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The trial of Floreta d'Ays (1403): Jews, Christians, and obstetrics in later medieval Marseille

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A B S T R A C T

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In 1403, a Jewish midwife, Floreta, widow of Aquinon d'Ays, was brought before the criminal court of Marseille to answer for the death in childbirth of a Christian woman. Floreta was charged with having performed a procedure that precipitated the patient's haemorrhaging and death. This is the first known case of a malpractice trial against a midwife and an unusual case of anti-Judaic sentiment in a city hitherto quite tolerant of its Jewish minority population. Aside from Floreta's statements in her own defence, all the recorded testimony comes from Christian women who were present in the birthroom, giving us a rare glimpse inside that female preserve. Although the final outcome of the case is not known, Floreta vigorously appealed the ruling that she be tortured to elicit a confession. This essay presents an edition and translation of a portion of the trial record, setting it into the context of Marseille legal procedure, obstetrical knowledge of the time, and changes in anti-Judaic sentiment in early fifteenth-century Marseille.

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The physical risks involved in childbirth may be common and to a certain extent predictable, but the medical, emotional, and social reactions to its events are filtered through lenses of knowledge, belief, and custom. The recently discovered document presented here shows how childbirth is a particularly laden site for the workings of gender as it intersects with law and religion.¹ This document

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¹ For more on childbirth as a site to explore cross-confessional interactions among medieval women, see Monica H. Green, 'Conversing with the minority. Relations among Christian, Jewish, and Muslim women in the high middle ages', *Journal of Medieval History*, 34:2 (2008).

is the record of the first stages of an inquest initiated in 1403 by the criminal court of the city of Marseille against the Jew Floreta, widow of Aquinon d'Ays.² Floreta, a midwife, has been accused of having caused the death of a Christian woman named Garsendeta. Called in for complications after Garsendeta's child had been born, Floreta, so the witnesses claimed, had ineptly performed a medical procedure that caused severe haemorrhaging and the immediate death of the parturient. Floreta categorically denied the accusation. Faced with the discrepancy, the three judges in the case ruled that there were sufficient grounds to have Floreta subjected to judicial torture. Floreta immediately lodged an appeal against this ruling, a procedure that temporarily halted the criminal inquest while the court awaited a ruling on the appeal. Following normal rules of procedure, a transcript of the criminal inquest (all that had transpired up to that point in the trial) was sent over to the appellate court and copied into that court's register, which has survived. The appellate record, as was typical, does not include the judge's ruling on the point being appealed, and the criminal court register (which may have indicated the final outcome of the trial) is no longer extant. Frustratingly, therefore, we have no further indication of Floreta's fate. Even so, we propose that a strategy of legal and medical historical analysis can demonstrate what an extraordinary repository of information about childbirth, malpractice, and Jewish-Christian relations this short document is. Although maternal death in childbirth must have been the outcome of many obstetrical interventions in the middle ages, to our knowledge it was unheard of for such a death to produce a criminal accusation against the attending midwife.³ Moreover, the proceedings of the case open with a highly unusual statement (unusual, that is, in the normally tolerant context of later medieval Marseille) about the perils that arise when Jews are allowed to intermingle with Christians. While there is a real element of disagreement over what constituted proper medical procedure in this case (showing that notions of 'medical malpractice' were indeed partly behind the accusation), there is also no question that religious differences fanned the flames of distrust. This case demonstrates that however much Jewish and Christian women may have had in common — commonalities that in better times allowed them to forget or ignore their differences — tragedy could combine with personal spite and larger cultural pressures to disintegrate whatever bonds existed among them as women.

² Archives Départementales des Bouches-du-Rhône (hereafter ADBR), 3B 140, f. 2v–17r, is the complete record of the appellate portion of Floreta's trial; it was discovered by Daniel Lord Smail in 1998 and discussed briefly by him in *The consumption of justice. Emotions, publicity, and legal culture in Marseille, 1264–1423* (Ithaca, 2003), 181. In the *Appendix* to this article we present a transcript and translation of the portion of the appellate record that is a fair copy of the earlier proceedings in the criminal court (f. 8r–14v). Here and in the translation, spellings of names given in Latin have been changed to their Provençal equivalents, where known. For example, Floreta's presumptive surname, de Aquis, has been given here as 'd'Ays'. Also, we have regularised spellings that are sometimes inconsistent in the original record: for example, Garsendeta's name is variously spelled as *Garcendeta*, *Garcendenta*, and *Garsseneta*.

³ Only 5 of the 36 French midwives listed in Danielle Jacquart, *Supplément* to Ernest Wickersheimer, *Dictionnaire biographique des médecins en France au moyen âge*, 2 vols (Paris, 1936; repr. Geneva, 1979), seem to have had any questions raised of their practice, and in no case because of the mother's death. Perrette de Rouen, *ventrière jurée* of Paris, and her accomplice, Catherine La Petioune, were accused in 1408 of obtaining the fat of a stillborn baby to cure a leper. Agnès la Chauvelle of Chartres was condemned c.1403–5 by the archdiocese of Chartres for having baptized a baby without need, while Adeline Joffrin of Isle-sous-Ramerupt (Aube) was similarly forbidden to practice her profession because she baptized a stillborn baby in 1448. Finally, Laznode in Grenoble was accused in 1497 of heresy and of causing the deaths of two infants; she, too, was forbidden to continue practicing. See Jacquart, *Supplément*, 222, 54, 12, 12, and 197, respectively. The closest we have found to an outright accusation of obstetrical incompetence is the case of Agnes Marshall in Yorkshire, who was accused in 1481 of using 'incantations' and lack of skill (*non habet usum neque scienciam obstetricandi*); James Raine, ed., *The Fabric Rolls of York Minster* (Surtees Society, 35, Durham, 1858), 260. Clearly, midwives were under more scrutiny throughout Europe by the fifteenth century, but neither in France nor elsewhere have we found any evidence of higher expectations for maternal survival. For increasing disputes about the competence of midwives (male and female) in the early modern period, see Lianne McTavish, 'Blame and vindication in the early modern birthing chamber', *Medical History*, 50:4 (2006), 447–64.

The Jews of later medieval Marseille constituted a large and thriving community, one of many such in Provence.⁴ Already well established in the early medieval period, Marseille's Jewish population was enlarged further after 1306, when the expulsion of the Jews from French royal territories brought immigrants from Languedoc to Provence, then part of the Angevin kingdom of Naples. By the mid-fourteenth century, most Jews in Marseille (who now constituted about ten percent of the town's population of around 25,000)⁵ seem to have congregated in or near the *Jusataria* (Jewish quarter) of the lower city, which had at least one synagogue, an alms house, a meat market, and a cemetery. Jews were prominent as brokers and auctioneers. They sometimes also served as procurators or factors for Christian clients, and they were well represented among the city's bankers and lenders. Four of the city's leading Jews served, at one point or another, as a syndic of the *universitas Judeorum* of Provence. Many Jews worked or invested in the coral trade.

Pertinent to the matter at hand, Jews were very well represented in the medical establishment of Marseille, just as in many other areas of Mediterranean Europe.⁶ Although Jews did not practice as barbers or apothecaries (perhaps because of the perceived risks of being involved in bloodletting and the preparation of potentially dangerous drugs), according to a recent study approximately 7% of Jewish men in Marseille identified themselves as physicians or surgeons, putting medicine third among male professions.⁷ In the middle of the fourteenth century, where we currently have assembled the most comprehensive prosopographical data, even with two major waves of the plague Jewish doctors accounted for about half (15 out of 31) of the medical establishment. Half a century later, that percentage seems to have shifted in favour of the Jews, with 24 known male Jewish physicians and surgeons in practice compared to 18 Christians. (See *Tables 1 and 2*) In other words, despite frequent ecclesiastical injunctions that Christians should not accept medical care from Jews, Jewish practitioners did, in fact, deliver much of the medical care that was on offer in Marseille.

Aside from the well-known case of Sarah of Saint-Gilles, a female Jewish practitioner who took on a male medical apprentice in 1326,⁸ no women in Marseille, Christian or Jewish, have been found employing the title of 'physician', 'surgeon' or 'barber'. This may be a product of the infrequent use of professional epithets by women in Marseille in general, though it is no doubt also reflective of the widespread professionalisation and masculinisation of medicine in the later middle ages.⁹ For

⁴ For general surveys of the Jewish communities of Provence and Languedoc, see Shlomo H. Pick, 'The Jewish communities of Provence before the expulsion in 1306' (unpublished Ph.D. dissertation, Bar-Ilan University, 1996); Danièle Iancu-Agou, 'Topographie des quartiers juifs en Provence médiévale', *Revue des études juives*, 133 (1974), 11–156; and Danièle Iancu-Agou, 'Provence: Jewish settlement, mobility, and culture', in: *The Jews of Europe in the middle ages (tenth to fifteenth centuries). Proceedings of the international symposium held at Speyer, 20–25 October 2002*, ed. Christoph Cluse (Turnhout, 2004), 175–89. On Marseille in particular, see Adolphe Crémieux, 'Les juifs de Marseille au moyen âge', *Revue des études juives*, 46 (1903), 1–47 and 47 (1904), 62–82; Joseph Shatzmiller, 'Structures communautaires juives à Marseille: autour d'un contrat de 1278', *Provence historique*, 115 (1979), 33–45 and 117 (1980), 218–19; Joseph Shatzmiller, *Shylock reconsidered. Jews, moneylending, and medieval society* (Berkeley, 1990); Daniel Lord Smail, 'The two synagogues of medieval Marseille: documentary evidence', *Revue des études juives*, 154 (1995), 115–24; and Juliette Sibon, 'Les juifs de Marseille au XIV^e siècle' (unpublished Ph.D. dissertation, Département d'Histoire, Université de Paris X – Nanterre, 2006).

⁵ See Sibon, 'Juifs de Marseille', 9 and 217–18.

⁶ On Jews in medical practice in Marseille, see Sibon, 'Juifs de Marseille', chap. 7. On Europe in general, see Danièle Iancu-Agou, 'Les médecins juifs en Provence au X^e siècle: praticiens, notables et lettrés', *Yod: Judaïsme et médecine*, 26 (1987), 33–43; Joseph Shatzmiller, *Jews, medicine, and medieval society* (Berkeley, 1994); and Carmen Caballero Navas, 'Medicine among medieval Jews: the science, the art, and the practice', in: *Science in medieval Jewish cultures*, ed. Gad Freudenthal (Leiden, forthcoming). On Jewish physicians in the Rhineland, see also Wolfgang Treue, 'Verehrt und angespien. Zur Geschichte jüdischer Ärzte in Aschkenas von den Anfängen bis zur Akademisierung', *Würzburger medizinhistorische Mitteilungen*, 21 (2002), 139–203.

⁷ Sibon, 'Juifs de Marseille', 163. Bankers made up 40.5% and merchants 27.5%. The only possible exception to the Jewish avoidance of barbering is an Avignonese Jew practising in Marseille named Salamon Samielis, who may have been identified as a barber (the reading is uncertain) in a document from 1337: ADBR, 391E 11, f. 101v–102v, 2 Sept. 1337.

⁸ Wickersheimer, *Dictionnaire*, vol. 2, 732.

⁹ Monica H. Green, *Making women's medicine masculine. The rise of male authority in pre-modern gynaecology* (Oxford, 2008).

Table 1

Christian (C) and Jewish (J) Physicians and Surgeons Active in Marseille between 1337 and 1362

Name and documented dates of activity	Medical role (and place of activity, if known)	Religion	References ¹
Abram Vitalis (1325–50) (apparently to be distinguished from Vitalis de Abramo)	physician	J	ADBR 355E 34, f. 42v–43r, 19 Jan. 1350; Sibon
Albert de Urcis? (1347)	physician	C	ADBR 381E 44, f. 73v–74r, 13 Feb. 1347
Barnabé de Modène (1352)	physician	C	Wick
Bertomieu Magri[...] (1345)	physician	C	AM 1 II 44, f. 21r–24r, 15 July 1345
Bertrand de Menna or Bernat de Menua (dead by 1348)	physician	C	Wick; AM 1 II 61, f. 36v–37r, 11 Aug. 1348
Bonjusas de Salon (1352)	physician from Trets	J	ADBR 355E 5, f. 37v–38r, 15 July 1352; Sibon
Davin (1356; perhaps to be identified with the surgeon David who served at the hospital of St-Esprit [1357–58], and with the Davin Petit who is dead by 1368)	surgeon; medical examiner for the criminal court	J	ADBR 3B 820, f. 41v; Wick; Sibon
Davin Salomon (1358)	surgeon	J	Sibon
Ferrier Merwan (or Marvan) (1325–1403; dead by 1413)	surgeon at hospital of the Annunciation and also St-Esprit; medical examiner for the criminal court	J	Wick; ADBR 3B 811, f. 109v; Sibon
Giraud de Belluec (1321–38)	surgeon at hospital of St-Esprit; medical examiner for the criminal court	C	Wick; ADBR 3B 808, f. 57v
Guilhem de Barracio (1337–42)	barber and surgeon (or physician?); medical examiner for the criminal court	C	ADBR 381E 384, f. 31r, 2 May 1337; ADBR 3B 808, f. 57v
Guillaume Long (1338)	physician to hospital of St-Esprit	C	Wick; ADBR 381E 384, f. 29r–v, 2 May 1337
Jacme Gili (dead by 1337)	physician	C	ADBR 381E 384, f. 29r–v, 2 May 1337
Jean (1348–49), possibly the same as Johan Engo, active 1342	barber-surgeon at hospital of St-Esprit; medical examiner for the criminal court	C	Wick; ADBR 3B 808, f. 57v
Jean Bedos (1342)	surgeon at the hospital of St-Esprit	C	Wick
Jean Blazin (1305–41)	physician to Robert, Count of Provence and King of Naples; also identified as a surgeon	C	Wick; ADBR 1HD B49, liasse 2
Laurens Crote (1354–61)	physician (<i>magister in medecina</i>)	C	Wick; ADBR 358E 86, f. 91r–92r, 6 Aug. 1354, ADBR 355E 35, f. 103r, 17 Jan. 1358; ADBR 3B 61, f. 145r–204r, case opened 2 July 1359
Paulus de Viterbio (1354)	physician	C	ADBR 355E 7, f. 35r–36r, 7 Oct. 1354
Philippe (1350)	city physician	C	Wick
Pierre de Forcalquier (1350–52)	physician	C	Wick
Pierre Gamel (1352–60)	physician	C	Wick; AM FF 536, f. 38r
Salomon de Courthézon (1359)	surgeon	J	Sibon
Salomon Mosse, alias Mosse de Palermo (1306–52)	physician and surgeon	J	Sibon; Wick; ADBR 355E 4, f. 51v–52r, 5 Sept. 1351; ADBR 355E 5, f. 34r–35r, 2 July 1352 ²
Salomon Samiel (1337)	barber ³	J	ADBR 391E 11, f., 101v–102v, 2 Sept. 1337
Salves de Courthézon (1335–79)	surgeon	J	Sibon; ADBR 3B 811, f. 109v
Samiel de Courthézon	physician	J	ADBR 4HD–B1 quatro
Samuel de Palerme (1304–06; dead by 1352)	physician	J	Sibon

Table 1 (continued)

Name and documented dates of activity	Medical role (and place of activity, if known)	Religion	References ¹
Vitalis Abraham (or de Abramo, 1301–41)	physician	J	Wick; Sibon; ADBR 3B 43, f. 96r–99v, 19 Nov. 1341
Vital de Borriano (dead by 1355)	physician	J	Wick
Vital Cassin (1340–1406)	physician	J	Sibon
Vital de Nîmes (1304–37)	physician and surgeon	J	Sibon

Total (31): Jews – 15; Christians – 16.

¹ Citations come from the following sources: ADBR = Archives Départementales des Bouches-du-Rhône; AM = Archives Municipales de la Ville de Marseille; Wick = Ernest Wickersheimer, *Dictionnaire biographique des médecins en France au moyen âge*, 2 vols (1936; repr. Geneva, 1979); and Sibon = Juliette Sibon, 'Les Juifs de Marseille au XIV^e siècle', (unpublished Ph.D. dissertation, Département d'Histoire, Université de Paris X – Nanterre, 2006).

² The first document refers to Salamonetus de Palermo, heir to the late Salamonus de Palermo, physician. The second refers to Salamonetus Mosse, alias de Palermo, son of the late magister Mosse, surgeon.

³ Reading uncertain.

different reasons, midwives (*obstetrices*, *baylas* and *matrone*) are also difficult to document, a characteristic Marseille shares with the rest of later medieval Europe.¹⁰ Still, the meagre data we have are helpful in reconstructing a sense of their activities and presence in the city:

- in 1317, **Jacoba Ariola**, *obstetrix*, gives testimony at the canonisation proceedings of St Louis of Toulouse regarding the miraculous saving of a dying neonate.
- in the same proceedings, **Guillelma Alexandria**, *vocata bayla sive obstetrix*, gives testimony to the grievous condition of a woman named Dulceta following a difficult birth; Dulceta is said to have been very poor and to have lived 'in the street of the tanners', which was in the eastern suburbs of the city.¹¹
- in 1329, a woman named Burgia is cited to come to the church of Notre Dame des Accoules (in the lower city) 'for the purpose of being inspected by **matrons** and "good women" whether or not she is pregnant, as she claims' (*causa inspiciendi et inspici possit per matronas et bonas mulieres utrum sit pregnans iuxta requisitionem suam*).¹²
- in 1331 an inheritance case refers to **matrone seu obstetrices** who called in a male barber to perform a Caesarean section when a labouring woman died in childbirth and the foetus was still alive within her.
- in 1360–61 a woman named **Plazentina la Bailla** is noted twice in the city's *taille*; she owed taxes on two different properties (one in the sixain of La Draparia, the other in the sixain of St Jacques).
- likewise in the *taille* of 1360–61, we find a woman called simply '**Na Bailla**' in the sixain of Accoules.
- in a case from 1365, a *matrona* named **Aycelena Aicard** attests to the baptism of two infants in the parish church of Accoules, which is presumably where the birthing mother lived.
- in 1379–80, referring to a birth that happened about 25 years earlier (so, around 1355), a witness Benezega Stora, when asked which matron "lifted" the child [the common idiom for performing the midwife's task], replies that it was a certain woman who lived in the Cayssaria [the 'Cashery', or money-changing district in the sixain of Accoules] who was called **Aysselena Vuerna**,

¹⁰ On the difficulty of documenting medieval midwives in general, see Monica H. Green, 'Bodies, gender, health, disease. Recent work on medieval women's medicine', *Studies in Medieval and Renaissance History*, 3rd series, 2 (2005), 1–46, esp. 14–20. No midwives from Marseille are noted either in Barthélemy, *Médecins à Marseille*; or Wickersheimer, *Dictionnaire*.

¹¹ The *carrerria de la Blancaria* was in the eastern suburbs of the city. It was largely inhabited by urban peasants. See Daniel Lord Smail, *Imaginary cartographies. Possession and identity in late medieval Marseille* (Ithaca, 1999), 173.

¹² In medieval canon law, there was a distinction drawn between *obstetrices* (midwives in the strict sense of birth attendants) and *matronae*, 'good, upstanding women of the community' who would be called upon in groups of seven to assess pregnancy, virginity, etc. By the end of the middle ages, it seems that midwives in some cases had taken on both the name and the function of the latter group, but precisely when this transition occurred is not yet clear. See Green, 'Documenting', 339–40. In this case, both midwives and 'good women' seem to be invoked. See also the next case, where *matrone* stands in apposition to *obstetrices*.

Table 2

Christian (C) and Jewish (J) Physicians and Surgeons Active in Marseille between 1390 and 1415

Name and documented dates of activity	Medical role (and place of activity, if known)	Religion	References ¹
Abraham Bondavin d'Avignon (1369–1402)	physician	J	Wick; Sibon
Abraham de Meyrargues (1405–13)	physician	J	Wick; Sibon
Abram (1398)	physician at hospital of St-Esprit	J	Wick
Alphonse Michel, a Portuguese immigrant (1389–97)	physician-surgeon	C	Wick
Antoine de Viterbe (1390)	physician-surgeon, master to two apprentices	C	Wick
Barthélemy (1408–09)	physician paid to examine suspected lepers	C?	Wick
Barthélemy Vitalis (1409)	<i>magister in artibus medicine</i> ; examines suspected leper	C	Wick
Bonet Salamias (1397)	physician	J	Sibon
Bonjusun Bondavin (1362–96)	physician	J	Sibon
Crescas (1396); perhaps the same Crescas Roget (1396–1430)?	serving as city physician	J	Wick (Crescas Roget); Sibon
Davin (or David) Gérondin (1375–97)	surgeon from Aubagne	J	Wick; Sibon
Dieulocrescas Jossé Roget (1382–97), perhaps the same as Crescas Roget?	physician	J	Sibon
Durand (1414–15)	surgeon at hospital of St-Esprit	J	Wick
Etienne Meyer (fl. 1407)	physician, assigned (along with a lawyer) to direct the schools of Marseille for two years	C	Wick
Ferrand Lupi (1390)	surgical apprentice to Antoine de Viterbe	C	Wick
Ferrier Marvan (1325–1403, dead by 1413)	surgeon	J	Sibon
Guillaume Mathola (1408–09 and 1416–18)	barber-surgeon at hospital of St-Esprit	C	Wick
Jacob Bondavin (1408)	magister from Trets	J	Sibon
Jacques Radicis (1393–99)	physician	C	Wick
Jean de Grandville, d'Avignon (1380–1417)	physician	C	Wick
Jean Dordigues, from Seville (1390)	surgical apprentice to Antoine de Viterbe	C	Wick
Lambertin Rambaudon (1389–90)	physician	C	Wick
Léon (Davin) de Lattes (1389–1428)	physician	J	Wick; Sibon
Mossé Bonafos (1400)	surgeon from Draguignan	J	Sibon
Mossé Cohen Bonjuse (1380–1421)	physician	J	Wick; Sibon
Moïse Marvan (1408–c. 1457)	surgeon at hospital of St-Esprit	J	Wick; Sibon
Mossé Salves (1388–1431)	physician and surgeon	J	Wick; Sibon
Pierre Gamel <i>fls</i> (1375–90)	physician at abbey of St-Victor	C	Wick
Pierre Gaudin (in Marseille, 1406–08)	<i>licenciatus in medicina</i> , appointed as city physician in 1406	C	Wick
Raymond de Benaya (1406)	physician	C	Wick
Raymond Mercurin d'Aix (1396)	<i>licenciatus in medicina</i> , serving as city physician	C	Wick
Raymond de Sabran (1414)	<i>medicus surgicus</i>	C	Wick
Ruben Mossé Gérondin (1395–1446)	physician, served at the hospital of St-Esprit	J	Wick; Sibon
Salamias Benvivas (1402–04)	physician	J	Sibon
Salamias Davin de Lunel (1397)	physician from Valréas	J	Sibon
Salomon ben Nathan Orgier (1381–c. 1414)	city physician in 1381, 1403 and 1406	J	Wick; Sibon
Salomon Profach (1394)	surgeon from St-Maximin	J	Sibon
Sauveur de Salelles (1412)	<i>in artibus et medicina baccalarius</i> ; physician to Queen Jeanne II	C	Wick
Senhoret Abraham de Lunel (1379–95)	surgeon	J	Sibon
Senhoret Abraham Maurelli (1391)	surgeon	J	Sibon
Vital Cassin (1340–1406)	physician	J	Sibon
Vital de Lunel (1389–90)	surgeon	C	Wick

Total (42): Jews – 24; Christians – 18.

¹ Citations come from the following sources: Wick = Ernest Wickersheimer, *Dictionnaire biographique des médecins en France au moyen âge*, 2 vols (1936; repr. Geneva, 1979); and Sibon = Juliette Sibon, 'Les Juifs de Marseille au XIV^e siècle', (unpublished Ph.D. dissertation, Département d'Histoire, Université de Paris X – Nanterre, 2006).

(*Interrogat[a] que matrona elevavit illam, dixit quod quedam que morabatur in Cayssaria que vocabatur Aysselena Vuerna*).¹³

- in 1408 in a property agreement, the current holder of the property, one '**Felipa la Baila**', is identified as living on the *carriera dels Foresties*, near the area called 'the Fruiterie' in the sixain of St Jacques.¹⁴

These scattered data suggest the distribution of Christian midwives throughout town: they are present (either working or resident) in three of the more affluent *sixains* (quarters) of the lower city of Marseille. Moreover, even a very poor woman such as Dulceta, living in the suburbs, did not go without obstetric care: her final midwife, Guillelma Alexandria, attests that 'many other' midwives had already attended her during her three-day ordeal of birth, each abandoning her in turn once they deemed the situation hopeless.

We have no evidence for any Jewish midwives in Marseille prior to Floreta's appearance in 1403, though it seems likely that a Jewish community as sizeable as Marseille's would have always had a midwife of its own, if not several. Injunctions dating from the twelfth century by both Christian and Jewish authorities against Jewish women accepting Christian midwives might suggest that Jews were not sufficiently supplied with obstetrical specialists, but that may have been true of only very small communities. In fact, the occupational identity of "midwife" seems to have coalesced much earlier in Jewish communities than in Christian ones: whereas studies of female occupations among Christians rarely show 'midwife' alongside such professional identities as baker, seamstress, etc., prior to the fourteenth century, that epithet was proudly claimed by Jewish women at least a century earlier; indeed, it is one of only two female professions listed on gravestones of the Jewish cemetery in a town in Germany.¹⁵ In Barcelona in 1301 (whose total population then numbered around 30,000, thus somewhat larger than Marseille's), we find three Jewish midwives called in all at once to testify in an unusual case of an abandoned child.¹⁶ How regularly Jewish midwives might have served Christian clients is unclear. We have found no evidence of prohibitions in France, a surprising absence; after all, concerns about baptism led to the initiation of licensing procedures for Christian midwives in northern France by the early fourteenth century.¹⁷ We know that at least in Spain, it was not uncommon for Jewish midwives (and Muslim ones as well) to practice among Christian women.¹⁸

¹³ On Jacoba, see *Acta Sanctorum quotquot toto orbe coluntur*, 67 vols (Antwerp, 1643–1940), Aug. III, Dies 19, S. Ludovicus ep. Tolosanus ex Ordine FF. Minorum, Brincolae in provincia Galliae, § IX. Mortui per S. Ludovici merita ad vitam revocati, col. 0793B. Jacoba Ariola obstetrix praesens fuit, quando Bertranda Massequa peperit filium vere mortuum: & fecit votum cum viro suo & amita pueri ad S. Ludovicum cum magnis clamoribus & devotione: confestim puer aperuit oculos, perfecte Sancti meritis suscitatus, and *Processus Canonizationis et legendae variae Sancti Ludovici O.F.M., Episcopi Tolosani* (Analecta Franciscana, 7, Quaracchi/Florence, 1951), 122 and 412; on Guillelma, see *Processus*, 167–8. On Aycelena Aicard, see Sibon, 'Juifs de Marseille', 173 and 831–3. For the remaining, see, in order, ADBR, 3B 24, f. 13r–15r, case opened 30 Dec. 1329; 3B 27, f. 37r–90v, case opened 16 Dec. 1331; Archives Municipales de la Ville de Marseille EE 55 A, 192, 206, and 251; ADBR, 3B 94, f. 296r, case opened 9 Dec. 1379 on f. 193v. On the use of *bajula/baille/bayla* to refer to both midwives and wet nurses elsewhere in France, see Monica H. Green, 'Documenting medieval women's medical practice', in: *Practical medicine from Salerno to the Black Death*, ed. Luis García-Ballester et al. (Cambridge, 1994), 322–52, repr. in Green, *Women's healthcare in the medieval west. Texts and contexts* (Aldershot, 2000), as Essay II, at 348.

¹⁴ Martin-Dietrich Glessgen, 'Lo Thesaur del Hospital de Sant Spirit': *Édition eines Marseiller Urkundeninventars (1399–1511) mit sprachlichem und geschichtlichem Kommentar unter besonderer Berücksichtigung des Rechtswortschatzes* (Tübingen, 1989), 69.

¹⁵ Information on Jewish midwives generally can be found in Elisheva Baumgarten, *Mothers and children: Jewish family life in medieval Europe* (Princeton, 2004), 43–54, esp. 44 for evidence of 'midwife' as a professional identity. Baumgarten overgeneralises, however, about the similarity of Jewish and Christian traditions; for the much tardier development of the social identity of 'midwife' within Christian communities, see Green, 'Bodies, gender', 15–17.

¹⁶ Elena Lourie, 'A plot which failed? The case of the corpse found in the Jewish call of Barcelona (1301)', *Mediterranean Historical Review*, 1:2 (1986), 187–220. On the population of the *call*, see Jaume Riera, 'La Catalunya jueva del segle XV', *L'Avenç*, 25 (1980), 52–5. On Barcelona in general, see Joan F. Cabestany, 'L'evolució demogràfica de la ciutat de Barcelona', in: *Història de Barcelona*, vol. 3: *La ciutat consolidada (segles XIV i XV)*, ed. Jaume Sobrequés i Callicó (Barcelona, 1993), 85–90. Our thanks to Montserrat Cabré i Pairet and Pere Ortí for this information.

¹⁷ Kathryn Taglia, 'Delivering a Christian identity: midwives in northern French synodal legislation, c. 1200–1500', in: *Religion and medicine in the middle ages*, ed. Peter Biller and Joseph Ziegler (York Studies in Medieval Theology, 3, York, 2001), 77–90, at 88, citing legislation from Sens from 1212–13; and Baumgarten, *Mothers and children*, 50 and 206, citing legislation from Canterbury (before 1179), Paris (1213), and Provence (1267).

¹⁸ Green, 'Conversing with the minority'.

The case of Floreta is, therefore, not unusual in documenting the existence of a Jewish midwife. It is, however, extraordinary in several other respects. Following the preamble to the trial record (which we analyse in more detail below), the narrative summary lays out the basic elements of the case.¹⁹ Floreta's assistance was requested (we later learn that it was Garsendeta's brother-in-law who sought her out) when, two hours after the birth, it seemed clear that the afterbirth was not going to descend on its own.²⁰ The birth had produced an apparently healthy son, and the Christian midwife Philipa who had assisted at the birth remained present on the scene.²¹ The record confirms that 'the extension of the child's umbilical cord appeared sound and whole and conscientiously tied to Garsendeta's thigh and faultlessly remained in place'. After an oddly ambiguous phrase which suggests that Floreta was actually plotting Garsendeta's death, the summary explains that Floreta announced to those present that she planned to remove the afterbirth. However, through her inept intervention, she 'extinguished and suffocated the womb' (*matricem [...] extinsit et suffucavit*) of the patient. Then, 'going from bad to worse' (*peiora malis accumulando*), she broke the umbilical cord, the action that allegedly caused Garsendeta to bleed to death. The term murder (*homicidium*) never appears in the record; nevertheless, it is implied that Floreta's actions were deliberate if not premeditated and it is determined that she has incurred the rarely invoked 'penalty of the Cornelian law against assassins', referring to an ancient Roman edict against those who kill out of vengeance or carry weapons with intent to kill, and poisoners.²²

Floreta, as the principal accused, was the first witness to provide testimony in the case. Acknowledging that she had been called to the house by Garsendeta's kin, she admitted to having 'diligently inspected and palpated' Garsendeta. But because, she says, 'she found the late Garsendeta weak on account of the labours and sufferings she had suffered that whole day, for that reason she did not wish to allow herself to be drawn further in with her'.²³ She denies, in short, that she attempted any further intervention. Five days later, on 21 February, five Christian women — Antoneta Maurina, Margarita de Assana, Bertomieua Astorne, Jacmeta Dominice, and Margarita Martine — were asked to provide sworn testimony against Floreta. All five claimed that they were present at the birth and had witnessed the events under dispute. All five agreed that Floreta inserted her hand and forearm into Garsendeta's uterus — indeed, the image of Floreta's bloody arm (*brachium sanguinolentum*) that echoes throughout their testimony provides one of the most vivid motifs in the case. All five agreed, moreover, that just before dying, Garsendeta cried out to Floreta *a falsa canha tu mas morta*, 'O, false bitch, you have killed me'.²⁴ The testimony of the first woman, Antoneta Maurina, is crucial not only because she confirms that the umbilical cord, upon Floreta's arrival, was still firmly attached

¹⁹ For all details concerning legal procedure in Marseille, see Smail, *Consumption of justice*.

²⁰ It seems quite common that the task of summoning the midwife fell to men. See, for example, Baumgarten, *Mothers*, 53; and Becky R. Lee, 'A company of women and men. Men's recollections of childbirth in medieval England', *Journal of Family History*, 27:2 (April 2002), 92–100.

²¹ We have too little information to confirm whether this Philipa of 1403 can be identified with the 'Felipa la Baila' of 1408 noted above. However, the likelihood seems strong.

²² See n. 28 in the [Appendix](#). On opinions about the *lex Cornelia* in late medieval Italian law, see Trevor Dean, *Crime and justice in late medieval Italy* (Cambridge, 2007), 101, 104, and 158. It bears clarification that there is no suggestion in Floreta's case that it was one of so-called 'blood libel'. The 'blood libel' was a charge, first made in the twelfth century, that Jews engaged in both ritual desecration of the host and child murder. Although there is emphasis in the witnesses' testimony that Floreta's arm was bloody, childbirth is an inherently bloody business and there is no way that the Christian midwife, too, would not literally have had blood on her hands. Nor is there any suggestion that Floreta harmed the child, which seems to have been removed from the scene immediately after its birth.

²³ *Noluit*, in the phrase *amplius noluit de ea se intromittere*, can also have the sense that she refused to proceed any further.

²⁴ Although it might seem that there is some element of *post hoc* revision of the scene or even deliberate collusion among the witnesses given the similarities in their testimony, this is in fact not unusual. When notaries or judges interrogated witnesses, they typically followed a list of 'interrogatories' much more detailed than the accusations themselves. The interrogatories used to question the witnesses against Floreta probably included the question: 'When Floreta's arm was removed from Garsendeta's vagina, was it covered in blood [*sanguinolentum*]?' This question would have been crucial since it established that Floreta had, despite her protestations to the contrary, indeed done much more than simply 'palpate' Garsendeta. Similarly, the fact that they all repeat verbatim Garsendeta's dying accusation of Floreta was critical in establishing that the deceased woman had herself identified who was responsible for her death. On the use of interrogatories, see Daniel Lord Smail, 'Witness programs in medieval Marseille', in: *Voices from the bench. The narratives of lesser folk in medieval trials*, ed. Michael Goodich (New York, 2006), 227–50.

to the thigh, but also because she adds the crucial detail of an exchange between the two midwives: Philipa said pointedly to Floreta, 'Beware how you behave because this woman is in a good state'.

Nearly a month later, Floreta, who had been incarcerated since at least the outset of the criminal inquest, was recalled and asked to explain the discrepancy between the statements of the witnesses and her own denial that she was responsible for Garsendeta's death. While once again acknowledging that she had answered the summons to attend Garsendeta (this time including the detail that it was the brother-in-law who sought her out), she does not simply deny having made any medical intervention but actually states that 'because this Garsendeta was not then in a good state, she (the one speaking) *did not want her to touch her or to palpate her*'. Her testimony seems self-contradictory, for she is now apparently denying that she ever touched the patient at all, in which case there would have been no opportunity to get blood on her hands. Whether the scribe correctly captured her statement here or not, there were still the obvious contradictions between her testimony and that of the five Christian women. The questioning continued, but 'she wished to confess nothing further'. The judges determined that there was sufficient evidence to issue an interlocutory ruling remanding Floreta for judicial torture so as to elicit the truth of the matter. Floreta, who like most residents of the city was aware of her legal rights and probably had access to legal advice, immediately lodged an appeal against this ruling, which was granted.

From the point of view of the courts, the circumstances of Floreta's case were rather unusual in several respects. First, few people in Marseille were ever charged with and found guilty of homicide, at least in some technical sense. Murder was common enough, but killers typically fled the city or sought sanctuary in churches, and were charged instead with contumacy and banished. Once they had made peace with the victim's kin, they were allowed to return to the city, usually within a year or so. But Floreta's case was doubly complicated because she was both a woman and a Jew. Women, unlike men, did not normally take flight after an assault or homicide, apparently because they were seen as exempt from vengeance killings by members of the victim's family.²⁵ Had she been Christian, the customary peace-making process might have been sufficient to restore her place in the community. But that process was so thoroughly Christianised as to make it highly unlikely that a Christian family could ever make 'peace' with a Jew. Why, therefore, did Floreta not flee? A crucial statement attributed to Floreta by the fifth witness, Margarita Martine, seems to complicate our understanding of Floreta's own sense of her situation. Margarita reported that, in response to Garsendeta's dying accusation of her, Floreta responded with the following words, which, like Garsendeta's, were not translated into the usual Latin but left in the city's vernacular: *si yeu t'ay morta, prennas un raser et traser de mon sanc et fach mi sebelir sayns*, or 'If I have killed you, take a razor and draw my blood, and have me buried here'. If Floreta actually said this, it would indicate that she recognised that her actions could be seen as lethal and would therefore call forth a lethal response. The fact that she did not flee suggests she did not immediately see herself as culpable of a crime, either because she did not (as she claims) ever make any medical intervention or because (as we believe) the intervention that she did make was a medically sound one in an obviously dire case.

A second unusual feature of this case is the absence of the Christian midwife, Philipa, from the witness list; she, of all the women in the room, was presumably in the best position to attest to Floreta's actions. Although there are several possible reasons for Philipa's absence, the most likely is that she herself had originally brought the matter to the court's attention. Technically, the case had been initiated through a denunciation by the sub-vicar (the city's constable), Lois de Vintimilia, and it was fairly common by the early fifteenth century for the court to take all responsibility for the formal initiation of criminal cases. But how had Lois heard about it? Clearly, the accusation must have originated from someone present in the birthing room itself, and Roman-canon legal procedural law forbade testimony by any of the principal accusers. Even if Philipa had had no formal role in bringing the accusation, it is possible that her testimony was ruled out because she was known to be in a state of hatred with Floreta. Of all the women present at the scene, Floreta admits to knowing the name of only one, Philipa. It is possible, of course, that this birth was their first occasion of meeting. However, as two of perhaps only a handful of midwives in the city, it is also possible that they had had occasion to meet before. Procedural law forbade all testimony motivated by anything other than a desire to tell the truth, and hatred was high on the list of exceptions that could be made against hostile witnesses. If, during

²⁵ Smail, *Consumption of Justice*, 103.

an appeal, a defendant could prove that at least one of the witnesses for the other party had been motivated by hatred, then typically the entire case collapsed and the defendant was absolved of all charges. On this reading, the criminal court had learned enough about the situation to know that Philipa's motives were suspect and hence decided not to risk the case by calling for her testimony.

A third unusual feature of this case is the apparent unwillingness of some of the legal counsel to be involved. In many trials, both civil and criminal, plaintiffs or defendants took legal advice from a lawyer (*advocatus* or *causidicus*), and were represented in court by legal representatives (*procuratores*). On Friday, 23 March, after she had been assigned for torture and initiated her appeal, Floreta appointed six different men to serve as her representatives: three Christians (Jacme Peytavin, Johan Benezeg, and Gili Augelier) and three Jews (Juffel Astrug, Crescas Cohen, and Gardet de Bédarrides).²⁶ Although Johan Benezeg (or 'Benet') is a common enough name, he may be identifiable with a significant property owner in Marseille in the second half of the fourteenth century.²⁷ We know of no legal expertise he may have had, but that is not the case for the other two Christians. Gili Augelier appears regularly as a procurator for both Jews and Christians in documents from 1387 on.²⁸ Jacme Peytavin was a distinguished jurist who was a regular presence in Marseille's courts, both as a judge and as a legal representative, between the 1380s and the early fifteenth century.²⁹ Perhaps most important in Floreta's choice of him, however, was the fact that he had served as presiding judge in the appeal of an earlier medical malpractice trial involving a Jew. The three Jewish procurators, for their part, were also not inconsequential members of their community. It is likely that Juffel Astrug was the Astrug Jossé Jaquar *alias* Juffel who represented the Jewish community in payment of its debt in 1388. Little has been found about Crescas Cohen other than that he served as procurator for someone's debt in 1407 alongside the physician, Abraham de Meyrargues. Gardet de Bédarrides, on the other hand, was an extremely successful and well documented merchant who in 1400, along with the physician Abraham Bondavin (of whom we will hear more later), had likewise represented the *universitas Judeorum* in acknowledgement of the community's debt.³⁰

Although Crescas and especially Juffel seem to have taken on their procuratorial duties willingly (Gardet never appears again in the record), the Christian Jacme Peytavin was apparently a reluctant participant. Floreta herself requested that the judge impose on him some penalty to ensure his co-operation; the judge complied with a threatened penalty of the sizable sum of 100 royal pounds. Faced with a direct order, Jacme agreed to serve, on condition that he be paid adequately for his services.³¹ Nevertheless, this is the last we hear of him. The appointment of Floreta's legal counsel also seems unusual. Early in the appellate case, the duty to serve as Floreta's lawyer was assigned to a Christian named Bertran Gombert under penalty, should he decline, of 100 pounds. A few days later Floreta appeared in court, complaining that Bertran was absent and requesting that another lawyer be assigned to her case. The judge complied, choosing the Christian Pons Christofori, likewise under threat of a fine should he decline.³² Marseille's courts adhered to the Roman legal maxim that professional counsel should be made available to all those in need of it.³³ Nevertheless, if Floreta had enough money to contract six procurators, it apparently wasn't her poverty that prompted the judge to use the threat of fines to secure her legal counsel. If the fines do indeed suggest some nervousness on the part of Jacme — and perhaps Bertran and Pons, too — to be involved in this capital case, they were probably

²⁶ ADBR, 3B 140, f. 3v.

²⁷ Glessgen, 'Lo Thesaur del Hospital de Sant Spirit', 68–70 and 154. This 'Johan Benet', who was active from 1354, drew up his testament in 1390 but does not seem to have died until 1408.

²⁸ Sibon, 'Juifs de Marseille', 847, 849–50, 853, and 866; cf. 830 and 851.

²⁹ For example, ADBR, 3B 837, from the year 1385, in which Jacme was a judge of the first appellate court, and 3B 136, from the year 1401, in which he served as a legal representative.

³⁰ On Astrug Jossé Jacar *alias* Juffel, see Sibon, 'Juifs de Marseille', 554, 918, 922, 941, and 952; he can probably be identified also with the 'Juffet Astrug' who appears with Gardet de Bédarrides in a document from 1406 (*ibid.*, 1449). For Crescas Cohen, see 1159; we are sceptical of Sibon's identification (584) of this Crescas Cohen with his homonym active c. 1310 (*ibid.*, 1210–12). On Gardet de Bédarrides, see Sibon, 'Juifs de Marseille', *passim*, esp. 599, 888, 947, and 1411.

³¹ ADBR, 3B 140, f. 3v.

³² ADBR, 3B 140, f. 2v and 4v.

³³ See James A. Brundage, 'Legal ethics. A medieval ghost story', in: *Law and the illicit in medieval Europe*, ed. Ruth Mazo Karras, Joel B. Kaye, and E. Ann Matter (Philadelphia, 2008), forthcoming.

right to be wary. As we shall see, Floreta's case ended up attracting the attentions of the highest levels of Provençal government.

Having surveyed the general legal aspects of the case, the medical aspects now bear examination. Although little can yet be said about what constituted a 'normal' birthing scene in the high or late middle ages (given how little data have been assembled on the question), there is nothing on the surface to suggest that Garsendeta's labour started off in any way out of the ordinary. As we explain below, we have reason to believe that the Aymbart family was of low social standing and we would therefore expect a far humbler scenario than the elegant scenes of patrician births that Jacqueline Musacchio, for example, has documented for early renaissance Italy.³⁴ It is likely that the family would have turned over their largest room for the birth event, and this seems to be confirmed by Floreta's statement that 'when she came into this house she found Garsendeta then lying [in a room] on the ground floor'. The fact that eight women — the five witnesses, Philipa, Floreta, and of course Garsendeta — were all gathered together is therefore not inconceivable. Medieval illustrations of birthing scenes (which almost invariably depict tranquil postpartum scenes rather than the height of labour) regularly show anywhere from two to more than four women assisting.³⁵ That, too, is confirmed by the witness testimony here: Philipa, the Christian midwife, was apparently assisted in the birth by Jacmeta Dominice, who 'was present throughout the birth and [who] held the said Garsendeta in her arms'. Another witness, Antoneta Maurine, was apparently also assisting, as she was close enough to see Philipa tie the umbilical cord to the thigh. The repeated statement of the three other witnesses that Floreta sat in front of Garsendeta 'just as midwives are accustomed to do' suggests that, in this region, it was customary for the parturient to sit in a chair or another woman's lap, while the midwife sat on a stool in front of her; this would be in contrast to some northern European depictions of birth, which show the woman standing in a squatting position with the midwife behind her to catch the baby.³⁶ We do not know whether the cloth (*raupa*) that the witness Margarita de Assana refers to as covering up Garsendeta was a normal feature of birth or a special concession to the winter chill and Garsendeta's fatigue two hours after the birth (and who knows how many hours of labour before). In any case, its presence helps explain why three of the witnesses could give no specific details of what Floreta did other than to state that they saw her allegedly bloody arm.

Where Garsendeta's labour turned unusual was when it became apparent that her placenta was not descending: a condition known as retained placenta (*placenta accreta*). In modern medical understanding, it is expected that the placenta will separate from the uterine wall within about half an hour of the birth of the child and be expelled by the final uterine contractions. If it is not expelled, whatever remains of the placenta will eventually putrefy within the uterus, creating septic conditions. There is also the possibility of severe haemorrhaging when the placenta only partially detaches, the blood vessels in the uterine wall not closing off as they should. In short, if the situation is not rectified it will invariably be fatal.³⁷ The gravity of the situation was universally understood by medical writers in the middle ages, who recognised that birth was not over until the *secundina* ('the followings') had been expelled. Physicians often recommended the ingestion of various substances used to expel a dead foetus or retained menstrual blood, or certain procedures that would provoke expulsion by force. The twelfth-century treatise *On treatments for women* of the Salernitan writer Trota, for example, recommends a mixture that would cause the woman to vomit and, by the force of that expulsion, push out the afterbirth.³⁸ Sometimes such practices were magical or 'sympathetic'. A male physician, Pierre Andrieu, writing a treatise on fertility and childbirth for the count of Foix in the 1440s, recommended

³⁴ Jacqueline Marie Musacchio, *The art and ritual of childbirth in renaissance Italy* (New Haven and London, 1999).

³⁵ Sylvie Laurent, 'L'accouchement dans l'iconographie médiévale d'après les miniatures de la Bibliothèque Nationale', in: *Maladies, médecines et sociétés. Approches historiques pour le présent* (Paris, 1993), 144–52.

³⁶ See, for example, the birth images in a fifteenth-century French translation of Augustine's *City of God* in The Hague, Meerman-Westreenianum Museum, MS 10 A 11 (Paris, c. 1475–1480), f. 233r–v, available at <<http://www.kb.nl/kb/manuscripts/index.html>>; accessed 14 September 2006.

³⁷ For a review of current incidence rates and clinical interventions, see Y. Gielchinsky et al., 'Placenta accreta — summary of 10 years: a survey of 310 cases', *Placenta*, 23:2–3 (2002), 210–14. The most common modern intervention, when the bleeding cannot be controlled, is emergency hysterectomy, a procedure that was never performed in the middle ages.

³⁸ Green, *The Trotula*, 146 and 232 (122–4 and 160).

that 'if some crocus is ground and made into a nut [presumably, a little ball] and suspended over her, it helps with expulsion of the afterbirth'.³⁹ Induced sneezing was also often recommended.

Two methods of more active intervention were also mentioned in medieval texts. One was to pull on the extruded end of the umbilical cord, a method recommended in a text from Salerno that may also be traceable to the healer Trota.⁴⁰ The problem with this technique, of course, was that the cord might break off from the placenta, leaving it in place. The other procedure is the one that Floreta allegedly used here: reaching into the uterus and pulling the placenta free manually. Manual extraction (which is still advocated in modern western medicine)⁴¹ had been described in antiquity and was recommended in several medical texts that were circulating in later medieval southern France. For example, both the late antique *Gynaecology* of Muscio and an eleventh-century abbreviation of it explained that such ancient techniques as forced sneezing, pessaries, and suspensions on ladders should all be rejected; instead, the midwife should insert her left hand, grab whatever part of the afterbirth she could, and draw it out, using the continuing contractions of the parturient to aid her.⁴² Although both these Latin texts declined in popularity in the thirteenth century, a Hebrew translation and adaptation of the full *Gynaecology* had been made in the late twelfth century in southern France and was probably still in circulation in the region. Like its Latin source, it recommended manual extraction:

At the moment when the baby falls into the hands of the midwife, if the afterbirth is still tied to the cord, she needs to gently pass the child to another woman who will place it on a soft cloth. Then the midwife and the labouring woman should try to make [the afterbirth] come out. If it is late in coming, it is necessary to cut the cord in order to separate the infant. Then, [the midwife should] seize it and make the afterbirth come out when the womb opens, but not force it when it is closed. If the afterbirth, partial and in pieces, is hidden inside, the midwife, discerning this as she examines the open orifice, will then insert her oiled hand inside. If the afterbirth is found fragmented in the lower part of the womb, flattened and turned upwards, it is necessary to grasp it and pull it out. If it rests compacted in the fundus of the womb, it is necessary to seize it with oiled fingers and pull it out. Those midwives who in haste draw the afterbirth forcefully and straight out often make the uterus itself come down; if in their haste they make the orifice close, they provoke an inflammation and the afterbirth will remain there.⁴³

Similarly, the Spanish Muslim surgical writer Albucasis (Abû al-Qâsim Khalaf ibn 'Abbâs al-Zahrâwî, d. c.1013), drawing fairly directly on ancient sources, listed manual extraction as the method to be used if less interventionist procedures, like sneezing, didn't work.⁴⁴ Albucasis's surgical work was available

³⁹ Pierre Andrieu, *Pomum aureum*, in Paris, Bibliothèque nationale de France, MS lat. 6992, s. xv med., f. 79r–90v, at f. 88va: *si teratur crocus et fiat ex eo nux, & suspendatur super eam confert ad expulsionem secundine*.

⁴⁰ This is from an anonymous compendium of Salernitan writings called *De egritudine curatione*; there is reason to think that the obstetrical material here may come from Trota. See Monica H. Green, 'Reconstructing the *Oeuvre* of Trota of Salerno', in: *La Scuola medica Salernitana. Gli autori e i testi*, ed. Danielle Jacquart and Agostino Paravicini Bagliani (Edizione Nazionale 'La Scuola medica Salernitana', 1, Florence, 2007), 183–233, at 197.

⁴¹ World Health Organization, 'Managing complications in pregnancy and childbirth. A guide for midwives and doctors', <http://www.who.int/reproductive-health/impac/Procedures/Manual_removal_P77_P79.html>, accessed 1 September 2006.

⁴² Muscio, *Sorani Gynaeciorum vetus translatio latina*, ed. Valentin Rose (Leipzig, 1882), Bk I, 67–8, 24–5. On the anonymous eleventh-century abbreviation, *Non omnes quidem*, see Monica H. Green, 'Medieval gynecological texts. A handlist', in: *Women's healthcare*, Appendix, 1–36, at 23.

⁴³ Anonymous, *Sefer ha-Toledet* ('Book of generation'), in Ron Barkai, *Les infortunes de Dinah. Le livre de la génération. La gynécologie juive au moyen-âge*, trans. Jacqueline Barnavi and Michel Garel (Paris, 1991), 195. We have translated from the modern French text.

⁴⁴ The Latin translation of Albucasis's *Surgery* has never been edited, though a facsimile of a fourteenth-century manuscript can be found in *Abû'l Qâsim Halaf Ibn 'Abbâs al-Zahrâwî, Chirurgia. Faksimile und Kommentar*, ed. Eva Irblach (Graz, 1979). A Hebrew translation from the Arabic was made in Marseille between 1254 and 1261 by Shem Tov ben Isaac Tortosi (1198 after 1264); there was possibly a second translation made in Rome in the 1270s or 1280s by Nathan ha-Meati. Old French and Provençal translations were made in the thirteenth and fourteenth centuries, respectively; on the latter two, see Albucasis, *Traité de chirurgie. Édition de la traduction en ancien français de la Chirurgie d'Abu'l Qasim Halaf Ibn 'Abbâs al-Zahrâwî du manuscrit BNF, français 1318*, ed. D.A. Trotter (Beihefte zur Zeitschrift für romanische Philologie, 325, Tübingen, 2005), and J. Grimaud and R. Lafont, *La Chirurgie d'Albucasis (ou Albucasin): texte occitan du XIVe siècle* (Montpellier, 1985). For an English translation from the original Arabic, see *Albucasis on surgery and instruments. A definitive edition of the Arabic text with English translation and commentary*, ed. and trans. M.S. Spink and G.L. Lewis (Berkeley, 1973).

in southern France in Latin, Occitan, and Hebrew; in fact, it had been translated into Hebrew right in Marseille in the middle of the thirteenth century and remained available there at least through the early fourteenth century, and presumably for decades thereafter.⁴⁵

Other medical writers whose works circulated in southern France at the time were not so quick to recommend manual intervention. The Persian writer Avicenna (Ibn Sina, d.1037), whose *Canon of medicine* had been translated into Latin before 1187 and into Hebrew by 1279,⁴⁶ recommended that if sneezing didn't work, then the umbilical cord was to be tied to the thighs to keep it from retracting (and perhaps also to help keep the cervix from closing). Gentle massage was to be applied to the woman's sides to loosen the ligaments, followed by the application of various unguents and plasters to lubricate and help putrefy the afterbirth. Likewise, various potions, pessaries, and suffumigations which are normally used to abort the foetus should be used. Then, as an aside, he notes that 'the ancients' used to tell the midwife to wrap her hand in a cloth,⁴⁷ introduce it into the womb, and grab the afterbirth. 'But this remedy is extremely painful', he observes laconically. Although Avicenna does mention manual extraction again, he believes that facilitating putrefaction of the afterbirth is sufficient to ensure its eventual expulsion.

Most Latin medical writers who discuss the topic fall somewhere between the positions held by Muscio and Albucasis, on the one hand, and Avicenna, on the other.⁴⁸ This variety of opinion can even be seen in two authors writing in southern France around the time of Floreta's trial. Jean de Tournemire, papal physician and chancellor of the nearby medical school at Montpellier (c.1330–c.1395), recommended manual extraction as the very first intervention, whereas Valesco de Taranta (d. after 1426), court physician to the famous Gaston Phoebus, count of Foix (d.1391), and a pupil of Tournemire's, agrees with Avicenna that the placenta will eventually putrefy, claiming 'And I have seen this happen often'.⁴⁹ The question in assessing Floreta's actions, therefore, is not whether the technique of manual extraction was known, for clearly among learned (male) medical practitioners it was. Rather, the question is how much learned opinion mattered within the partially or wholly illiterate world of women, whether they were Jewish or Christian. We will return to this point later.

The opinion of one woman in the room is pertinent right now, however: the patient herself, Garsendeta. The two key points on which all five witnesses agree are that they saw Floreta's bloodied arm and they heard Garsendeta's dying accusation of her. All witnesses imply a causal link between the two, which suggests that Garsendeta herself linked Floreta's actions with her own demise. Now, as noted by Avicenna, any attempt at manual extraction must have been excruciatingly painful, all the more so if the cervix had already begun to close (which presumably it had, now two hours after the birth had occurred). From Garsendeta's perspective, Floreta's arrival, the pain of whatever procedure she performed, the onset of haemorrhaging, and her awareness of her own imminent demise were all one causally related sequence. Hence her accusation of Floreta and not Philipa or simply 'fate'. We find it likely, therefore, that Floreta did indeed attempt a manual extraction that Philipa had either not thought to do or not dared to do. The danger, and what doomed both the unfortunate Garsendeta and Floreta, was that a forced extraction might set off uterine haemorrhaging, for which medieval obstetrical techniques had no solution. From the perspective of the majority opinion within learned

⁴⁵ Joseph Shatzmiller, 'Livres médicaux et éducation médicale. À propos d'un contrat de Marseille en 1316', *Mediaeval Studies*, 42 (1980), 463–70.

⁴⁶ Lola Ferre, 'Avicenna hebraico. La traducción del *Canon de medicina*', *Miscelánea de estudios árabes y hebreos, sección Hebreo*, 52 (2003), 163–82.

⁴⁷ Avicenna, *Liber canonis* (Venice, 1507; repr. Hildesheim, 1964), Book III, Fen 21, cap. xvi: *De extractione secundine*, f. 368rb–vb. To our knowledge, Avicenna is unique in describing the hand being wrapped in a cloth rather than being oiled. Our thanks to Ahmad Dallal for confirming that the reading of the Latin text (*vt inuolueret manum suam in panno*) is supported by the original Arabic.

⁴⁸ Latin medical writers who recommend manual extraction include Bernard de Gordon (d.1308?), *Lilium medicine* (Naples, 1480), f. 193va–194ra; Francis of Piedmont (d.1320), *Vniuersa opera Diui Joannis Mesue cum complemento et additionibus clarissimi doctoris Francisci de pedemontium. Ac Nicolao et Seruitore* (Venice, 1479), f. gg2rb–vb; and Guy de Chauliac (writing in 1363), *Inventarium sive chirurgia magna*, ed. Michael R. McVaugh, with Margaret S. Ogden, 2 vols (Studies in Ancient Medicine, 14, Leiden, 1997), vol. 1, 389. Both Bernard of Gordon and Guy were available in Hebrew translation by 1400.

⁴⁹ Jean de Tournemire, *Clarificatorium super non Almansoris cum textu ipsius Rhasis* (Lyons, 1490), f. 146ra–b; and Valesco da Tarenta, *Philonium* (Lyons, 1535), f. 361rb.

medieval medicine, there was nothing blameworthy in Floreta's attempt. From the patient's perspective, however, there was every reason to see Floreta alone as the cause of her death.

The inherent hopelessness of the situation, together with the possible differences of opinion about how and when manual extraction should be attempted, should be kept in mind as we turn to the final question about Floreta's trial: that is, is this a medical malpractice trial or a case of raw anti-Judaic persecution? Even to pose the question in this way is perhaps misleading, since evidence suggests that many of the more prominent accusations of malpractice in later medieval Mediterranean Europe involved Jewish practitioners treating Christian patients. We have already mentioned that there were various injunctions against Christians accepting medical care from Jews.⁵⁰ These were honoured in the breach as much by clergy (including popes) as by everyone else. But the rhetoric of the inherent dangers involved could be summoned forth whenever tensions or suspicions arose. A 1337 injunction pronounced by the ecclesiastical council in Avignon, for example, stipulated that no Christian should 'dare to accept for himself, or through an intermediary person, any medicine, counsel, or cure coming from a Jew, or spontaneously sent by one, however excellent it may be, unless imminent danger to the patient exists and it is impossible to appeal conveniently to Christian doctors or surgeons'.⁵¹ Clearly, in this case Floreta was brought in because it was an emergency, no advance arrangement having been made.⁵² In that respect, therefore, there was nothing inherently questionable about her involvement in the case.

However, if we can assume that Philipa was not the only Christian midwife in Marseille at the time, we are still left with the question of why Garsendeta's brother-in-law chose the Jew Floreta to aid her. Was it because she was a neighbour? Was she simply the first midwife he could find? Were her fees the only ones the family could afford?⁵³ Or had she — like the Muslim and Jewish midwives documented in Spain — previously established such a reputation for expertise among Christians that he felt only her attentions were sufficient for the grave situation his sister-in-law was in? It seems unlikely that she was a neighbour: Garsendeta and the women attending her birth were almost certainly urban peasants who likely lived in the poor section of town, the upper city, while Floreta likely lived in or near the more prosperous *Jusataria*, at minimum some five to ten blocks away.⁵⁴ It was therefore either expediency, price, or reputation that led the brother-in-law to seek out her help. Indeed, we cannot be sure that he chose Floreta on his own initiative or had been instructed to find her. Either way, one thing seems clear: it was not any of the female attendants at Garsendeta's birth who summoned her.

Of the five witnesses, only one, Jacmeta Dominice, claims to have actually assisted at the birth of the child. Jacmeta's testimony confirms not simply that the Christian midwife Philipa was present for two hours after the birth but that it was she who had 'skilfully and deliberately' tied the umbilical cord to Garsendeta's thigh. In neither her testimony nor that of the other witnesses is there any grave concern about Garsendeta's condition prior to Floreta's arrival. On the contrary, as we have already noted, the first witness, Antoneta, emphasises that Philipa pointed out threateningly to Floreta upon her arrival

⁵⁰ Shatzmiller, *Jews, medicine*, 90–9.

⁵¹ Shatzmiller, *Jews, medicine*, 92.

⁵² Adrian Wilson shows the importance for eighteenth-century male midwives of the transition from being called in only in emergency situations (and therefore often having to deal with the death of the mother or child, or both) to planned involvement, sometimes being scheduled months in advance; see *The making of man-midwifery. Childbirth in England, 1660–1770* (Cambridge, MA, 1995).

⁵³ Both Michael R. McVaugh, *Medicine before the plague. Practitioners and their patients in the crown of Aragon, 1285–1345* (Cambridge, 1993), 181, and Shatzmiller, *Jews, medicine*, 116–18, find that Jewish male practitioners tended to accept lower fees than Christian practitioners in comparable situations.

⁵⁴ Earlier in the appellate section of court record (ADBR, 3B 140, f. 2r and 7r), Garsendeta's husband, Peire Aymbart, is twice identified as a *laborator*, an urban peasant. His family name (*Aymbardi* in Latin) was a typical Provençal name but one that was not common in Marseille. We have very little information on the four male residents of Marseille who bore the name in the middle of the fourteenth century. Two of them were recent immigrants from neighbouring towns, one from Allauch, the other from St Maximin. Neither was identified by means of a profession in any of the records that refer to them, a silence more typical of peasants than of proud artisans or craftsmen. Likewise, the surnames of the other Christian women involved in Garsendeta's birth/death — all of whom, presumably, were neighbours or friends of the family — suggest that they, too, belonged to the circle of Marseille's urban peasants; three of the five bear family names typically associated, in the mid-fourteenth century, with families of *laboratores*. (These were Maurini/a, Astorni/e, and Dominici/e. De Assana does not appear in mid-fourteenth-century records, suggesting recent immigration; Martine was so common that no meaning can be extracted from it.)

that Garsendeta was in stable condition. However, although all five witnesses were present in the birthing room, they were not necessarily all in a position to see what Floreta was doing. The testimony of Margarita de Assana, Bertomieua Astorne, and Margarita Martine is extremely limited in detail. Perhaps the cloth covering Garsendeta obscured their view, and perhaps they may not have been particularly knowledgeable about the norms of emergency obstetrics.⁵⁵ The fact that they limit their comments to saying that Floreta sat in the position that midwives are accustomed to do may indicate that they thought she was doing her job and only realised something was wrong when they heard Garsendeta scream.

The relative ignorance of three of the women present thus suggests that the remaining three — Antoneta Maurine, Jacmeta Dominice, and the midwife Philipa — were the ones who questioned both Floreta's presence and her techniques. Jacmeta and Antoneta are emphatic that Philipa had done right in tying the cord to Garsendeta's thigh, and that it was the maintenance of that ligature that was keeping Garsendeta stable. Jacmeta in particular blames Floreta for breaking the cord. And it is her testimony alone that gives any detail about Floreta's attempt to extract the afterbirth by hand. The wording of the trial record — the actual accusation of Floreta — differs from Jacmeta's statements about Floreta's actions less in its substance than its accusatorial addition of adverbial embellishments. In fact, the bit about Floreta having 'suffocated' Garsendeta's womb (f. 9v) may have been an elaboration of a medically naïve jurist: although the notion of 'uterine suffocation' is indeed a standard element of medieval gynaecology, the verb *suffocare* is never interpreted as transitive in gynaecological contexts. This clumsy addition aside, it is a quite medically detailed accusation. It seems, then, that Philipa and her allies Jacmeta and Antoneta believed Philipa was doing the right thing. It is not clear that any of them had asked for help, and it certainly seems that Floreta's arrival was unwelcome. The situation seems ripe, therefore, to have put Philipa and Floreta at odds and set the stage for Philipa blaming Floreta for the tragedy that soon ensued.

Yet still, such disagreements — however vociferous they may have been at Garsendeta's deathbed — need not necessarily have led to the courtroom. The legal concept of medical malpractice was not fully formed in the fourteenth and early fifteenth century. Licensing regulations had been established for physicians and surgeons in many communities of southern Europe, and medical expertise was increasingly being called on in legal cases to determine cause of death, the severity of wounds, etc. Yet the idea that there was a universal standard of 'good practice' against which every practitioner could be judged did not exist, least of all in the field of midwifery which is not known to have had any system of licensing in southern France in this period. Patients determined their own expectations of 'cure' when they contracted with a physician or surgeon for treatment. If they were not satisfied, they simply didn't pay. Legal disputes tend to be more for non-payment of debt (that is, practitioners are suing their former patients) than accusations that the healer had harmed the patient. In an extensive study of the nearby crown of Aragon up through the mid-fourteenth century, Michael McVaugh found malpractice suits exceedingly rare. The two most substantive cases, like ours, involved the death of the patient after the practitioner had made a specific diagnosis and incautiously promised success for a particular remedy. Importantly, both were cases brought against Jews.⁵⁶

Joseph Shatzmiller likewise found Jews to be over-represented in accusations of medical malfeasance. In fact, two cases come from Marseille. One, recounted by the thirteenth-century Marseille physician Shem Tov of Tortosa, described a case in 1261 when '[a]n ignorant, foolish man, a fellow Jew', came to Marseille and pretended to be a physician. A patient died under his care, and when the bailiff demanded that he present himself to account for the death, he fled the city. Shem Tov remarks that, had it not been for the fact that the Christian patient was himself a foreigner, 'we would all have been in great danger on his account'.⁵⁷ The second case, which was brought to court in 1389–90 and was no doubt still remembered by the participants in Floreta's trial, involved a male

⁵⁵ The record says nothing about the women's ages, which might have given us some clue about how many births of their neighbours and kin they had attended.

⁵⁶ McVaugh, *Medicine before the plague*, 182–6.

⁵⁷ Shatzmiller, *Jews, medicine*, 83–4.

Jewish practitioner, Abraham Bondavin, who was called in to treat a Christian fisherman for some skin affliction.⁵⁸ In consultation with a Christian practitioner and using a Christian apothecary to prepare the treatment, he advised application of an ointment of garlic and nettles to the entire patient's body. As with Floreta's trial, the patient's reaction is recorded in the original Provençal: *ieu cremi, ieu su mort, aqueu trahidor de mege* ('I am all burnt, I am dead! What a traitor this doctor is!'). The mother of the patient brought an accusation against Abraham, saying that his treatment caused permanent paralysis of her son's feet and hands. Besides the witness testimony of the mother, the wife, and a neighbour of the victim (all women), expert testimony was also solicited from two physicians and one surgeon; the latter and one of the physicians were fellow Jews making it particularly interesting that their testimony, though not necessarily hostile, was not entirely supportive of Abraham's actions. It is clear, in any event, that detailed evaluation of the medical science involved was an important element of the case, for the actual recipe used by the apothecary was entered into the court record as evidence. Abraham likewise appealed to medical science in his multi-pronged refutation of the charges, challenging the pertinence of the testimony of one of the physicians (in this case, the Christian) and offering his own understanding of the medical principles involved. Most importantly, he insisted that he was duly *licensed* to practice throughout the whole of Provence and that the therapy he used had been jointly devised by him and a respected Christian apothecary. In other words, he and his practices were part of the established structures and methods of learned medicine in Provence. Abraham lost his case and was fined 35 pounds, not an insignificant sum. By April 1390, he was back in court with his appeal — and the judge this time was Jacme Peytavin. We cannot be sure whether Abraham won that case, but his later career gives every indication that his standing in the community did not suffer in the least. By 1391 he had married the daughter of an Avignonese Jew, who had been widowed after her first marriage to a surgeon; in 1397, he then remarried, this time to the daughter of a Marseille surgeon. Both marriages reflect the continued respect Abraham held within the Jewish medical community which, even more than its Christian counterpart, often married off daughters and widows of medical practitioners to other men in the profession.⁵⁹ By 1398, he received a waiver from wearing the yellow circle on his clothes imposed on other Marseille Jews; and in 1400, he (along with the merchant Gardet de Bédarrides, mentioned above) was a member of the Jewish assembly of Marseille.⁶⁰ Thus, whether he actually won his appeal or not, he clearly kept his reputation, no doubt precisely because he could prove himself well versed in medical theory which was the prime qualification for medical licensing at the time.

If Abraham Bondavin (who was still in active practice a year before Floreta's trial and may still have been alive in 1403) could mount an appeal based on medical learning, why didn't Floreta attempt to do the same?⁶¹ First of all, by denying that she had performed any medical intervention, she foreclosed that option from the start: why appeal to medical learning to justify a treatment you never attempted? Yet as we have already indicated, we believe that Floreta *did* perform the procedure: every element of the witness testimony is consistent with this. The question then becomes: why didn't she have enough confidence in her decision to defend it in the face of accusations that her arrogance and ineptitude were the cause of Garsendeta's death?

At least by the time her case had been transferred to the appeals court (which was more than a month after her initial deposition), Floreta may have recognised the similarity between her case

⁵⁸ The case has never been published in full but it was extensively described by Félix Portal, *Un procès en responsabilité médicale à Marseille en 1390* (Marseille, 1902). See also Crémieux, 'Les juifs de Marseille', part I, 42; Shatzmiller, *Jews, medicine*, 82; and Sibon, 'Juifs de Marseille', 867–8.

⁵⁹ On occupational endogamy within medicine, see Green, 'Documenting medieval women's medical practice', 332 and *Making women's medicine masculine*, conclusion. Evidence for the practice within Jewish communities can be found in Noël Coulet, 'Quelques aspects du milieu médical en Provence au bas moyen-âge', in: *Vie privée et ordre public à la fin du moyen-âge. Études sur Manosque, la Provence et le Piémont (1250–1450)*, ed. Michel Hébert (Aix-en-Provence, 1987), 119–38; and Danièle Iancu-Agou, *Juifs et néophytes en Provence. L'exemple d'Aix à travers le destin de Régine Abram de Draguignan (1469–1525)* (Paris, 2001).

⁶⁰ Wickersheimer, *Dictionnaire*, vol. 1, 3.

⁶¹ See Sibon, 'Juifs de Marseille', 545 and 1425–6. Abraham appeared in 1402 as one of several practitioners examining two Christian women suspected of leprosy.

and the malpractice trial of Abraham; at least this appears to be her motive for insisting that Jacme Peytavin (the judge in Abraham's appeals case) be her procurator. But when faced with the initial accusations in February, would she have seen herself as connected to traditions of learned, bookish authority, traditions she could count on to be respected by other practitioners in her field just as the learned and licensed Abraham Bondavin had done in 1390? Throughout Europe, female practitioners, whether Christian, Jew, or Muslim, functioned on the very margins of the world of medical literacy. Although women were occasionally members of medical dynasties, working alongside the men of their families (as, for example, several Jewish women in the northern Provençal town of Manosque), advanced medical literacy has thus far never been documented among women.⁶² Evidence that midwives in particular were literate or engaged in learned medicine even as auditors is hard to find in medieval Europe.⁶³ Literacy among Jewish women seems to have been somewhat higher, and given that the level of medical learning within the male Jewish community in Marseille was extraordinarily high with generations of medical writers and translators going back to the twelfth century, it is not impossible to think that Floreta may have been familiar with the teachings of Hebrew or Latin texts like the ones cited above.⁶⁴ In courts of law, however, women were not normally expected to have recourse to learned authority but rather reported their own experiences or what was *fama* — common knowledge — in their community. Opinion might be elicited concerning 'what is seen and heard' in childbirth, just as a female witness in Manosque had testified a century earlier. But could Floreta trust Christian (or even Jewish) female witnesses to back up her understanding of what the best intervention was for retained placenta, a condition regularly discussed in medical books but seen only infrequently in practice?⁶⁵ And if she had claim to no other authority, what made her opinion 'right' compared to that of the Christian midwife Philipa? In any event, there was no getting away from the obvious fact that, however 'right' her decision to opt for manual extraction had been, it had in fact failed to save her patient. In this respect, it makes sense that when interrogated the second time, Floreta claimed she never touched Garsendeta at all. By denying that she played any medical role, she could (she apparently believed) not be accused of playing it badly.

Unfortunately, Floreta's strategy of denial offered her no protection from the attack that was eventually made on her: that she, *as a Jew*, had 'crudely', 'cruelly', and 'brutally' caused Garsendeta's haemorrhage and death. It is the extreme anti-Judaic sentiment of the trial's preamble that makes Floreta's case different from any other known civil or criminal case in Marseille in the fourteenth or early fifteenth century. The city of Marseille had a long history of tolerance towards its Jewish community, with hardly any trace of overt anti-Judaism in the criminal or civil cases of the fourteenth century.⁶⁶ If some subtle anti-Judaism played a role in the instigation of the initial malpractice trial of Abraham Bondavin in 1389 (and it may well have), that fact is not apparent in the court record where Bondavin's religion seems to be a non-issue. So where did this sentiment come from? In a textual sense, it came fairly directly out of the rhetoric of the 1205 bull *Etsi Judeos* issued by Pope Innocent III. That bull was addressed to the archbishops of Sens and Paris, but was directed ultimately at King Philip Augustus of France, demanding that he put an end to the Jewish practice of employing Christian women as wet nurses in their homes. Among the alleged indignities exacted by the Jews (who have been 'mercifully admitted to our intimacy') was forcing Christian wet nurses to pour their milk into the latrine for three days after they had taken the Eucharist. These deeds were so outrageous as reflexively to threaten

⁶² On the women of Manosque, see Green, 'Documenting', 345–8; on women's medical literacy, see Green, *Making women's medicine masculine*, esp. chap. 3.

⁶³ For the limited evidence of women's medical literacy, see Monica H. Green, 'The possibilities of literacy and the limits of reading. Women and the gendering of medical literacy', in: Green, *Women's healthcare*, Essay VII, 1–76. On midwives' literacy in particular, see Green, *Making women's medicine masculine*.

⁶⁴ The literacy and even bookishness of male Jewish practitioners in Marseille is amply documented (Sibon, 'Juifs de Marseille', 389–2). For example, upon his decease in 1397, the physician Crescas Roget had 30 Hebrew books in his personal possession ('Juifs de Marseille', 859).

⁶⁵ Green, 'Documenting', 348–9. In modern analyses, it is estimated that *placenta accreta* occurs at rates of about 1: 540 to 1: 93,000 depending on definitions used and populations studied; a recent study of several thousand maternity cases at a single hospital produced a rate of 0.9% of all deliveries. See Gielchinsky et al., 'Placenta accreta'.

⁶⁶ Sibon, 'Juifs de Marseille', 428–35 and 484–6.

Christians with divine wrath should they allow them to go unpunished.⁶⁷ From our perspective, to link midwives and wet nurses may seem obvious — a conflation of two gendered tasks tied intimately to the bodies of women. But in fact, the situation described by Innocent bears no relation whatsoever to the scenario of Garsendeta's death. The Christians here are not servants but the willing employers of the midwife Floreta. Floreta, a single Jew coming into a room full of Christian women, was in no position to force Garsendeta (or any other of the women present) to abide by Jewish custom. Rather, *Etsi judeos* (or perhaps some intermediate rendition of it) may have been turned to because it provided a gender-specific example of the horrible social inversion that happened when Christians and Jews came into intimate contact.

Floreta's trial may also reflect the influence of new anti-Judaic sentiment that was being disseminated by the itinerant Dominican preacher Vincent Ferrer (1350–1419) in the late fourteenth and early fifteenth century. Ferrer, a native of Valencia, had visited Marseille twice in the years intervening between Abraham Bondavin's trial and Floreta's: around Christmas in 1400 and at Easter time in 1401.⁶⁸ The rhetoric of his preaching, already well studied by other scholars, had a documented effect on Jewish-Christian relations in many areas where he travelled. As David Nirenberg has noted, his sermons 'focus not so much on the beliefs or religious identity of the converts [from Judaism] but on the physical and social proximity of Jew to Christian, a proximity that threatens the very process of religious identification and classification. Moreover, the perils of that proximity are not expressed in terms of sincerity of belief or confessional allegiance but in terms of dangerous social and sexual intimacy'.⁶⁹ Clearly, something happened in that birthing room that was interpreted as 'detestable and unheard of things [...], as a result of which the faithful should fear that *they* are incurring divine wrath when they permit the Jews to perpetrate unpunished such deeds as bring confusion upon our Faith'.⁷⁰

This anti-Judaic sentiment may have emanated not simply from the learned jurists who composed the preamble but right from the birthing room itself when Garsendeta, with her dying breath, allegedly utters her horrible accusation of Floreta: *a falsa canha tu mas morta*, 'O, false bitch, you have killed me'. In calling her a 'bitch' (*canha*), Garsendeta may have been articulating a hostility that went beyond her immediate pain and fear and tapped into a deeper cultural hatred. 'Dog' or 'bitch' was not an insult normally used among Christians; certainly, among the hundreds of insults described in Marseille's fourteenth-century court records canine allusions are rare. There is, however, some evidence for its use among women. In 1331, a Christian woman, almost certainly a prostitute, calls another Christian woman living on the same street 'a shitty whore for dogs and pigs' (*merdosa puta de canis et de porcs*). In the same year, a Jewish woman is forced to pay a fine of five sous for having said to a Christian woman 'You are more of a dog than I am' (*Vos estis melius canis quam ego*).⁷¹ Whether either of these two instances parallel the anti-Judaic uses of the 'dog' epithet that had percolated through western Christian culture for centuries is unclear.⁷² Nevertheless, the rarity with which the insult was used in Marseille raises the possibility that Garsendeta's choice of words was loaded.

As Shem Tov remarked in 1261, one Jew's mistake could put the entire Jewish community in great danger, and the energy that went into defending Floreta is certainly consistent with the view that the larger Jewish community took notice of this case. Indeed, it seems to have become a real *cause célèbre*. The legal case itself took up the energies of more than a dozen of Marseille's judges and jurists. Most

⁶⁷ Innocent III, *Etsi Judeos*, in Solomon Grayzel, *The Church and the Jews in the XIIIth century*, rev. edn (New York, 1966), 114–17. We employ Grayzel's translation in this and subsequent quotations.

⁶⁸ Henri Fages, *Histoire de saint Vincent Ferrer, apôtre de l'Europe*, 2 vols (Paris, 1894), vol. 1, 147. Our thanks to Deeanna Cope-land Klepper for pointing out the Vincent Ferrer connection to us, and to Laura Ackerman Smoller and Philip Daileader for additional help.

⁶⁹ David Nirenberg, 'Conversion, sex, and segregation. Jews and Christians in medieval Spain', *American Historical Review*, 107:4 (2002), 1065–93, at 1082. Precisely what Ferrer preached when he visited Marseille is impossible to reconstruct; his earliest extant sermons were written down in Freiburg in 1404, three years after he left Marseille.

⁷⁰ Innocent III, *Etsi judeos*, 115; emphasis added.

⁷¹ ADBR, B 1940, f. 129v; and Sibon, 'Juifs de Marseille', 432.

⁷² Kenneth Stow, *Jewish dogs. An image and its interpreters* (Stanford, 2006).

strikingly, however, by 7 May 1403, Floreta's case had come to the attention of Louis, the count of Provence, who instructed Mathieu de Belleval, the keeper of the Jews, to inquire into it. The city council, hearing of the count's involvement, ordered that a letter be sent to the count summarising Floreta's appeal but reminding him of the established right of Marseille not to have any of its cases appealed outside the city.⁷³ The appellate case ended abruptly around 10 May, with the two parties arguing about procedural points of law. Such an abrupt ending is all too typical of court records, and unfortunately there are no clues to suggest which way the appellate judge was leaning. No further trace of Floreta or her case has been found and we will probably never know whether she was in fact submitted to torture or if her case ended in a fine, corporal punishment, or banishment.

Whatever animosities were unleashed between the Jewish and Christian communities of Marseille in regard to Floreta's trial, they were sufficiently contained by the summer of 1403 to allow re-establishment of the *status quo ante*. In August of 1403, three months after our last sight of Floreta, the Jewish physician Salomon Orgier was renewed by the city council in his position of municipal physician: his annual fee of 50 florins is exactly half that of the Christian physician appointed to serve alongside him, and the same proportionally as what Jewish appointees had received before. He is followed throughout the century by other male Jewish physicians holding similarly respected positions in Marseille, who served not only the city but also at the Christian hospital of St-Esprit.⁷⁴ But it can be wondered whether that restored equilibrium extended to the Jewish and Christian women of the city. Would any Jewish midwife have dared attend a Christian woman following Floreta's ordeal?

In sum, it seems that the tragic death of Garsendeta generated a legal challenge for the principal reason that the alleged malefactor, Floreta, was Jewish. Clearly, from the court's perspective there were grounds for a charge of medical malfeasance, for it is plainly stated that Floreta undid the umbilical cord (whether by accident or design is unclear) which had been 'skilfully and deliberately' tied by the Christian midwife Philipa, and twice Floreta's actions are described as having been 'crudely' performed. Perhaps her announcement, as reported in the trial record, 'to all the people who were present that she wished to remove the afterbirth from Garsendeta's uterus' was assumed to be a promise of cure. Perhaps, in other words, she had been incautious, pushing her actions into the still ill-defined realm of 'medical malpractice'. By denying that she had performed any procedure at all, however, Floreta foreclosed the possibility of defending the technique of manual extraction on the grounds that many contemporary medical authorities approved of it. If, as we suspect, she was illiterate or only marginally literate, she may not have known precisely what was said about retained placenta in Latin or Hebrew medical books and never conceived that, like her male co-religionist, Abraham Bondavin, she could appeal to learned medical opinion in her defence. Internal autopsies were not routinely performed in France at this time and since there was no testimony from other midwives, surgeons, or physicians about what a better course of action might have been, determination of 'truth' remained in the hands of those women who had been present.⁷⁵ Death in childbirth must have been the common, if no less sad, outcome of many a midwife's interventions, and we can only conclude that, whatever specific medical disagreements or professional rivalries there may have been between the Christian midwife Philipa and the Jewish midwife Floreta, it was primarily religious difference and the social antagonisms that went with it that caused this unfortunate death to flare into a criminal trial. If Floreta did indeed make an attempt to save this Christian woman's life (and we believe she did), it is unsurprising that by the end she refused to admit it.

⁷³ Crémieux, 'Juifs de Marseille', part I, 14–15; and part II, 75.

⁷⁴ Crémieux, 'Juifs de Marseille', part I, 39.

⁷⁵ Although postmortem internal autopsies were being performed for both forensic and diagnostic purposes in northern Italy by this period, the practice does not yet seem to have spread to southern France; see Katharine Park, *Secrets of women. Gender, generation, and the origins of human dissection* (New York, 2006). There would have been no precedent, in other words, for a postmortem to have been performed on Garsendeta to confirm the condition of her uterus. For an example of a nearly contemporary external autopsy in nearby Manosque, see Andrée Courtemanche, 'The judge, the doctor, and the poisoner. Medical expertise in Manosquin judicial rituals at the end of the fourteenth century', in *Medieval and early modern ritual. Formalized behavior in Europe, China and Japan*, ed. Joëlle Rollo-Koster (Cultures, Beliefs and Traditions: Medieval and Early Modern Peoples, 13, Leiden, 2002), 105–23.

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Appendix

What follows is a transcription and translation of the criminal trial of Floreta, the widow of Aquinon d'Ays, found in France, Archives Départementales des Bouches-du-Rhône, 3B 140. The appellate case of Floreta opened on March 20 of 1403 on folio 2 recto, and the last entry, on 17 recto, was made on 10 May. Though catalogued by the archive as a register in the Palace Court series, this is in fact a register made by the appellate court. Dan Smail came across the record in 1998 and, to our knowledge, it is published here for the first time. Our thanks to the Archives Départementales des Bouches-du-Rhône for granting us permission to publish the text.

Important portions of the appellate component of the case have been damaged, which is why we have decided to edit here only the crucial section of the proceedings, namely, the relatively undamaged section containing the transcript of the criminal proceedings. We have followed standard editorial practice in normalising punctuation and expanding all standard abbreviations without comment; we have otherwise followed the text as written, except where indicated.

Transcription

[f. 8r] Contra Floretam relictam Aquinoni de Aquis judeam et omnes alios universos et singulos qui de infrascriptis poterunt ope opere consilio auxilio tractatu vel favore modo quolibet culpabiles reperiri.

Anno domini millesimo quadringentesimo secundo die decimasexta mensis Februarii. Et si judeos,⁷⁶ quos propria culpa submitit perpetue servituti, pietas Christiana sustinet cohabitationem illorum et receptat, ingrati tamen nobis esse non debent ut reddant Christianis pro gratiis⁷⁷ contumeliam et⁷⁸ de familiaritate contemptum. Tot enim et tanta contra fidem detestabilia et inaudita comitunt que propterea fidelibus est verendum⁷⁹ ne divinam indignationem incurrant cum eos perpetrare patiuntur indigne que fidei nostre confusionem inducunt. Presumunt enim in creatoris nostri contumeliam prosilire qui utique debent pro magno habere quod in eorum veteribus observantiis tolleretur nosque non debeamus illius dissimulare obprobria [f. 8v] qui probra nostra dolevit. Iudeorumque mores et nostri in nullo concordent. Et ipsi defacili ob continuam conversationem et assiduum familiaritatem ad eorum supe[r]stitionem et perfidiam, simplicium animas inclinant qui sepe malorum consorcio bonos corrumpunt. Ipsorum nempe perfidia sepe ad vomitum reddit illos.⁸⁰ [...] sancta mater

⁷⁶ The passages from 'Etsi judeos' to 'de familiaritate contemptum', and again from 'contra fidem detestabilia' to 'confusionem inducunt' come, with modifications, from the 1205 bull of Pope Innocent III, *Etsi judeos*. See Solomon Grayzel, *The Church and the Jews in the XIIIth century*, rev. edn (New York, 1966), 114.

⁷⁷ pro gratis expuncted.

⁷⁸ et et in MS.

⁷⁹ verecundum in MS (cf. *Etsi judeos*).

⁸⁰ 2 Peter 22: contigit enim eis illud veri proverbii canis reversus ad suum vomitum et sus lota in volutabro luti.

ecclesia catholica et fides orthodoxa [...] ⁸¹ ob id continue blasfemarunt qui se dicunt judeos esse et non sunt sed sint sinagoga sathane. ⁸²

Sane inquiritur et presens fit inquisitio per curiam regiam inquisitionum civitatis Massilie tam ex officio ipsius curie quam ad denunciationem nobilis Ludovici de Vintimilio subvicarii dicte curie contra dictam Floretam et omnes alios universos et singulos qui de infrascriptis poterunt ope opere consilio auxilio tractatu vel favore modo quolibet culpabiles reperiri super eo videlicet quod delata ipsa non habens ad dei timorem intuitum nec ultionem eiusdem in aliquo formidans spretisque mandatis dominicis quorum unum testatur eloquio non occides et cetera, non credens de commissis infra per eam nephando et orribili crimine penam aliquam reportare sed potius [f. 9r] existimans curiam regiam ac civitatem presentem carere, quod absit, dominio et rectore, ad male agendum actus suos penitus dirigens tanquam filia Belial et eius operibus instigata, qui semper consuevit et satagit miserorum animas laqueare illas ducendo totis viribus in profundum temporalis, necminus divini iudicii penas incurrere, non pavens nec verens quam grave et detestabile sit apud deum et homines creaturam divine manus operatione formatam et ad eius plasmatam effigiem ante metas divine dispositionis humo morte innominata tradere vermibus corrodendam, nec etiam considerans quam granditer et continue sanguis innocentis effusus in conspectu vindictam divine clamitet maiestatis pridem. Hiis diebus non longe decursis dicta Floreta delata requisita ut obstetrix pro parte amicorum Garcendente, quondam uxoris Petri Aymbardi, pro expulsionem secundine que post partum adhuc remanserat in utero ipsius Garcendente quisquam augmentum umbilici partus sanum et integrum [f. 9v] ac diligenter ligatum ad coxam dicte Garcendete existetur et integre permanetur. Mortem ipsius in corde suo, festinans ad eandem Garcendetam gressus suos direxit et dando intelligi omnibus personis ibidem assistentibus quod secundinam ab utero ipsius Garcendente expellere volebat, brachium suum dextrum omnino expoliavit ipsumque totum ⁸³ usque ad cubitum infra vulvam et ventrem dicte Garcendete inmisit. Et fingendo secundinam expellere matricem crudeliter cepit et innominose extinsit et suffocavit. ⁸⁴ Et peiora malis accumulando augmentum umbilici partus ad coxam dicte Garcendete ut predictum est sane et integre ligatum scienter et voluntarie adeo crudeliter et inmaniter fregit. Propter cuius ⁸⁵ fracturam totus sanguis qui post partum in ⁸⁶ corpore dicte Garcendete remanserat subito ab eius corpore emanavit. Quod ex ipsa matricis suffocatione seu extinctione et dicti augmenti umbilici fractione dicta Garcendeta incontinenti decessit et mortua spiravit, sic in penam [legis] Cor[nelie] de Sic[ariis] propterea teme[ariam] incidendo.[f. 10r] Et quia tantum et tale orribile crimen absque punitione notabili transiri non debet quin potius leges armari debeant, rigor ferveri iudicis et ultor justicie gladius execari ad vindictam de tam excessu detestabili assumendam idcirco dicta curia contra dictam Floretam et alios qui de premissis culpabiles poterunt quomodolibet reperiri ad inquirendum processit prout sequitur infra.

Principalis. Anno et die quibus supra constituta in clavario dicta Floreta in presencia domini iudicis palatii iuravit ad sanctam legem ⁸⁷ moysis stare mandatis dicte curie et meram fateri veritatem super contentis in titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari que iuramento suo interrogata negavit omnia contra se intitulata penitus fore vera. Verum est tamen quod ipsa requisita accessit ad domum dicte quondam Garcendete quam diligenter inspexit et palpavit presente ibidem Philipa altera abstetrice [f. 10v] et quia ipsam quondam Garcendentam debilem reperiit propter labores et passione[s] quos [tota] illa die substinuerat ideo amplius noluit de ea se intromittere. Fuit reducta in carcerem et carcerario assignata.

Testis. Anno quo supra die vicesimaprima mensis Februarii Antoneta uxor Antonii Maurini testis pro parte dicte curie recepta iuravit ad sancta dei evangelia ferre testimonium veritatis super contentis in

⁸¹ This sentence begins with a word consisting of an initial 'e' with five minims and an abbreviation mark signally it should be expanded further. We have been unable to render any sense of this, especially since the apparent subject of the sentence, 'sancta mater ecclesia', lacks a verb. We suspect the loss of as much as one line of text.

⁸² Revelation 2:9 and 3:9.

⁸³ ad expuncted.

⁸⁴ sic.

⁸⁵ cumque (?) in MS.

⁸⁶ corpe expuncted.

⁸⁷ legis in MS.

titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari que iuramento suo interrogata dixit et deposuit verum fore se vidisse quando Philipa obstetrix presens erat et tenebat Garcendentam Aymbarde pro expulsione secundine que post partum remanserat in utero dicte quondam Garcendete et habentem augmentum umbilici infantis ad coxam ipsius ligatum et tunc ibidem supervenit dicta Floreta judea cui dicta Philipa dixit talia verba vel similia: 'Caveas tibi quomodo [f. 11r] te habebis quia ista mulier est in bono statuti nam augmentum umbilici est ibi sanum et integrum ad coxam ligatum'. Et paulopost vidit dictam Floretam trahentem brachium suum sanguinolentum usque ad cubitum cui dicta Garcendeta dixit talia verba vel similia: 'A falsa canha tu mas morta.' Plura nescit.

Testis. Eodem die Margarite de Assana testis pro parte curie recepta iuramento suo interrogata super contentis in titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari dixit et deposuit se nil aliud scire nisi quod vidit dictam Floretam scistentem ante dictam Garcendentam sicut consueverunt abstetrices qui incontinenti dixit dicte Florete talia verba: 'A falsa canha tu mas morta'. Postea vero loquens ipsa altiavit raupam scistentem inter dictas Garcendentam et Floretam, et vidit brachium dicte judee sanguinolentum. Plura nescit.

Testis. Dicta die Bartholomea Astorne testis pro parte curie recepta iuramento suo interrogata super [f. 11v] contentis in titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari dixit et deposuit se nil aliud scire nisi quod vidit dictam Floretam scistentem ad modum abstetrices ante dictam Garcendentam qui dicte Florete dixit talia verba: 'A falsa ganha⁸⁸ tu mas morta'. Postea vero loquens ipsa⁸⁹ brachium dicte judee sanguinolentum. Plura nescit.

Testis. Eodem die Jacmeta Dominice testis pro parte curie recepta iuramento suo interrogata super contentis in titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari dixit et deposuit verum fore quod loquens ipsa continuo in partu presens fuit et dictam Garcendentam inter brachia sua tenuit que peperit filium postea vero Philipa obstetrix stetit ibidem per spacium duarum horarum pro expulsione secundine quamquam dicta Philipa diligenter ligasset augmentum umbilici ad coxam dicte Garcendete. Deinde supervenit dicta Floreta que posuit totum brachium suum usque ad cubitum infra ventrem dicte Garcendete movendo manum [f. 12r] ab utraque parte ventris propter cuius motum augmentum umbilici fregit quod erat ad coxam ligatum et ex post traxit dicta Floreta brachium sanguinolentum cui dicta Garcendeta dixit talia verba: 'A falsa canha tu mas morta', et totiens ista verba replicando dixit quousque mortua expiravit.

Testis. Die predicta Margarita Martine testis pro parte curie recepta iuramento suo interrogata super contentis in titulo inquisitionis predicte ipso sibi prius lecto et dato intelligi in vulgari dixit et deposuit se nil aliud scire de contentis in eo nisi quod bene vidit dictam Floretam sistentem ante dictam Garcendentam sicut consueverunt abstetrices que incontinenti dixit dicte Florete talia verba: 'A falsa canha tu mas morta', que Floreta tunc respondit per hec verba: 'Si yeu tay morta prenes un rasor et trases de mon sanc et fach mi sebelir sayns', extractam prius per eam [f. 12v] suo brachio de subtus dictam Garcendentam toto sanguinolento. Plura nescit.

Prima repetitio. Anno quo supra die martis vicesima mensis marcii hora vespertorum. Constituta atque ducta de carcere regio quo detinebatur ante presentiam et audienciam magnifici et potentis viri ac etiam nobilium et egregiorum virorum dominorum Johannis Gondisalvi militis domini castri de Solerii vicarii regii, Johannis Moguerii curie palatii, Johannis Raynaudi licenciati in legibus, et Johannis de Ysia ceterarum curiarum dicte civitatis iudicum in predicta regia clavaria pro tribunali sedentium supradicta Floreta judea iuravit ad sanctam legem Moysi dicere et confiteri veritatem de et super contentis in titulo inquisitionis predicte eo sibi prius lecto et dato intelligi in vulgari que iuramento suo interrogata et diligenter examinata et etiam repetita negavit omnia in ipso [f. 13r] titulo contenta contra se formata penitus fore vera. Adtamen⁹⁰ dixit veram esse quod die qua dicta quondam Garssenneta peperit modicum post ipsum partum frater predicti Petri Aymbardi venit quesitum ipsam loquentem ut iret datum succursum et remedium dicte quondam Garssennete de malo seu dolore quem eo tunc patiebatur et tunc Floreta loquens ipsa requisita ivit ad domum dicte quondam Garsenete et dum fuit in ipsa domo reperit ipsam Garsenetam tunc in solo jacentem et multum afflictam et quia

⁸⁸ sic.

⁸⁹ bl expuncted.

⁹⁰ A tamen in MS.

ipsa tunc Garsenneta non erat in bono statu loquens ipsa eam tangere noluit nec palpare. Interrogata qua hora ivit ad dictam domum predictae Garsennete, dixit quod de vespero. Interrogata quos reperit in ipsa domo, dixit et respondit quod prenominatam Philipam obstetricem et certas alias dominas quarum nomina dixit se nescire. Et pluribus interrogationibus sibi factis nichil aliud voluit confiteri.

[f. 13v] Interloquatoria. Et dicti domini iudices ubi supra pro tribunali sedentes viso et examinato cum quanta decet diligentia processu huiusmodi considerantes et attendentes depositiones testium pro parte dicte curie receptorum contra delatam predictam necnon et contrarietate depositionum eiusdem delate que contradicunt sibi ipsi, interloquendo decreverunt predictam Floretam presentem et audientem fore lingandam⁹¹ ad cordam eculei manibus retro dorsum et demum torquendam et questionandam fore in altum ad ipsum eculeum semel et pluries et totiens quostiens ipsis dominis iudicibus videbitur iuridice faciendum et donec ab eadem delata de premissis contra eam intitulatis veritas eruatur ita quod merito sentiat de viribus questionis.

Et presens ibidem dicta Floreta iudea delata et predicta sententia seu interlocutoria viva voce appellavit.

[f. 14r] Et dicti domini iudices sedentes pro tribunali ut supra dictam appellationem tanquam a nullo gravamine interiectam ac frivolum et inane non admiserunt nisi si et in quantum esset admitenda de iure quo casu et non alias appellanti predictae ac se debito modo presentandum coram dicto domino iudice ad quem stetit appellatum unicum processu contra eam actitato presentem horam vesperorum pro termino assignarunt presentem responsionem pro apostolis concedendo.

Precipientes subvicario dicte curie presenti quatenus dictam appellantem⁹² ducat sub fida custodia ad presentiam domini iudicis antedicti et facta ordinatione per ipsum dominum iudicem eandem appellantem incontinenti reducat ad carceres regios.

Quequidem Floreta delata appellans dicta hora vesperorum coram domino iudice primarum appellationum dicte civitatis se personaliter [f. 14v] presentavit et demum reducta fuit infra dictos regios carceres et assignata Guillelmo Ayglesii custodi ipsorum⁹³ carcerum iuxta ordinationem dominorum iudicum predictorum.

Postquam anno die et hora predictis coram prefatis dominis iudicibus ubi supra in dicta regia clavaria pro tribunali sedentibus comparuit magister Guillelmus de Melomonte viceclavarius et procurator fiscalis dicti regii curie. Et volens dictam causam pro parte ipsius curie prout sua interest prosequi et etiam impugnare petiit et requisivit copiam totius presentis processus sibi dari et concedi ut inde deliberare possit et valeat quid agendum fuerit super premissis.

Et dicti domini iudices prefato viceclavario presenti et requirenti postulatam copiam concesserunt.⁹⁴

Translation

[f. 8r] Against Floreta, widow of Aquinon d'Ays, Jewess, and all others, each and every one, who might in any way be found guilty of the following, either by influence, effort, advice, aid, management, or partiality.⁹⁵

The year of the Lord 1402,⁹⁶ the 16th day of February. Although Christian piety tolerates the Jews who, by their own guilt, are consigned to perpetual servitude, and allows their cohabitation, nevertheless they ought not to be ungrateful towards us such that they give the Christians insults in exchange for favours and contumely for close friendship. Indeed, they have committed so many and such detestable and unheard of things as a result of which the faithful ought to be in dread lest they incur divine indignation, since they shamefully suffer the Jews to perpetrate that which leads to the confusion of our faith. Indeed the Jews dare to leap forth in contumely for our Creator, they who certainly ought

⁹¹ *sic in MS.*

⁹² *corrected by notary from appellationem.*

⁹³ *ca expuncted.*

⁹⁴ At this point the transcript of the criminal inquest comes to an end and the appellate case resumes.

⁹⁵ This is a legal formula and does not in any way imply that officials suspected Floreta of belonging to a conspiracy.

⁹⁶ This is 1403 in the new style of dating, which begins the new year 1 January.

to exalt Him because He was worshipped in their ancient rites, and we ought not to conceal the tauntings of the one [f. 8v] who suffered for our faults. The customs of the Jews and our own in no way accord. And these same Jews, thanks to ongoing exchanges and persistent friendship, easily sway the souls of the simple towards their superstition and perfidy, they who in a partnership of the evil often corrupt the good. Truly, their perfidy often brings them back to their vomit. Indeed, the holy Mother Catholic Church and the orthodox faith [...], on account of which they continually blaspheme, they who call themselves Jews and are not, but are the synagogue of Satan.

The present inquest is underway and is being made by the royal court of inquests of the City of Marseille, both *ex officio* and through the denunciation of the noble Lois de Vintimilio, the sub-vicar of this court, against this Floreta and all others, each and every one, who might in any way be found guilty of the ensuing by reason of influence, effort, advice, aid, management, or partiality. This concerns the fact, namely,⁹⁷ that the accused did not have a thought toward the fear of God nor was terrified in any way by His vengeance. She spurned the Lord's commands, one of which is attested by the pronouncement 'Thou shalt not kill' etc. Not believing that the things below that were committed by her through an impious and horrible crime would result in any penalty for her, she instead [f. 9r] supposed, God forbid, that the royal court and the present city is lacking in rule and governance. Wholly directing her own acts towards evil-doing as a daughter of Belial⁹⁸ and inflamed by his works, he who is ever accustomed to and busies himself in ensnaring the souls of the wretched, leading them with all his force into the depths of the temporal world, she did not fear to incur the penalties of divine justice, nor did she dread or fear how grave and detestable a thing it be before God and men to convey to the soil through an unnamable death, to be eaten by worms, a creature formed by the work of the divine hand and sculpted into his likeness before the ends determined by divine disposition. Nor even did she consider how powerfully and unremittingly the blood of an innocent, spilled in the sight of all long ago, cries out for the vengeance of divine majesty.

In these days not long past, the accused Floreta was requested as a midwife by the kinfolk of Garsendeta, late wife of Peire Aymbart, for the purpose of removing the afterbirth⁹⁹ which had remained after birth in Garsendeta's uterus even while an extension of the child's umbilical cord appeared sound and whole [f. 9v] and conscientiously tied to Garsendeta's thigh and faultlessly remained in place. Hastening, with Garsendeta's death in her heart,¹⁰⁰ she turned her feet toward Garsendeta and then, explaining to all the people who were present that she wished to remove the afterbirth from Garsendeta's uterus, she bared her right arm completely and inserted it up to the elbow within the vagina and belly of the said Garsendeta. And molding the afterbirth so that she might expel it, she crudely grabbed the womb¹⁰¹ and in a manner worse than words can say annihilated and suffocated the womb.¹⁰² And going from bad to worse, she cruelly and brutally broke the extension of the child's umbilical cord — which, as said above, [had been] whole and sound, skilfully and deliberately bound to the thigh of the said Garsendeta. And on account of its rupture, all the blood which after the delivery had remained in the body of the said Garsendeta suddenly flowed from her body. Because the said Garsendeta immediately died and breathed her last owing to the suffocation or annihilation of the womb and the breaking of the extension of the umbilical cord, therefore [Floreta] should fall under the penalty of the Cornelian law on assassins because of her rashness.¹⁰³

⁹⁷ The long passage from *videlicet quod to clamitet maiestatis pridem* is an extended sequence of participial phrases describing the many types of Floreta's alleged arrogance and insolence. In translating, we have broken it into several shorter sentences.

⁹⁸ An evil being in Hebrew mythology, in medieval Christianity Belial was often used as a synonym for Satan.

⁹⁹ We have chosen to translate *secundina* (literally, 'the followings') with the broader word 'afterbirth' rather than the more specific 'placenta.' Neither the latter term nor any equivalent was used in medieval medical texts.

¹⁰⁰ The lack of a proper verb here makes it ambiguous whether Floreta is accused of planning Garsendeta's death even before she arrives on the scene. The charge of assassination does, however, imply forethought.

¹⁰¹ The term here is *matricem* (nom., *matrix*), the more commonly used medieval term for the uterus.

¹⁰² The notion that the uterus can be 'suffocated' is commonplace in medieval medicine; cf. Green, *The Trotula*, 22–31. However, in no gynecological text that we are aware of is *suffocare* understood as a transitive verb, i.e., as something someone does to the womb.

¹⁰³ The 'Cornelian law on assassins and poisoners' (lex Cornelia [Sullae] de sicariis et veneficiis) is discussed in Justinian's *Institutes* 4, 18, § 5. There, it is described as a special murder charge that 'pursues those persons, who commit this crime assassination with the sword of vengeance, and also all who carry weapons for the purpose of homicide'.

[f. 10r] And since so great and so horrible a crime ought not to be passed over without any noteworthy punishment, but rather the laws ought to be roused up, the severity of the judge ought to be inflamed, and the avenging sword of justice ought to be whetted for taking up vengeance against so detestable an outrage, therefore, this court proceeds to an inquiry against the said Floreta and all who may be found guilty of the foregoing in any way, just as follows below.

The principal accused. In the year and on the day mentioned above, this Floreta, brought into the court chamber in the presence of the Lord Palace Judge, swore on the Holy Law of Moses to abide by the mandates of the said court and to admit the pure truth upon the matters contained in the aforesaid criminal charge, this first having been read to her and given to understand in the vernacular. Interrogated on her oath, she denied that any of the things listed against her were at all true. All the same, she did acknowledge, that having been requested, she came to the house of the said late Garsendeta, whom she diligently inspected and palpated¹⁰⁴ while the other midwife, Philipa, was present. [f. 10v] And because she found the late Garsendeta weak on account of the labours and sufferings she had suffered that whole day, for that reason she did not wish to allow herself to be drawn further in with her.

She was taken to the prison and assigned to a jailor.

Witness. In the year as above, on the twenty-first day of February, Antoneta, wife of Antoni Maurini, received as witness for the said court, swore on the Holy Gospels of God to give testimony of the truth about the things contained in the criminal charge, it first having been read to her and given to understand in the vernacular. Interrogated on her oath, she said and deposed that it was true that she had seen when Philipa the midwife was present and had held Garsendeta Aymbarda [to assist with] the expulsion of the afterbirth which had remained in the uterus of the said late Garsendeta after birth. And [she saw] that she had tied the extension of the umbilical cord of the infant to her thigh. And then the said Floreta the Jewess arrived there, to whom the said Philipa said these words or similar ones: 'Beware how you [f. 11r] behave because this woman is in a good state, for the extruded part of the umbilical cord is tied here, sound and whole, to the thigh'. And a little while later she saw the said Floreta drawing out her arm, bloodied up to the elbow, to whom the said Garsendeta said these words or similar ones, 'O, false bitch, you have killed me'. More she does not know.

Witness. On the same day, Margarita de Assana, witness received for the court, was interrogated on her oath about the matters contained in the criminal charge, it first having been read to her and given to understand in the vernacular. She said and deposed that she herself knew nothing except that she saw the said Floreta sitting before the said Garsendeta just as midwives are accustomed to do,¹⁰⁵ who immediately said to the said Floreta these words: 'O, false bitch, you have killed me'. After this, she (the one speaking) lifted the cloth lying between the said Garsendeta and Floreta, and she saw the bloody arm of the said Jewess. More she does not know.

Witness. On the said day, Bartholomea Astorne, witness received for the court, was interrogated on her oath about the matters [f. 11v] contained in the criminal charge, it first having been read to her and given to understand in the vernacular. She said and deposed that she knew nothing except that she saw the said Floreta sitting in the manner of midwives in front of the said Garsendeta, who said to the said Floreta these words: 'O, false bitch, you have killed me'. After this, she (the one speaking) [saw] the bloody arm of the said Jewess. More she does not know.

Witness. On the same day, Jacmeta Dominice, witness received for the court, was interrogated on her oath about the matters contained in the criminal charge, it first having been read to her and given to understand in the vernacular. She said and deposed that it was true that she (the one speaking) was present throughout the birth and she held the said Garsendeta in her arms,¹⁰⁶ who gave birth to a son. Afterwards, Philipa the midwife was there for a space of two hours for the expulsion of the afterbirth, although the said Philipa had diligently tied the extruded portion of the umbilical cord to the said

¹⁰⁴ Later, Floreta seems to deny having touched Garsendeta at all; see f. 13r below.

¹⁰⁵ From visual depictions of medieval childbirth, it seems that the midwife's principal function was to sit in front of the labouring woman, between her legs, to guide the foetus's exit, and to 'catch' the baby as it emerged. Other women would be responsible for holding the labouring woman, usually under the arms or from behind. Margarita de Assana's testimony on this point (which is repeated by Bartolomea Astorne and Margarita Martine) seems intended to stress that, at least at the beginning, Floreta was acting in a way the other women found expected and acceptable.

¹⁰⁶ See the previous note.

Garsendeta's thigh. Then the said Floreta arrived, who placed her whole arm up to the elbow within the belly of the said Garsendeta, moving her hand [f. 12r] from one side of the belly [to the other]. Because of this motion, she broke the extension of the umbilical cord, which had been tied to [Garsendeta's] thigh. And after this, the said Floreta drew out her bloody arm, to whom the said Garsendeta said such words as 'O, false bitch, you have killed me'. And she said these words repeatedly until the dying woman breathed her last.

Witness. On the same day Margarita Martine, witness received for the court, was interrogated on her oath about the matters contained in the criminal charge, it first having been read to her and given to understand in the vernacular. She said and deposed that she knew nothing about the accusations made in it, except that she had clearly seen the said Floreta sitting before the said Garsendeta just as midwives are accustomed to do, who immediately spoke to the said Floreta these words: 'O, false bitch, you have killed me', to which Floreta then responded with these words: 'If I have killed you, then you should take a razor and draw some of my blood and have me buried here', having first taken herself [f. 12v] from underneath the said Garsendeta with her arm all bloody. More she does not know.

First repetition. In the year as above, on the 20th day of the month of March, at the hour of vespers. Led from the royal prison where she has been detained and brought before the presence and the audience of the high and mighty man and also the noble and upright men and lords, Johan Gondisalvi, knight and lord of the castrum of Soliers, the royal vicar; Johan Moguier of the Palace Court; and Johan Raynaut, a licentiate in laws and Johan de Ysia, from the city's remaining courts, the judges seated as tribunes in the said royal chamber. The above-mentioned Floreta, Jewess, swore on the holy law of Moses to speak and confess the truth about and regarding the contents of the criminal accusation, it first having been read to her and given to understand in the vernacular. Interrogated and carefully examined on her oath she again denied that anything in the [f. 13r] charge made up against her was true. Admittedly, she said it was true that on that day when the late Garsendeta gave birth, a little after the birth, the brother of the above-said Peire Aymbart came seeking her, saying that she should go give aid and help to the said late Garsendeta for illness or pain which she was suffering at that moment. And then the speaker Floreta, having been summoned, went to the house of the said late Garsendeta, and when she came into this house she found this Garsendeta then lying [in a room] on the ground floor and greatly afflicted. And because this Garsendeta was not then in a good state,¹⁰⁷ she (the one speaking) did not want to touch her or to palpate her.¹⁰⁸ Asked what time she came to the said house of the above-said Garsendeta, she said that it was vespers. Asked whom she found in the house, she said and responded that there was the above-named midwife, Philipa, and certain other ladies whose names she said she did not know. And with many interrogations having been made to her, she wished to confess nothing further.

[f. 13v] Interlocutory ruling. And the said lord judges seated as tribunes as above, having looked at and examined the trial transcript with as much care as is appropriate, considering and paying attention in this way to the depositions of the witnesses received on behalf of the said court against the accused woman, and also the contradictory character of the depositions of the accused, which contradict themselves, having talked among themselves, they decreed that the aforementioned Floreta, present and listening, shall be tied to the cord of the horse¹⁰⁹ with her hands behind her back, and then she is to be tortured and interrogated from up above back down to the horse, again and again, for as many times as seems juridically fitting to the lord judges, and until the truth concerning the charges made against her can be wrested from the accused so that she might deservedly feel the force of the question.

And the Jewess Floreta, the accused, was present and she appealed the abovesaid sentence or interlocutory ruling out loud.

[f. 14r] And the said lord judges, seated as tribunes as above, did not grant the said appeal insofar as it was introduced without any particular grievance and is frivolous and inane, except if and insofar as it

¹⁰⁷ Note Floreta's direct contradiction of Antoneta Maurine's testimony, who said that Philipa has stressed that Garsendeta was 'in a good state', presumably meaning her condition was stable and she was in no danger of death.

¹⁰⁸ This seems to be the crux of the issue, since — as opposed to her earlier testimony where she admitted that she had indeed 'diligently inspected and palpated' Garsendeta — Floreta now denies even having touched her.

¹⁰⁹ A torture device. In Marseille, see Smail, *Consumption of justice*, 75–6 and 180–2.

might be admissible by law to the said appellant and presented in an appropriate manner to the said lord judge to whom an appeal pertains, along with a transcript of the trial against her. In this case and not otherwise, they assigned the present hour of vespers as the deadline, submitting the present response for the apostolary statement.¹¹⁰

The judges instructed the subvicar of the said court, who was present, to take the appellant on an oath of custody into the presence of the aforementioned lord judge,¹¹¹ and, once an arrangement has been made by this lord judge, he should immediately lead the same appellant back to the royal prisons.

Thus, the accused Floreta, the appellant, at the said hour of vespers, presented herself in person before the lord judge of first appeals of the said city, [f. 14v] and then was led within the said royal prisons and assigned to Guilhem Aygles, jailor of these jails, according to the order of the aforementioned lord judges.

Afterward, in the said year and hour, in the presence of the said lord judges where, as above, they were seated as tribunes in the said royal chamber, there appeared Master Guilhem de Mellomonte, the assistant royal treasurer and fiscal procurator of the said royal court. And wishing to pursue and even battle out the trial as if it were one of his own, he asked and requested that a copy of the entire trial to date be given and conceded to him so that he might be able to go over it and consider what ought to be done concerning the foregoing.

And the said lord judges conceded the requested copy to the said vice-treasurer who was present and making the request.

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¹¹⁰ A statement necessary to initiate an appeal in Roman law.

¹¹¹ The judge of the appellate court.