Nolde (Dorothea), *Gattenmord. Macht und Gewalt in der frühneuzeitlichen Ehe*

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**REFERENCES**


1 It is a little confusing that this book has no country indication in its title: written in German, it is about spousal murder in France. Perhaps the publisher insisted on this unspecificity. It is less of a concern for internationally oriented readers with an interest in the history of crime, justice and its cultural implications. For them, Dorothea Nolde presents a valuable contribution to the study of homicide and marriage. Indeed, her analysis covers a larger field than just criminal justice history in a narrow sense. The book’s first half deals with the family, marriage and marital authority in sixteenth- and seventeenth-century France. Contemporary moralist writings and, secondarily, narrative literature, constitute the principal sources here. The second part consists of a case study of trials for spousal murder, 1580-1620, at the Parlement of Paris – a source pioneered by another non-French historian, Alfred Soman. As many readers will know, the Parisian Parlement had appeal jurisdiction over two-thirds of France; a disproportionate share of the defendants came from Paris and its surroundings though.

2 The analysis in the opening part looks relatively familiar at first sight. The work of moralists such as Jean Benedicti, for example, has already been studied by Jean-Louis Flandrin almost thirty years ago. The value of the first part lies in its depth. Considerable attention is paid to themes such as hierarchy, marital conflict and power relations. Nolde shows in detail that the nuclear family and the paramount position of the husband/father in it received a new social and cultural emphasis in the sixteenth century. The theme of the symbolic equation of paternal and political authority, too, receives greater
attention than previous historians have given it. And of course the first part deals amply
with the views of moralists and narrative writers about spousal murder. There is a large
amount of quotations from the literary sources – in German with the French original in
the footnotes. The second part begins somewhat disappointingly with an obligatory
discussion of the institutions involved: what did the Parlement do, who were the judges,
what were the sentences, etc. These chapters are valuable nevertheless as reference
pieces, although readers who wish to quickly consult the tables only would have to know
that PAI stands for plus amplement informé.

3 The second part becomes much more interesting, at least for this reviewer, when it gets
to the actual offenses and the circumstances in which they had been committed. Here we
also touch on one of the book’s major strengths. The discourse analysis of the first part is
firmly connected with the study of judicial practices in the second. As Nolde emphasizes,
the tales of spouse killing, as they emerge from the trial records, are no straightforward
accounts of what had happened. We know they never are, but in this case she is able to
reconstruct fairly accurately to what extent the stereotypes inherent in the moralist and
narrative literature of the age influenced the magistrates’ perceptions and hence the way
in which they conducted the trials. A woman who had killed her husband, for example,
was often suspected of having an affair and hence the court always inquired about it.
Generally, a much greater share of female defendants than male defendants had acted
together with an accomplice. Partly, this reflected the reality of the cases, but for another
part these statistics were a judicial artefact. Female defendants were always interrogated
about male accomplices, whether lovers or not, whereas in case of a male defendant the
magistrates did not particularly insist on this point. Even more, in the course of a trial,
male helpers sometimes were redefined from mere assistants into co-killers and finally
into the sole perpetrators with the woman only encouraging. The fact that women
predominated among the poisoners likewise resulted from a mixture of actual behavioral
dispositions and judicial expectations. Spousal killings by men more often originated
from a too excessive exercise of their customary right to chastizement, although by the
late sixteenth century the courts no longer accepted a correction that got out of hand as
an excuse for homicide.

4 Another important element in Nolde’s book is her analysis of power relations and their
symbolic representation. Power depended on circumstances, such as the husband’s
physical strength or the wife’s property. Contemporaries were aware of these realities
and moralists usually warned against unwanted constellations: don’t marry a woman who
is richer than you, because she may not accept your authority; and if conflicts escalate,
murder may be the result! The point is that marital ideology, based on the strictly
hierarchical organization of society at large, and the more fluid actual conditions did not
always match. As Nolde explains, contemporary commentators had a dichotomous view
of power differences, in marriage and other social relationships. They thought in terms of
the dominators and the dominated, without much room for nuances. Hence, every
attempt, for example, by a wife to alter the circumstances of her subjection was
understood as a challenge to the husband’s authority; as the introduction of ‘the world
upside down.’ Nolde further shows that such views loomed large in the perception of the
magistrates and influenced the outcome of trials for spousal homicide. Perceptive as her
analysis is, it would have benefited even more from a consideration of Elias’ theory of
power relations. While he is absent from Nolde’s bibliography, she turns to Bourdieu’s
confusing concept of ‘symbolic violence’ instead. It is also not clear whether French
people around 1600 actually knew the concept of power (le pouvoir, die Macht); we just learn that (better not translated) «Macht wurde in der zeitgenössischen Vorstellung mit Herrschaft gleichgesetzt» (128). Elias would differentiate here between the «we-perspective» of contemporaries and the «they-perspective» of later investigators. Both perspectives complement each other, but especially the latter allows an analysis of power differences, power sources and the two-sidedness of power, which was partly beyond the understanding of the very contemporaries who constituted these relationships.

These minor criticisms notwithstanding, Nolde has made an important contribution to the historical study of homicide and marriage.