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Abstract

This article analyzes the role of the widow in the sixteenth century. The author examines the break-up of the family and the continuing role of the widow who remarried. The author argues that sixteenth-century notions of feminine frailty and the legal incapacity of married women in sixteenth-century Paris must be understood within the context of a traditional concern for the protection of the family line and property, and that there is an ironic contrast between the presumed frailty of the female sex and the important responsibilities for the management of family affairs and property with which widows were in fact entrusted.



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1 All contracts from the years 1540 and 1550 were used and a part of those for the years 1560, 1570, and 1580. The registers of notarial contracts deposited at the Châtelet owe their existence to the Ordinance of Villers-Cotterets of 1539, which specified that all donations of property were henceforth to be publicly registered at the local courts. One reservation must be expressed about the possible biases of this source. We know that compliance with the Ordinance of Villers-Cotterets was not necessarily immediate, nor was it unanimous, especially in the first decades. It is possible that the contracts registered at this time are atypical, and that persons making unusual donations were more likely to seek registration in order to protect their gifts than were persons whose gifts were moderate and who expected no objections from their relations. My comments are consequently directed more to

the question of *how* people arranged their affairs in marriage than to the question of *how many* chose one or another arrangement.

2 B. N., Mss. fr. 11692: *Etat de perception d'un emprunt de 300, 000 livres imposés à la ville de Paris en 1572*. This is the only tax roll preserved for sixteenth-century Paris. The calculations that follow are based on analysis of tax lists from four of the sixteen quarters into which the city was divided: the mercantile district south of the Halles under the direction of the quartenier Macé Bourlon (fols. 13-21), the heterogeneous district around the Louvre under the quartenier Ambroise Baudichon (fols. 75-93), the aristocratic and residential quartier of Charles Maheut in the Marais (fols. 183-204), and the university quartier of Jacques Kerver (fols. 247-280). Only the portions of these quarters lying within the city wall were counted. While each of the quarters had its own social and economic character, together they form a representative picture of the city's population.

Calculations include only those persons listed who had sufficient wealth to pay a tax. In the case of those listed as exempt from the tax, it is not possible to determine in each case whether the exemption was due to poverty, to special privilege, or to the fact that the person had already been taxed for another property. Inclusion of those exempted would not, however, significantly alter the percentage of female tax payers, since the percentage of male-headed households that qualified for the tax was very close to the percentage of female-headed households that qualified in each of the four quarters studied.

3 Of these women, 13.8 percent were recorded as widows, 0.8 percent as unmarried females, and 0.9 percent as "unspecified females" (Klapisch, 1972:273).

4 The standard work on Parisian customary law is that of Francois Olivier-Martin (1922-1926). See also Lepointe (1958) and Ourliac and Malafosse (1968). Lineage properties included gifts or legacies from direct relatives and other gifts given with the specific provision that they be treated as lineage properties.

5 Paris *Coutume* of 1580 [hereafter "N.C."], article 225.

6 Although not guaranteed in the customary law, the marriage contracts of most sixteenth-century Parisians, at least among the wealthier groups, specified that any lineage properties alienated during the course of the marriage were to be replaced by equivalent properties at the termination of the union.

7 N.C., articles 247 and 248. The customary dower might be claimed by a widow even if there had been no marriage contract, so important was this right considered. The customary dower always returned to the husband's heirs upon the widow's death, but marriage contracts sometimes allowed the fixed dower to be exempt from return.

8 N.C., articles 229 and 237.

9 Fifty-one of the 110 Châtelet contracts used for this paper included the *don mutuel*.

10 N.C., article 281.

11 For example, André Guillart, a *maitre des requêtes du roi*, kept control of the properties of his wife, Marie de la Croix, for thirty-six years after her death (A.N., Y107:245).

12 Among the Parisian elite, at least, the only exceptions to this rule appear to have occurred when the mother was very young. For a general background on the laws of guardianship, see Olivier- Martin (1922-1926, 1:195-199); see also Lamoignon (1777:8-17).

13 Jacques Le Lièvre, studying notarial practice in the marriage contracts of eighteenth-century Parisians, found similar clauses in which parents claimed the right to retain each other's succession in its entirety. According to Le Lièvre, the right to retain only community property, as the law provided, was generally not respected. He points out the nullity of such clauses but adds that "the notaries seem to count on the good faith and loyalty of the dowered children" (Le Lièvre, 1959:74-75).

14 Only five of thirty-four contracts in which one or both parties was of artisanal or petty mercantile origin joined a woman to a man in the same trade as her first husband or father or one that was closely related.

15 N.C., article 279. Olivier-Martin concludes that the further restrictions added in 1580 did not have much importance (1922-1926, 2:299).

16 For example, Louise d'Ardenay, the widow of a merchant and bourgeois de Paris, gave her second husband, also a merchant and bourgeois de Paris, half a house and a tennis court which she acquired during her previous marriage and the other half of which belonged to her daughter from her paternal inheritance (A.N., Y87:108v-109v). Jacqueline Bau douyn, successively the widow of two butchers, gave her new husband, a merchant following the court, one-half of all of her lands (A.N., Y96:15v-17), and Ysabeau Lable, the widow of a petty officer of the Châtelet, gave her new husband, a bourgeois de Paris, her "héritages et immeubles" to become his lineage properties (A.N., Y102:53-53v).

17 Twelve of thirty-three contracts for 1540-1560; eighteen of twenty-five for 1570-1580.

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