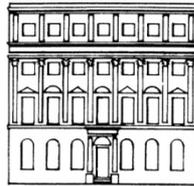


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Movable Goods and Immovable Property: Gender, Law, and Material Culture in Early Modern Europe (1450–1850)

Conference Report

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Movable Goods and Immovable Property: Gender, Law, and Material Culture in Early Modern Europe (1450-1850). Conference held at the German Historical Institute London, 19-21 July 2018. Conveners: Annette C. Cremer (Gießen) and Hannes Ziegler (London).

The relationship between gender and property rights, especially in the context of inheritance, has long been an important issue in social history. Adding aspects of material culture brings a new perspective to the nexus of gender, law, and material objects. This approach can show how our understanding of objects originating from gendered spheres of life relates to perceptions of goods and real estate as movable or immovable, male or female property. These concepts of property are also connected to legal cultures, which determine who is eligible for the right of ownership. The conference brought all these strands together. It covered a long period from the end of the Middle Ages to the mid nineteenth century and contrasted examples drawn from various countries (in Europe and beyond), social strata, and religious minorities. With a focus on the transfer of property, it asked questions about the definition of property and the status of objects, women's agency in terms of property rights, strategies for the transfer of property, and discrepancies between law and social practice. The conference was organized in conjunction with the European network 'Gender Differences in Legal Cultures' and was co-funded by the German Research Foundation (DFG) and the German Historical Institute London.

After a conceptual introduction by Hannes Ziegler (GHIL) and Annette Cremer (Gießen), the first session focused on 'The Value of Immovable Property'. Anna Stuart (Graz) began with a paper on 'Ownership in Early Modern Political Philosophy', in which she discussed Locke's and Rousseau's theories of property. Women, seen as unfit for the public sphere, were excluded from the mutual agreements that defined property. They could only acquire property rights

The full conference programme can be found under 'Events and Conferences' on the GHIL's website <www.ghil.ac.uk>.

with their husbands' permission. Regardless of these philosophers' contemporary perceptions of women, Stuart concluded, not enough attention is paid to inconsistencies in their arguments against female ownership, especially as their political theories are still influential today. Janine Maegraith's (Cambridge) paper, 'Fences and the Meaning of Property', continued the discussion on the definition of property. Presenting her work on the dynamic market in farms and land in sixteenth-century Tyrol, Maegraith argued that women barely participated in this market because of legal restrictions. Women were largely excluded from inheriting land and did not have the same authority as men in relation to economic resources. Fences as cultural objects with symbolic meaning, Maegraith explained, helped to create the idea of property in the first place. They defined property by physically excluding others from using it, just as women were excluded by legal means. Susann Anett Pedersen (Trondheim) explored the practice among noble families of gifting or promising high value goods during a marriage in order to ensure that a surviving spouse was financially secure. Especially in cases where there were no children, a widow might need to defend these marital gifts against her husband's kin. Pedersen argued that in such cases the widow relied on her network of male relatives, or on a new husband, for legal support. In her paper 'Possession and Property in Colonial Brazil: Women and Goods in the Captaincy of Paraíba', Luisa Stella de Oliveira Coutinho Silva (Lisbon) traced the effects of the Portuguese legal system on the property rights of female colonists. Coutinho argued that women in colonial Brazil were able to own and bequeath land, slaves, and other goods. But these rights were the privilege of certain social classes, and were intertwined with concepts of female sexual virtue.

The first day of the conference concluded with a Keynote Lecture delivered by Margareth Lanzinger (Vienna) on 'Movable Goods and Immovable Property: Interrelated Perspectives'. Lanzinger emphasized the ambiguity in the understanding of what was considered movable or immovable. Immovable property symbolized status and could act as a vital source of income. Gender played an important role in legal practices and restrictions regarding its transfer. Nonetheless, norm and practice could diverge and open up space for negotiation. Movable goods were assigned symbolic meaning and gender attributions, which influenced how they were transferred.

This was not limited to goods that were inherited, but also included goods transferred by other practices such as public gifting. Depending on the legal modes and strategies of transfer, the status of objects as movable or immovable was also subject to transformations and conversions, so that movability itself could become an object of negotiation. Lanzinger argued that the legal status of objects was bound to object biographies: disputes, legal procedures, assessments of value, and categorization influenced their status as movable or immovable.

On the second day of the conference, the topic shifted to 'The Value of Movable Goods'. In her paper 'Gender and Household Goods in late Medieval and Early Modern London', Katherine L. French (Michigan) examined how urban gender roles and the gendered connotation of household goods changed drastically in the post-plague inheritance practices of Londoners. French substantiated these claims by pointing to the development of a consumer society and the need to maintain a larger number of household goods on the one hand, and the fifteenth-century economic recession and resulting conservatism on the other. Rebecca Mason (Glasgow) analysed Scottish inheritance law and how it affected surviving spouses in her paper 'Gender, Law, and the Division of Marital Property upon Death in Early Modern Scotland'. Mason showed that in Scotland a husband did not have automatic control of his wife's inheritance. The husband had to comply with the inheritance rights of his wife's kin, although whether the couple had living children was significant. Taking the example of Jamaica, Christine Walker (Singapore) studied inheritance practices in a slave-holding society in which women actively engaged. Slaves were perceived as a movable, female form of property with attached sentimental value. Extremely high mortality rates meant that women were often a family's only surviving heir. Walker observed the practice of connecting generations of women through inheritances, in which slaves were usually the main asset. Ida Fazio (Palermo) concluded the morning session with her paper, 'Women and Movable Goods in a Maritime Border Economy (Aeolian Islands, early Nineteenth Century)', which explored women's relationship with movable goods on the island of Stromboli. Fazio argued that although certain types of work, such as textile production, were gendered (as were the related objects), women took an active part in all areas of the local economy. They

engaged in buying and selling goods, and could inherit boats and tools.

Gábor Bradács (Budapest) opened the third session on 'Gendered Distribution of Wealth' with a paper on the development of female inheritance and female property rights in Hungary between the fifteenth and the early eighteenth centuries. Bradács focused on urban legal spaces which were heavily influenced by Saxon law and citizens' demands for the regulation of female ownership. In her paper 'The "Constrained" or "Self-Limiting Patriarchy": Wives, Household Authority, and Law in Sixteenth-Century Antwerp', Kaat Cappelle (Brussels) showed how women gained extended legal agency by adapting to life in the commercial centre. She presented flexible marriage contracts and a tendency towards husbands and wives writing joint wills as a peculiarity of Antwerp. Cappelle argued that this legal evolution occurred because it benefited the household, even though it was not in the interest of patriarchal structures. In her paper on 'Negotiated Honour: Arrangement of Property in the Marriage Contracts of the Tyolean Nobility in the Early Modern Period', Siglinde Clementi (Bolzano) analysed the strategies employed by the rural aristocracy to construct kinship networks amongst themselves in order to increase family prestige and to provide for wives and widows. Clementi underlined that the marriage portion which the bride received from her family can be seen as a form of premature inheritance. The bride renounced any further claim to parental inheritance, thus keeping the patrilineal inheritance intact. The next two papers traced the significance of the transfer of real estate through women in early modern Italy. Michaël Gasperoni (Paris) shed light on the dowry system in segregated Jewish communities in his paper, 'Diverging Laws, Traditions and Contexts: The Jewish Inheritance in the Italian Ghettos in Early Modern Italy'. In the context of the *jus gazagà*, the right of perpetual possession of real estate, Gasperoni concluded that different social strata used diverging strategies of inheritance. In higher social strata real estate was transferred through the agnatic line; in lower strata more often through female inheritance. Anna Bellavitis (Rouen) focused on the restitution of the dowry a widow could claim after her husband's death in Renaissance Venice. This could be a lengthy and complicated process. Bellavitis observed that even though dowries mostly consisted of movable goods, restitution was often made in immovable goods. This practice was

intended to ensure that the dowry remained in stable investments because of a desire to keep immovable property in the male line.

The second day concluded with another Keynote Lecture, 'The Property, Material Culture, and Identity of Luxury Traders in Eighteenth-Century London', in which Amy Erickson (Cambridge) used a biographical approach to show that independent working women were not an exception but the norm in the early modern metropolis. The husband took ownership of his wife's property and was granted access to the guild of which she was a member. Nevertheless, Erickson showed that marriage and the arrival of children had no effect on women's businesses. A woman's profession was a large part of her identity, competing with the importance of her marriage identity.

Nicoleta Roman (New Europe College/Romania) opened the fourth session on 'Shifting Values' with her paper, 'Starting a Married Life: Women, Goods, and Households in the Wallachian Town of Pitesti in the Mid Nineteenth Century'. Roman explored the dowry system during a period of Westernization in the late eighteenth and nineteenth centuries. She studied dowry registers and found that dowries were divided into categories and their values calculated. Roman argued that the variation of content in the dowries revealed distinctions between social classes and changes in fashion and material culture. The dowry system was also the focus of Exdioxios Doxiadis's (Vancouver) paper 'Stamp Duty and the Transformation of the Dowry in Nineteenth-Century Greece'. The young Greek state was in financial trouble when it imposed a stamp tax on notarial dowry contracts in 1843. As a result, poor couples avoided such contracts, putting the ability of women to defend their property at risk. Furthermore, the forced calculation of the value of the dowry changed perceptions of it, leading to its monetization. On the basis of the last wills and inventories of estates left by the linen weavers of the Westphalian city of Münster in the seventeenth century, Christoph Jeggle (Würzburg) analysed how urban craftspeople distributed their property among their descendants and friends, and also how they invested in religious institutions. Jeggle contrasted the municipal police rules as the legal framework with the actual inheritance strategies and occasional disputes between dependants. In her paper 'Land-Girls of Vidin and Antakya: The Representation of Women in the Eighteenth-Century Ottoman Empire', Fatma Gül Karagöz (Istan-

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bul) scrutinized the legal right of women in the Ottoman Empire to own, inherit, and sell property, and to defend it in court. Karagöz showed that women appeared in court, with or without a proxy, claiming property or usufruct rights that they had inherited. More often women used their legal agency to appear as plaintiffs in such cases, in an attempt to protect their income. By contrast, in her paper 'A Silent Conflict? How Women Lost Control of their Property among the Middle and Lower Classes (Turin, Seventeenth and Eighteenth Centuries)', Beatrice Zucca Micheletto (Cambridge/Rouen) emphasized that women in early modern Italy had to give up their right to goods that were legally their property. In her analysis of pawn shop inventories of items that were never redeemed, Zucca observed a strategy to ensure the survival of the household by transforming movable property belonging to women into money. This raises the question of whether the decision to pawn an item had to be taken mutually, or whether it was up to the husband alone.

Participants agreed that the conference shed light on the intense influence of material cultures on gender roles, property laws, and the logics of transferring property. Finally, plans for future conferences of the European network 'Gender Differences in the History of European Legal Cultures', to be held in Vancouver and Vienna, were announced.

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