



GENDER ISSUES IN COMPARATIVE LEGAL HISTORY

Intersectionality and Diversity in the Middle Ages

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Common themes in premodern societies

- Strong gender division between male and female activities and status (public/private?)
- That division is often underlined by religion
- Influence of class/estate status
- Citizenship: vastly different status of foreigners (race? xenophobia?)
- Differences between rural and urban communities
- Central importance of warfare



Specifically medieval (European) themes

- New role models for male and female roles in both public and private spheres
- Religion improves status of women
- Estate division deepens and broadens
- Citizenship, subjecthood and vassalage; religion as a factor in defining foreigners
- Feudalism deepens differences between rural and urban communities
- Warfare (mostly) shaped by feudal model
- + *Tradition and classical influences (adapt)?*

Women in the private sphere: their husbands' servants or mistresses of the house?

- Relations between husband and wife: custom and religion
- Woman as mother – and childless women?
- Social, economic and political role of marriage
- Marriage within social groups: estate and religion
- Mistresses and servants/slaves?
- Often overlooked: working women
- Prostitution: the 'oldest trade'?



Example of variation: inheritance rights

- A. Men and women (sons and daughters) inherit equally
- B. Both inherit, but men get more
- C. Men have precedence; women inherit only in their absence, but get dowry
- D. Only men inherit, women get dowry
- E. Male primogeniture
- F. Neutral primogeniture



Women in the public sphere: intruders or powerful rulers?

- Women on the throne and women *near* the throne
- Military, public service and clergy: male only
- Social and political influence of noblewomen
- Nuns and abbesses: seclusion from the world or a political role?
- Women before courts; women as judges?
- Foreign women: intersectional discrimination?



Example of variation: female witnesses

- A. No difference between male and female testimony
- B. Both accepted, but male witnesses seen as more credible (two women 'count' as one man)
- C. Female testimony restricted only to specific matters (only to criminal law, or only to 'feminine' subjects such as virginity)
- D. Females not accepted in court (male guardians may be able to transmit information)

