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**THE BEST WIFE IS AN OBEDIENT WIFE.
IS THE BEST HUSBAND JUST ANY HUSBAND?
ON THE MEANS AND DIFFERENCES IN EXPRESSING
MARITAL LOVE IN THE SIXTEENTH-CENTURY WILLS
OF LWOW TOWNSPEOPLE**

Abstract

The paper focuses on marital feelings recorded in the last wills of sixteenth-century townspeople of Lwow (Lviv). By comparing the wills of women and men, differences and similarities in the manifestation of positive emotions towards spouses were identified. The information contained in the analysed wills made it possible to determine the qualities that townspeople desired in their husbands and wives. Additionally, the potential reasons and consequences of recording information about marital love were examined.

Keywords: sixteenth century, Lwow (Lviv), family, marriage, emotions in history

Emotions, as one of the key factors influencing decisions, are an integral and important part of every human being's life. Specific behaviours, gestures, and facial expressions usually accompany the expression of emotions. Every culture has its own rules about what can be revealed, to whom, and under what circumstances.¹ The call to examine the issue of emotions emerged among historians in the early twentieth century.² The Middle Ages and early modern times were characterised by being considered periods of emotional childishness.³

¹ Dylan Evans, *Emotion: A Very Short Introduction* (Oxford, 2001), 3–12.

² Barbara H. Rosenwein, 'Worrying about Emotions in History', *American Historical Review*, cvii, 3 (2002), 821–45.

³ Johan Huizinga, *The Autumn of the Middle Ages*, trans. Rodney J. Payton, Ulrich Mammitzsch (Chicago, 1996), 15.

This infantilism was manifested in a more straightforward and uncoiled expression of emotions, which were not subject to any common restrictions.⁴ The code of conduct at the time did not require people to hide their reactions, tears, or outbursts of anger.⁵ The family, on the other hand, was viewed through the prism of the “affective family” theory, in which love was to be suppressed, restrained, and sedated.⁶ A significant event in the history of emotion research was Paul Ekman’s refutation of the cultural theory of emotions in the late 1960s.⁷ He believed that emotions are not learned, but natural, innate, and universal.⁸ Cognitive psychologists then pointed out that the ability to feel emotions is universal. In contrast, how they are evoked, felt, and expressed depends equally on cultural norms and individual tendencies.⁹ These new concepts led to a shift in the perception of people’s emotional nature in earlier times. The affects of the time were no longer primitivised. The view of undifferentiated, childish emotionality was revised.¹⁰

The wills of sixteenth-century Lwow burghers, which form the source base for this paper, are examples of ego documents – personal documents – containing information about the testator’s private relationships with individual relatives.¹¹ They are therefore

⁴ Rosenwein, ‘Worrying about Emotions’, 823–4.

⁵ Marc Bloch, *Feudal Society*, trans. L.A. Manyon (Chicago, 1961), 73.

⁶ Rosenwein, ‘Worrying about Emotions’, 828–30.

⁷ Evans, *Emotion*, 3–8; Paul Ekman, ‘An Argument for Basic Emotions’, *Cognition and Emotion*, 6 (1992), 169–200.

⁸ Rosenwein, ‘Worrying about Emotions’, 836–7.

⁹ *Ibid.*

¹⁰ *Ibid.*, 841–2.

¹¹ Tsentralnyi derzhavnyi istorychnyi arkhiv, m. Lviv (Central State Historical Archives of Ukraine in Lviv), Archives of the City of Lviv, Testamentary Books (hereinafter: TsDIAL, ACL, TB), ref. no. 334, 335, 338. For more on modern wills of Lwow townspeople and the functioning of the local magistrate, see Myron Kapral, *Urządnicy miasta Lwowa w XIII–XVIII wieku* (Toruń, 2008); Mykoła Ilkiw-Świdnicki, ‘Formuvannia kantseliarii Lvivskoho mahistratu v XIV stolitti’, in Kazimierz Karolczak and Łukasz Tomasz Sroka (eds) *Lwów: miasto – społeczeństwo – kultura. Urzędy, urządniczy, instytucje: studia z dziejów Lwowa*, vol. vii (Kraków, 2010), 9–21; *id.*, ‘Kantseliariia Lvivskoho mahistratu kintsia XIV–XVI st. Yak Kulturnyi Oseredok’, in Henryk Gmiterek and Janusz Łosowski (eds), *Urzędy państwowe, organy samorządowe i kościelne oraz ich kancelarie na polsko-ruskim pograniczu kulturowym i etnicznym w okresie od XV do XIX wieku* (Kraków, 2010), 511–33; Andrzej Janeczek, ‘Tłumacz Lwowski. Z zagadnień komunikacji językowej w wieloetnicznym mieście późnego średniowiecza’, in Tomasz

an irreplaceable resource for research into the reality of family life, material culture, and the economy.¹² Of course, the last will was not

Wiślicz, Edward Opaliński, and Andrzej Karpiński (eds), *Gospodarka, społeczeństwo, kultura w dziejach nowożytnych. Studia ofiarowane Marii Boguckiej* (Warszawa, 2010), 203–22; Myron Kapral, ‘Kontakty patrycjatu krakowskiego i lwowskiego w średniowieczu i w epoce nowożytnej (XV–XVI wiek)’, in Zdzisław Noga (ed.), *Elita władzy miasta Krakowa i jej związki z miastami Europy w średniowieczu i epoce nowożytnej (do połowy XVII wieku). Zbiór studiów* (Kraków, 2011), 201–19; Bohdana Petryszak, ‘Pisarze miejscy lwowscy jako testatorzy i spadkobiercy od XIV do pierwszej połowy XVII wieku’, *Kwartalnik Historii Kultury Materialnej*, lxi, 2 (2013), 295–304; Olha Hul, ‘Elita władzy miasta Lwowa w XVI wieku’, *Res Historica*, 35 (2013), 49–68; Bohdana Petryszak, ‘Sporządzanie testamentów we Lwowie w późnym średniowieczu – pisarze, ceny, okoliczności’, *Kwartalnik Historii Kultury Materialnej*, lxxii, 3 (2014), 329–36; *ead.*, ‘Ratusz i jego rola w kształtowaniu archiwum i kancelarii miast Lwowa w późnym średniowieczu’, *Roczniki Dziejów Społecznych i Gospodarczych*, 74 (2014), 187–96; *Testamenty mieszkańców lwowskich z drugiej połowy XVI i z XVII wieku. Katalog*, ed. by Oksana Winniczenko (Warszawa, 2017).

¹² See, among other sources, Beata Możejko, ‘Gdański mieszczanin w obliczu śmierci. Zapisy testamentowe z II połowy XV w. (Na podstawie księgi ławniczej)’, in Błażej Śliwiński (ed.), *Mieszczanie, wasale, zakonnicy* (Malbork, 2004), 127–62; Rafał Kubicki, ‘Testamenty elbląskie z XIV – początków XVI w. – charakterystyka wraz z listą testatorów w układzie chronologicznym’, *Rocznik Elbląski*, 20 (2006), 199–208; Elżbieta Piwowarczyk, *Legaty testamentowe ad pias causas w XV-wiecznym Krakowie. Z badań nad pobożnością miejską* (Kraków, 2010); *ead.*, ‘Pobożność krakowskich mieszczan w świetle ich testamentowych legatów z lat 1501–1530’, *Saeculum Christianum. Pismo Historyczno-Społeczne*, xviii, 2 (2011), 77–100; Iwona Grzelczak-Miłoś, *Mieszczaństwo poznańskie w świetle Libri testamentorum* (Poznań, 2011); Urszula Sowina and Kazimierz Pacuski, ‘Testamenty mieszczan krakowskich jako źródła do badań nad stronami rodzinnymi imigrantów w krakowskiej elicie władzy (przykład Jana z Regul na Mazowszu)’, in Noga (ed.), *Elita władzy miasta Krakowa*, 433–46; Rafał Kubicki, ‘Mieszkańcy Elbląga w świetle piętnastowiecznych testamentów’, *Rocznik Elbląski*, 24 (2012), 25–44; Anna Adamska, ‘Stąd do wieczności. Testament w perspektywie piśmiennosci pragmatycznej na przełomie średniowiecza i epoki nowożytnej’, *Kwartalnik Historii Kultury Materialnej*, lxi, 2 (2013), 185–200; Jakub Wymułek, *Testamenty mieszczan krakowskich (XIV–XV wiek)*, (Warszawa, 2015); Agnieszka Bartoszewicz, ‘Religijność mieszkańców późnośredniowiecznego Szadku w świetle aktów ich ostatniej woli’, *Biuletyn Szadkowski*, 18 (2018), 5–19; Rafał Kubicki, ‘Kultura materialna w testamentach elbląskich z XV i początków XVI w.’, *Kwartalnik Historii Kultury Materialnej*, lxxiii, 2 (2019), 197–210; Halina Manikowska, ‘W poszukiwaniu źródła „totalnego”. Najważniejsze kierunki badań nad testamentami ludności miejskiej w XIII–XVIII’, *Kwartalnik Historii Kultury Materialnej*, lxxviii, 1 (2020), 19–35; Dorota Żurek, ‘Późnośredniowieczne testamenty z małopolskich miast górniczych’, *Kwartalnik Historii Kultury Materialnej*, lxxviii, 1 (2020), 37–50.

intended to present the history of a family or individual ties between its members. Information about them is, in a sense, a side effect of the decisions outlined in the will. This suggests that the author did not deliberately create an image of his family. It is, of course, possible that some testators, wishing to make the most of the relatively limited scope of testamentary freedom afforded to them by municipal law, exaggerated the virtues or vices of individual members of their family. However, increasing the inheritance of a specific natural heir at the expense of another was not an easy task. Dispossession or reduction of the legally guaranteed share of inheritance required proof of gross ingratitude towards the testator. Unlawful disinheritance entitled the aggrieved heir to protest against the provisions of the will. This could lead to some manipulation and fabrication on the part of the testators. Still, a will could not contain a completely fabricated image of their relationship with their family members. The municipal authorities supervised the legality of the provisions of each will.¹³ One should also remember that the actual authors of the bequests were municipal notaries. A will is primarily a document drawn up and edited in accordance with the required legal and clerical standards.¹⁴

¹³ For more information, see Marta J. Knapj, 'Between theory and practice. The Lviv model of inheritance law in the light of the townspeople's wills from 1541–1599', in Mark Vermeer, Wouter Druwe, and Maciej Mikula (eds), *Testamentary Freedom, Ius Commune and Particular Law (c. 1400–1620)*, (Leuven, 2023), 55–79; Sławomir Kursa, 'Forma wydziedziczenia w prawie justyniańskim', *Czasopismo Prawno-Historyczne*, lxiii, 2 (2011), 91–2; Krystyna Bukowska, *Orzecznictwo krakowskich sądów wyższych w sporach o nieruchomości miejskie (XVI–XVIII w.). Studium z historii prawa rzymskiego w Polsce* (Warszawa, 1967); Maciej Mikula, 'Tradycje prawne w regulacjach testamentowych w miastach Królestwa Polskiego XIV–XVI wieku: prawo sasko-magdeburskie, prawo kanoniczne i rzymskie oraz prawodawstwo lokalne', *Kwartalnik Historii Kultury Materialnej*, lxxviii, 2 (2020), 131–58.

¹⁴ For medieval and modern wills and inheritance law from a legal and historical perspective, see Marek Sędek, 'Czy uprawnienia majątkowe kobiet w Starej Warszawie odpowiadały zasadom prawa chełmińskiego', in Alensander Gieysztor (ed.), *Warszawa średniowieczna*, i (Warszawa, 1972), 135–47; *id.*, 'Instytucje i praktyka prawa chełmińskiego w Warszawie w XV wieku', in *id.* (ed.), *Warszawa średniowieczna*, vol. ii (Warszawa, 1975), 231–33; Urszula Sowina, 'Najstarsze sieradzkie testamenty mieszczkańskie z początku XVI w. Analiza źródłoznawcza', *Kwartalnik Historii Kultury Materialnej*, xxxix, 1 (1991), 3–25; Katarzyna Justyniarska-Chojak, 'Spadkobranie w rodzinach mieszczkańskich województwa sandomierskiego w XVII wieku', in Cezary Kuklo (ed.), *Rodzina i gospodarstwo domowe na ziemiach polskich w XV–XX wieku. Struktury demograficzne, społeczne i gospodarcze* (Warszawa, 2008), 283–94; Piotr

Entering the testator's words into the applicable form indeed modified them to some extent, giving the statement a more formal and less personal character. Emotions towards relatives are rarely expressed directly, which is understandable. The main purpose of writing a last will is to divide the estate after one's death. Therefore, information about the testator's family relationships, feelings, and attitudes toward individual relatives can be gleaned primarily from secondary sources, i.e., the order in which the heirs appear in the text and the nature or value of the bequests. Sometimes, the mere mention or omission of a person reflects the testator's attitude and sentiments. Lexical expressions of feelings or justifications for decisions made in a will do appear in such documents, but they are rare. It is precisely this type of last will, containing straightforward, verbal expressions of feelings towards a spouse, that will be the subject of this study. Why were these expressions of feelings written down? Was it the testator's clearly expressed wish that they appear in their will? Did they serve a specific function? Or is their inclusion completely random and coincidental?

The preserved Lwow registers of townspeople's wills from 1541–1599 contain 468 last wills and testaments, 177 of which were written by women and the remaining 291 by men. The testators include men and women from the patrician class, artisans, and the suburban poor from various family backgrounds. Such diverse source material will enable an analysis of how people from different social strata in late sixteenth-century Lwow expressed their feelings. It should be noted that at the time of writing their wills, approximately 65 per cent

Suski, 'Spory wokół gerady i hergewetu w polskim miejskim prawie spadkowym w XVI wieku', in Maciej Mikula (ed.), *Prawo blisko człowieka. Z dziejów prawa rodzinnego i spadkowego* (Kraków, 2008), 165–75; Maciej Mikula, 'Zakres przedmiotowy spadkobrania testamentowego w statutach litewskich', *Krakowskie Studia z Historii Państwa i Prawa*, 3 (2010), 131–43; Beata Możejko, *Rozrachunek z życiem doczesnym. Gdańskie testamenty mieszczańskie z XV i początku XVI wieku* (Gdańsk, 2010); Urszula Sowina, 'Testamenty krakowskie z przełomu średniowiecza i nowożytności wobec zasad dziedziczenia według prawa magdeburskiego', *Kwartalnik Historii Kultury Materialnej*, lviii, 2 (2010), 185–88; Maciej Mikula, 'Statuty prawa spadkowego w miastach polskich prawa magdeburskiego (do końca XVI wieku)', *Z Dziejów Prawa*, xv, 7 (2014), 33–63; Łukasz Gołaszewski, 'Knyszyńskie testamenty składane ustnie wobec władz miejskich na przełomie XVII i XVIII wieku – teksty autorstwa umierających czy też pisarzy miejskich?', *Kwartalnik Historii Kultury Materialnej*, lxii, 3 (2014), 345–66; Mikula, 'Tradycje prawne'.

of the testators had a living spouse. Among the Lwow residents who made a will, 29 men directly expressed their feelings for their wives, and seven women spoke warmly about their husbands.

An analysis of the last wills of Lwow residents expressing marital feelings has allowed us to identify two typical ways of displaying such feelings. The first model can be described as an expression of admiration and respect for the character traits or specific behaviours of the spouse. Emphasis on the obedience and fidelity of the wife was included in as many as 19 of the 29 wills of men cited in the paper.¹⁵ We cannot ignore the fact that the husband's feelings were presented very sparingly and schematically in the last wills discussed here. This does not mean, however, that we should treat these words as having been written into the will by the notary accidentally, thoughtlessly, or unknowingly. They are certainly not part of the notarial form. "Obedient" is also not a customary term for a married woman. So, where do these repeated statements in wills come from? The most straightforward answer is to recognise that, despite their very schematic presentation, they were included on the initiative or according to the wishes of the testators themselves. It seems that these standardised praises may be an example of adapting the testator's words and emotions to the formal requirements of the document. It was the testator's wish to emphasise a successful marriage, to appreciate or honour his wife, and to indicate that the woman he had married had fulfilled the requirements placed on her as a wife. However, since a testament is not the best place for elaborate descriptions of emotional states, notaries had standardised, shortened, and adapted the terms used by testators to suit the nature of the document being drawn up. This has almost completely stripped the phrases of their individual character. We will never find out what difficult situations the wife faced when she stood by her husband, or how her devotion

¹⁵ TsDIAL, ACL, TB, ref. no. 335: Michał Kisłisz, butcher, fols 51–4; Melchior, barber, fols 79–81; Adam Wolf, fols 165–71; Paweł, gatekeeper, fols 409–13; Jan Mordulka, goldsmith, fols 439–42; Walenty Handzel, fols 743–5; *ibid.*, ref. no. 338: Wojciech Żaboklicki, juror, fols 3–6; Jakub, baker, fols 25–8; Mikołaj Sowicz, coachman, fols 42–5; Sebastian Torunka, potter, fols 63–4; Maciej Socha, juror, fols 69–73; Steczko Sienkiewicz, fols 73–5; Szymon Kołodziejczyk, fols 75–6; Mateusz, malter, fols 107–8; Stanisław, bath attendant, fols 129–30; Andrzej Sinicki, fols 136–8; Jan Dudkowicz, barber, fols 207–9; Mikołaj Namysłowski, hat maker, fols 209–11; Mateusz Bydłowski, locksmith, fols 250–2.

and obedience manifested themselves. We will not know what the testator specifically had in mind, or even whether illness and hard times affected that particular marriage.

Aside from the aforementioned “devotion and obedience”, sixteenth-century Lwow townsmen emphasised another trait of the women standing by their side in their last wills and testaments, namely their diligence, or more precisely, their economic commitment to supporting their families. Three testators decided to stress in their last wills that the wealth they had accumulated during their lifetime was the result not only of their own work but also of that of their spouses.¹⁶ This is a much more precise and personal statement than the vague notions of fidelity and obedience. Appreciation of hard work and recognition of a woman’s contribution to the accumulation of joint property should probably be associated with a feeling of respect for one’s spouse. To a certain extent, at least in this economic sense, the spouse places his wife in the position of his “partner”.

During the period we’re looking at, diligence, as the opposite of laziness, was one of the most widely recognised and desirable traits of a perfect wife.¹⁷ It is therefore understandable that this quality was singled out as a distinguishing and valuable trait in women. Unfortunately, the last wills cited above do not specify what kind of economic contribution the testators had in mind. Did they mean that women would literally earn money on their own? Or did the couple run a business together? Indeed, the involvement of a spouse in the family business usually entailed granting her several powers to act in transactions. Such practices should undoubtedly be viewed as a sign of the husband’s trust in his wife and his high regard for her entrepreneurial skills. However, source materials provide few actual examples of women’s active participation in any context other than unpaid domestic work. Among sixteenth-century Lwow wills, there are records of the last wills of female burghers containing complaints against their spouses: the latter, due to their lack of income,

¹⁶ TsDIAL, ACL, TB, ref. no. 335: Stanisław Hanel, fols 501–10; *ibid.*, ref. no. 338: Szymon Kołodziejczyk, fols 75–6; Andrzej Sinicki, fols 136–18.

¹⁷ Witold Brzeziński, ‘Qualia bona in coniuge sunt quaerenda.... Zalecenia na temat wyboru żony w świetle średniowiecznych traktatów o wychowaniu (na przykładzie *De regimine principum* Idziego Rzymianina)’, *Biuletyn Historii Wychowania*, 31 (2014), 24–5.

condemned their wives to a life of poverty.¹⁸ The family model where the man is the sole breadwinner was definitely the norm during the period in question. It is also possible that a mention of a woman's contribution to the family's shared assets did not reflect respect for her "paid" work or her contribution to the household, but rather a nod to the assets she brought into the marriage. In this case, it would be important information for the inheritance process, but it would reveal little about the personal feelings between the spouses. However, it should not be forgotten that the size of a woman's dowry and her family background had an impact on her later position in her husband's family.

In the above-mentioned sixteenth-century wills of Lwow townspeople, broadly understood devotion and diligence were commemorated as qualities worthy of respect, distinctive and desirable in wives. In addition, in some last wills and testaments, examples of directly expressed love for a life partner can be found, unconditional and not justified by any particular characteristics or behaviours of the woman. In 17 wills, men describe their spouses as *beloved* wives and/or refer to the *marital love* between them in their bequests.¹⁹ It is questionable whether such expressions can truly be interpreted as reflecting the testator's emotional state. Apart from the addition of the word *beloved* and the inclusion of brief references to love, the last wills in question do not differ stylistically from other wills of married men. However, it was customary and standard practice to describe spouses as *honesta*, and the use of the word *charissima* goes beyond the customary description of a wife. It is difficult to consider its use and recording by the municipal notary as accidental or random, let

¹⁸ TsDIAL, ACL, TB, ref. no. 338: Jadwiga Szoldrzyna (baker's wife), fols 59–61; Agata Grabcowa (peddler's wife), fols 160–161; Anna Rybarka (hat maker's wife), fols 226–8.

¹⁹ TsDIAL, ACL, TB, ref. no. 335: Michał Kisłisz, butcher, fols 51–4; Adam Wolf, fols 165–71; Jan Marszałkowicz, wheelwright, fols 487–9; Jaczek Mosierowicz, tailor, fols 755–8; *ibid.*, ref. no. 338: Wojciech Żaboklicki, juror, fols 3–6; Franciszek Jakubowski, fols 17–23; Maciej Socham, juror, fols 69–73; Steczko Sienkowicz, fols 73–5; Szymon Kołodziejczyk, fols 75–6; Rafał Mieszkowski (son of councillor Jakub Mieszkowski), fols 146–8; Iwan Terech, fols 189–90; Jan Dudkowicz, barber, fols 207–9; Mikołaj Namysłowski, hat maker, fols 209–11; Paweł Krauz, fol. 216; Daniel Stefanowicz, tinsmith, fols 222–5; Jakub Małek, baker, fols 254–5; Mateusz Hidbala, fols 255–7; Wojciech, coachman, fols 261–3.

alone the clerk's initiative. The 17 wills in question were written by different persons, so it is impossible to find a writing style common to each of the documents, especially since one of the wills, which features the term "beloved", was written by the testator himself. "Marital love" also does not appear in the last wills as a customary element of the form or a component of the narrative of the provisions. It can therefore be assumed that the testators, when making their last will, referred to their spouses in this manner. Including information about the love for their wives in their wills was probably done at their request and initiative. In this case, too, emotional expressions and expressions of marital feelings had to be simplified for the purposes of the last will. They were therefore stripped of all individual traits.

The number of wills written by female burghers that contain emotional vocabulary or references to the qualities of their spouses is even smaller than those written by men. Only seven such statements can be identified.²⁰ Their low representation should be associated with the overall lower number of last wills and testaments left by women. Interestingly, in the wills of Lwow townspeople, there is no clear distinction between the qualities of a good husband and a good wife. Both genders emphasise obedience and devotion to their spouse, as well as marital love. In some medieval and modern guidebooks and sermons, qualities that a wife should display have been meticulously listed. However, little is known about the qualities in spouses that women appreciate and desire. It seems that these few last wills and testaments are therefore a potential source for research into the expectations of early modern wives. This uniformity in the source of emotions and feelings towards one's spouse also brings to mind Barbara Rosenwein's theory of emotional communities.²¹ Translating

²⁰ TsDIAL, ACL, TB, ref. no. 335: Krystyna, wife of Tomasz (tailor), fols 613–16; Katarzyna Sokołowska (wife of Jakub, locksmith), fols 645–9; Agnieszka Modetczyna, fols 687–9; *ibid.*, ref. no. 338: Anna Cyganka, fols 85–7; Ewa Namysłowska (wife of Mikołaj, hat maker), fols 139–41; Katarzyna Skrzypkowa, fols 225–6; Anna Piękoszowa (wife of Sebastian, coachman), fols 252–3.

²¹ The term "emotional communities" was coined by Barbara H. Rosenwein. Such communities are the emotional equivalent of social communities, which include neighborhoods and family members. They are connected by a common system of feelings, namely the same attitude towards the emotions of others and the same expectations towards emotional forms of expression: those considered valuable, which the community encouraged, neutral, which it tolerated, or those

the term into the emotional issues addressed in sixteenth-century Lwow wills, obedience, fidelity in health and sickness, and diligence were universally desirable qualities in partners; they inspired widespread respect and understanding. These were also attributes that gave the wife and husband a sense of security, both in terms of financial stability and physical care and protection. It is also interesting to note the reference to marital love, which in the last wills discussed here seems to be as important and valued by the testators as devotion, diligence, and sharing the difficulties of everyday life. Marriages in past eras are usually analysed and perceived by historians as a contract between the parties concerned.²² However, was the emotional side of the relationship really of secondary importance to those at the time? In the source material available to researchers interested in family history, it is definitely easier to find examples of difficult or even tragic relationships. Accounts of successful, harmonious, and loving couples were not recorded either in consistory or criminal records. Of course, wills are not a perfect, undistorted source, but they can provide information that cannot be found anywhere else.

The question that needs to be asked is why this emotional vocabulary, expressions of appreciation and feelings towards spouses were recorded? Did other Lwow residents who made their wills not have any warm feelings towards their partners, or did they not wish to include them in their last wills? It seems that apart from the potential expression of emotions towards a husband or wife, which can be associated with a ritual farewell to earthly life, putting one's affairs in order and a sort of summary of one's life and relationships with loved ones, the expressions of feelings captured in these documents may have served a particular function. When analysing the division of property in the

considered harmful, which it deplored. People move and have moved between different emotional communities, adapting their forms of emotional expression and their assessments of gains and losses to the milieu in which they find themselves; see Rosenwein, 'Worrying about Emotions', 842.

²² Iwona Przybył, 'Obyczaj zaręczyn i jego rola w procesie konstruowania małżeństwa', *Młodość a rodzina. Roczniki socjologii rodziny*, 19 (2008–2009), 36–7; Ginter Dzierżon, 'Polemika wokół kontraktualistycznej natury małżeństwa', *Prawo Kanoniczne: kwartalnik prawno-historyczny*, xlii, 1–2 (2000), 96–7; see also: Joanna Kuchta, 'Instytucja małżeństwa w świetle intercyz przedślubnych w okresie staropolskim', *Annales Academiae Paedagogicae Cracoviensis. Studia Historica*, xliii, 6 (2007), 65–75.

wills, we can see that in all the wills mentioned in the article, the testators sought to increase the inherited property of their spouses. We are familiar with Lwow inheritance law from the Przemyśl Codex, which was approved by Sigismund Augustus in 1550 and was based on earlier Lwow regulations. According to it, widows were entitled to one-third of the property as a dowry, and two-thirds went to the husband's heirs and relatives.²³ An analysis of early modern Lwow wills shows that these provisions were generally known and applied. It should be noted that representatives from the city council were present when the documents were drafted, ensuring the legality of the proposed property division. Meanwhile, Paweł Krauze's will contains the following instruction: "Secondly, I want it to be firmly held that I make my beloved wife Dorota the lifelong lady and disposer of the two parts that will remain after I am gone, and let the children not grieve over her". Andrzej Sinicki's will noted: "In general, I bequeath everything to her and to no one else ... I also ask my brothers not to do any harm or injustice to my wife, for I have repaid her for the favours she did for me in my unfortunate circumstances".²⁴

In the wills I have referred to here, the testators, referring to the virtues of their wives or husbands, their services, and the love that binds them, seek to guarantee them more than what is provided for them in a *wilkierz* (Ger. *Willkür*, i.e., the local law act), or even seek to transfer their entire estate to them. The emotions of the spouses immortalised in their last wills thus serve a specific function: they are an argument for extending the inheritance. These wills were drawn up under the supervision of the Council and authenticated by its authority. It therefore seems that the magistrate did in fact allow for a more flexible and individual approach to existing law, but there appears to be a specific condition. The position of the other family members seems to be key. Bequeathing a larger share of the estate to the wife automatically reduced the aforementioned two-thirds of the property that would otherwise have been due to the husband's relatives. In the above-mentioned wills of Paweł Krauze and Andrzej Sinicki, there is a direct request to relatives to respect the testator's wishes and not to contest the provisions of his will. In another will, the relatives receive a certain amount of money, which is closer in terms of sum

²³ Mikuła, 'Statuty prawa spadkowego', 50.

²⁴ TsDIAL, ACL, TB, ref. no. 338, fols 216, 136.

to a symbolic legitimate amount than to two-thirds of the testator's property.²⁵ It therefore seems that the Council was inclined to give more scope for individual decisions by the testator, provided that this did not give rise to conflicts over inheritance. It appears that marital love, the emphasis on shared work and the wife's virtues were arguments intended to persuade not so much the legislators as the relatives of the deceased to respect their last will. Testators, therefore, referred to universal characteristics, universally valued in society, to ensure that their arguments would be accepted by relatives who were either willing or reluctant to make concessions. It appears that the authorities did not interfere with the provisions of last wills and testaments as long as the documents did not cause family disputes or protests from individuals dissatisfied with the reduction of their legally guaranteed share of the estate.

We should also note that trying to expand the scope of inheritance because of benefits received from a family member is the exact reverse of the practice in which testators sought to disinherit a relative because of harm they had suffered at their hands. According to Novella 115 of the Justinian Code, the testator had the right to disinherit a relative, even without securing a reserved share for them, provided that the reasons for such a decision, i.e., the grounds for ingratitude, were indicated in the last will.²⁶ We find confirmation of the recognition of that provision in Poznań, in a will from 1598.²⁷ As for Lwow, researchers have neither confirmed nor ruled out the awareness and application of this provision of Roman law. However, it seems that since Early Modern Magdeburg law in the Kingdom of Poland both applied and allowed for the disinheritance of ungrateful family members, we should not be surprised by the opposite practice, i.e., rewarding loving relatives.

²⁵ *Ibid.*, ref. no. 335: Mateusz, malter, fol. 108: "alienans ab his bonis omnibus et singulis suos propinquos et aminos, quibus utique pro contentione oerum legavit quatuor florenos".

²⁶ Kursa, 'Forma wydziedziczenia', 91–2.

²⁷ Krystyna Bukowska, *Orzecznictwo krakowskich sądów wyższych w sporach o nieruchomości miejskie (XVI–XVIII w.). Studium z historii prawa rzymskiego w Polsce* (Warszawa, 1967), 99–100; Maciej Mikuła, 'Tradycje prawne', 149; I was unable to confirm whether the provisions of amendment 115 had any impact on court rulings in Krakow, see: Bukowska, *Orzecznictwo*, 99; Mikuła, 'Tradycje prawne', 145; see also: Justyniarska-Chojak, 'Spadkobranie', 17–20.

CONCLUSION

As mentioned above, wills were written for one specific purpose: to divide property after death. It is therefore not surprising that their content focuses primarily on presenting the testator's assets, repaying debts, and distributing the estate equitably among the heirs. It is usually futile to look for elaborate descriptions of emotional states or precise accounts of events from the testator's life in the wills. Therefore, when references to such matters are found in a will, they attract justified interest and raise several questions, the most basic of which is why they were recorded by a notary.

The preservation of expressions of marital feelings in the last wills and testaments mentioned in the paper appears to serve a deliberate and particular purpose. Referring to experiences and emotions and emphasising the virtues of one's wife or husband in a will was an attempt to justify a larger bequest to them. An interesting question is who exactly the testator's sentiments were intended to persuade in order to circumvent the existing regulations. The provisions determined the course and extent of inheritance in a manner that left the testators little leeway. The revocations and requests to relatives to respect a contentious division of property contained in the wills suggest that the people who could realistically seek to challenge the bequests were the closest family members. On the other hand, it was the representatives of the Council who ensured the legality of the documents drawn up and, to a certain extent, shaped the law in the city. A key question in this context remains unanswered. Was there a written or customary law in Lwow according to which testators could favour beloved family members with larger bequests? When considering these potential regulations based on the principles of disinheriting ungrateful relatives, as seen in Roman wills, such a course of action would require specific reasoning. This would provide a concrete explanation for the inclusion of information about marital love and the virtues of one's partner in the testimony.

Placing the wills referred to in the article within the context of the Lwow variant of inheritance law is extremely important for understanding the provisions discussed here. However, it is impossible to analyse the marital feelings expressed in last wills and testaments without considering the emotions of the testators. Direct declarations of love for the spouse were probably included in the

will solely because they constituted the required justification for increasing their legally prescribed share of the estate. However, these declarations should not be considered merely as a technical element necessary for the execution of a given legal act. The very initiative of rewarding a spouse for a happy life together is evidence of at least warm feelings towards them. Referring to moments spent with each other, both good and bad, in a will can be seen as a desire to sum up a life shared together and to say goodbye to the person with whom it was spent. The moment of drawing up one's last will cannot be stripped of its nostalgic and contemplative character. The fact that the decision to increase the spouse's inheritance at the expense of other relatives exposed the testator to the anger of the latter is also significant. However, men and women were willing to risk their relationships with other family members to secure the best possible future for their partners. The material distinction given to the spouse also reflects the emotional preference given to them over other relatives.

The wills of women and men presented in this paper, because of the expressions of marital affection they convey, stand out from other last wills and testaments of Early Modern townspeople of Lwow. Direct declarations of love or affectionate references to one's spouse in a document which, by its nature, provides no room for descriptions of emotions, tell the story of marriages which managed to build a positive rapport, at the very least. They are another argument in the discussion on the functioning of marriages in past eras.

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