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## Violence and Gender in Eighteenth-Century Bologna and Rotterdam

### Abstract

*This article examines the violence committed by men and women that appeared before the eighteenth century criminal courts in two cities in Europe: one in the North (Rotterdam, Holland) and one in the South (Bologna, Italy). The results provide further evidence for the existence of a broader pattern of nonlethal violence in early modern Europe that shared many of its characteristics among men and women. The comparison between Rotterdam and Bologna also revealed significant differences with regard to the pattern of violence. First, domestic violence was regularly prosecuted by the criminal court of Rotterdam, though seldom by the criminal court of Bologna. Second, the Rotterdam women represent a much larger share as offenders in the category of fighting than the women of Bologna (41 percent compared to 17 percent). Finally, the urban geography of violence was much more gendered in Bologna. The article argues that this divergent pattern can be explained by the significant differences between Bologna and Rotterdam with regard to women's social and legal positions. Whereas in Bologna, women's free movement was limited because of various factors, women in Holland had more free, independent, and public lives.*

### Introduction

Historians have often noted that physical violence was a common part of everyday life in late medieval and early modern Europe.<sup>1</sup> This “culture of violence” had two main characteristics. First, the most important element of violence—whether related to murder or assault—was honor. Second, the culture of violence was essentially masculine since honor was highly gendered. While men's honor was based on physical strength, courage, and bravery, women's honor was related to their sexual behavior and their passive role within society, and their possibilities for defending this honor were limited. Crime historians generally agree that the link between violence and masculinity remained relatively unchanged throughout the early modern period, and the practice of violence took place in a male world.<sup>2</sup> However, between regions there may have been differences with regard to the importance of honor and the level of violence.

Anthropologists such as Pierre Bourdieu describe violence as an essential form of social capital that was highly valued, particularly in Mediterranean cultures.<sup>3</sup> Although Bourdieu's observations concern the twentieth century, the link between honor, violence, and Mediterranean countries is also made in historical studies.<sup>4</sup> Both Muchembled and Spierenburg argue that the explanation for a decrease in violence in Europe in the course of the early modern period is to be found in changing notions of masculinity and honor and in the pacification or civilization of relations. However, there were differences between the South and the North of Europe. As Muchembled notes: "Up to the nineteenth century, murder was more frequent in the southern states of Europe than in the countries of the North."<sup>5</sup>

Over the past decade historians have begun to problematize the above assumptions. No scholar would contest the fact that the majority of murderers are and were young men between the age of twenty and twenty-nine, whose victims were often of the same age and sex.<sup>6</sup> But the focus on homicide and male aggressors also led to misconceptions about the incidence and characterization of female violence in early modern Europe. In her study on England, Garthine Walker has argued that it might be more fruitful to explore women's violence on its own terms, rather than categorizing female violence as "rare," "same-sex-violence," and "rather trivial."<sup>7</sup> Although images of passive and subordinated women may be found in moral writings and literary sources, they do not correspond with women's assertive behavior in everyday life. Walker found that in sixteenth- and seventeenth-century Cheshire, over 70 percent of all assaults involving one or more female aggressors related to married women. Apparently, these women fought despite their subordinate position and the limitations on their ability to lead public lives. Furthermore, women's violence very much resembled the violence of men. Like men, women mostly assaulted other persons by slapping, kicking, pulling, pushing, and throwing objects at opponents.<sup>8</sup> Several recent studies on female violence confirm Walker's conclusions. First, there is now ample evidence that, in many early modern cities, the proportion of assaults committed by women was much higher than was commonly assumed. Second, studies that include both male and female violence reveal that there were many more similarities between violence committed by men and women than there were differences. Such studies demonstrate that early modern women were much more assertive and violent than historians commonly assume.<sup>9</sup>

At the same time, historians have increasingly rejected the idea of important differences between the North and the South of Europe with regard to male honor and the level of violence. In his review of various essays by Peter Burke on early modern Italy, Samuel Cohn Jr. criticized clichés about honor and social behavior in the Mediterranean world.<sup>10</sup> Notions about male and female honor might not always be as straightforward as they are depicted in studies on early modern violence.<sup>11</sup> For Golden Age Spain, Scott K. Taylor has argued that through their actions and speech women defined their own honor in broader terms than just sexuality, and, just as men did, they deployed slander and physical violence to articulate and defend their social positions in the community. Sexual and economic honor were not only motives to commit violence but were also the means through which men and women attempted to defend their case before the courts.<sup>12</sup> Consequently, honor becomes a blurry concept when explaining gender and violence in the early modern period.

In this article, we suggest that instead of focusing on the role of honor in gender differences in violence, it may be more fruitful to look at the social and legal position of women in different geographical areas. We will argue that there were indeed some differences between the North and the South of Europe with regard to violence and gender. Rather than only pointing to dissimilar notions of honor, women's legal and social positions seem pivotal in explaining these differences. Our findings are based on court cases regarding violence committed by men and women between 1700 and 1755 in two cities: one in the North (Rotterdam, Holland) and one in the South (Bologna, Italy). The following question is central to our examinations: to what extent are there significant differences between Rotterdam and Bologna with regard to the recorded violence of men and women in the eighteenth century? We will start with a short characterization of the cities of Bologna and Rotterdam. The subsequent sections will discuss the difference in the position of women in Italy and Holland in the early modern period, the working of the courts in eighteenth-century Bologna and Rotterdam, and the sources that are the basis of our examinations. We will then present and discuss our findings on the court records of Bologna and Rotterdam in the first half of the eighteenth century.

### Two Commercial Towns: Bologna and Rotterdam

Before comparing violence and gender in Bologna and Rotterdam, it is important to establish in what ways these cities were similar and different with regard to the size of the population, their position within the wider urban network, their level of economic development, their ways of prosecuting violence, and women's position within the urban community.<sup>13</sup> In many ways, these two cities are highly comparable.

In the eighteenth century, the Italian city of Bologna and the Dutch city of Rotterdam were both moderately large towns in urbanized areas, though Bologna was slightly larger. Bologna was a provincial capital within the Papal State and served as an important economic, cultural, and administrative center for both the city itself and its surrounding villages and rural countryside. With between sixty and seventy thousand inhabitants, Bologna was among the fifteen biggest cities in early modern Europe.<sup>14</sup> It relied economically on the specialized silk and hemp industry, which was primarily located within the city walls, and the rich agricultural produce from its surrounding province. The silk industry alone is estimated to have employed about one-third of the urban population, more than half of whom were women.<sup>15</sup> Over 60 percent of female laborers worked as spinners or weavers or in other textile-related occupations. The remaining women worked in domestic service (20 percent); in commerce as resellers, food sellers, and shop owners (8 percent); or as washerwomen and in other miscellaneous occupations.<sup>16</sup>

Contrary to other Italian cities that had endured economic stagnation a century earlier, Bologna's real economic decline started in the course of the eighteenth century. A reform of the production process by the silk industry's guild in an attempt to avert the crisis led not only to the production of cheaper and lower-quality textiles but also to wage reduction and a division of labor in which women increasingly performed unspecialized and more poorly paid tasks at home.<sup>17</sup> Despite these reform efforts, the social repercussions of the shrinking

textile sector were increasingly felt in the city of Bologna from the 1730s onward, with many inhabitants of the city being either unemployed or unable to sustain themselves with their reduced wages.<sup>18</sup>

Rotterdam was an important economic center in the province of Holland, and in the course of the seventeenth and eighteenth centuries, it became the most important port city of Holland after Amsterdam.<sup>19</sup> Being one of the most important towns of the VOC (*Vereenigde Oost-Indische Compagnie* or East India Company), Rotterdam attracted many migrants from rural areas as well as from towns in and outside Holland. Due to economic growth and increasing immigration, the population of Rotterdam rose from ca. twenty thousand inhabitants in 1622 to ca. fifty-eight thousand inhabitants at the end of the eighteenth century. As the Rotterdam trade and shipping industry flourished in the eighteenth century, 30 to 36 percent of the urban population found employment in these sectors.<sup>20</sup> In addition, many laborers—both skilled and unskilled—earned an income with port-related activities or with work in local industries (such as the tobacco and sugar industries). In the course of the eighteenth century, Holland experienced a general economic decline, which also had an impact on the beer brewing and sugar industries in the city of Rotterdam. However, other industries in the city—such as the tobacco industry and the distilleries—seem to have flourished even during this period of general economic decline.<sup>21</sup>

The VOC activities also caused enormous local demographic changes. First, they attracted rich foreign traders, investors, sailors, and many others who were looking for employment; around 40 percent of those who married in Rotterdam in the seventeenth century were not Dutch by birth.<sup>22</sup> Approximately half of these migrants were women who—like men—found employment in port-related work and local industries. Second, a substantial part of the male population was absent for long periods of time, and many men died on VOC trading voyages. The large number of temporary and permanent absentees profoundly affected the sex ratio in Rotterdam; there was a considerable surplus of women (probably five women for every four men). Consequently, many women had to run a household by themselves for a long period of time. Some of them may have earned a living by working as prostitutes, but most women received earnings from occupations that were related to seafaring, such as labor recruitment for the VOC or trade; held typical female occupations, such as spinner, seamstress or retailer; or worked in domestic service.<sup>23</sup> In Bologna too, there was a surplus of women, although with nine women for every eight men, the situation was less extreme than in Rotterdam.<sup>24</sup> Furthermore, since large-scale migration movements were much less significant a factor for Bologna, the city had far fewer of these “grass widows” who headed the household due to the absence of their spouses.<sup>25</sup>

Overall, Bologna and Rotterdam were both prosperous industrial and commercial cities of between fifty and seventy thousand inhabitants, each of which functioned as an important economic center in its province and faced some degree of economic decline in the course of the eighteenth century. Thus, the economy of the cities cannot explain differences with regard to the recorded violence of men and women in the eighteenth century.

### Women's Position in Italy and Holland

However, there were important differences between Bologna and Rotterdam, particularly with regard to the legal and social position of women living in the two cities. Like the rest of Europe, the cities of Holland and Italy were patriarchal societies in which men held strong legal positions, whereas women were generally much less well-off legally, economically, and socially.<sup>26</sup> However, women in Rotterdam seemed to have had more legal rights, more diverse opportunities in the labor market, and more freedom to lead independent lives than those living in Bologna.

The legal status of Bologna women considerably limited their opportunities to act freely. In early modern Italy women had what Angela Groppi called "a marginal presence in many aspects of society."<sup>27</sup> Because of women's presumed *infirmitas/imbecillitas sexus* ("weakness"), a woman's legal capacity was restricted to her own person.<sup>28</sup> This meant that, not only were women precluded from holding civic office, they also had no access to the family inheritance, were not allowed to carry out economic transactions without a guardian, and could not gain full parental authority (*patria potestas*) over their children. Consequently, Italian women were always formally subordinate to male authority of some sort, be it that of the father, the husband, or someone substituting for them.<sup>29</sup> Nevertheless, scholars have nuanced the picture of unremitting patriarchy. Due to the legal controls a husband exercised over it, the dowry system has been described as a "gilded cage" for women, but there were checks and balances to this power.<sup>30</sup> Civil law, for example, gave women the right to retrieve her dowry in case of the husband's mismanagement. Given their dependent position, women could furthermore count on a certain degree of social and economic protection from both their families and charitable institutions.

In Holland, too, married women came under the legal authority of their husbands, to whom they were expected to be obedient.<sup>31</sup> Marital law implied that husbands represented their wives in court cases and in making legal agreements. Furthermore, the man, as head of the household, was responsible for the management of the marital estate.<sup>32</sup> However, in practice, male authority had clear limits and women had many more opportunities. First, Dutch men did not have the right to physically punish their wives.<sup>33</sup> Second, women could draw up legal acts of marital conditions, in which they circumvented joint property and dispositive power, or they could file for a division of estate in cases of mismanagement. Third, married women were deemed capable in cases of transactions on behalf of the household. Fourth, women who conducted a business independently of their husbands were usually declared capable with regard to their own affairs.<sup>34</sup> Finally, the legal system made exceptions for "grass widows," women who were formally married but in practice lived without a husband.<sup>35</sup> Wives of seamen were allowed to sign contracts, receive inheritances, contract loans, buy or sell real estate, or head a company.<sup>36</sup>

In conclusion, the different legal and social position of women living in Bologna and Rotterdam had an important impact on women's everyday lives. The women of Rotterdam were perhaps less protected and more vulnerable than the women of Bologna, but they were probably also more assertive and independent and were able to lead more public lives than their Bolognese

counterparts.<sup>37</sup> As our findings will show, these differences also resulted in different patterns of male and female violence that came before the criminal court.

### The Criminal Courts

In order to examine the similarities and differences in violence committed by men and women in Bologna and Rotterdam, it is essential to have comparable court records. These records do indeed indicate that there were important differences. The criminal court of Rotterdam was a secular urban court that held jurisdiction over all crimes committed within the city of Rotterdam. This included property crime, sexual offences, violence, and public order infringements.<sup>38</sup> A public prosecutor (sheriff or bailiff) examined criminal cases that were brought forward by city dwellers or police officers, and prosecuted those who were accused of a crime. The judges—elected members of the urban elite—passed a sentence based on the evidence provided by the public prosecutor. Their examinations and verdicts were recorded in so-called sentence books and fight books; the latter concerned minor violent offences, which were dealt with through an accelerated procedure.

The centralized criminal court of Bologna, called the *Tribunale del Torrone*, was officially headed by a papal legate, although the judges who initiated the legal process and pronounced sentence were secular. The court of Bologna hired notaries (eight in total), who examined the cases brought forward by local officials, who acted as bailiffs, police servants, surgeons treating “suspicious wounds,” or the *bolognesi* themselves, and decided whether they should deal with the complaint summarily or whether a full trial was warranted. In the latter case, the findings were reported to the judge, who formally initiated the court case and pronounced sentence. As in Rotterdam, all crimes and conflicts were brought under the court’s purview through these notaries, including property crimes, public order infringements, sexual offences, and violence. However, for a wide range of minor crimes such as insults, threats, and non-life-threatening fights among the lower classes, the Torrone focused on conflict resolution rather than prosecution.<sup>39</sup> Offences that took place within the family, domestic, or conjugal setting were also uncommonly prosecuted, since this was considered the domain of the *pater familias* and not the secular authorities.<sup>40</sup> Sexual offenses (adultery, fornication, and premarital sex) and matrimonial affairs (clandestine marriage, separations) were generally dealt with by the ecclesiastical court of the archbishop.<sup>41</sup> These offenses could include domestic violence, though wife beaters seemed to have been rarely prosecuted by the church court, which instead focused on reconciliation in these cases.<sup>42</sup>

Although the courts of Bologna and Rotterdam may have operated very differently, there were also significant similarities. Both courts employed an inquisitorial process in which an accusation against a person was grounds for an *ex officio* investigation. Both types of courts were accessible and free to the urban population and for that reason were frequently used as a system of conflict regulation. Finally, there were also other forms of conflict regulation available to the inhabitants of Bologna and Rotterdam; in the case of Bologna, inhabitants could turn to the ecclesiastical court of the archbishop or to their parish official, while in Rotterdam people could refer cases to the Protestant consistories or ask neighborhood masters to mediate.<sup>43</sup> Both in Bologna and Rotterdam, many city

dwellers found their way to the court, bringing forward mainly minor crimes such as petty theft, neighborhood annoyances, and less severe acts of violence.

Our examinations are based on the criminal court of Bologna (Tribunale del Torrone) and the Rotterdam criminal court (sentence books and fight books). For Rotterdam, we took five-year samples of the criminal court cases involving violence between 1700 and 1750 (201 defendants in total), and for Bologna we examined the complaints and cases involving violence recorded by one randomly selected notary for three sample years: 1705, 1725, and 1755 (308 defendants in total).

### Violence Before the Courts

The proportion of cases regarding violence (compared to other types of crimes) was similar in the two cities. Although the court records included all types of violence and aggression, including verbal insults, this analysis will only focus on physical violence. The majority of the cases brought before the criminal courts of Bologna and Rotterdam in the first half of the eighteenth century revolved around property crime. Most of them were petty thefts. Besides property crime, violence made up a considerable part of the courts' examinations. In both cities, over a third of the defendants were taken to court because they committed physical violence: 42 percent (319 persons) of the defendants in Bologna and 34 percent (201 persons) of the defendants in Rotterdam. However, it is important to note that for Bologna, the number and proportion of cases involving violence were actually even higher. The notaries of the *Torrone* also recorded the issuing of the *precetto de non offendendo* (seventy-six cases, 10% of the total): a peace injunction issued through summary justice for often unspecified verbal and/or physical aggression. However, in our analyses we include only those cases that clearly involved physical violence.

It is probably no surprise that the vast majority of those who were accused of violence by the criminal courts were not involved in the most serious forms of violence: homicide or manslaughter. Bologna and Rotterdam produce comparable figures: a proportion of 5.4 percent of the defendants in Rotterdam and

**Table 1.** The number and proportion of prosecutions for violence in Rotterdam, five-year sample 1700–1750

Type of Violence	Men	Women	Total
Homicide/manslaughter	9	2	11
Maltreatment	29	12	41
Maltreatment of a spouse	24	1	25
Fighting (incl. with weapons)	42	29	71
Against property	35	3	38
Rape/sexual assault	5	0	5
Other	8	2	10
<b>Total</b>	<b>152 (76%)</b>	<b>49 (24%)</b>	<b>201</b>

Sources: ORA Rotterdam, sentence books and correction books (Vechtboeken/Quade Clap) 1700–1750.

**Table 2.** The number and proportion of prosecutions for violence in Bologna, sampled for one notary for the years 1705, 1725, and 1755

Type of Violence	Men	Women	Total
Homicide/manslaughter	17	0	17
Maltreatment	72	8	80
Maltreatment of a spouse	2	1	3
Fighting (incl. with weapons)	175	35	210
Against property	4	0	4
Rape/sexual assault	5	0	5
Other	0	0	0
<b>Total</b>	<b>275 (86%)</b>	<b>44 (14%)</b>	<b>319</b>

*Source:* Archivio di Stato di Bologna, Criminal Court Records (Tribunale del Torrione, atti e processi) 1705, 1725, and 1755.

5.3 percent in Bologna were accused of homicide or manslaughter. Men accounted for almost all violent deaths; there were no women taken to court for homicide or manslaughter during the period of the samples in Bologna and only two in Rotterdam. Compared to contemporary numbers, the homicide rates after 1600 were high everywhere in Europe, though there are some clear indications that they remained high for much longer in Southern European cities.<sup>44</sup> The low proportions of homicide and manslaughter cases demonstrated in the tables above neither disprove nor confirm this trend. The nonexhaustive character of the Bolognese samples in particular does not allow for any extrapolations on these categories of crime. Rather, the low proportions illustrate for eighteenth-century Bologna and Rotterdam what has also been observed in other studies: that murder and manslaughter only form a small fraction of the crimes of violence.<sup>45</sup>

The second most serious category of violence recorded by the notaries or courts of Bologna and Rotterdam in the eighteenth century was maltreatment. Such cases referred to personal violence with a clear distinction between perpetrator and victim; one or more persons had attacked or maltreated another person (or other persons). For Bologna, this categorization also meant that a surgeon had assessed the victim's wounds as endangering his or her life. For the sample of Bologna, we found eighty-three defendants (26%) that were involved in such forms of serious violence, compared to sixty-six defendants (33%) in Rotterdam. While the proportion of defendants committing maltreatment was higher in Rotterdam than in Bologna, this difference does not seem to have been related to a more violent setting in Rotterdam but rather to different attitudes toward the prosecution of domestic violence. Whereas the criminal court of Rotterdam regularly handled prosecutions for domestic violence, this was quite rare in Bologna.

Between 1700 and 1750, petty violence formed the largest category of violence recorded by the courts in both Bologna and Rotterdam. This was true for both men and women. In Rotterdam in the sample years, 119 persons (59 percent of the total) were arrested for minor forms of violence, whereas the

Bologna sample produced 210 defendants (68 percent). The category of petty violence included predominantly fights between inhabitants that did not cause life-threatening wounds, but this category could also involve property damage. The sample of eighteenth-century Bologna sample contains far fewer cases involving property (four) than the Rotterdam sample (thirty-eight), but this difference might also be caused by a different method of recording. Fights, violent quarrels, foul language, and shouting often went hand in hand with throwing things at the property of another individual, especially stones or wooden objects at doors and windows of houses. Since distinguishing clearly between fighting and damaging property is a complex exercise in Rotterdam—at least for this period—we have chosen to treat the two categories together. All defendants of both categories were accused of some form of ferocious violence, and this violence always involved other persons. The overall category of “petty violence” was also the type of violence that involved the largest proportion of women: in Rotterdam, women accounted for 29 percent (thirty-four defendants) of the cases regarding minor violence in the years examined between 1700 and 1750. Their share was even remarkably high when only fights were included: women were responsible for 41 percent of the fights that were recorded by the criminal court of Rotterdam.<sup>46</sup> Women’s share of petty violence was lower in Bologna, but they were still responsible for 17 percent of these cases.

### Domestic Violence

The most striking difference between the kind of violence that was recorded by Bologna’s criminal court and that of Rotterdam was related to domestic violence. Whereas in eighteenth-century Rotterdam, almost 40 percent of the prosecutions involving maltreatment were related to the maltreatment of a spouse, merely three such cases were recorded by the Bologna court’s notaries.

The logical explanation for this difference is the different conception of marriage regulation in Catholic and Protestant areas.<sup>47</sup> In Catholic countries, marriage was considered a sacrament and for that reason all matrimonial matters were primarily the responsibility of the church, unless they involved conflicts relating to property and dowries. Although in Italy in general marital conflicts could be brought before either the secular criminal court or the ecclesiastical court, in Bologna they were largely dealt with by the latter.<sup>48</sup> Since Protestants did not consider marriage a sacrament, in Holland marital matters were seen as principally secular and therefore the responsibility of the criminal courts. Like the church courts in Italy, Protestant consistories handled all sorts of problems relating to marriage, but the consistories could only impose ecclesiastical sanctions and did not have the power to prosecute or to impose a penalty. Domestic violence was therefore formally the terrain of the urban secular courts, such as the criminal court of Rotterdam.<sup>49</sup> However, whereas in Holland the criminal court and the Protestant consistories dealt with domestic disputes each in its own way, there is evidence suggesting that in Italy domestic violence was hardly ever prosecuted by the ecclesiastical or the secular court.<sup>50</sup> The explanation for the different treatment of domestic violence in Rotterdam and Bologna must therefore be sought in the different positions of women in Italy and Holland.

In Italy, patriarchal values and the subordination of women seem to have been much stronger, both in law and in practice. Just as in Italy, married women in Holland legally fell under the guardianship of their husbands, but in practice they were much more independent.<sup>51</sup> Dutch single and married women were often empowered to file lawsuits against the fathers of their illegitimate children or against their husbands, and in the case of adultery or malicious desertion they could also file for a divorce. Legally, physical abuse was not considered grounds for divorce in Holland, but in the course of the eighteenth century, Dutch judges increasingly mentioned domestic violence in their decisions to justify divorce. The vast majority of these cases—separations as well as divorces—were filed by wives. In Amsterdam in the second half of the eighteenth century, almost 70 percent of the plaintiffs in divorce cases were women.<sup>52</sup> Additionally, in most Dutch cities women had the opportunity to request the confinement of an abusive spouse. Due to increasing requests relating to alcohol and domestic violence, confinement on request became increasingly common in Holland in the course of the eighteenth century.<sup>53</sup> Unlike the women of Rotterdam, Bolognese women had fewer legal opportunities available to them to protect themselves against abusive husbands.

There was another significant difference between Italy and Holland: in Italy men had the right to discipline their wives, and the law did little to correct men who abused this right. Several Italian studies on the subject suggest that in early modern Italy, the right to chastise was enacted in legislation, respected by the law courts, and assumed by husbands in everyday marital life.<sup>54</sup> In its most extreme form, the husband's right to discipline functioned as an extenuating factor or even justified an acquittal in trials involving wife-killing. In nonlethal forms of domestic violence, too, Italian men brought before the court generally appealed to their natural right of correction.<sup>55</sup>

Various studies suggest that while domestic violence was sometimes brought under the purview of both the ecclesiastical and the criminal court, it was hardly ever prosecuted in early modern Italy. Nearly all denunciations were either rejected by the courts due to insufficient evidence or were settled semivoluntarily through reconciliation.<sup>56</sup> Although in the case of serious maltreatment, Italian women could request a separation from bed and board (*separation quoad mensam et thorum*) or an annulment of the marriage, it appears that both of these procedures were relatively uncommon. For sixteenth- and seventeenth-century Venice, it has been shown that only 9% of matrimonial suits recorded a verdict, such as a separation of bed and board.<sup>57</sup> Italian juridical treatises did state that women could furthermore request a peace injunction against their husbands in the case of proven persistent spousal maltreatment.<sup>58</sup> Ecclesiastical judges could make husbands promise to improve their behavior and to treat their wives better, binding them with a guarantee. However, such cases appear to have been rare, and only if the husband was proven to continue the abuse after such an injunction would a punishment be considered.<sup>59</sup>

While in Italy domestic violence per se was not criminalized until the nineteenth century, various developments from the late seventeenth century onward increasingly allowed women to defend themselves against domestic abuse. First, shelter houses for *malmaritate* (unhappily married women) were established in various cities beginning in the sixteenth century. Second, from the late seventeenth century onward there was an increasing willingness to grant separations

following severe abuse. The assertion of a violent marriage was frequently used by women to support their claims for a separation of bed and board before the ecclesiastical court.<sup>60</sup> While “moderate correction” went uncontested, women in court were supported by neighbors who were critical of husbands who indulged in uncontrolled wife-beating.<sup>61</sup> Nevertheless, early modern Italian society seemed to have been characterized by a reluctance on the part of the authorities to formally intervene in marital conflicts, which seems to have stemmed from the idea that too much religious or juridical interference would compromise the foundations of the institution of marriage.<sup>62</sup> The lack of formal action by the authorities in the early modern period does not mean that women were defenseless against violent husbands, but it does underscore that within this legal culture, women had different, and probably fewer, legal opportunities to advance their cause than elsewhere in early modern Europe.

Unlike Italian men, Dutch men did not have the right to discipline their wives. Lawyers such as Grotius argued that men who abused their custody rights over wives should be prosecuted in court. In the first instance, maltreatment of wives was punished with fines, but in the case of recidivism, heavier punishment was required.<sup>63</sup> The Rotterdam criminal court cases involving domestic violence show that these statements were not just moral judgments by elite lawyers but ideologies that were put into practice. The examinations of witnesses in criminal cases that came before the court of Rotterdam demonstrate that neighbors and families were concerned about husbands who misused their physical strength in marital fights. In early modern Holland, cases involving violence were commonly brought forward by neighbors who objected either to the maltreatment itself or to the dishonor and disturbance that such behavior would cause in the neighborhood. The second argument was mentioned in the criminal court records until the end of the sixteenth century and disappeared from the end of the seventeenth century.<sup>64</sup> Neighbors who complained to the public prosecutor about domestic violence in the eighteenth-century sample of the Rotterdam court expressed their moral outrage only about wife-beating. Both male and female neighbors testified about aggressive behavior by husbands, emphasizing that beating and kicking were never acceptable.

The attitudes of the public prosecutor and the court were similar in cases of less severe domestic abuse. In accordance with the ideas of lawyers, in the first instance wife beaters usually received a fine or an imprisonment of several weeks to three months at the most. In many trials, husbands were arrested after complaints by neighbors but discharged because the wives themselves asked the court to release their spouse. In 1750, the neighbors of forty-four-year-old Christiaen had informed the Rotterdam court about the maltreatment of his wife, who was six-months pregnant. He was summoned but not prosecuted because his wife agreed to reconcile with him if he would move out of the house during her pregnancy until she was recovered from giving birth to their child. In the meantime, he had to arrange for all the things she needed and provide money for her weekly maintenance.<sup>65</sup> Those men who relapsed into their bad habits were often summoned again at the request of neighbors, and in such cases the courts were less lenient in their verdict; recidivists were usually sentenced to imprisonment in a workhouse or to forced labor on a VOC ship.<sup>66</sup>

In sum, patriarchal values in early modern Italy were reinforced by the reluctance of the ecclesiastical and secular courts to punish domestic violence.

The opposite was true for eighteenth-century Holland because less stringent patriarchal values in the country resulted in a better position of women generally and resulted in the punishment of wife beaters specifically.

### Violence in the Streets

The discrepancy in women's positions in Bologna and Rotterdam was also visible in the ways that women committed violence in public life. However, the eighteenth-century criminal court records of Bologna and Rotterdam also indicate that there were many similarities between the ways in which men and women committed petty violence. We will start with the similarities between Rotterdam and Bologna and then discuss the discrepancies of male and female violence in both cities.

Most male and female defendants who were involved in violence in eighteenth-century Bologna and Rotterdam had committed a minor offense (between 59 to 68 percent overall), such as fighting. The examination of this type of violence brings to light two important similarities between Rotterdam and Bologna that challenge conventional wisdom about the profile of the offenders and the victims of violence. First, the archival records in both cities contest the idea that due to their marginalized social positions, physical weakness, and presumed lack of autonomy, women were not protagonists in crime but rather passive accomplices.<sup>67</sup> In recent decades, such notions have increasingly been challenged, particularly by studies on Northern European cities but very recently also in Italian historiography.<sup>68</sup> Cristina Vasta, for example, stresses that women in seventeenth-century Rome made instrumental use of violence to pursue their own goals within their communities.<sup>69</sup> The criminal court records of both eighteenth-century Bologna and Rotterdam show a similar image, namely that in the majority of the cases women, like men, acted alone and on their own behalf in these everyday acts of violence.

Second, if we set aside the marital disputes discussed above, there are significant similarities between who the offended parties were. Based on examinations of lethal violence, it is often argued that female conflict in general was based on the "tensions of household life and relationships" and that women primarily offended against "intimate victims" such as their children and servants, whereas the situation was much more varied for men.<sup>70</sup> However, both in Rotterdam and in Bologna, the pettier, more everyday forms of violence reveal a distinctly different pattern in which women, like men, had personal quarrels with other city dwellers that turned into violence in the public space.

Despite these two significant similarities, the contexts in which male and female violence occurred differed between the two cities examined. Both men and women were heavily involved in violent quarrels, and women were active as fighters: in Rotterdam women accounted for 41 percent of the fights; in Bologna this proportion was 17 percent. These figures indicate that the women of Bologna were either less inclined to use violence than their Rotterdam counterparts or that the violence was less often reported to the criminal court. Since we have no information about the number of unreported crimes, it is impossible to draw decisive conclusions, but the location of women's fights in Bologna and Rotterdam may help to explain this discrepancy.

Whether they concerned male or female fighters in Bologna or Rotterdam, the fights that were recorded in the eighteenth-century samples mostly took place in public spaces outside the home.<sup>71</sup> The following cases are typical of the everyday violence committed by men and women in eighteenth-century Rotterdam. In 1740, thirty-one-year old Johanna Huisman—a migrant living in Rotterdam—had started a fight with her female neighbor Heijltje because she was fed up with the daily trouble the woman caused her. In the same year, twenty-year-old Eleazar had a fight with a fellow citizen outside the church because the man owed him money.<sup>72</sup> It was the same in Bologna: in 1706 Anna Cattarina Gaspari complained to the court that she had received three blows with a stone from her neighbor Teresa, who had become vexed when Anna Cattarina's dogs had walked through her vegetable garden and so had decided to confront her the next time she saw her.<sup>73</sup>

That most of women's fights took place on the streets, both in Rotterdam and Holland, provides further evidence for the notion that early modern European women's lives were by no means confined to the home. This goes against older works, primarily based on didactic and prescriptive literature, as well as on travel descriptions, which argued that women were typically absent from public spaces.<sup>74</sup> This binary divide between public and private and male and female spaces has been rejected in more recent studies. The current consensus is that women, like men, regularly used many of the urban spaces to work, to go to church, and for recreation.<sup>75</sup> From a socioeconomic perspective, this is hardly a surprise. As mentioned previously, both in Holland and Italy there is important evidence that a large proportion of the female population actively engaged in the labor market.<sup>76</sup>

Male and female fighters settled their violent quarrels in public, in Bologna as well as Rotterdam, but they did not always choose the same location within the urban space. The records of the courts of Rotterdam and Bologna sometimes reveal quite specific information about the whereabouts of men and women involved in violent conflicts. When we leave out the category of domestic violence in the sample years on Rotterdam (thirty-nine defendants), it becomes clear that the vast majority (80%) of both male and female fighters fought their battles in the streets, and a smaller proportion of the aggressors were involved in violent disputes in an inn or tavern (10%). In an East India Company town like Rotterdam, where many men were employed in maritime-related activities, quarrels often erupted in the harbor involving sailors and other laborers; 10 percent of the male fights took place on a ship. In 1745, sailor Pieter van der Meer got into a fight with a fellow sailor on the ship of their employer, in the course of which he drew his knife.<sup>77</sup>

Although the geographies of violence were very similar for men and women in Rotterdam, the Bolognese records reveal more distinctly gendered patterns. For male Bolognese fighters, the locations very much resembled those of Rotterdam: 88 percent of the men accused of committing violence before by the Bolognese court had fought their quarrels out in the street, on markets and squares, near public buildings, in taverns, or at work-related locations—just like their violent counterparts in Rotterdam. Compared to the general pattern distinguished for Rotterdam and for Bolognese men, the house was a much more important location for violent conflict for women in Bologna, with nearly a third of violent quarrels involving women taking place there. Although most of the

violent quarrels of Bolognese women also took place in the public space (68 percent), it is noteworthy that in 39 percent of these cases women declared that they were just outside their homes when the violence erupted: these fights occurred when women were trying to enter or leave their houses, using the shared spaces in the apartment blocks, standing in the doorway, leaning out of the window, or sitting on the doorsteps. Furthermore, the Bolognese court records indicate that the female fighters of Bologna rarely operated in taverns, near public buildings, or in workshops. All in all, there were significant differences between the women of Bologna and Rotterdam regarding the location of their fights. Bolognese women fought their fights primarily in the immediate vicinity of the house, while the women of Rotterdam on the other hand almost always fought their battles in the streets inside or outside their own neighborhood, and sometimes in taverns, where they were surprisingly assertive.

The importance of the household as a setting and context of women's violence has been noted in other works on early modern Europe. Most notably, Garthine Walker has argued for seventeenth-century Cheshire that patterns of women's violence were very much informed by household structures and obligations.<sup>78</sup> She argued that wives exercised *de facto* control of the domestic space

**Table 3.** Location of violence (according to prosecutions), Rotterdam 1700–1750 (five-year sample)

Location	Male offender		Female offender	
House	39	25%	2	4%
Street (incl. markets, squares, and outside public buildings)	89	59%	42	86%
Inn/tavern	11	7%	5	10%
Ship	13	9%	0	–
<b>Total</b>	<b>152</b>	<b>100%</b>	<b>49</b>	<b>100%</b>

Sources: ORA Rotterdam, sentence books and correction books (Vechtboeken/Quade Clap) 1700–1750.

**Table 4.** The location of violence (according to complaints and court records), Bologna, sample years 1705, 1725, and 1755

Location	Male offender		Female offender	
House	31	12%	13	32%
Street (incl. markets, squares and outside public buildings)	149	60%	26	63%
Inn/tavern	37	15%	1	2.5%
Shop/workshop	30	12%	1	2.5%
Misc.	3	1%	–	–
	<b>250</b>	<b>100%</b>	<b>41</b>	<b>100%</b>

Source: Archivio di Stato di Bologna, Criminal Court Records (Tribunale del Torrione, atti e processi) 1705, 1725, and 1755.

and defended household boundaries against men, who were “numerically more likely than women to be aggressors in such situations.”<sup>79</sup> It was thus in the role of the household mistress that women most often entered disputes that the criminal courts heard about; these were disputes over household concerns. The quarrels of Bolognese women may indeed be understood from this perspective: their fights may reflect women’s preoccupation with the defense of household sovereignty. On the other hand, the pattern of women’s reported violence in Rotterdam complicates this image, since the house figured far less prominently in their geographies of violence. We therefore suggest that these differences indicate that there were important distinctions between the freedom of movement of women fighters in Bologna and of those in Rotterdam. Indeed, whereas many female inhabitants of Rotterdam lived rather independent and public lives as single migrants, grass widows, and heads of households, the lives of the women in Bologna seemed to have been much more confined.

The more distinctly gendered pattern for Bologna may be explained by a combination of factors that constricted women’s public roles compared to those in Rotterdam. First, the production process of Bologna’s most important economic sector—the textile industry—was increasingly gendered. In an attempt to mitigate the effects of the economic crisis felt across the Italian peninsula, the silk industry’s guilds reformed its production processes. This not only led to the production of cheaper and lower-quality textiles but also to wage reductions and a division of labor in which women increasingly performed unspecialized and more poorly paid tasks at home.<sup>80</sup> In eighteenth-century Bologna women’s labor within the textile industry was thus largely concentrated in their homes, while men generally worked in workshops and mills. Although many women in Holland were also employed as spinners, seamstresses, and weavers, their labor was not confined to the home in the same way.

Second, there are important indications that spaces for sociability were more gendered in Bologna. Women’s social worlds seemed to a larger extent to have revolved around houses—their own and those of their friends and family—while men gravitated more toward taverns, squares, and other open spaces. This difference is also found in studies on France and Spain and is broadly echoed in the court proceedings of early modern Bologna.<sup>81</sup> A legal and normative dimension was added to this division by the city statutes that suggested that respectable women should be accompanied to the tavern by male kin or were otherwise considered to be *donne di mala vita* (“bad women”) and could be subjected to punishments ranging from public whipping to exile.<sup>82</sup>

The built urban environment also contributed to the gendered pattern. While in Holland most houses directly faced the street, Italian cities had an architecture that favored condominiums. Life in these apartment blocks, with their communal facilities, passageways, courtyards, and gardens separated from the street by a large door, imposed a notoriously intrusive cohabitation that lay at the basis of many quarrels.<sup>83</sup> This especially affected women, since both their work and social lives were centered in these spaces more than men’s.

Lastly, and importantly, women’s movement in urban public space was in fact regulated by legislation in many Italian cities. In Bologna, a 1610 general decree restricted women’s unescorted mobility after the *Ave Maria* bell at sunset.<sup>84</sup> Although, like the tavern regulations, the policy targeted prostitutes and those presumed to be prostitutes, women that ventured into the evening streets

either alone or in the company of unrelated men became the principal female prey for policemen patrolling the streets. Respectable women were allowed to walk outside in the dark, but if they were not shepherded by their husbands or male kin, they were liable to be treated as courtesans by the men in town as well as by the police. On the one hand, these city regulations can be interpreted as a sign that the authorities actually did expect women to be in the streets.<sup>85</sup> On the other hand, these arrests for *vagare la notte* (wandering the night) found in the court records illustrate that gendered expectations did present physical limitations to women's presence and mobility in the city. This is particularly evident when compared to the freedom and leeway of the women from Rotterdam, who were never arrested just because they were in the street or a tavern at night.

## Conclusion

How different was male and female violence in the early modern period, and were there different cultures of violence for women in the North and the South of Europe? This article argues that there was a shared culture of violence in which men and women participated in very similar ways. However, the different social and legal position of women in Rotterdam and Bologna did result in different patterns of male and female violence that came before the criminal court.

Our research shows that for both men and women, the largest proportion of violence recorded by the criminal courts did not involve death or serious wounding but rather pettier forms of violence such as fighting. The share of female offenders was significantly greater in crimes of petty violence than in lethal violence. Furthermore, the majority of violent transgressions were carried out by men and women on their own rather than in groups. For women, this finding challenges the image of women as passive accomplices. Lastly, the assumption that women's violence generally takes place in the domestic sphere was not confirmed by our data. Most of the instances of violence brought before the criminal courts concerned fights with other city dwellers in the public space.

The comparison between Rotterdam and Bologna has also revealed significant differences with regard to gendered patterns of violence. We argue that to a large extent such differences were determined by women's dissimilar legal and socioeconomic positions and opportunities. One striking difference is in the importance of domestic violence committed by men in Rotterdam and its near absence in the criminal court cases of Bologna. In Holland, women had more options and a better legal position to bring their abusive husbands before the criminal court, whereas Italy was characterized by a greater reluctance to interfere in a formal way. The different social and economic positions also influenced the contexts in which women's violence transpired. Compared to Bologna, the Rotterdam women represent a much larger share of offenders in the category of fighting (41 percent compared to 17 percent). Our examination of where violence occurred also showed that the spatial pattern of violence in Rotterdam was largely the same, whether the offenders were men or women: in both cases, violence was dispersed all over the city. The urban geography of violence was much more gendered in Bologna. While violence by men followed a pattern similar to that of Rotterdam, the importance of houses and their immediate vicinities as sites of violence was much greater for Bolognese women.

This divergent pattern can be explained by the significant differences between Bologna and Rotterdam with regard to women's lives. In Bologna, women's free movement was limited because of various factors: the built urban environment, gendered labor opportunities and spaces for sociability, and city regulations pertaining to women's public mobility. While in Holland women's positions were not equal to those of men either, the patterns of violence reflect their ability to live more independent and public lives. The combination of independence and vulnerability may explain both the higher proportion of women involved in criminal transgressions as well as the characteristics of their criminality.

### Endnotes

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65. Old Judicial Archives Rotterdam, Fightbooks no. 270, 14 May 1750, fol. 87.
66. For instance, in 1750 thirty-seven-year-old Hendrik van Adel (from Hamburg) was convicted by the Rotterdam court of maltreatment; on 14 October 1750 he left Rotterdam to work on a VOC ship, Old Judicial Archives, Fightbooks, no. 270, 27 September–14 October 1750.
67. Elisabeth Crouzet-Pavan, “Crimine e giustizia,” in *Innesti. Donne e genere nella storia sociale*, ed. Giulia Calvi, (Rome, 2004), 56–72, 57–58.
68. Kilday, *Women and Violent Crime*; Hurl-Eamon, *Gender and Petty Violence*; Jessica Warner, Kathryn Graham, and Edward Adlaf, “Women Behaving Badly. Gender and Aggression in a Military Town, 1653–1781,” *Sex roles* 52, no. 5–6 (2005): 289–98; Van der Heijden, “Women, Violence and Urban Justice in Holland,” 71–100; Angelozzi and Casanova, *Donne criminali*; Cristina Vasta, “Per una topografia della violenza femminile (Roma, secoli XVI–XVII),” *Genesis* 14 (2015): 59–81.
69. Vasta, “Per una topografia,” 81.
70. Sharon Howard, “Crime, Communities and Authority in Early Modern Wales: Denbighshire, 1660–1730” (PhD diss., University of Wales, 2003), 85–86; Spierenburg, *A History of Murder*, 16.
71. For an elaborate discussion of public and private spheres in the early modern period: Joachim Eibach, “Das offene Haus. Kommunikative Praxis im sozialen Nahraum der europäischen Frühen Neuzeit,” *Zeitschrift für Historische Forschung* 38 (2011): 621–65; Van der Heijden, “Women, Violence and Urban Justice in Holland,” 71–100; Sanne Muurling and Marion Pluskota, “The Gendered Geography of Violence in Bologna, 17–19th Centuries,” in *Routledge History Handbook of Gender and the Urban Experience*, ed. Deborah Simonton (Abington: Routledge, 2017) 153–64.
72. Old Judicial Archives Rotterdam, Fightbook no., 269, 10 October 1740, fol. 13–14; 10 November 1740, fol. 15.
73. Archivio di Stato di Bologna, Tribunale del Torrione, atti e processi, book 7608–1, folio 210–211.
74. Dennis Romano, “Gender and the Urban Geography of Renaissance Venice,” *Journal of Social History* 23 (1989): 339–53.
75. Anne Jacobsen Schutte, “Society and the Sexes in the Venetian Republic” in *A Companion to Venetian history 1400–1797*, ed. Eric Dursteler (Leiden: Brill, 2013), 363;

- Elisabeth S. Cohen, "To Pray, to Work, to Hear, to Speak. Women in Roman Streets, c. 1600," *Journal of Early Modern History* 12, no. 3 (2008): 289–311.
76. For Holland see: Manon van der Heijden and Paul T. van de Laar, eds., *Rotterdamers en de VOC. Handelscompagnie, stad en burgers* (Amsterdam, 2002); Manon van der Heijden and Danielle van den Heuvel, "Sailors' Families and the Urban Institutional Framework in Early Modern Holland," *The History of the Family* 12, no. 4 (2007): 296–309. For Italy see: Maura Palazzi, "Female Solitude and Patrilineage. Unmarried Women and Widows During the Eighteenth and Nineteenth Centuries," *Journal of Family History* 15, no. 4 (1990): 455; Maura Palazzi, "Tessitrici, serve, treccole. Donne, lavoro e famiglia a Bologna nel settecento," in *La donna nell'economia secc. XIII-XVIII*, ed. Simonetta Cavaciocchi (Prato: Le Monnier, 1990), 366–67.
77. Old Judicial Archives Rotterdam, Fightbook no. 269, 7 January 1745, fol. 117. He received a fine of fifty guilders or one month imprisonment (on bread and water).
78. Walker, *Crime, Gender and Social Order*, 80.
79. Walker, *Crime, Gender and Social Order*, 52, 76, 80.
80. Guenzi, "L'identità industriale," 507.
81. Christopher R. Corley, "On the Threshold. Youth as Arbiters of Urban Space in Early Modern France," *Journal of Social History* 43, no. 1 (2009): 139–56; Taylor, "Women, Honor, and Violence in a Castilian Town," 1079–97.
82. Angelozzi and Casanova, *Donne criminali*, 104.
83. Angelozzi and Casanova, *Donne criminali*, 128; Muurling and Pluskota, "The Gendered Geography of Violence in Bologna."
84. Elisabeth S. Cohen, "To Pray, to Work, to Hear, to Speak. Women in Roman Streets, c. 1600," *Journal of Early Modern History* 12, no. 3 (2008): 303.
85. Cohen, "To Pray, to Work, to Hear, 304.