Bellabarba, 'Pace pubblica e pace privata', 189-213.

¹⁵⁹ Niccoli, 'Rinuncia, pace, perdono', 226.

significantly larger bulk of women's everyday behaviours were considered unwelcome acts worth denouncing to the criminal court – especially non-fatal, physical violence that did not result in life-endangering wounds. While women's lethal violence is said to have centred around the domestic realm, the judicial narratives from the earlier stages of the criminal justice process predominantly concern the much more prevalent violence that erupted among neighbours, acquaintances and co-workers in the urban space. They indicate that Bolognese women fought with their fists as well as with the items they had at hand, in many similar kinds of spaces as men and, importantly, did so to a much larger extent than the formal investigation dossiers alone would ever suggest. Furthermore, both in violence and in their larcenous activities – the latter being more significant among the *processi* – the majority of women acted alone, nuancing their image of mere accomplices in crime. While general discussions commonly suggest that the strict gender norms as well as Italy's honour culture left little space for women's agency, whether licit or illicit, the criminal court records suggest that women had a greater scope of action than is commonly believed.

Women's social and economic roles in the urban economy played important roles in shaping this leeway. Contrary to popular belief, women's labour force participation rates in Bologna (as in Turin) were as high as (or even higher than) those observed elsewhere in early modern Europe. As such the social profiles of the women and men whose offences came to the notice of the criminal court represented a broad dissection of predominantly lower- and lower-middle class society with a wide range of professions, albeit on-and-off or underemployed. An important share of the female offenders was active in the less-prestigious and poorly paid functions within the textile industry such as spinners, weavers, hosiers and seamstresses relying on the uncertainties of piecework. These working poor generally lived in close proximity to each other, shared resources with neighbours and attempted to maintain a livelihood through the household's combined labour efforts, occasional charity and, for some, opportunistic theft. For women as for men, the occasions, opportunities and setting for both thieving and violence were shaped by their legitimate socio-economic roles in the urban environment. Especially in their neighbourhood surroundings but also on Bologna's markets, streets and in taverns women fought over neighbourly annoyances, resources and their economic interests within the capacities of their roles as neighbours, landlords and tenants, economic competitors, vendors and clients, and creditors and debtors. Female resellers' frequently documented though unprosecuted

distribution of stolen goods furthermore suggests that their leeway may have been far more extensive than is currently known.

Another important way in which the sources reveal early modern Italian women's agency was through their litigation as plaintiffs. In general, the notion of women's inferior legal status derived from Roman law contributed to the idea that Italian women may have had limited legal agency, especially compared to Northern European societies. However, the examination of seventeenth- and eighteenth-century criminal court records demonstrates that women, like men, were able to strategically employ justice to settle their conflicts. While inhabitants of even the most remote hamlets in the Bolognese territory could theoretically bring conflicts to the court, the reliance on male local officials in the countryside to relay cases to the *Torrone* created a structural impediment to women's ability to seek justice. Urban women could and did make their way to one of the court's eight notaries to lodge complaints in person. While the petty grievances that they predominantly sought to pursue were rarely turned into a formal investigation, they found in the criminal court a forum through which they could wield and manipulate power and exert it over their community members. Here women were able to turn to litigation to mediate and settle their personal disputes, to establish boundaries and to make individual statements. For women the urban environment may not have only provided a more precarious context, but also better opportunities to resolve conflicts through the formal criminal justice system.

Avenues for future research

The juxtaposition of these fragments of individuals' lives thus clearly reveals the ambiguity of women's position in early modern Bologna. On the one hand, both moral norms and early modern Italy's legal culture played important roles in obscuring and arguably even containing Bolognese women's illicit behaviours. This has resulted in relatively low female crime shares at the level of the criminal investigations. At the same time, the close-reading of these investigation dossiers reveal that the criminal involvement of women in for example larcenous activities often escaped the magistrates' scrutiny. The multitude of complaints concerning women's violent embroilments furthermore demonstrate that their agency as both criminal and litigants was far greater than a reading of the prescriptive literature or their share among the *processi* alone would suggest. Any social historical examination of women's gendered relation to crime and criminal justice needs to take the extent of women's scope of action amid a culture of constraint into account. In early modern Bologna both

gender norms and the ethics of honour meant that women were not encouraged nor expected to engage in crime. At the same time their public urban lives created the spatial and social latitude for licit and illicit activities beyond what the norms prescribed.

The city of Bologna has offered a fruitful setting for the historical analysis of the gender dynamics in crime and criminal justice. As one of Italy's many textile towns with one of most long-term best-preserved criminal court archives both within and outside of Italy, the city has provided an opportune backdrop to trace women's involvement in criminal behaviour throughout the judicial process. Bologna was, however, only one city among many others. While this book has used this case-study to theorise and nuance assumptions about the Italian peninsula and, by extension, Southern Europe as a whole, it does not intend to infer uniformity across early modern Italy. For example, while interpretations of Roman law are assumed to have led to general constraints on Italian women's legal and socio-economic agency, local statutes are known to have either moderated or exacerbated these effects. These local laws have placed Florence on one extreme of the balance of women's scope of action and towns such as Venice and Genoa on the - less restricted - other.¹⁶⁰ That there were significant regional variations in these and fields touching on women's agency is generally accepted, though its local implications remain obscure, also in relation to crime and criminal justice. How did women fare in the more restrictive Florence in the centuries after the Renaissance? And what was it like in other cities where women are assumed to have had more social and economic liberties? Can similar characteristics and mechanisms as those traced in the Bolognese case be observed, or were other local factors more decisive?

Alongside of judicial paternalism and peace-making practices, one of the factors that is assumed to have had a profound impact on the extent to which early modern Italian women appeared in the criminal court records is the institutionalisation of problematic women. Ranging from orphanages and conservatories to workhouses and enclosed shelters, they represented a double-edged sword of care and control for the women who either entered voluntarily or were placed there by their husband, kin or by local officials. That there were criminal women among the population of the increasingly purgative 'custodial warehouses' is commonly accepted. However, if the archival materials permit it a closer examination of these women, their crimes and their pathways into these institutions would be needed to fully understand the relationship between this general tendency towards the

¹⁶⁰ Kuehn, 'Gender and law in Milan', 406-407.

institutionalisation of women, their crimes and the criminal justice system in early modern Italy.

Lastly, this book has examined the influence of gender on women's criminal behaviours and their judicial treatment in Bologna during the seventeenth and eighteenth centuries. It has largely done so through the lens of social history, examining how social actors moved within the socio-economic and legal contours of the early modern city. In discussing the judicial narratives surrounding acts of violence that came before the criminal court, it did briefly touch upon more cultural interpretations of gender. A more extensive and systematic cultural historical examination of masculine and feminine narratives constructed in the criminal court record, of the differences and similarities that existed between them, is possible based on the collected samples but has remained outside the scope of this book. This book, in its social historical approach to the history of women in crime, has focused on the 'forgotten' period between the mid-seventeenth and mid-eighteenth centuries. This was the period after the Plague and its subsequent social unrest and before the city experienced the full effects of the economic crisis. Delimiting the period under discussion has meant that various important societal transformations during the second half of the eighteenth century have remained unexplored. How women's criminal behaviour and their judicial treatment developed under the weight of the unfolding economic crisis, the increasing proletarianisation of labour and the assumed weakening of patriarchal control must necessarily be answered in future research. The scrutiny in this book of the mechanisms affecting women's involvement in crime in the prior, relatively more tranquil period hopefully provides a fruitful point of departure.