

H-France Salon
Volume 11, 15, #2

A Microhistory of an Unnamed French Girl, 1267

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Natalie Davis has long evinced an interest in singular stories that can, studied carefully, open up vistas on important historical and historiographical matters. This is precisely what she helped to pioneer in her book on the return of Martin Guerre. Some time ago, I came across what I regard as another such story. It is certainly not as rich in documentation as the mysterious tale of Martin Guerre, but, as a medievalist, I am rather more thrilled by this fact than disappointed by it. Its revelations, even after careful scrutiny, do not reach the level of those that Natalie uncovered on reconstructing the experiences of either the soldier or the imposter at the center of her research, but there are nonetheless certain interesting implications. In any case, I decided, for this occasion, to squeeze the evidence to the extent I can while remaining true to the canons of historical research, and to offer my reading to this audience—and particularly to Natalie. I hope that the audience’s little historical journey with me today satisfies—or, even better, that it whets its appetite for all the other gifts the colloquium speakers offer in their remarks to our dear colleague in celebration of her ninetieth birthday.

The evidence comes largely from a court case that has never perhaps received the attention it deserves. The *Olim*, the medieval records of the King’s High Court of *Parlement*, chiefly relate to jurisdictional disputes and, on petition, defects of justice.¹ Although the rights and privileges of many women were contested in the proceedings, male proctors who pleaded most of the cases to the judges in *Parlement* frequently provided details on women’s lives that historians find valuable. For example, the judges or, as they were more formally known, the Masters of the King’s Court, could be deciding where jurisdiction lay when, say, a physical altercation led to the loss of a life, a limb or a member, like an eye or ear. If the altercation involved a woman as assailant or victim, the proctors and, subsequently, the investigators might provide in their narratives intriguing particulars that help historians reconstruct the politics and culture of disputes involving women, the social spaces occupied by women of various statuses, and so on. The issue, of course, did not have to involve violence, and the case for which I want to offer my microhistory ostensibly did not. The record is in Latin, and I shall first offer a translation.²

The knight, Nicholas de Blainville, petitioned concerning a certain girl whom the knight Jean de Tilly was holding, which girl is Nicholas’s relation, though in no way was it

¹ For a detailed breakdown of case categories, see Andrew Collings, “The King Cannot Be Everywhere: Royal Governance and Local Society in the Reign of Louis IX,” PhD diss, Princeton University, 2018. The *Olim, ou Registres des arrêts rendus par la Cour du roi*, appeared in three volumes, edited Arthur Beugnot (Paris: Imprimerie Royale, 1839–1848).

² *Olim*, I, 704–705.

appropriate by law (*nichil attinebat*) that she should be handed over to the said Jean for guarding by her friends. But the said Jean, on the contrary, said that because she was fourteen years old, she could, according to the custom of her land, go wherever she wished, and since she wanted to remain with him as the future wife of one of his sons, if the church assents to it, she ought to remain with him and not be placed elsewhere. The said Nicholas denied that there was any such custom. Nevertheless, when the girl was asked about [her preference], she [said that she] very much wished to stay with the said Jean. An order was given to the *bailli* of Verneuil to inquire about this custom, summoning the girl's relatives and friends as part of this inquiry (*ad hoc*). At length, having been informed by the *bailli* that he had not found that there was such a custom, he was commanded, based on the input of the friends of the girl's mother and father to transfer her guardianship to another disinterested person [or person above suspicion, *non suspecte*].

[Peciit Nicholaus de Blaynvilla, miles, quod quedam puella quam Johannes de Tilleio, miles, tenebat, que est de ipsius Nicholai genere, et nichil attinebat dicto Johanni, amicis ipsius puelle deliberaretur custodienda ab eis, dicto Johanne dicente e contrario quod, cum ipsa esset quatuordecim annorum, secundem terre consuetudinem, ire poterat quo volebat, et, cum ipsa vellet cum eo remanere, futura uxor cujusdam filii sui, si in hoc ecclesia assentiret, sibi remanere debebat, nec alteri assignari. Dictus vero Nicholaus negavit consuetudinem esse talem, et tamen ipsa puella, super hoc requisita, bene volebat remanere cum dicto Johanne. Preceptum fuit ballivo Vernolii quod de hac consuetudine inquireret, parentibus et amicis puelle ad hoc vocatis: Demum, audito per ballivum quod non invenerat consuetudinem esse talem, preceptum fuit ei quod, de consilio amicorum ipsius puelle, ex parte patris et matris, eam traderet custodiendam persone alicui non suspecte.]

Nicholas de Blainville, who brought the complaint, was most likely the lord of the village of Blainville-sur-Orne, located in the modern *département* of the Calvados in Normandy. The lordship was modest at best, but, over the years, the seigneurs of Blainville fought loyally on the side of the French in the Franco-Flemish wars of the thirteenth and fourteenth century.³ Their contribution, however, was overshadowed by that of the lineage against whose member Nicolas brought his complaint, Jean de Tilly. The village of Tilly-sur-Seulles which gave its name to this lordship was located less than 20 miles from Blainville-sur-Orne. Its seigneur, the knight Jean de Tilly, was, in fact, a *banneret*, which is to say that he was of a status that entitled him to command a body of knights fighting in battle under his standard or ensign.⁴ He was in the words of the leading authority on the medieval French army, Xavier Hélyary, one of “the elite of knights.”⁵ Members of his family also fought on the French side in the Franco-Flemish wars.⁶

³ *Recueil des historiens des Gaules et de la France* [hereafter, *HF*], 24 vols., ed. Martin Bouquet and others (Paris: V. Palmé, 1840–1904), XXIII, “La branche des royaus lingnages,” p. 290 n. 12.

⁴ *HF*, XXIII, “Scripta de feodis ad regem spectantibus,” p. 684.

⁵ Xavier Hélyary, *L'armée du roi de France: la guerre de saint Louis à Philippe le Bel* (Paris: Perrin, 2012), pp. 52–53.

⁶ *HF*, XXIII, “Convocations et subsides pour l'ost de Flandre,” pp. 795, 810, 819 and 821; *HF*, XXIII, “La branche des royaus lingnages,” p. 289 l. 20310.

His lordship gave him the right of patronage of the parish church of Coquigny and of Théville (both in the Manche), far enough from the heart of his fief (35 miles and 60 miles, respectively) to prove that his influence was not narrowly circumscribed around the village of Tilly.⁷ In 1268, a year after Nicholas's complaint, Jean sat as a councilor at the assizes or sessions of the royal court held in Caen, a mere 10 miles or so from Tilly.⁸ It was the same year that the Archbishop of Rouen, Eudes Rigaud, preached the crusade in one of the city squares of Rouen and then solemnly processed through the streets with relics of Mary Magdalene, relics that the prelate had requested Louis IX send to the hospital in the city under her patronage.⁹ Later, priests celebrated yearly requiem masses on the anniversary of the death of Lord (*Dominus*) Jean de Tilly at this prestigious institution dedicated to Mary Magdalene.¹⁰ He must have been a patron of the hospital.

In his lifetime, then, this Jean was sufficiently respected to serve as a councilor in the provincial royal court of Caen, which was the seat of the *bailliage* or administrative district of the same name. This was an important position. The kingdom of France was divided at the time into only 20 or so *bailliages*.¹¹ The whole duchy of Normandy had only six. Men who sat as councilors in the assize courts had to be of appropriately high social status (typically of knightly rank) and possess sufficient wealth, administrative knowledge and familiarity with regional customs to be of service to the *bailli*, who was the president of the court. In the case before us, Jean de Tilly stood accused by a private petitioner, Nicholas de Blainville, of having invoked a custom that did not exist, and the petitioner also charged that Jean had made this claim about this so-called justifying custom in connivance with the 14-year-old girl's friends in order to obtain custody of her.

Indeed, Jean did so, according to Nicholas de Blainville's accusation, even though the girl was unrelated to the lord of Tilly but was a kinswoman of himself, the petitioner. Yet, what precisely was the relationship that Nicholas claimed? In the absence of fathers and mothers or brothers who were of age, the duchy's general customs gave strong custodial rights to uncles, but not to other male relatives, like brothers-in-law or cousins.¹² If Nicholas had been the only or even one of many of the girl's uncles (assuming she had any), he would never have had to bring a petition to *Parlement*, for the lowliest local official would earlier have compelled Jean de Tilly to return

⁷ *HF*, XXIII, "Polyptychon dioecesis constantiensis," pp. 525 and 531.

⁸ *Mémoire sur les recueils de jugements rendus par l'Échiquier de Normandie, sous les règnes de Philippe-Auguste, de Louis VIII et de saint Louis*, ed. Léopold Delisle (Paris: Imprimerie impériale, 1864), p. 195 nos. 832–33; *HF*, XXIV, "Preuves de la Préface," pp. 332–33*, no. 163.

⁹ *The Register of Eudes of Rouen*, trans. Sydney Brown (New York and London: Columbia University Press, 1964), p. 687 (the date there is given old style, 1267; I have converted to new style). See also Nicétas Periaux, *Histoire sommaire et chronologique de la ville de Rouen* (Rouen: Lanctin and Métérie, 1874), p. 100.

¹⁰ *HF*, XXIII, Ex necrologio hospitalis beatae Mariae Magdalenaë," p. 416.

¹¹ On the administrative organization of the realm, see William Chester Jordan, *Louis IX and the Challenge of the Crusade: A Study in Rulership* (Princeton: Princeton University Press, 1979), pp. 46–47.

¹² *Coutumiers de Normandie*, ed. Ernest-Joseph Tardif, II: *La Summa de legibus Normannie in curia laicali* (Rouen/Paris: A. Lestringant / A. Picard et Fils, 1896), bks. 23, 25 and 99, chapters 6, 3, and 1 respectively (pp. 77, 88 and 242).

the girl to his custody or to that of another uncle. This had not occurred. Indeed, no lesser official or court inferior to *Parlement* had recognized Nicholas's custodial rights or anyone else's. More than likely he was only a cousin, perhaps not even a first cousin, although it is also vaguely possible, if she had a sister, that he was the girl's brother-in-law and was trying to protect his wife's or (through his wife) his own child's or children's claims to part of the inheritance. In any case, Jean de Tilly, though admittedly unrelated to the girl, insisted that she had freedom of action: she had come of age at 14, he argued, and, as an orphan and one certainly without an older brother or an uncle, she could do whatever any unmarried adult woman wished. He added that he knew that she wanted to stay in his home. Was he being truthful or was the girl being kept in Jean's household against her will?

Jean de Criquebeuf, the *bailli* of Verneuil, the administrator and chief magistrate of the Norman *bailliage* of the same name, was a disinterested party, unlike Jean Le Saunier, the *bailli* of Caen, who presided over the assizes held there and who therefore worked closely with Jean de Tilly.¹³ It was Jean de Criquebeuf to whom the Masters of *Parlement* entrusted the task of determining the validity of the custom and, presumably, of finding out whether the girl was being held under compulsion. Our one hint of her voice is in the defiant retort to Nicholas's accusations embodied in her affirmation of Lord Jean's testimony of her desire to remain with him, that is to say, in his household. Evidently, she disdained returning to her own home or going to Nicholas's, as he had requested the Court to direct. So far so good, but what about the custom? On this point, the *bailli* of Verneuil, Jean de Criquebeuf, was non-committal. His investigation did not turn up independent evidence of the custom, but he was unwilling to say it did not exist. What explains his hesitation? It cannot be attributed to jurisdictional confusion. True, as Lord Jean de Tilly insisted quite correctly, the church in its canon law recognized a girl's right at the age of 14 to confirm an earlier pledge of marriage, presumably offered by a parent or parents on her behalf. And it was common for girls betrothed in infancy to make a free will declaration, known as "present consent," at age 14, although some canonists thought age seven was sufficient.¹⁴ Princess Marie of France, for example, the daughter of Eleanor of Aquitaine and Louis VII, who was betrothed at birth to Count Henry the Liberal of Champagne, gave her present consent at age 14.¹⁵ However, Lord Jean de Tilly had appealed to a custom "of the land," a secular custom, no proof of which the *bailli* acknowledged he could find. Such silence in oral and written sources should have been dispositive. If natives could not recall and if written records did not register the custom, *ipsis factis* there was no custom.

Perhaps Lord Jean was extrapolating from the canon law, in the sense that he had obtained a promise from the girl's parent or parents early in her life that at age 14 she could, if she wished to do so, confirm the betrothal to his son. In other words, there may have been no explicit custom of the land that conferred on a 14-year-old girl the right of changing her residence at will, but there was a custom that allowed parents to bestow the privilege of independent action at this age. Indeed, this might be inferred from the fact that in most regions of northern France, 14 was the

¹³ On the two *baillis*, see *HF*, XXIV, "Chronologie des baillis et des sénéchaux," pp. 128* and 139*.

¹⁴ James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago and London: University of Chicago Press, 1987), p. 238.

¹⁵ Theodore Evergates, *Marie of France: Countess of Champagne, 1145–1198* (Philadelphia: University of Pennsylvania Press, 2019), p. 7.

age of majority. Just about the only lineages for which coming of age was delayed until 21 in the mid-thirteenth century—and then only for males—was the line of the counts of Champagne and arguably of the kings of France themselves, at least until fourteenth-century legislation established the age of 14 for the monarchs, too.¹⁶ The upshot was that there was a case to be made for and against the custom of the land. Until such time as their search for additional evidence and their assessment of the various arguments were concluded, the Masters of the King's Court postponed any final ruling.

Until that time came, they made a quite interesting interim arrangement. Our unnamed protagonist's parents were dead in 1267. She was an orphan. She had friends, a number of whom were undoubtedly adults, and some of these had compromised themselves by facilitating the girl's departure to the home of Lord Jean de Tilly. However, her parents had had friends, too. The Masters directed the *bailli* of Verneuil to communicate with them, the parents' friends, in order to find out what they knew. The evidence garnered might be useful. These friends could also inform him, the *bailli*, of some person above suspicion—someone, in other words, who was not a partisan of Nicholas de Blainville or Jean de Tilly, with whom the girl could live in the interim, that is, until the Masters handed down their decision. The judges must have had a profound distrust of Nicholas. But, then, they were after all Saint Louis's judges, men, as Professor Davis will know from the lectures I gave in her honor in Budapest, who were consumed with the desire to protect the rights and persons of orphans and other subjects deemed worthy of particular solicitude, *miserabiles persone*.¹⁷

Be that as it may, the Masters' interim solution probably rang down the curtain on Nicholas de Blainville's hopes. Obtaining a favorable hearing of his petition became less and less likely as days stretched into weeks and weeks into months. A judicial ruling constraining the orphan in the way that Nicholas wished faded as the investigation continued and, indeed, in tandem with the passing of time during which the unnamed but feisty girl grew ever more definitively and confidently into young womanhood. I suppose, as I earlier mentioned, that money or property of some sort was behind Nicholas's pursuit of the girl in the first place or, perhaps, there was some pre-existing animosity between him and Lord Jean de Tilly that encouraged him to interfere. True or not, like so many petitioners who came to medieval courts ostensibly seeking judicial redress, he decided to settle out of court. Nicholas probably allowed himself to be bought off before his interference lost all prospect of success. And, Lord Jean de Tilly did not decline in reputation in the eyes of the crown because of the charges made against him, for one knows, as I also already remarked, that he served on the assizes of Caen in the year after the case of the unnamed girl came to *Parlement*.

So, an analysis of this case record, it appears, opens a small window onto many issues of interest to medievalists: gender relations, the vulnerability of orphans, the mobilization and exploitation of networks of friendship, and the operation—sometimes with sympathy—of the courts. And perhaps more, for there was, after all, one other party alluded to in this dispute, the son of the lord of Tilly, for whom the unnamed girl was destined to be the “future wife.” Who was he? His name was also Jean. Typical of northern French aristocratic families, this would make him the

¹⁶ Jordan, *Louis IX*, pp. 4–5, especially n. 8.

¹⁷ William Chester Jordan, *Men at the Center: Redemptive Governance under Louis IX* (Budapest: Central European University Press, 2012).

eldest son, the one bearing his father's name. It is a manuscript of the "Miracles of the Holy Men of Savigny" that tells us his name and something about him.¹⁸ The monastery of Savigny was a foundation of the earliest years of the twelfth century and the mother house of the Congregation of the same name.¹⁹ Eventually, or more precisely in 1148, the houses that made up the Congregation affiliated with the Cistercian Order. It was the religious of the mother house at Savigny (Savigny-le-Vieux, in the modern department of the Calvados) who most assiduously cultivated the reputation for holiness of the earliest monks, those whose graves became a pilgrimage site for healing miracles. The shrine was about the same distance from the fief of Tilly as the lord of Tilly's patronage extended. Traveling to Savigny was no more difficult for Lord Jean, who sheltered the unnamed girl, than it was for him to get to Thévillè where, as I earlier mentioned, he possessed the right to appoint the parish priest.

If I am right, Lord Jean de Tilly's son was betrothed to the unnamed girl in infancy but matters were not going well. According to a mid-thirteenth-century entry in the "Book of Miracles" of the monastery of Savigny, as an adolescent the boy was brought, grievously ill and seemingly on the point of death, to the monastic shrine in hope of a cure. He was suffering terrible visceral pain; it was, the text informs us, as if his organs were at war in his body. He hungered but was powerless to keep much down, and he grew ever weaker. Even what he did manage to ingest betrayed him, causing problems equally severe, savage and cruel. ["Adolescens nobilis, Johannes, filius domini de Tillé aegrotavit usque ad mortem. Siquidem virtutes naturales in ipsius corpore bellum inierant intestinum: appetitiva se victam fatebatur; retentiva impotens erat et invalida; digestiva conspiraverat in auxilium expulsivae, et in ita sola expulsiva dominans, velut immitis et barbara, etc."]

It was a wonder he survived at all, but then again Savigny's "Book of Miracles" is a record of just such marvels. I like to think that the wonders continued after the youth's miraculous recovery, indeed that they multiplied with his marriage to the remarkably determined yet unnamed young woman at the center of my little story. Would it not be wonderful if her name were Natalie?

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ISSN 2150-4873

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¹⁸ *HF*, XXIII, "Ex libro de miraculis sanctorum savigniacensium," p. 599. I have not had an opportunity to consult the manuscript; so, the reader should regard the conclusions I draw from the pertinent entries as tentative.

¹⁹ On the early history of Savigny, see Bennett Hill, "The Counts of Mortain, and the Origins of the Norman Congregation of Savigny," in *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, ed. William C. Jordan, Bruce McNab, and Teofilo F. Ruiz (Princeton: Princeton University Press, 1976), pp. 250–67.

