

little (BIG) women

Summer School of Historical Sources
for Family Research and Gender History

The Textbook

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PRESENTATION OF THE PROJECT AND THE SUMMER SCHOOL

Introduction:

Project is aimed at strengthening cooperation between institutions in the terms of student and academic staff mobility and developing a platform for research-cooperation on the field of gender history. The main topic of summer school for students will be the life strategies of a woman and her changing position within the Medieval and Early Modern society considering especially the situations when she was forced to play a role that was not primarily intended for women – the emphasize will be on sources and their thorough and correct interpretation. The aim of the project will be not only to acquaint students with the roots of existing gender stereotypes and with the beginnings of women's emancipation, but also to teach them to proceed correctly when interpreting various types of written sources.

The textbook presented should fulfil the role of study support for summer school participants. It should provide basic information on individual types of sources, which will later become the subject of deeper analysis during seminar lessons. Researchers focusing on gender history from territorially and historically related regions, dealing with the problematic of Medieval and Early Modern family and changing position of woman as a result of various social situations are presenting different types of historical sources and approaches towards them to provide a basic orientation in different areas of research.

For further information:

Project website: <https://uhv.fpf.slu.cz/little-big-women/>

Social Networks: @uhv.cz (The Institute of Historical Sciences, Faculty of Philosophy and Science, Silesian University in Opava)

V4 website: <https://www.visegradfund.org/>

Gender History – Family History:

Today, historian's work is not primarily focused on discovering new historical sources. His or her task is rather to ask new questions to the sources that have already been discovered before. This is one of the benefits of the approach to the past, which we refer to as gender history. Through existing sources, we can look at historical reality from a different perspective. From the perspective of how society of a certain time viewed what it means to be a man or a woman,

a husband or a wife, a widower, or a widow, etc. As usual, the most accurate information about what was considered appropriate and desirable, or better said – normal, is provided by cases where these unwritten (or even written) rules were relativized or violated.

Therefore, the focus of our attention is on women who exceeded the socio-culturally determined norms of their status, who deviated from what was generally considered by society to be a suitable position for a woman. From this point of view, the environment in which the woman lived played a crucial role. Examining family ties, the position of individual family members and their mutual influence, that is what family history focuses on.

The position of a woman in Medieval and Early Modern society depended on several factors. Some of them were permanent and unchanging (innate), some were changing dynamically during a woman's life depending on her age, members of her family and other factors such as outbreaking of armed conflict, epidemy or political and economic development. Testimony of the sources that have been preserved for the period under review (circa 14th–18th century) is difficult to understand without the basic knowledge of historical context and fundamental features of each type of primary sources available.

However, a correct interpretation of the sources can help us understand the functioning mechanisms of Medieval and Early Modern society as well as the roots of today's social order and the processes that influenced its creation. Moreover, the life situations in those most of the women under review can be found seem surprisingly similar to a modern-day issue. Thorough analysis of written sources can provide us with the information concerning mentalities, developing emancipation, social reflection of described phenomena and could bring a fruitful confrontation of individual situation with the ideal promoted by Medieval and Early Modern state and church via their communication channels.

For further reading:

Bock, Gisela. "Women's history and gender history: aspects of an international debate." *Gender & History* 1.1 (1989): 7–30.

Janz, Oliver, and Daniel Schönplflug, eds. *Gender History in a Transnational Perspective: Networks, Biographies, Gender Orders*. Berghahn Books, 2022 (2014).

Melman, Billie. "Gender, History and Memory: The Invention of Women's Past in the Nineteenth and Early Twentieth Centuries." *History and Memory* 5.1 (1993): 5–41.

Rose, Sonya O. *What is gender history?* Cambridge – Malden: Polity Press, 2010.

Scott, Joan W. "Gender: A useful category of historical analysis." *The American historical review* 91.5 (1986): 1053–1075.

Wiesner-Hanks, Merry. "World history and the history of women, gender, and sexuality." *Journal of World History* (2007): 53–67.

CHAPTER I

THE OATH IN CENTRAL EUROPEAN URBAN ENVIRONMENT (FROM LATE MEDIEVAL TILL THE END OF EARLY MODERN ERA)

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Introduction:

The oath (or the record of its wording) represents an interesting kind of primary historical source that can provide us with information about the development within the urban community during the long period in which the oath-taking has been widely used for many various occasions. In the life of medieval and early modern urban communities the oath played an important role of the means of communication.

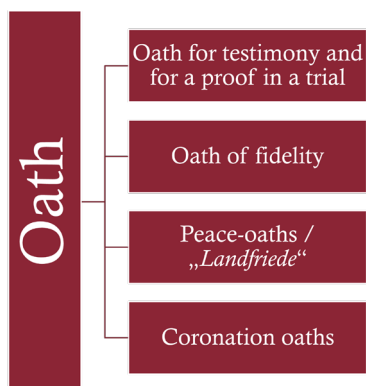


Fig. no. 1 – Oaths utilized in Medieval Bohemia according to Jeanne E. Grant (Grant, Jeanne E. “Oaths and Credibility in the Middle Ages.” Doležalová, Eva – Novotný, Robert et al., eds. *Evropa a Čechy na konci středověku. Sborník příspěvků věnovaných Františku Šmahelovi*. Praha: Filosofia, 2004: 159–169.)

The oath was used during various festivities such as the city council renewal ceremony or the entrance of the monarch (territorial lord) to the city. It was used to demonstrate the power on one side and the obedience on the other. It was an important tool of communication not only between the town and its lord but also among the members of the municipal community itself. We can say in general that it was also a kind of bond to the town structures because

every full-fledged burgher (with all the rights) had to pledge an oath when entering the urban community. This matter has been widely discussed by historians since the 1950s. Let us mention, for example, Wilhelm Ebel, André Hohenstein, Paolo Prodi or Stefan Esders etc. (see “For further reading” at the end of the chapter).

Since the medieval urban environment was a space for emancipation in many ways, the question arises whether such an important phenomenon as the oath covered also women – or not. And if so, in what way? And can we observe any development in this field? This chapter (and the following seminar) will focus on analysing the oaths with respect to the female element in the urban environments using the example of selected cities (Silesian and Northern Moravian region – we will focus on the towns established on the Magdeburg rights and situated in the former Duchy of Silesia and Margraviate of Moravia such as Opava, Olomouc, Wrocław, etc.). We will focus on both – oaths meant for women, and the role women played in the texts of oaths intended for men during a long period of time reaching from the beginning of the 15th century to the end of the 18th century. This chapter will provide a basic overview of the types of oaths that will be discussed in more detail in the seminar. It should serve as a tool for a basic orientation in the matter.



Fig. no. 2 – „Eidleistung“, ca 1493/94, by Derick Baegert – Scan / Cutout and optimized from illustration by HOWI, Public Domain, <https://commons.wikimedia.org/w/index.php?curid=3396564> [cit. 11. 07. 2023]

Definition:

The German historian **Stefan Esders** has been focusing on the function of the oath in the process of creating the vision of community in the early medieval feudal system. Although he has analyzed the roots of relations between a sovereign and his vassals within the environment of early medieval Europe (i.e. an oath of allegiance), some of his thoughts can be applied even on the urban environment at a much later time.

He emphasized the fact that besides the political ones, the social and legal relations were also based on an oath not only in the western part of medieval Europe. According to Esders, the important position of the oath in the Western Christian lands is based on the specific relationship between the canonical and non-canonical law. The oath was at the same time a commitment to the community and to God. Both these authorities then had the right to punish its violation. The oath was of a hierarchical character which (in the case of urban communities) creates the oath-based hierarchical structure. In his work, Esders used the classification of contracts according to Weber. He has stated that the oath of allegiance utilized in Early Middle Ages is a type of a status contract (according to Weber's classification). In the urban environment of late Middle Ages and Early Modern Era we can encounter utilization of oath in both types of contracts – the status and the purposive contracts. Both a promising and a confirmatory type of oath have been used in the urban environment. In the case of municipal administration, the so-called promissory oath was applied. On the contrary, in the case of the municipal judiciary we rather encounter the use of the assertory oath.

Time required to read: ca 20–30 min.

Source(s):

Most of the records of various oath types can be found on pages of books (so-called "*Stadtbücher*") produced and maintained by a municipal self-government or municipal clerks (city office members). The oldest records of the oaths could be found in so-called **memorial books**. The purpose of these books was keeping a record on every action made by or in front of the city council and they were used at every possible occasion. The records of oath-taking or wording of the oath are usually complemented there by other various records such as reports on negotiations between councillors and burghers, wordings of testaments and last wills, purchase contracts etc. To have them easily found, the frequently utilized wording of the oaths were often placed on the very first pages of the book or even written on the front (or ending) cover. Sometimes, when an old book was full of records and could no longer be used, the very page with the oath record was ripped out and then added to the new book. Alongside with the development of the city administration the number of records was continuously increasing. All areas of municipal administration were gradually getting their own municipal books and registers intended for related records. Unsurprisingly, **in the course of 17th and 18th centuries specialized registers dedicated to an oath-taking** with hundreds of oath-

records, complemented even with an instruction for each profession and information concerning individual oath bearers came to existence.

The oldest oath-formulas preserved on the pages of the memorial city books were intended for representatives of the city self-government (representatives of a city council and a municipal court). Members of the city council or municipal court pledged an oath to the sovereign, eventually to his deputy. An advocatus (or Vogt), as a former sovereign’s official, became more and more subordinate to the councillors (at least in the case of analysed municipalities), and, during 15th century, we can observe his transformation into a servant (or an official) of the city council. Therefore, he pledged an oath of office to both of his superiors – the sovereign and the city council. Another large oath pledging group consisted of **municipal officials and employees**. In the wording of their oaths, they usually turned only to the city council as a supreme secular authority. This group of oath bearers got larger gradually. In addition to officials, administrators of the municipal property and employees of the municipal court, also the guild or corporation representatives and craftsmen of all kinds were obliged to swear an oath to the city council. More and more areas of a urban community life were gradually submitted to the city council via the oaths of office. In the texts of these oaths, we can also observe how subordination and hierarchy were created in individual areas of administration in connection with a growing number of employees. The key secular authority appearing in the texts of the vows and forming the consciousness of the community was **the urban community**, all the inhabitants of the city towards whom every individual was responsible.

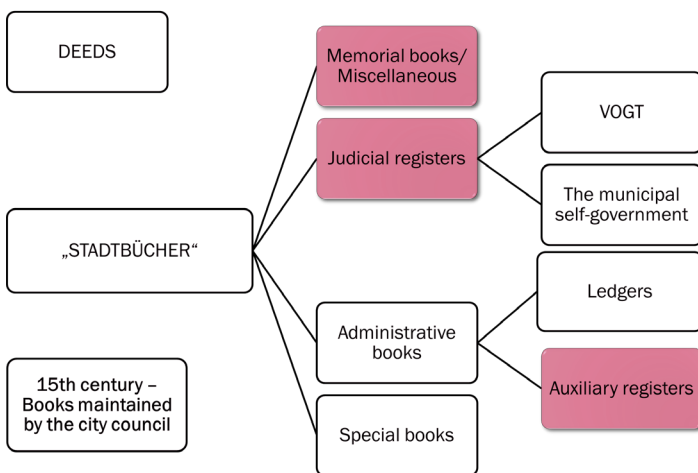


Fig. no. 3 – *The Sources of urban provenance*

The wording of the oath utilized in urban environment usually consists of the following parts:

1. **The address** – an entering part in which all the authorities (transcendental and secular) towards whom the oath is pledged are addressed.
2. **The enumeration** of all duties, regulations and prohibitions concerning the oath bearer.

3. **The pledge of obedience and loyalty** towards the city council and fellow burghers (eventually all the inhabitants of the city). Sometimes complemented by the promise of confidentiality.
4. **Final invocation** of transcendent authority/authorities.

Clearly, each type of oath had its own specific structure. The wording of the oath also reflected the development of the urban society and specific conditions of individual cities. For the specific reason that the practice of oath has been used for so long and its form has changed, its analysis can give us valuable insight into the life of urban society.

In addition to written sources, of course, the **iconographic** ones cannot be overlooked. Concerning the iconographic decoration of city books, we often come across the motif of the oath of councilors or an oath-taking in front of municipal court officers. An example of women taking an oath can be found in **the chronicle of Diebold Schilling from the 15th century** (Bern, Burgerbibliothek, Mss.h.h.I.3, p. 105 – Diebold Schilling, Amtliche Berner Chronik, Bd. 3, available at <https://www.e-codices.ch/de/list/one/bbb/Mss-hh-I0003> [12. 05. 2020]). The motif of the oath can also be found in the paintings that decorated the council chambers or served as part of the altar decoration (e.g., **in Gdańsk in Kościół Mariacki**).

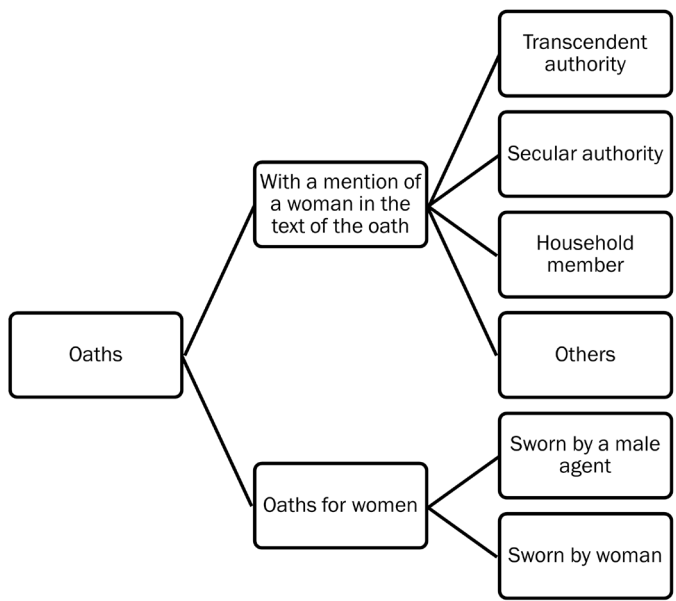


Fig. no. 4 – The Classification

Classification:

For better orientation in the issue, it is necessary to classify oaths that are in some way related to women. From the perspective of oath-bearers’ gender we can divide all the records into two large groups – 1. the oaths where women only appear in the text of the oath (as a part of the oath-bearers’ households or in connection with the execution of an office/profession)

and 2. those that were intended for a woman as an oath-bearer. The second mentioned group is, of course, incomparably smaller and oaths of this type appear more frequently only from the 16th century onwards. As you can see in the graphic representation of the classification (Fig. no. 4) both groups can be further divided into more specific ones.

In the first group, the oaths where the female element appears among transcendent authorities can be found. It can help us understand the changes of the urban religiosity while the mentioning of Virgin Mary is usually connected with the process of confessionalization in 16th and 17th century Opava. Similarly to the Virgin Mary, the woman in the position of a secular authority would also usually appear at the very beginning of the vow. Such a female secular authority appears in the oath of councilors of the city of Złotoryja (*State Archives in Wrocław, collection: Księstwo Legnickie, sig. 482, Stadtbuch von Goldberg, 1481–1499, pag. 3*): “Enlightened and highborn duchess and lady Ludmila”, Ludmila of Poděbrady, daughter of Czech King Jiří of Poděbrady, Duchess of Legnica married to (then deceased) Frederick I. of Legnica, appears in the oath as a regent together with her sons.

In the case of oaths in which a woman is mentioned as part of the household of the oath bearer, we can usually encounter the obligation of a man to observe and control the behavior of all the members of his family in regard to the duties he has as an official / employee / bearer of a certain function. In this position, there was, for example, a brewer from Olomouc who was obliged to brew a white beer (*State District Archives Olomouc, collection: Archiv města Olomouce, sig. 248, inv. no. 533, Formulář přísah (Iuramenta), fol. 29*). His duty was to check that not only he himself, but also his wife and the members of his household handled the beer money properly and handed it over to the city council. The subcategory “others” encompasses the cases when a woman was, somehow, a subject to the execution of someone’s profession. The oath of a wood-watcher from Wrocław used in 17th century mentions the duty of an oath bearer to watch out for all suspicious people, potential thieves, among whom the “old ladies” are explicitly stated (*State Archives in Wrocław, collection: Archiw miasta Wrocławia, sig. 897, Eidbuch, fol. 52*).

The second group of oaths consists of two categories. The distinction depends on whether the oath was addressed directly to the swearing female person or whether the one who swore was a male agent/guardian of a woman. In the first half of 17th century in Świdnica, male guardians were obliged to swear in place of female burghers. Three of such oath records have been preserved in Świdnica city book utilized from 15th up until 18th century (*State Archives in Wrocław, collection: Akta Miasta Świdnicy, sig. 63, Księga ławnicza, XV–XVIII w., fol. 10, pag. 17*). All the three women became full-fledged burghers by taking the vow. Over the time, we increasingly encounter the fact that the woman herself was obliged to take the oath in person. It was, for example, in the case of judicial oaths. These oaths were used as a proof and also as a part of a punishment (when, for example, a convicted person had to swear to go into exile). But there were also some professions exclusively held and executed by women, which were subject to the supervision and control of the city council. A woman practicing such a profession had to take an oath when entering it. It concerned, for example, a maid in the city jail in Wrocław (*State Archives in Wrocław, collection: Archiw miasta Wrocławia,*

sig. 898, *Novus hic iuramentorum liber*, pag. 44–45). This servant was responsible not only for the cleaning in the cells but also for buying and preparing food for prisoners. She was, among other things, obliged to report every suspicious behavior and conversations going on in the jail. An important position in the councillors' policy of disciplinatio was held by a midwife. This is evidenced by numerous oaths taken by midwives and containing clauses about their duty to report everything related to their profession (including the pregnancy of unmarried women, infanticides, abortion attempt, etc.) to the council.

Example:

The examples from the mentioned sources were chosen with regard to the aforementioned categorization. The text of the promises has been simplified and does not fully respect the principles of transliteration. The examples thus have only an illustrative function.

1. The Address – an entering part of the oath of a subject (der Untertan) from Olomouc: *State District Archives Olomouc, collection: Archiv města Olomouce, sig. 248, inv. no. 533, Formulář přísah (Iuramenta), fol. 31* – the text was originally written in the Czech language (the passage marked in red was added to the 16th century form):

„I swear to the Lord God, the Mother of God and all the saints, and to my hereditary lords, sitting [city] council present and future...”

2. The ending part of the same oath – the pledge of obedience and loyalty towards the city council complemented with reporting obligation and the final invocation (the passage marked in red was added to the 16th century form).

„And should I learn something harmful and [targeted] against the [members of the city] council, my lords, that I want to report it and not hide it and with them [the councillors], alive or dead, firmly stay. So help me the Lord God, the Mother of God, and all his saints.”

3. Part of the oath intended for a brewer from Olomouc who was obliged to brew a white beer (*State District Archives Olomouc, collection: Archiv města Olomouce, sig. 248, inv. no. 533, Formulář přísah (Iuramenta), fol. 29*). Originally written in the Czech language.

“At the same time [I promise] to deal faithfully and fairly with the money that my wife and family [household members] and I will receive for that beer. And I [promise] to hand over all that money into the chest that was given to me for that purpose.”

4. The ending of the judicial oath of Regina, daughter of Jura Kovář, imprisoned for robbery and sentenced to exile at the end of 16th century in Opava (so called “*Urfehde*” – *State District Archives in Opava, collection: Archiv města Opava, sig. IBb13 (1501), inv. no. 223, Kniha soudních ráďů, nařízení a přísah, fol. 93*). Originally written in the Czech language.

“And, at the same time, I want the city of Opava and the city grounds to be empty forever [I will not stay here] and no one will ever find me there. So help me God and his Holy Scripture [The Gospel].”

To remember:

- The oath was a widely utilized means of communication (not only within the urban environment).
- During the long period between the Medieval and Modern Era the development of the urban society influenced the form and shape of this means of communication.
- The wording of the oath has been reflecting the most significant changes within the urban community (including changes of confession, professionalization, bureaucratization of municipal self-government and emancipation of some groups of the population).

After reading this chapter try to answer the following questions:

1. Is it possible to use the records of the oaths from urban environment as a source for research on gender history?
2. What types of oaths can we associate with the issue of gender and family history?
3. What circumstances do you think led to the fact that in order to perform some “women’s professions” it was necessary for a woman to take an oath in person?

For further reading:

Benka, Peter. “Mestské prisahy v Bardejove v ranom novoveku ako prameň kultúrnych a sociálnych dejín.” *Historický časopis* 66.1 (2018): 27–54.

Ebel, Wilhelm. *Der Bürgereid als Geltungsgrund und Gestaltungsprinzip des deutschen mittelalterlichen Stadtrechts*. Weimar: Böhlau, 1958.

Esders, Stefan. “Rechtliche Grundlagen frühmittelalterlicher Staatlichkeit: der allgemeine Treueid.” Pohl, Walter – Veronika Wieser, eds. *Der frühmittelalterliche Staat – europäische Perspektiven*. (Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse: Denkschriften, 386; Forschungen zur Geschichte des Mittelalters, 16). Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2009: 423–432.

Esders, Stefan – Scharff, Tomas (eds.). *Eid und Wahrheitssuche. Studien zu rechtlichen Befragungspraktiken in Mittelalter und früher Neuzeit (Gesellschaft, Kultur und Schrift. Mediävistische Beiträge 7)*. Frankfurt am Main u. a.: Peter Lang AG, 1999.

Holenstein, André. “Rituale der Vergewisserung: Der Eid als Mittel der Wahrheitsfindung und Erwartungsstabilisierung im Mittelalter und in der frühen Neuzeit.” Bierende, Edgar – Bretfeld, Sven – Klaus Oschema, eds. *Riten, Gesten, Zeremonien: Gesellschaftliche Symbolik in Mittelalter und Früher Neuzeit (Trends in Medieval Philology, 14)*. Berlin – New York: De Gruyter, 2008: 229–250.

Holenstein, André. "Seelenheil und Untertanenpflicht. Zur gesellschaftlichen Funktion und theoretischen Begründung des Eides in der ständischen Gesellschaft." Blickle, Peter, ed. *Der Fluch und der Eid. die metaphysische Begründung gesellschaftlichen Zusammenlebens und politischen Ordnung in der ständischen Gesellschaft (Zeitschrift für historische Forschung, Beiheft 15)*. Berlin: Duncker & Humblot, 1993: 13–63.

Neumeister, Peter. "Der Urfehdeid des Berliner Stadtbuches." Engel, Eva Maria – Fritze, Konrad – Johannes Schildhauer, eds. *Hansische Stadtgeschichte – Brandenburgische Landesgeschichte: Hansische Studien VIII. (Abhandlungen zur Handels- und Sozialgeschichte, 26)*. Weimar: Hermann Böhlaus Nachfolger, 1989: 79–87.

CHAPTER II

WILLS AS SOURCES FOR STUDIES ON LIVES OF NOBLEWOMEN IN THE SAXON ERA

Urszula Kicińska

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Introduction:

Recent studies have shown that in Old Poland women played a significant role in the society, influencing not only the shape and structure of their own families but also economy, culture, education, ecclesiastical matters, and politics.

The situation of noblewomen throughout the centuries can be analysed by means of various sources among which egodocuments, especially correspondence, wills and testaments, supplications, memoirs, and prayer books. These are worth the particular attention. Apart from those listed, studies of this kind can include prenuptial agreements and life estate agreements which help us determine the legal and financial situation of women as wives, mothers and guardians, or widows. Handwritten newspapers (*awizy*) are another important source. We can find many sections related to everyday life, celebrations and holidays, public entertainment, and noblewomen's participation in balls and fêtes organised at royal and magnate courts in them. However, any researcher analysing such texts should take into account the circumstances of their creation and check whether they are not limited by particular customs, including forms of addressing the recipient, style or structure.

Definition:

The wills belong to the category of archival materials that represent key elements in the analysis of women's life within the family and society in Old Poland. The circumstances of their creation as well as their content make them a highly important and interesting source. Their last wishes were written down both by men and women from every social class – nobility, townfolk, or peasantry. Due to this fact, they constitute an extraordinary source of knowledge about financial, familial and social relations dating back to centuries ago. Importantly, a will was one of the few documents where women had a chance to speak on their own behalf, even though their wills were written down by a specially appointed

scribe or clerk. The testatrix, as any person in given circumstances, had to meet the two most important conditions: she had to be of sound mind and had to have the legal right to manage the property mentioned in the will.

The wills were documents of a legal character, yet they were very personal, since – apart from specific instructions as to the management of the property of the testatrix – they included an intimate confession of faith and listings of legacies for her husband and children. Hence, the only wills which deserve special attention are the ones written by women who had only at the death's door an opportunity to speak publicly and present their honest opinion on their financial situation and hardships they had to face to maintain or improve their living conditions.

The wills were also “*documents of emotional bonds*”, representing relations between the testatrix and her kinsfolk, friends, and environment she had lived in. They provide us with a valuable, if rough, picture of ties within the dying woman's family. Written wills allow us to determine the women's position in a particular environment, especially while nearing the end of their lives.

Time required to read: 30 to 40 min.

Sources:

The Old Polish wills had a characteristic structure and style, incorporating a few fixed components. This was the main reason for selecting this very source to be the representative of this paper and its more thorough analysis.¹ Let us look at the will written

1 A typical will opened with a devotional invocation which was slightly different in Catholic, Orthodox, and Protestant documents. After the invocation came an intitulation, a specific presentation of the testator. A promulgation came as the third part and was addressed to all parties interested in the decisions stated in the will. Another part, so-called *arenga*, emphasised the misery of human life and the inevitability of death. This was also a place to declare one's religion and present the reasons for writing the will. A separate part of the document included information about the organisation of the funeral and its artistic form: burial clothes, coffin, burial place, participants at the funeral, candles, decorative fabrics, music, and church service for souls. This section also included information about pious legacies for ecclesiastical institutions, monasteries or religious orders or brotherhoods. The most extensive part of a will included decisions on legating the property, where the testator divided their wealth and designated the inheritors as well as guardians for their orphaned offspring. Oftentimes, this section included very intimate confessions of the testators who described their life concerns, regrets and grievances. The testator bade farewell to their family, friends, and servants in a separate section. The closing part included the testator's blessing and obligation to carry out their will. Cf. Bożena Popiołek, *Woli mojej ostatniej testament ten. Testamenty staropolskie jako źródło do badania mentalności XVII i XVIII wieku* (Kraków: Wydawn. Nauk. Uniwersytetu Pedagogicznego, 2009), 31.

on 22nd May 1703 by Marianna Duninowa née Zaborowska,² the wife of the castellan of Lubaczów.³

First and foremost, we should turn our attention to the fact that wills are highly valuable materials for the analysis of women's piety and spiritual culture since they represent the character of an individual and include elements that allow us to understand the way the testatrix perceived her confession of faith and participation in a church congregation (for instance through membership in religious orders, support for ecclesiastical institutions, or charity activities). In wills, we can also see women's approach to God (understood and referred to as the Creator, Lord, Benefactor, or the Highest Judge), Saint Mary, Jesus, and different patron saints. In her will, Marianna Duninowa née Zaborowska highlighted that until her dying day, she had been a devoted Catholic and wished to die with this faith, giving her soul to God and the Holy Trinity:

“Being weak in the body but sane in the mind and soul I hereby give my last disposition regarding my property. First, born by God’s mercy from Parents, faithful Catholics, and in the faith of Christian Roman Apostolic Church, and in this faith, having lived together with my husband for a long time, and so in this very faith, I am willing to spend the rest of my life and declare to believe in everything the Holy Roman Church teaches, and to condemn everything the Church condemns. Thus I humbly offer my sinful soul to God in the Holy Trinity, or to my Saviour the Crucified and the Motherly care of the Most Holy Mary Mother of God, with the hope of standing before God’s face.”⁴

Wills also included instructions concerning the burial of a dying person and organisation of their funeral. The texts differ in this regard since some testators did not pay much attention to this section and left it to the executors' decision, whereas others had special wishes, precisely indicating the burial place, type of coffin or the colour of burial clothes. They carefully calculated and listed legacies for selected monasterial congregations and religious orders or brotherhoods and specified the amounts of money to be spent on decorating the catafalque and the church where the funeral was to be held. Separate amounts of money were prepared for clergymen to carry out the memorial service for the soul of the deceased. Marianna Duninowa née Zaborowska wished to be buried by a parish church in Usinów on the third day after her death. For this purpose, she provided 173 minted talers. According to her wish, the funeral was to be modest as there

2 Marianna Duninowa née Zaborowska (d. 1703), daughter of Piotr Zaborowski and Katarzyna Skrzetuska, and a widow of Krzysztof Dunin, the castellan of Lubaczów. The spouses had one son, Franciszek Stanisław Dunin from Skrzynno, the standard bearer of Busko (d. before 4 September 1697), married to Teresa Hinkówna, daughter of the castellan of Busko. They had three children, Józef, Stanisław and Ludwika.

3 The will of Marianna Duninowa née Zaborowska, the wife of the castellan of Lubaczów, written in Podlubce on 22nd May 1703. CPAH Lwów, C. B. Rel fond 1, opis 1, spr. 295, fols. 387–398.

4 The will of Marianna Duninowa née Zaborowska..., p. 387.

is no information on expenses for church decorations, fabrics, candles, or lanterns.⁵ The will reads:

*“My body shall be buried by the church threshold and by my Late Husband, at the / Usi?/nów parish church, on the third day after my death and immediately after the service. The Sirs guardians signed hereunder shall give one hundred and seventy-three minted talers, which are in the chest, for the service for my soul and for other clergymen.”*⁶

Another element which appears in Old Polish wills is the issue of caring for the orphaned children. In case of the husband’s death, the widow had already have a helper assigned by her spouse. However, guiding her children (sometimes also stepchildren) through education, marriage, or monastery life was solely her decision to make. Hence, mainly the wills written by widows (although it was not a rule) included calculations of expenses covering the raising of children, dowries, other allowances for the offspring, and receipts or bills presented to the inheritors for financial settlement. Now and again, women – grandmothers, aunts, or more distant female relatives – took care of their adopted children (orphaned offsprings of their daughters or sisters), providing them with protection. That was what Marianna Duninowa née Zaborowska did, as it was not her son (who had already passed away) who was provided for in her will, but her three grandchildren for whom she assigned the appropriate guardians. The will states as follows:

*“Soon after my Husband’s leaving /this/ world, the Lord took my son, Franciszek Stanisław Dunin from Skrzynno, the standard bearer of Busko. For this reason, three little children, Józef, Stanisław, and Ludwika, whom he had with Mrs Teresa Hinkówna, the daughter of the castellan of Busko, became the true successors of my and my late Husband and Son’s property which was gained through my and my husband’s labour and effort. Hereby, I ask and appoint Protectors and guardians⁷ to provide them with fatherly protection should any need and opportunity arise.”*⁸

In her last moments, the wife of the castellan of Lubaczów was thinking about her granddaughter. In her will, she ordered to have the girl sent to a monastery in Lviv or Jarosław (the document does not state it clearly) to gain education, and she herself left the young lady with 2,000 Polish zlotys “for lodgings and board”, which was to be paid out annually. Following Duninowa’s order, the young novice had been assigned a helper, some Czaplicka, who was to teach the girl “lady’s chores”. On reaching adulthood, Ludwisia would have had the right

5 The will of Marianna Duninowa née Zaborowska..., p. 388.

6 The will of Marianna Duninowa née Zaborowska..., p. 389

7 Their guardians were: Jan Sobieski, the cup bearer of the Crown; Jan Ligęza Minor, the castellan of Chełm; Marcin Wybranowski (d. 1728), the standard bearer of Podole; Wiktoryn Sobieski, the standard bearer of Halice; Aleksander Zaborowski; the pantler of Mozyr; Antoni Głogowski (d. before 12th September 1711), the pantler of Bełz; Mikołaj Głogowski (d. before 9th October 1720), the master of the hunt of Bełz from 1700 to 1720.

8 The will of Marianna Duninowa née Zaborowska..., pp. 389–390.

to decide whether she would be willing to stay at the monastery or get married. In case of choosing the latter, however, her grandmother left her a dowry of 100,000 Polish zlotys, and this amount was legated in a form of two villages, Machnowo and Kórnice.⁹ We can read about this in the following section of her will:

“On sending the daughter of the standard bearer of Busko, my granddaughter, to the monastery in Lviv or Jarosław, she shall receive two thousand Polish zlotys for lodgings and board yearly as need be. Czaplicka shall be of her service and teach her the lady’s chores, and for this [...] the Sirs Guardians and executors of my will, and especially Mr [...] Pantler of Sędomicz are to make sure that the expenses from the ordered provisions shall be paid out for the children as need be. If Miss daughter of the standard bearer, may God let her, reaches her adult age, and wishes to leave the monastery, do not keep her there any longer, but marry her off to a man of noble birth and morale, of a good military reputation and fame, for which purpose I am leaving her one thousand Polish zlotys in Machnow and Kornie until her brothers grow up.”¹⁰

The testatrix did not forget to provide for her grandsons, as she wrote:

“As for my grandsons, the older, Józef, son of the standard bearer of Busko, the legated possessions shall stay under the protection of the Sirs Protectors until he reaches eighteen years of age. And when he reaches this age, having gained proper education and good brains, he shall be free of the protection. The village of Karow, which is prepared for him, [...] the Sirs Protectors shall grant him the right to the manor, and should he govern it well, they, taking into account the portions for his sister and brother, shall give him his portion. And should he not govern the property well, on reaching eighteen years of age, he shall receive only Karow because, if necessary, his war expenses shall be paid for with income from other lands. Then, the silver bought with my labour and grace, described in a separate register, shall be divided amongst the two of them and his part given out [...] by the Sirs Executors.”¹¹

Different kinds of movable property and even livestock were left to particular members of the family as a material security. Duninowa took similar steps and, apart from silver, tin, and copper items and valuable fabrics, she left horses and cattle to her grandchildren:

“Any movables such as horses, oxen, herds, cattle and [...] and other movable items such as gold, silver, tin, copper, tapestries, carpets and other splendours included in a separate register, and jewellery according to its weight and value. For the children, as mentioned above [...], the Sirs Protectors shall conserve.”¹²

9 The will of Marianna Duninowa née Zaborowska..., p. 390.

10 The will of Marianna Duninowa née Zaborowska..., p. 389–390.

11 The will of Marianna Duninowa née Zaborowska..., p. 391.

12 The will of Marianna Duninowa née Zaborowska..., pp. 396–397.

Wills were also specific representations of women's standards of living since they comprised honest listings of possessed properties. Apparently, the number of listed movable and immovable items depended on the financial status of the testatrix. Based on the wealth and conscientiousness of a given woman, the wills mentioned possessions of a different value. Duninowa made a particularly detailed listing of her belongings, including mainly dresses and jewellery, and stated who should inherit them:

*“The dresses along with the chest, also furs, which are left after my death, shall be put away. They shall not be placed on stone directly, but raised on something, dried in case of humidity, and mixed with hop cones [...]. For the diamond item with eight big and forty-three small gems, I paid two thousand zlotys. For the necklace with forty-four big and sixty-eight small diamonds, I paid one thousand and seven hundred zlotys. For two diamond ear-cuffs, each with two big pearls and twenty-two big diamonds, I paid a thousand zlotys each. For the gold ring with seven diamonds, I paid one hundred zlotys. Two bigger silver hairpins with thirty-eight diamonds [...]. The emerald gold ring with twelve diamonds. The second emerald one with six diamonds and the diamond cross with eleven diamonds and one pearl [...], the ruby ring [...]. The gold ring with a blue stone, the ruby gold cross with seven diamonds, five strings of pearls, and three pearl necklaces. Other jewellery is not mentioned here, but in a separate register. All the above shall be kept and sealed in a jewellery chest [...] I ask [...] the Sirs Protectors.”*¹³

Wills were also a good opportunity for listing the debts testatrices or their husbands were burdened with. In her will, Marianna Duninowa née Zaborowska pointed out:

*“The debt, as mentioned in my husband's will, I have already paid back to the creditors, for which I have receipts, and the donations for the Manor of Bełz have yet to be paid according to my husband's will [...] especially [...] ten thousand to the Reverend Ladies of the Discalced Carmelites Order from Lviv [...], seven thousand to the Reverend Fathers of the Discalced Carmelites Brotherhood from Lviv. For them, also one thousand zlotys for a lamp [...]. From Mrs Kucharski, I borrowed five thousand zlotys for a card to pay the tax for the subjects from my lands and for the support of townsfolk who had suffered fire, but this, I have already paid back [...]. I owed Miss Woroniczówna one thousand zlotys which was used for the Manor of Bełz, but soon after, I borrowed from her five hundred zlotys more for my own needs, hence, I ask to pay her back the whole amount. I owe Mr Micowski two thousand zlotys.”*¹⁴

In case of property legacies, a very important place in wills was reserved for various donations and legacy gifts for churches, monasteries and devotional or charity institutions. The reason for such legacies was not only the affiliation with the church and other devotional institutions but also the willingness to guarantee the salvation and forgiveness of trespasses

13 The will of Marianna Duninowa née Zaborowska..., pp. 391–392.

14 The will of Marianna Duninowa née Zaborowska..., pp. 393–395.

for oneself. Not always was this money intended for the maintenance of a particular institution. Oftentimes, the wills stated that part of the amount is to be spent on the renovation of a temple, rectory, monasterial premises or on furniture, equipment, and church utensils. The evidence for such pious legacy gifts can be found in Duninowa's will as well. She donated certain amounts of money to the Franciscan Order in Zamość and for the construction of a local manufactory. Moreover, she asked to have a big altar erected in the parish church in Uhnów and she provided 1,500 Polish zlotys for this purpose:

“by the power of this will, I hereby legate two thousand Polish zlotys for the abovementioned Reverend Fathers Reformers as the profit from my lands and estates, which [...] I ask and oblige the Sirs Protectors to leave at the disposition of the Reverend Fathers Reformers as soon as possible. The Fathers Reformers from Zamość shall use the whole amount for a Reformation convent they find to be in the greatest need as well as its manufactory. As I could not manage to have a sculptor make a grand altar at the parish church in Uhnów (as my soul wished for one), thus I hereby arrange one and a half thousand Polish zlotys to be [...] paid out by the Sirs Protectors to the Parson from Uhnów who shall either see to it himself or put his effort so that it shall be erected as soon as possible.”¹⁵

Another element that can be found in women's wills is their attitude towards their clients and subjects. This is reflected in the gratitude expressed and remuneration provided by the testatrices to their loyal servants. Marianna Duninowa née Zaborowska did not forget about her subjects, as she wrote in her will:

“Servants have been all paid off by my husband, however, if anyone says they have not received their due payment and proves this, I ask [...] Sirs Protectors to pay out the whole amount.”¹⁶

As already mentioned, the analysis of women's wills presents a clear picture of their approach to religion, family, or financial state. Nevertheless, this picture is one-dimensional as it is based on a source left by women themselves. Therefore, it is worth mentioning here that women's lives can be also studied through wills left by their husbands and their analysis can provide us with answers to several key questions, the most important of which engage in the women's financial security, especially with children in the family. Another key issue concerns the inheritance of the property after the first or second husband: To what extent was this a natural process? Did the widow have to fight for her rights to the property at the court, counting on her protector's help? How thrifty was the widow and what steps did she have to take after her husband's death to ensure a decent life for herself and her family? Finally, given the number of children mentioned in wills, we can try to determine the widow's effort she had to put in raising and educating her children regardless of her decision either to remarry or to manage everything on her own.

15 The will of Marianna Duninowa née Zaborowska..., p. 395.

16 The will of Marianna Duninowa née Zaborowska..., p. 397.

Summary:

Lives of Old Polish women can be analysed based on different kinds of sources and their selection depends on the subject we decide to focus on in our research. Undoubtedly, wills are a very valuable source since they represent a broad spectrum of information on issues concerning the family (women's attitude towards their spouses, children, stepchildren, and relatives), religion (women's attitude towards God, the Holy Trinity, patron saints, and ecclesiastical institutions), and society (charity activities, attitude towards their subjects). We should keep in mind, however, that despite the high value of this kind of sources, information included there should be cross-referenced with other available archival materials about the studied women. Only then will the creation of their silhouettes and reconstruction of their lives be more complete.

Questions:

1. What kind of sources allow us to study the lives of Old Polish women?
2. What information on women's position in a family can be obtained from wills?
3. Based on the given excerpts from her will, describe Marianna Duninowa née Zaborowska's attitude towards her family.
4. What difficulties may arise while analysing a will?

Glossary:

Brotherhood – (confraternity) – A religious association with legal personality. Its aim is to deepen the religious life of its members, provide mutual assistance, and engage in religious or social activities.

Kanaczek (kanak) – A valuable necklace worn by women.

Spendować – To provide money for something; to spend.

Testator, fem. testatrix – A person who leaves a will in which, in the event of their death, they present a way of disposing of their possession.

Will – A testament; a legal document in which the testator (or testatrix) decides what should be done with their property in case of their death.

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CHAPTER III

INVENTORIES OF WOMEN'S DOWRIES AS A SOURCE FOR STUDIES OF THE HISTORY OF WOMEN IN THE EIGHTEENTH CENTURY

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Introduction:

Property inventories can be classified as the kind of sources that allow the widest research in the field of the history of material culture. The multitude and diversity of preserved materials of this kind (e.g., posthumous inventories, court registers, registers of immovable property, manor inventories, lists of distributed, lost or stolen items) always put the researchers in a position where they have to select such materials that would allow them to tackle the discussion of a key research issue in the best possible way. The same selection rule applies to research on the history of women. Lists of movable property, prepared on various occasions – from periodically compiled inventories of possessions which allowed the cataloguing of items stored in various places, through inventories of a manor (or manors) owned by noble families, to personal registers – such lists reflect exclusively the material status of a particular individual, and they are a very valuable source for historical studies. The latter of the abovementioned documents include prenuptial inventories of dowries, or trousseaus. These were a special type of personal property inventories. Traditionally, they were drawn up for young ladies who were preparing to marry. Their parents or closest relatives supervised the preparation of a set of items constituting the bride's personal property. Inventories of the possessed items were quite exceptional due to the circumstances under which they were drawn up. A dowry indicated the financial status of the bride as it included dresses, jewellery, tableware, as well as various items of everyday use. While they have been poorly recognised, dowry inventories represent an interesting historical source allowing us to take a closer look at the issue of the material culture of the past. The analysis of preserved dowry inventories provides us with an interesting picture of eighteenth-century preferences.¹ The preserved source materials show

1 Cf. Jacek Wijaczka, „Spis wyprawy ślubnej kasztelanki poznańskiej Anny Mycielskiej z 1744 roku,” *Kwartalnik Historii Kultury Materialnej* 59 (2011): 225–234.

us what kind of items were actually used, which items were considered essential, and the way in which fashion, tastes, and customs changed.

Time required to read: 30 min.

Sources & example:

The source material used here as the basis for demonstrating the research potential of eighteenth-century dowry inventories is a register of a bridal trousseau of Anna Humiecka née Rzewuska, married to Józef Humiecki (d. 1765), the deputy cup bearer of Podolia and later the castellan of Kamieniec, in 1745. The register of the prepared dowry was so extensive that the items had to be categorised, making the list clearer and more readable. It should be noted that a similar layout was used in many dowry inventories with a purpose to create separate categories for dresses, jewellery, tableware, and items of everyday use. In addition to clothing, valuables, and tableware the described inventory includes separate lists of “*bedroom items*” (i.e. mattresses, bolsters, and bedclothes), as well as furniture for storing various knickknacks (such as secretary desks and boxes). The registers of women’s movable items were relatively repetitive in this regard, most often including jewellery and valuables followed by dresses and other items of clothing (skirts, jackets, vests, etc.), head coverings, lingerie, scarves, tableware, and various objects of everyday use. Each registered item was categorised appropriately and described. Usually, the more valuable an item was, the more detailed description it had. Nevertheless, there were quite a few brief entries that merely hinted that certain types of items were in the possession of a given person.

We should not forget about changes taking place in fashion and customs. These can be well captured through a deep analysis of inventory records. The analysed material dates back to the 1740s and it presents the evidence for a significant number of everyday items imported from Western Europe. For instance, the enclosed list of items includes mattresses made of “*crimson French material*”. Even more items of this kind can be found in garment lists. In the analysed inventory, the list of dresses begins with an “*undergarment robe with a white tail made of French material with silver*”. These records represent an evidence of the penetration of French fashion into private manorial courts in the Polish-Lithuanian Commonwealth. The nomenclature, full of inserts based on names used in France, England, or Spain, clearly indicates preferences for clothing styles modelled on Western fashion. Western-style clothing became popular in the Polish-Lithuanian Commonwealth with the arrival of royal spouses (Marie Louise and Marie Casimire) from the French court. In the eighteenth century, these influences had already been very visible, both in terms of nomenclature and the forms of clothing used by Polish ladies from the wealthy class. In the eighteenth-century inventories, the abovementioned term “*robe*” (Fr. *robe*), referring to a ceremonial dress characteristic of the French court fashion of the time, was increasingly used. A robe would be accompanied by a “*manto*” (Fr. *manteau*), an outer dress open at the front. Such items of garment – “*manteau with a skirt made of blue French material with silver*” – can be found in the analysed inventory. The source material lists

numerous similar examples including the abovementioned dressing gowns – “*robdeszany*” (Fr. *robe de chambre*) – coats “*zustumant*” (Fr. *juste manteau*), and negligee “*neglize*” or “*neglize*” (Fr. *neglige*). Such an influence also applies to the specifications of textiles used to make various garments, such as “*grodetur*” (Fr. *gros de Tours*) or “*gryzeta*” (Fr. *grisette*).

For political reasons, contacts between the nobility and Saxony had to be reflected in everyday life as well. Goods from Saxon manufactories – considered prestigious and elegant – were coveted by the wealthiest individuals. The preserved inventories are a valuable source, allowing us to estimate the extent of penetration of goods produced in Saxony into the Polish-Lithuanian Commonwealth. The specific nature of dowry registers, which stand out from numerous preserved listings of property due to their purpose and a huge variety of included items, allows us to determine specific goods from Saxon manufactories. Unfortunately, their quantity, mainly owing to their price, could not compete with the number of German, Dutch or Parisian commodities on the lists. Saxon goods, which were significantly less common and therefore rarely included in dowry registers, were considered a synonym for prestige. Among things intended for young noblewomen’s households there were single items proudly referred to as “*Saxon*”. The same is true for the analysed inventory. Among many pieces of clothing, we can see a “*white Saxon silk underskirt*”, two “*blond Saxon palatines with flowers*”, and single skirts. The preserved inventory suggests that these things were part of everyday life of nobility; they were readily available and commonly used.

Despite the wave of new commodities inspired by Western European fashion, traditional items, often passed down from generation to generation, were still visible in many dowry inventories in the Polish-Lithuanian Commonwealth. Expensive, richly decorated fabrics used as interior decorations or as part of a wardrobe were extremely valuable. Various fabrics referred to as “*Persian*” or “*Turkish*” dominated the magnate courts as early as in the seventeenth century. Although their popularity gradually waned, registers of women’s movable property dating back to the eighteenth century still showed a considerable number of these items. Anna Humiecka née Rzewuska received a whole collection of “*four rich crimson Turkish curtains for the whole room*”, as well as “*a large Persian carpet and Persian curtain for the bed*”. Such things were too valuable to let them fall out of use. In eighteenth-century households, two trends naturally intermingled: the old trend – represented by inherited items treated as a material form of a certain financial status – and the items brand new, tailored in accordance with the latest fashion and treated as a synonym for openness to European customs and manifestation of a sense of belonging to European aristocracy.

In the eighteenth century, the scale of female activity and mobility also changed. Wealthy ladies maintained numerous social contacts, visited family residences scattered throughout the Polish-Lithuanian Commonwealth, travelled with their spouses to Western European countries where they participated in European courts’ lives, or they underwent a treatment “*at the waters*” in resorts valued by the Western aristocracy. This increase in female mobility translated into the range of items they possessed. Thus, in the analysed dowry inventory we can see a “*damask travel pavilion*”, which was extremely useful due to the need for a frequent change of location. The travel set was supplemented by “*a rich crimson Persian travel curtain*”

with a green trim” which was not only very practical, but also elegant. The items of this kind present in registers are an excellent source for studying the changing preferences in terms of aesthetics.

The analysis of women’s inventories brings interesting conclusions regarding transformations which occurred in the area of body care, hygiene, and appearance. In the analysed material, we can find “*two small silver chests with keys, four silver boxes, one small soap box, a comb, and a brush*”. These seemingly trivial and laconic entries should become a starting point for an analysis of how women’s physicality, care of their own bodies, sense of cleanliness, and the overall hygiene were perceived. While the rooms that could be considered eighteenth-century bathrooms were still a luxury available only to wealthy city dwellers and affluent nobility, the range of tools for keeping both garment and the body clean gradually expanded.² Everyday items became real treasures, and their purpose – apart from the expected hygiene use – was to bring comfort to the senses. Cleanliness and fashion became mutually complementary factors, changing the idea of what was worthy and representative.³

The character and quality of items listed in inventories reflected the status of the family background of the young wives-to-be. The inventories which survived, however, are not only an evidence of wealth of noble and magnate families. They are also a valuable evidence of the adaptation to new cultural influences and they document a process during which certain types of objects were gradually replaced with the new ones. Jewellery, valuables, and garment were items considered primarily the indicators of wealth and social status. In the seventeenth and eighteenth centuries, especially the latter was often modelled on what was worn by the foreign aristocracy. Fashion, modelled especially by Western Europe, brought several new solutions in terms of design, accessories and materials used in assembling female wardrobes. The preserved property registers are an excellent source for analysing the changes occurring in this area.

It is necessary to emphasize that a particular attention should be paid to terminology while examining property registers. Commonly, inventories included foreign names, most often referring to items of clothing, textiles, and clothes-making techniques. This raises several research problems since the terms used in the texts often differ from their original version; they are twisted and they frequently refer to a colloquial lingo. In many cases, the connection between the listed items and their original name is more than casual. What dominated in women’s inventories was “*dezabile*”, the equivalent of *dishabille* (Fr. *deshabille*), meaning a casual form of daily, non-committal clothing. “*Dezabile*” was

2 See Fernand Braudel, *Kultura materialna, gospodarka i kapitalizm XV–XVIII wieku*, vol. 1 (Warszawa, 1992), 257; For more information on shaping of private bath chambers, see: Wojciech Bis, „Nowożytna łaźnia dworska w Radziejowicach”, *Kwartalnik Historii Kultury Materialnej* 55 (2007): 141–159.

3 See Georges Vigarello, *Czystość i brud. Higiena ciała od średniowiecza do XX wieku* (Warszawa, 1996), 87–94.

complemented by clothing commonly referred to as “*robdeszany*” (Fr. *robe de chambre*) – a long dressing gown, usually made of wool. Dresses were complemented by so-called “*kazjatki*” (Fr. *casaque*), which were simple jackets with elbow-length sleeves, and by fitted “*szustokory*” (Fr. *justaucorps*), made of the matching material. Women’s inventories also mentioned “*ażusty*” (Fr. *juste*), a short, fitted coat. All these terms were phonetically spelled in a random way, often far from the original pronunciation. Only through comparison of pieces of clothing present in Western court fashion at that time can we get a chance to identify the used terms correctly.

Summary:

The dowry inventories should certainly be considered as materials of a great cognitive value for the research on the history of women. However, a thorough interpretation of the preserved records and an extremely critical approach are necessary at all times. Moreover, it is impossible to conduct a research using this type of sources without any reference to the broader context of the history of European material culture. Only a comprehensive approach of this kind allows the researcher to draw proper and constructive conclusions. The results of such a research can provide a possibility for expanding the existing knowledge in the field of the history of material culture, circulation of objects, cultural inspirations, fashion, customs, and standards of living.

Questions:

1. What types of sources can be used in research on women’s history seen through the lens of material culture?
2. Explain how can the inventories of movables be used in research on social history, history of customs, and history of culture?
3. Based on the enclosed dowry inventory, provide examples that can illustrate the changes in lifestyle, fashion and preferences occurring in the eighteenth century.
4. What difficulties are associated with the analysis of dowry inventories?

Resource appendix:

Prenuptial dowry of Anna Humiecka née Rzewuska (wife of Józef Humiecki), the wife of the mayor of Gaj, drawn up on 5 June 1745

Central State Historical Archives of Ukraine in Lviv: Collection 181 description 2, case 370

Register of items of Her Ladyship the wife of the mayor of Gaj for the dowry by the disposition by Her Ladyship Sekowska, drawn up on 5 June 1745 in Rozdół

Green damask pavilion with silver galloons, large bed with a quilt, bedrails, and headboard with galloons. Dresser
 Pincushion, green damask comb box with silver galloons for the same bed, with a foldable wooden bottom with an iron-reinforced drawer and a padlock
 Two crimson damask bed mattresses
 Mattresses of crimson French cloth 2
 Simple red cloth covers for all these four mattresses for the same bed
 Two crimson damask thick mattresses
 Six pillows of the same kind
 Two large bolsters of the same kind
 Two small pillows of the same damask
 Two small bolsters
 Large quilt of the same damask with a cotton layer
 White satin duvet with a quilted pattern and a cotton layer
 Green China silk for window curtains 50 and eight cubits long
 Crimson damask travel pavilion with gold galloons
 To the above, a headboard and a single bedrail
 Rich crimson Persian travel curtain with green borders
 To the above, a rich matching rug – 1
 Four rich crimson Turkish curtains for the whole room – 4
 Large Persian carpet under the bed and a Persian curtain – 1
 Two red leather bags

DRESS REGISTER

Undergarment robe and a tail made of a white French material with silver
 Mantua robe with a coffee-coloured tail made of a French material with silver
 Remaining length of the same material in cubits
 Mantua with a skirt made of blue French material with silver
 Mantua skirt and a tail made of white Persian material with gold
 White and silver floral robe de chambre with a skirt
 Apricot and silver floral robe de chambre with a skirt
 Juste manteau with a skirt, turquoise with silver and stars
 Juste manteau with a skirt with green and silver flowers
 Cannellé sack-back gown with silver fringe trimming
 White and silver and gold flowery sack-back gown
 Dress of the same silver and gold material
 Pink and gold Persian dress
 Pink cannellé dress with silver galloons
 Pink sack-back gown of China silk with silver trimming
 Pink and white striped sack-back gown
 Green and white striped sack-back gown
 Pink and green striped sack-back gown without a hoop petticoat
 Pink hoop petticoat skirt embroidered with silver and a matching silver Persian mantua with sleeves

f. 1v.

Black velvet skirt with matching sleeves

White and silver manteletta with silver galloons and white plush

Black gros de Tours skirt with matching sleeves

Ponso Persian jacket with sleeves and a violet plush lining

Hoop petticoat skirt made of pink China silk with a matching vest

White embroidered grisette hoop petticoat with gold galloons

White gros de Tours undergarment skirt embroidered with gold

White lamé hoop petticoat with silver galloons

White undergarment skirt made of China silk embroidered with silver

Ponso hoop petticoat made of rich silver material with silver galloons

To the above, a white gros de Tours undergarment skirt with silver and silk embroidery

Blue Persian hoop petticoat with gold galloons

Persian underskirt of the same kind with Pont de Spani galloons

Pale pink gros de Tours hoop petticoat with silver galloons

White gros de Tours underskirt with silver fringe trimming

Green and white striped hoop petticoat to go with the above

Matching underskirt

Pale pink satin embroidered underskirt with Pont de Spani silver galloons

Gold and silver skirt without a hoop petticoat

Matching lacing, matching vest made of the same material, little skirt lined with black ermine, matching manteletta lined with blue plush with sleeves made of the same material

White gros de Tours skirt without a hoop petticoat embroidered with silver and a matching white vest

White Saxon silk underskirt

Pink underskirt of China silk with silver embroidery without a hoop petticoat and a matching vest

White satin vest lined with white China silk

White satin vest lined with pink China silk

Night white satin vest lined with pink China silk

White satin coat with snow fox

Persian frock coat with pale pink stripes lined with plush

Gold Persian frock coat fully lined with sable

Frock coat made of turquoise silver-embroidered material with stars and lined with snow fox

Pink gros de Tours frock coat lined with spotted ermine

Silver and gold frock coat lined with spotted ermine

Two snow foxes

To the above, a length of green Persian material with silver

f. 2.

Green quilted laced corset

Green gros de Tours laced corset

Black quilted laced corset

Quilted headboards 4

Black quilted corset
 Black velvet robe tail
 Dresser chest with a silver-framed mirror
 Two small silver chests with keys, four silver boxes, small soap box, comb, silver-framed brush and pincushion, a pair of silver candlesticks, silver tongs, knife, spoon, and silver forks
 Silver washbasin with a water urn for the dresser chest
 Jasper chest
 Silver coffee pot
 Silver milk jug
 A pair of silver travel candlesticks
 Silver chamber pot in a box
 Robe fastening with silver fringes, two pairs
 Haberdasher's robe fastening made of pont de Spani with silver galloons, 2 pairs
 Robe fastening made of pont de Spani with yellow galloons, 2 pairs
 Outer gown to a sack-back dress, lined with silver gauze, embroidered with silver, gold, and silk
 Sable sleeve in a box
 8 and a half cubits of green damask for the bed
 Two cubits of gold material for a frock coat

REGISTER OF KNICKKNACKS

1mo

Juste manteau embroidered with 5 and a half cubits of English trim lace, a pair of travel engageantes with the same English trim lace of twelve cubits, palatine cape of the same lace in which 7 cubits of the lace, the total length of the lace in this garment is 24 cubits

2do

German single pavilion with tasselled trimming, and a different lining. A pair of double engageantes made of the same lace, a pair of shirt cuffs of smaller lace without a bodice

3tio

Lace juste manteau with a matching lining, double engageantes and a bodice of the same lace f. 2v.

4to

Thicker, lace juste manteau with a matching lining, double engageantes, and a bodice of the same lace

5to

Thicker, lace juste manteau with a matching lining with no other additions

6to

Eight and a quarter cubits of English scalloped lace for negligee and a pair of fashionable double engageantes of the same lace, single shirt cuffs and a matching bodice

7mo

Wide lace for a cap, four and a half cubits

8vo

One black lace juste manteau

9no

5 cubits of a thin, wide lace for a negligee, double engageantes of the same lace and a matching

bodice. Single shirt cuffs, the whole outfit of a total of seventeen and three quarters cubits lace
10mo

Lace for a robe, 30 cubits

11

Scalloped lace for a negligee 7 cubits, double engageantes of the same lace at the hem. Single shirt cuffs at the hem, bodice of the same lace

12

Wider and heavier scalloped lace for a negligee, seven and one quarter cubits, double engageantes of the same lace and a bodice

13

Narrow lace for a negligee, 8 and one quarter, double-hemmed engageantes, bodice of the same lace

14to

Wider and heavier lace for a negligee, 9 cubits, double fashionable gauze engageantes; single gauze shirt cuffs, matching bodice

15

Two batiste night caps with a narrow lace, a pair of single cuffs of the same lace

16

Newly made juste manteau with a matching bottom. The same lace for engageantes, 8 and one quarter cubits

f. 3.

A length of scalloped veined lace, 21 and a half cubits

A length of wider scalloped mosaic lace, 22 and 1 quarter cubits

A length of wider lace without scallops and without veins, eighteen and a half cubits

Wider scalloped lace for corset trimming 7 cubits, single cuffs of the same lace, bodice and double cap

Lace for 2 identical corsets trimming 11 cubits

Lace for corset trimming, 6.5 cubits

Single cuffs and a matching bodice

One dresser with wide lace at the hem

One muslin dresser embroidered with threads

One muslin dresser with stripes and flowers

One muslin dresser embroidered with silk

Two muslin flowery embroidered aprons

Twelve muslin kerchiefs with thin stripes

A length of gauze 18 cubits

A length of hemming 12 cubits

A length of batiste 12 cubits

One black and pale pink lace dress lined with plush

A length of striped muslin for a pavilion 50 cubits

Black and pale pink velvet cap lined with plush

Black velvet hood lined with white fur

Black amaranth velvet collar lined with plush and one matching hood

White Turkish kerchief embroidered with silver 1
Another kerchief of the same kind but with narrower embroidery 1
White kerchief embroidered with gold 1
One white Turkish kerchief embroidered with silk
One palatine cape of ostrich feathers

3v.

One palatine cape with a silver fur collar
Palatine cape, fur collars and cuffs of the same kind embroidered with silver
Silver solitaire with a pink ribbon
Silver solitaire with a tassel on a white ribbon
Black lace palatine capes with flowers and ribbons
One black lace collar
Black lace coif with a crown 1
One black lace coif without a crown
Black gauze coifs 2
A pair of cannellé mittens with buttons
Saxon silk tasselled palatine cape 1
White feathered Saxon palatine cape 1
Saxon blonde lace palatine capes with flowers 2
Black lace solitaire with silver flowers 1
White muslin sewn kerchief 1
Robe muslin sleeves, 3 pairs
White satin hood lined with gros de Tours

REGISTRY OF SCARVES

One hundred Dutch shirts
– that is 76 pattern-cut
– 12 with a collar, 12 with gathered sleeves
3 wool bedsheets that is 36 pieces of wide unsewn cloth six by nine cubits for duvet covering
Sewn bedsheets three lengths 6 by nine cubits for duvet covering, bedsheets three lengths five
by 24 cubits with 2 cubits of unsewn linen in between
Cases for large pillows, six dozen that is seventy pieces and 2
Cases for large bolsters, two dozen that is 24 pieces

f. 4.

Pillowcases, 2 dozen that is 24 pieces
Small bolster cases, 2 dozen that is 24 pieces
12 Dutch aprons 3 lengths each
6 shoulder covers 3 lengths each
Night cornettes with a crown, 2 dozen that is 24 pieces
German dressers, one and a half dozen that is 18 pieces
German handkerchiefs, 6 dozen that is 72 pieces
Night laces, 1 dozen that is 12 pieces

Fustian sprang vests 2
Fustian corsets of the same kind 8
Marseille corset 1
Marseille corsets of the same kind 2
Two identical Marseille vests of the same kind
Marseille undergarment skirts of the same kind 2
Towels 1 dozen that is 12 pieces
Gray coffee napkins 6
Large Dutch tablecloth 1
To the above, napkins 2 dozen that is 24 pieces
Smaller tablecloth of the same kind 1
To the above, napkins 2 dozen that is 24 pieces
Smaller tablecloth of the same kind 1
To the above, napkins one and a half dozen that is 18 pieces
A dozen of thread English stockings, 12 pairs
A dozen of white Parisian silk stockings, 12 pairs

FOR THESE ITEMS CHESTS ARE PROVIDED THAT IS

Big new chests for the dresses 2
Shorter chests for the bed 2
Chest for the furs 1
Identical chests for the kerchiefs 2
Two identical smaller chests for knickknacks
Little chest for ribbons 1
Iron-bound chest with drawers for the laces 1
Travel chest 1

f. 4v.

Emerald bow with diamonds, in which 2 large emeralds and 49 smaller and larger rose-cut
1 pair of diamond earrings, each with 3 emerald teardrops 27 larger and smaller diamonds in
each earring, a second emerald tablet in a knot
Basket headpin with three strands of emerald diamond teardrops
Parrot of metal coating holding a diamond teardrop, with thirty and 8 larger and smaller rose-
cut diamonds
Head feather with three emerald teardrops in which 2 larger diamonds and 20 smaller rose-cut
diamonds
Two emerald square bracelets in a tablet each with 12 diamonds on the corners
Headpin with 9 diamonds and 6 rubies

Glossary:

Grodetur – (Fr. *gros de Tours*); colourful fabric of medium thickness

Gryzeta – (Fr. *grisette*); coarse woolen fabric

Kitajka – China silk; Chinese-style fabric; relatively thin cotton or silk fabric

Cornette – head covering, in the 18th century, popular among noblewomen; glamorous and pricey item of clothing worn by secular ladies

Mantua – (Fr. *robe manteau*); item of garment, combination of a gown and a coat

Neglige – casual, morning clothing

Palatine cape – (Fr. *palatine*); short outer cape, popular in France at the end of 17th century, in the Polish-Lithuanian Commonwealth it used to be worn eagerly from the beginning of the 18th century. Palatine capes were richly decorated with ostrich feathers and lace.

Ponso – (It. *ponso*); dark red colour

Robe – (Fr. *robe*); representative dress, characteristic of French court fashion

Robdeszan – (Fr. *robe de chambre*); long clothing usually made of wool

Haberdashery – item of embroidery; term used for describing work of beltmakers and clothes decorators

Hoop petticoat – hoop skirt; women's undergarment made of baleen, worn to hold a skirt in a nice shape

Sak – sack-back dress; loose dress put on over the head

Sepet – secretary desk, case, box or chest used for storing various items

Szmelc – technique of decorating metal products

Tuzinek – popular woolen fabric

Zustmant – (Fr. *juste manteau*); tight coat

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CHAPTER IV

WOMEN IN THE LATE MEDIEVAL CONFRATERNITIES. A CASE STUDY OF THE MATRIS MISERICORDIAE CONFRATERNITY IN BARDEJOV

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Introduction:

Medieval confraternities represent a religious and social phenomenon that began forming itself in medieval Europe during the 10th century. The activities of confraternities reached its peak in 13th and 14th centuries, in the Kingdom of Hungary it was during 14th to 16th century. The most ancient confraternities in medieval Hungary were clerical. The beginnings of lay confraternities date back to 14th century. These were generally religious associations administered by the parish clergy, a bishop, or mendicant orders. The main confraternity aim laid in the efforts to save the soul through practising of religious acts such as prayers, Holy Masses attendance, processions, almsgiving and caring for the poor. In the late medieval urban environment the lay religious confraternities represented one of the forms of the religious life. However, their activity wasn't limited merely to religious matters. They have also interfered with urban economy, social, and ceremonial life of the town. The following features are typical for the lay confraternities: voluntary membership, having the association activities defined in regulations and participation of laity in the confraternity management. The spiritual life of confraternity members consisted of common participation in liturgy and prayers while the centrepiece of the religious services was in the feast of the confraternity's patron saint. During such feast, a procession through the town took place. Another very important events in the spiritual and liturgical life of the confraternity were services for its deceased members. Apart from merely religious purposes, some confraternities held a certain social role of caring for the confraternity members and their families in times of crises. Numerous confraternities focused on showing christian love to neighbours through providing charity services to the poor, sick, and elderly, in most cases in connection with municipal hospitals. In addition to these missions, many confraternities were active in some aspects of the municipal economy and they provided loans to their members. Even though confraternities widely accepted members from different urban society layers, it often occurred that one of the confraternities active in the town became the elite one as it had the representatives of the municipal council or prominent townsmen

among their members. Such confraternities possessed financial means and gifts which they had obtained from the rich townsmen, namely through their testaments.

Time required to read: 15 minutes

Confraternities in medieval towns in Hungary:

In Hungarian medieval towns, we can trace the lay religious societies since 14th century. To mark the various interest associations, the urban sources used the labels such as *confraternitas*, *fraternitas*, *Bruderschaft*, *Zeche*, *kalendas*. Due to lack of sources, it is sometimes practically impossible to distinguish between a religious society and a guild, the latter fulfilling a religious function, too.

The lay confraternities were organized around one of the altars of the parish church and in the environment of Hungarian medieval towns the confraternity founders were usually the priests of the local parish. Their antecedents were the priestly confraternities called “*kalendae*”. Concerning the medieval Kingdom of Hungary, we have got mentions on such confraternities dating back to 13th and 14th century. It was typical for these confraternities to meet on the first day of a month for dining together, hence their name.

Some aspects of confraternity activities overlapped the religious part of guild activities. According to the Hungarian historian A. Kubinyi the main difference between these two kinds of interest associations consists in the fact that the religious confraternities were confirmed by some church authority (a bishop, a papal legate, or in some cases a pope) while the guilds were confirmed by a local municipal authority or a feudal lord. Another distinguishing feature is in the membership. In the guilds’ case, only the craftsmen were the members of the guild and only as such they participated in religious activities related to their guild membership. The religious confraternities were open to vast variety of urban population layers and an exclusion from the membership took place only after a grave lapse had been committed or after a disagreement with the membership had been expressed by other confraternity members.

More than one religious confraternity could have existed within one single town. The most widespread were the confraternities of the Corpus Christi and confraternities related to the Marian veneration. There were also confraternities consecrated to the Holy Spirit, the Holy Trinity, and to particular saints. Veneration of saints – patron saints of craftsmen – which was largely typical for guilds is documented also in cases of confraternities. In the Late Medieval Era, the Corpus Christi Confraternity was the most extended fraternity in Hungarian medieval towns. The cult developed after the ediction of pope Urban IV’s bull *Transiturus de hoc mundo* in 1264 in which the pope imposed the veneration of the Eucharist – the Body of Christ during a separate feast. The feast became the part of the liturgy in the beginning of 14th century and before the end of the Middle Age, its confraternity was active practically in every townlike area in the Hungarian Kingdom.

Women in medieval confraternities:

Women's participation in spiritual life of confraternities was considered very suitable and well-founded. The foundation charter of the *Matris Misericordiae* Confraternity in Bardejov, dating back to 1449, reads that the confraternity is designated for both lay women and men. Regulations of some of the confraternities also state that there aren't any differences between the souls of men and women before God and therefore women may become the part of a confraternity and participate in the same religious acts and receive their spiritual benefits in the same way as men. (Arezzo, 1262). However, only men were allowed to become the confraternity administrators. The research of lay confraternities in Italian towns showed that the participation of women in such associations was relatively large and it reached its peak numbers in 13th century. However, in later years the participation of women in confraternity's spiritual activities became restricted and limited. This was connected to the process of institutionalization of confraternities and their subordination under the local municipalities. The research of the *Misericordia Maggiore* Confraternity of Bergamo proved that memberships of women were not considered as valuable as those of men. This was obvious even in keeping of the confraternity admission records where women's names were not entered into the registry but they were written on a separate list. On the other hand, women did not have to ask for their husbands' approval to be able to enter the confraternity, opposite to the confraternities of penitents. The task and mission of women in this confraternity showed mainly during the charity events and activities, visiting of the sick and giving gifts to the association. The common gifts from women were clothes and household utensils.

So far, no comparative research concerning the women's activities in medieval confraternities of single cities has been carried out in for the environment of Hungarian towns in medieval period. The sources show that women were unable to participate in the management of these associations because the positions of administrators as the heads of the confraternity were held by clergymen and men from the urban community. But women certainly did participate in spiritual and charity activities of the confraternities, however the mentions of these seem to be scarce. An indicator of the confraternity importance in the urban environment lies in testamental bequests. The freedom to bequeath a part of one's property to a confraternity in order to save a soul indicates a certain amount of involvement of women in these associations. In the sources, women also appear as those who receive the charity aid from the confraternity. Particularly in times of being elderly or widowed, several female members of a confraternity became dependent on the social care provided by the confraternity to its members. Apart from the usual testamental bequests, some women of the urban elite bequeathed extraordinary gifts for the confraternities in their wills.

Characteristics of source and methods of research of confraternities:

The number of preserved sources concerning the lay confraternities in medieval Hungary is smaller than the sources available for the same matter in the Western Europe. The most numerous sources that originate in the activities of the confraternities are the foundation

charters issued by church dignitaries, confraternity statutes, membership or accounting books. For the urban environment, testaments represent a specific kind of source as these describe the relationship of the burghers towards single confraternities active in the town, or the nature of testamental bequeaths. Namely these sources are among the most frequently analysed ones with focus on the number of pious bequeaths for a certain confraternity thus specifying the importance of it within the town community. A separate question for analysis are the specific features of gifts bequeathed to confraternities by men and women relatively.

An analysis of membership books provides a good picture of ethnic, employment, and social structures of confraternities. Such books enable to gain information on men and women who were confraternity members. Based on the names and surnames registered it is possible to determine the family background, ethnical, and employment structure of confraternity members. The preserved confraternity statutes are available from different towns of Hungarian Kingdom (Bratislava, Sopron, Pest). The statutes were a written form for rules of the spiritual life of the confraternity and of the mutual relationships among its members. For example, the statutes of Corpus Christi Confraternity in Bratislava dealt also with the conditions for expelling from the confraternity. The rules of the confraternity spiritual life are also included in the foundation charters. These used to be confirmed and approved by the church dignitaries. The membership books of confraternities contained lists of members, often with a record of the paid membership fee, or wax and candles regularly donated to the confraternity by the members. The confraternities used to keep accounting records as well, listing the fees paid, candles and wax, expenses for feast dinners, or income and outcome of the confraternity in general. Many confraternities provided their members with loans, which are also recorded in their accounting.

Classification of sources:

Sources of confraternity activities origin

- Statutes
- Registers
- Books of membership
- Accounting books
- Foundation charters
- Indulgence charters

Secondary sources

- Testaments
- Charters
- Correspondence
- Municipal tax books
- Municipal accounting books

Tangible and pictorial sources

- Altars, statues, and paintings

Accounting and membership book of the Matris Misericordiae Confraternity in Bardejov:

The activities of the Matris Misericordiae (Mother of Mercy) Confraternity in Bardejov are preserved in the municipal book registered in the State Archive in Prešov, seating in Bardejov under the name of Accounting and Membership Book of the Confraternitas Matris Misericordiae. The book is bound in leather, the writing matter is paper, its dimensions are 14 x 39.5 cm. It has 70 folios (142 pages). The book covers the time period of years from 1483 to 1525. The language used is Latin within which some German expressions occur – names, or local places.

The confraternity book had been kept since the end of 1482 and its keeping continued chronologically until 1525. In the case of some years the records are missing there. For the contents of the book, its character is of a mixed nature being compiled of the list of confraternity members and lay administrators, testamentary bequests, and the confraternity economy.

The book begins with an invocation *“In nomine Domini amen”* and continues with the heading *“Registrum fraternitatis Marie virginis misericordie. Inceptum anno domini millesimo quadragesimo octuagesimo tertio”*. The system of record keeping depended on the scribe, and there were several of them taking turns in keeping the register. During first years, the register served mainly to note down the membership fees from meetings and the income and expenses of the confraternity. Later, the record and the accounting parts of the book became separated. The member register was first updated in quarterly periods when the members paid their fees. Later it was done based on separate town quarters. The quarterly periods marked the quarterly meetings of the confraternity members. At the beginning of each year, the names of the lay administrators of the confraternity are listed. These were elected at the common meeting: *“electi sunt seniores seu provisores fraternitatis...”*. Their authority was related mainly to the management of finances, and to the overall confraternity functioning. For the record features, we can distinguish among records of members and their noted fees, the items of income – *“percepta”*, and expenses of the fraternity economy *“exposita”*. Since 1487, records of testamentary legacies for the confraternity's benefit – *“testamenta”* – begin to appear. Apart from these, also the economic activities of the fraternity are recorded in the book. These were related to the trading of bleached textile as well as to the provided loans. At the end of the register a fragment of the fraternity statutes, and miscellaneous records of accounting and inventory character can be found.

Case study:

A short history of the Confraternity Matris Misericordiae in Bardejov:

The Confraternity Matris Misericordiae in Bardejov was founded in 1449 on initiative of the Bardejov priest Kristián, a vicearchideacon of the Bardejov vicearchidiaconate at that time, and the priests from the surrounding villages that belonged in the vicearchidiaconate.

On their request, the bishop of Eger, Ladislav of Hédervár (Héderváry) confirmed the confraternity through the charter issued on 6. 5. 1449. The confraternity was established around the newly built altar of St. Anna, mother of Virgin Mary, in the parish church of St. Giles in Bardejov. At the time this confraternity was founded, the Confraternity of Corpus Christi had already existed in Bardejov. Apart from the mentioned, we have also got notions on confraternity of St. Barbara, St. Nicolas, and Our Lady of the Snows. There appears a mention of a charity collection for the Roman Hospital of the Holy Spirit in Bardejov sources, too, and based on that some historians assumed that the Holy Spirit Confraternity was also active in the town. A newer research interprets this fact rather as a certain kind of affiliation to the aforementioned institute. Burghers from various Hungarian medieval towns were members of it.

Given the above facts, the Confraternity *Matris Misericordiae* represents the most documented confraternity in medieval Bardejov.

In the founding charter of the confraternity, there is a term “*confraternitas seu kalendium*” marking the association. Although the confraternity had been founded by priests, it was designated for the lay people of both sexes. The foundation charter contains rules on the spiritual life of the confraternity: saying of Masses, especially to venerate Our Lady, prayers of laymen, services for the deceased members of the association. The charter also mentions indulgences gained by the members. Namely on the issue of the indulgences, the spiritual administrators of the confraternity were very active – especially the founder, Kristián, among them – and they succeeded to gain indulgence charters from reputable Church representatives (in 1453 from John of Capistrano, in 1457 from the prior of the Oybin Celestine monastery, and in 1463 from the cardinals of Rome). In the most ancient era of the confraternity existence a charter which dealt with confraternity inheritance and bequeathing of property from the deceased members had been issued. In 1517, based on request of the Bardejov priest Peter Zipser, the bishop of Eger confirmed all the existing indulgences attributed to the confraternity during its activity.

The confraternity members were mainly the burghers of Bardejov; the burghers of other towns (Pest, Košice, Levoča) or small towns (Kurima) were present in the association in smaller numbers. No member or benefactor belonging to the nobility was ascertained in the confraternity during its active time. Most of its members were working as craftsmen, tradesmen, scribes or notaries, or municipal servants were represented less. From the ethnicity point of view, German population prevailed in the register.

Women in the confraternity:

The accounting and membership book of the confraternity provides an image on men and women that were active in the confraternity. The confraternity membership was analyzed by the French historian Marie-Madeleine de Cevins. She found out that between 1483–1511 the total number of members counted 372 persons. The minimum representation of women was in

1493 and it amounted to 28.2 % and the maximum occurred in 1484, reaching 69.4 %. Between 1483–1511 the ratio of women in the confraternity varied between 55–65 %. However, all these are only approximate data as the exact number of women and men in confraternities cannot be determined due to the way the records of members were kept. As for married couples, the scribes usually noted down only the man’s name. A woman got noted in the register only after her husband’s death, being listed there as a widow, or she was on the list in the case her husband was not the confraternity member at all. Such practise could have been applied to daughters, too. In one quarter of 1488 the scribe made an exception and he wrote down the marital status of all the confraternity members. The following data can be detected from his action:

Total number of confraternity members	70	
Men	25	35.7 %
Women	45	64.3 %
Married women	36	
Widows	7	
Unmarried women	2	

The table clearly shows that women formed two thirds of the confraternity. This number corresponds with the findings of the longer-term membership research.

When the scribe registered women in the list of the confraternity members, he used the suffixes -in, -yn, mostly attached to the husband’s name: *“paul wagnerin”*, *“cristan satlerin”*. The wives of the mentioned burghers were marked in this manner. Presumably, the membership in the confraternity involved individuals, too, be it for men or women, without their marital partner necessarily being a member as well. This fact is expressed rarely, however in such case the adjective *“sola”* was used. Sometimes the scribe noted down both of the couple: *“Swartz sneider cum uxore”*. Unmarried women and widows were also members of the confraternity. For the unmarried women, the scribe always registered the first name and status specification: *“Gertrudis virgo”*. In the case of widows, the term *“vidua”* was used. Also the adjective *“alte”* in German and *“antiqua”* in Latin – e.g. *“alte Gerschnerin”*. The use of these adjectives could signify an age but also the widowhood. Should any member became widowed during her confraternity work, the manner in which her name was listed changed respectively. This can be demonstrated on the example of the wife of Mikuláš Stöckel. She entered into the confraternity in 1484, being registered as *“Niclos Stöckelin nova”*, in later years she was listed as *“Stöckelin Elisabeth”*, and since 1492 as *“Antiqua Stöckelin”*. Some married women were registered together with their daughters: *“Cristan Satlerin cum filia”*, other women were identified according to their family ties: *“kal jorgin mütter”*. According to the research so far, virgins represented 5.8 % and widows 4.9 % of the total number of confraternity members.

Simoni spo die prešer lignia
 Swartz suid ad vxor
 Tominus karstka ad vxor
 Mathias Omlat ad vxor
 Marger Zog ad vxor
 Frankhart ad vxor
 Elizabeth bimiseh vidua
 Paul fingshut ad vxor at casu 7 8
 Zog Jansch ad vxor
 Sophia Zog
 Mathias d'Boia
 Zog Holton ad vxor
 Jochen pischel de haidel
 Han Wetzlar
 Gaudis Han Steinger
 Maty Ebelin
 Han Legin als Montpelier
 Zog Wastufin
 Selon Oat ad vxor
 Zog Eilber
 Maty Baum
 Jochen Vidua
 Nica Glazem
 Dima suid ad vxor at casu 7 8
 Zog Wagner vidua
 Erich Dymunig vidua
 Christina vidua Cranspach
 Han Patay ad vxor
 Maty Zogiff ad vxor
 Mel Kirsameri sold
 Hans goldsmith
 Elizabeth Storken
 Fuchanteln
 Andris walwaten
 Zog Seytmann sold
 Han Harint ad vxor
 Maty Kayz ad vxor
 Saloth bünd ad vxor

Fig. no. 2 – Register of the confraternity members dated 1488, with marital statuses included. The

State archive of Prešov, site Archive in Bardejov, fund of Municipality of the town of Bardejov, sign. 1678, fol. 11r.

Terms used to identify women in the confraternity register

Term	Meaning	Example
Suffix – in, - yn to the name, or the surname of a man	Wife	Paul Wagnerin Cristan Satlerin Thomas Tarnerin
Virgo	Unmarried woman, virgin	Agnetha virgo
Mutter	Mother	Kal Jorgin mutter
Vidua	Widow	Cristina vidua Jorg Wagnerin vidua
Filia	Daughter	Cristan Satlerin cum filia
Alte, antiqua	Older woman (by age or her activity in confraternity)	Alte Gerschtnerin
Nova	Woman who entered the confraternity	Cristina virgo ... nova
Sola	The scribe used this note in case of women who entered the confraternity without their husband	Peter Korschnerin sola

Men were in charge of the confraternity administration, be it clergymen who initiated the confraternity formation and who participated in its operation as the administrators, or be it the laymen elected into the office of seniors (*“seniores seu provisores”*). Based on the researched register we are not able to determine much on women’s activities within the confraternity. We assume that their entering into the confraternity was free and voluntary, without the condition of having their husband’s approval as such a condition is not mentioned in the confraternity charter. Undoubtedly, women participated at the set ceremonies and liturgy (Holy Masses, processions, feasts) in the same way as men did. Similarly, in private, they exerted prayers stipulated on the confraternity members by the statutes. The election of the confraternity seniors, however, remains a question unanswered. Were the women, taking into account their prevalence among members, allowed to participate in it? Or were the representatives selected only by the male minority? Or were the married couples or families casting their vote through their men?

Some sporadic mentions speak about the participation of women in the collections for the confraternity (*“pro mendicantibus mulieribus”*). Such collections were organized twice a year on Marian feast days near the candle in front of the picture of the Immaculata, which decorated the altar of the confraternity.

One of the typical features of any confraternity was the membership of the elites. It was the same at the Confraternity Matris Misericordiae. The representatives of the municipal government – the town judge, senators, members of the council of elders – some of them were members of the confraternity. In 1511 the scribe marked the male members of the confraternity with their public offices (*“iudex, consul, senior, notarius”*). Nine out of twelve municipal

council members elected in 1511 belonged into the confraternity, together with the town judge and the town notary. Their wives or daughters entered the confraternity along them. This way we can find female members of important burgher families in the confraternity. One of them was the Mager family, the wives of Peter and Juraj Mager who held the office of the town judge were members of the confraternity, as well, as wives of senators Ján Bleicher and Kristián Satler, or Alžbeta, the wife of Mikuláš Stöckel, the member of the council of elders. Later on, their son Leonard, the town judge of Bardejov in the 1520s', became also the member of the confraternity. The participation of women from the burgher elite meant prestige and a promise of rich testamental bequests for the confraternity. In the "*Testamenta*" column, financial and other gifts from women to the confraternity are recorded. Of the political and economical elite of the town we may mention the wife of Peter Mager who bequeathed the amount of 27 golden florins to the confraternity in 1491. Mikuláš Stock donated rich gifts to the confraternity during his life and also after his death. However, the record concerning his donation of a silver belt ("*cingulum argentum*") to the confraternity sounds a little peculiar, as his wife later bought it from the confraternity for 14 golden florins. Also, the burghess Dorota Reich (Reich Antolin) is especially worth a mention, as she donated richly to some Church institutions in the town, while her gift to the Confraternity Matris Misericordiae amounted to 50 golden florins and a large cross. Lower social strata women donated to the confraternity gifts of e.g. one golden florin, poorer women donated denarios from the sale of clothes ("*de una tunica et de palio recepimus den. 216*"). Namely clothing, textile, or household utensils are considered typical feminine testamental bequests.

Apart from the elite, women of the lower layer were confraternity members as well and in 1511, a heading of "*Inquilini et vidue*" appears in the list divided according to the town quarters, marking the lowest layers of the urban population. In the case of the confraternity in the town of Kežmarok, its members who needed provision in poverty and old age were marked in this manner. As the Bardejov Matris Misericordiae Confraternity was not interconnected to the town hospital, it is not clear what kind of support did such persons receive from the confraternity there. The social function of the confraternity and cultivation of the lay piety could have been the reason why unmarried women and widows became confraternity members. As for single and widowed women of the lower layer, one more reason may be considered. It is the participation of the confraternity in the linen industry, specifically its bleaching, packing, and selling of the previously bought raw yarn. It is possible that these activities had an economical meaning for women of the lower social strata, while in the analysed register, there are no direct mentions of this.

To remember:

- Medieval confraternities were religious associations focused on the spiritual life of their members, associated around an altar of a saint – the patron saint of the confraternity. Apart from the spiritual service, they fulfilled social, charity, and economical functions. Confraternities had administrators from the laity, but in medieval Hungary, they were usually founded and administered by the parish clergy.

- The difference between confraternity and a crafts guild is in fact that the confraternity membership is not limited to any social groups. The confraternities were approved by the Church authorities, the guilds by the municipal authorities.
- Women were an essential part of the medieval lay confraternities. Despite of some limitations, they participated in spiritual and charity activities of the confraternity.
- Many women left testamentary bequests and donations to the confraternities. As per the representatives of the urban political and economical elite, such donations consisted of larger financial amounts and liturgical items. Women of lower social strata used to donate smaller financial amounts, or clothing, or linen which was later sold. Such a possibility expresses the freedom of women to donate their property for saving their souls.
- In the Confraternity Matris Misericordiae in Bardejov, women represented almost two thirds of the total membership. Despite this fact, information on their fraternity activities are limited. One of their activities was a money collection at the candle on the confraternity altar.
- Women from lower social strata, or widows, were dependent on the social care of the confraternity members.

After reading this chapter try to answer the following questions:

1. Define the religious confraternities and their roles in a medieval town.
2. What specific features did the activity of confraternities have in medieval Hungary?
3. What sources were a direct product of confraternity activities and what sources describe them secondarily?
4. What was the position of women in medieval confraternities?
5. How was the record on confraternity members kept and what methods can we use to analyze membership books of confraternities? What kind of information do such books provide us with?

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CHAPTER V

THE LEGAL STATUS OF WOMEN UNDER THE GERMAN TOWN LAW

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Time required to read: 60 minutes

The Saxon Mirror:

In the *Decree* of the Bologna monk Gratian (*Decretum Gratiani*, or *Concordantia discordantium canonum*, ca. 1140), which marked the beginning of the formation of canon law,¹ a woman was seen as an inferior being, dependent on a man. She was not created in the image and likeness of God and thus could not act independently. A woman was not authorised, so she needed a guardian. A woman's social activity was limited by her husband's power. Such was the way of thinking in the society in the times of Eike von Repgow, the author of the famous *Saxon Mirror* (*Sachsenspiegel*, or *Speculum Saxonum*), and in that manner the thinking was reflected in his works. Women didn't own fiefs, didn't transfer any real estate, could not independently speak in a court of law, and they had to have guardians.

A Swabian cannot inherit from the woman's side since the women in their tribe have all been disinherited because of the transgression of their [female] ancestors. (The Saxon Mirror, I, 17)²

A woman may not alienate her property nor sell her proprietary land, nor transfer land held in life estate without her husband's approval because he shares right of possession with her. A girl or an unmarried woman may sell land she owns without permission of her guardian unless he is the heir to it. However. Girls and married women must have guardians to file a suit because one cannot prosecute them with witnesses for what they say or do in a court of law. (The Saxon Mirror, I, 45)³

1 Libero Gerosa, *Canon Law* (Münster: Lit, 2002), 50.

2 *The Saxon Mirror. A Sachsenspiegel of the Fourteenth Century*, trans. Maria Dobozy (Philadelphia, 1999), 74.

3 *Ibid.*, 81.

When women must swear an oath, they shall do it themselves and not their guardian. The woman's legal guardian shall swear security for her and accept and execute it. (The Saxon Mirror, I, 46)⁴

Neither man nor woman has a longer tenancy in fief than his [or her] life. Only the man passes it on as inheritance, not the woman. (The Saxon Mirror, III, 75)⁵

No woman may be a pleader, nor may she bring a suit without a guardian. (The Saxon Mirror, II, 63)⁶

Even when a man was not equal to a woman in terms of a social status, he would still become her guardian:

A man who is not of equal to his wife is nevertheless her guardian. Once she enters his bed, she becomes his peer, enters into his legal status, and is subject to it. (The Saxon Mirror, I, 45)⁷

After her husband's death, a woman returned to her initial status. Then her closest relative who could bear arms (except her husband's relatives) was to become her guardian. Wedding rings, exchanged when creating a family, symbolised the man's guardianship duties towards his wife.

Nonetheless, a woman (a girl or a widow) had the right to file a suit against the guardian who wronged her:

If a girl or a widow brings a complaint according to general territorial law against her guardian that he is misappropriating the allodial or feudal land or life estate from her, and if he is summoned to court for this and fails by the third summons to appear and fulfil his legal obligation, then he must be declared a delinquent guardian. This means that by legal decision he is barred from any guardianship. Afterwards let the judge be the woman's guardian and let her have, on behalf of the court, full power over the property which she previously did not control. (The Saxon Mirror, I, 41)⁸

The exclusion of women from the public and legal sphere of life was also connected to the fact that women were unsuitable for military service and could not bear arms. This prohibition is recorded in the *Saxon Mirror*:

No one may carry a sword in a castle, towns, or villages except all those people who have a domicile or shelter there. Of course, one may carry weapons when responding to the hue and cry. By law, all those who have attained majority to the extent that they are able to

4 Ibid., 81.

5 Ibid., 135.

6 Ibid., 112.

7 Ibid., 81.

8 Ibid., 80.

wield a sword must respond to it unless they are prevented by due cause. Priests, women, sacristans and stock herders are exempted. (Saxon Mirror, II, 71)⁹

Bartłomiej Groicki and other legal texts and literature:

The attitude towards women, the foundations of which were laid in the law of the 12th–13th centuries, lasted for a substantial period of time and underwent only partial changes in the 16th century. Similar to the 13th century the norms of the 16th century also did not consider women to be full-fledged legal subjects. They had to have a guardian and, just as before, they could file a suit against the latter if he performed his functions poorly. Moreover, according to the prescriptions of the Magdeburg Law, systematised by the Polish jurist Bartłomiej Groicki, if the appointed guardian did not take a proper care of the children (and spent their estates or withheld the money earned from it, did not provide the children with the means for living, etc.), the mother, grandmother or sister of these children could act in their interest and complain about the guardian, demanding a replacement. Also, widows were obligated to request a guardian from the town officials for their children. If they failed to do so and the children died, such mothers would lose the right to demand an inheritance, which corresponded to the norms of the imperial law that came into force in the absence of the prescriptions of the Magdeburg law.¹⁰ In the 13th century and 16th century alike, women could not speak independently in a court of law and could not appear as a witness in most cases. They were not supposed to know and understand the law. The codes of the town law regulated who could not act as a witness:

The reasons for not being able to testify are the following: first of all, young age; anyone under fourteen should not be allowed to testify. This is to be observed in matters of debts or one's property. While in shameful matters with one's honour or life at stake, those under twenty cannot testify. As for old age, those who are seventy and older cannot testify. A servant also cannot testify for his master as he would be often forced to keep silent out of fear of his master. Women cannot testify, for their words and evidence vary from testimony to testimony, and without a guardian, none of their court cases is deemed legal. At the same time, one cannot testify against women as they do not know how to defend themselves and generally are not supposed to know the law. Spec[ulum]. Saxon[um]. lib. 1 artic. 46. Witnesses can testify against a woman if the latter murdered her husband or did something against the Rzeczpospolita. She can be released on bail should seven witnesses refute the charges against her.¹¹

9 Ibid., 113.

10 Bartłomiej Groicki, *Artykuły prawa majdeburskiego. Postępek sądów około karania na gardle. Ustawa płacej u sądów* (Warszawa, 1954), 52–53.

11 Bartłomiej Groicki, *Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej* (Warszawa, 1953), 131–132.

The inability to understand and learn the law and to take responsibility for one's actions are just a few stereotypes about women. There were many such stereotypes occurring in legal texts and literature.¹²

Property matters:

Considering these conventional images, it is unsurprising that restrictions were imposed upon women in property matters, too. Groicki noted:

*While her husband is alive, the woman has no power in the dowry or other matters in utensilibus. Instead, everything remains with the husband, and it is only after his death that she will have it.*¹³

In Łaski's *Statute*, in the section about the customs of the Kraków Land, the following was stated:

*A wife should not bequeath anything to her husband without the consent of her relatives, and should she do so, this act will not be valid [...].*¹⁴

A woman could not hand over her belongings to anyone without her husband's permission. Polish jurist Paweł Szczerbic explains this with three reasons: a husband is in charge of his wife, and thus she must live according to his will; their estates are joint and inseparable, so nothing can be alienated without a husband's permission; a wife is always under her husband's guardianship and cannot do anything without his will.¹⁵ After her husband's death, a woman would receive a fourth part of the property and the estate, while the husband's children or heirs got three-quarters.¹⁶ According to the town law, a husband could transfer his real estate to his wife by certifying the act in a court of law. This transfer could have been lifelong and in such a case, the woman was able to use this property also after her husband's death. After she had died, the property was to be passed on to the husband's heirs. Only when the term for the gift of property was not specified and the heirs consented, could a wife transfer this property to

12 See e. g. Desiderius Erasmus, "The Praise of Folly," 1509, trans. John Wilson in 1668, available online at Wikisource: https://en.wikisource.org/wiki/The_Praise_of_Folly/The_Praise_of_Folly [cit. 05. 08. 2023].

13 Groicki, *Artykuły prawa majdeburskiego*, 14.

14 Jan Łaski, *Commune incliti Poloniae Regni priuilegium constitutionum et indultum...* (Kraków, 1506), 120; Stanisław Grodziski – Irena Dwornicka – Waław Uruszczak (edd.), *Volumina Constitutionum*, vol. 1: 1493–1549; volumen 1: 1493–1526 (Warszawa, 1996), 156.

15 Paweł Szczerbic, *Speculum Saxonum, albo prawo saskie i majdeburskie, porządkiem obiecadła z łacińskich i niemieckich exemplarzow zebrane. A na polski język z pilnością y wiernie przelożone* (Kraków, 2016), vol. I, 37.

16 Groicki, *Artykuły prawa majdeburskiego*, 14.

her heirs, not those of her husband.¹⁷ If a woman, having become a widow, continued to live in her late husband's house under the same roof with a married son, then it would be his widow, not his mother who would have the predominant right to both the house and the property after his death.¹⁸ In general, after her husband's death, a wife could dispose only of the movable property she got from her husband. There were cases in which a wife could demand her share from her husband during his lifetime, though only when the husband misspent his property, brought the family to poverty, and she had to provide for herself, her husband, and her children. However, even in such a situation, she could not sell, mortgage, or gift the property in question to anyone.¹⁹ Thus, women were limited in their property rights.

Craft guilds:

The position of women in the craft guilds was sometimes prescribed separately in the guild's statutes. Women were usually forbidden to join guilds on general grounds. However, they helped their husbands or fathers, particularly in some "women's crafts" (weaving, baking, embroidery, etc.). Most often, men had women do auxiliary work. Craftsmen's wives and daughters helped them sell their products at stalls with handicraft goods.²⁰ However, after the death of a master and husband, the status of his widow in the guild would rise. The right to keep the workshop of the deceased was passed on to her under the condition of her maintaining the status of a widow and assuming all the husband's duties, primarily regarding taxes. Even then the guild masters were to choose a guardian for the widow and her children. Sometimes the guild itself would act as a "collective guardian", especially in property disputes. Yet, if a woman remarried, she could lose the right to the workshop and craft activities. This would happen when a woman married a man from a different craft guild or a man of different social status. Though if she married an apprentice or a widowed master from her husband's guild, all the responsibilities of running the craft were transferred to her new spouse.²¹

Older Women, good reputation and chastity:

The society of that time held a rather negative attitude towards older women. The attitude towards the elderly was, to a certain extent, influenced by the medieval perception of the body. Therefore, older women received stereotypically negative treatment. One should remember that for women, the "old age" came earlier than for men and was often associated with the cessation of the feminine reproductive function. In the late Middle Ages, the average age of

17 Szczerbic, *Speculum Saxonum*, vol. II, 592.

18 Ibid., vol. I, 267.

19 Groicki, *Artykuły prawa majdeburskiego*, 16.

20 Myron Kapral, "Pryvileyi ta statuty remisnychykh tsekhiv i kupetskykh korporatsiy Lvova XV–XVIII st. (istoryko-pravovyy narys)," in: Myron Kapral (ed.), *Ekonomichni pryvileyi mista Lvova XV–XVIII st.: pryvileyi ta statuty remisnychykh tsekhiv i kupetskykh korporatsiy*, (Lviv, 2007), XLVII.

21 Ibid., XLVIII.

a woman losing the ability to bear children was 36 years. One of the reasons for this to happen at such a relatively early age was because the first children were born too early (before the mother reached the age of 17) and women gave birth for about 11 times during their lifetime which among other causes was one of the reasons for the high child mortality rate.²²

According to Bartłomiej Groicki, the essential point in understanding the attitude towards the old age in the Polish Crown of the 16th century lies in the fact that unlike women, elderly men had the right to act without a guardian and they actively used this power. According to the calculations of the Polish scholar Cezary Kuklo, in Poznań in 1590, widows and children represented 16.7% of households. In the town of Lviv in 1662, unmarried women owned 35.8% of households, though this figure was lower in the suburbs – only 19.8%.²³ Such a high percentage of women who independently managed their households was probably connected to the fact that for most of their lives, women were under the care of either their fathers or husbands: only old age and the status of a widow allowed living and managing one's life independently. At the same time, the level of education among women in the Polish Crown was significantly lower than among men. In particular, in 1575–1580 in Kraków, 50–57% of men and only 20% of women were literate. In the 1630s, the latter figure increased up to 36%.²⁴

However, some spheres of the economic life were dominated by older people. First of all, there were resellers, usually elderly widows as they were unsuitable for other activities but had to earn their living. This phenomenon is sufficiently covered in the literature, primarily regarding Polish towns.²⁵ There are also references to it in some narrative sources.²⁶ It was so common that every time the Sejms approved of any tax decrees, a special attention would be paid to resellers, and the taxes they had to pay would be stipulated. The decrees show that these people were of meagre social status as they were usually mentioned along with beggars, vagabonds, junk dealers and all those who belonged to various categories of town outcasts.²⁷

22 Shulamith Shahar, *Growing Old in the Middle Ages. 'Winter Clothes Us in Shadow and Pain'* (London; New York: Routledge, 2004), 19.

23 Cezary Kuklo, *Kobieta samotna w społeczeństwie miejskim u schyłku Rzeczypospolitej szlacheckiej. Studium demograficzno-społeczne* (Białystok, 1998), 77–78.

24 Maria Bogucka, "Gender in the Economy of a Traditional Agrarian Society: The Case of Poland in the 16th–17th Centuries," *Acta Poloniae Historica* 74 (1996): 10.

25 Andrzej Karpiński, *Kobieta w mieście polskim w drugiej połowie XVI i w XVII wieku* (Warszawa, 1995), 69–84; idem, „Przekupki, kramarki, straganiarki. Zakres feminizacji drobnego handle w miastach polskich w drugiej połowie XVI i w XVII wieku,” *Kwartalnik Historii Kultury Materialnej* XXXVIII, 1 (1990): 81–91.

26 See details: Ewa Wólkiewicz, „Staryczłowiek i miasto. Starość i ludzie starzy w szesnastowiecznych pamiętnikach śląskich,” *Kwartalnik Historii Kultury Materialnej* LVIII, 1 (2010): 47–60; Maria Bogucka, „Starość w twórczości pisarzy polskiego renesansu i baroko,” *Kwartalnik Historii Kultury Materialnej* LVIII, 1 (2010): 61–70.

27 *Volumina Legum. Przedruk zbioru praw staraniem XX. pijarów w Warszawie od roku 1732 do roku 1782* wydane, vol. II (Petersburg, 1859), 272.

A “*Good name*” was important for both men and women. Although scholars believe the town law did not recognise women’s honour,²⁸ Groicki writes that “*young women who behave disrespectfully tarnish their reputation*”;²⁹ thus, this concept was important for both women and their guardians. A woman’s reputation and her dignified behaviour are mentioned in some guild statutes. In particular, the statute the Lviv city council approved for saddlers on August 11, 1650, noted:

*Masters’ widows and daughters are obliged to behave in a dignified manner, and should one be found guilty of fornication, she will be condemned from the craft and her freedoms.*³⁰

In the Middle Ages, chastity was highly valued, especially that of a maiden. The Kulm law of the 14th century prescribed severe punishment for losing one’s virginity. The girl and her father would be punished, for the latter acted as her guardian and had to watch over her. However, if the accusations were false and proven so with the help of witnesses, the guilty man would receive physical and financial punishment:

On an untouched maiden. If a man married his daughter off as a virgin, and a husband took her as his wife as a virgin, slept with her for one night or more, and then claimed she was not a virgin, he would send her back to her parents, levelling such accusations at them. Upon the advice of the elders, the daughter’s father should send respectable people, men or women, to examine the sheet on which [the newlyweds] lay their first night. Should they testify that the daughter was a virgin, the father must give her husband 40 whiplashes before the court, and [her husband] will pay him 5 pounds, or 20 grzywnas, and the judge will fine him too. [...]

*... On the other hand, if it is proved that the daughter was not a virgin, her father must take her away to be imprisoned for life, and his house, covered with shame, must be destroyed, for nothing good can ever occur in such a place.*³¹

According to the norms of canonical and secular law, adultery called for severe punishment. The punishment for the unfaithful women was provided for even in the oldest known codes of the Kulm law, and it was such that only an unworthy person would deserve it. In particular, if a man found a woman with a lover (even if the latter ran away), he was to hand her over to be whipped at the stake, smeared with mud and faeces, and the authorities would sentence her to banishment from the town.³² When a woman was caught in the act of adultery and locked up with her lover, they would both be buried alive.³³ In the town law of the end of the 16th century,

28 Mykola Kobyletskyy, “Pravovy status zhinky za magdeburzkym pravom,” *Visnyk Lvivskoho universytetu. Seriya yurydychna* 58 (2013): 59–60.

29 Groicki, *Artykuły prawa majdeburskiego*, 17; cf. Szczerbic, *Speculum Saxonum*, vol. I, 35.

30 *Ekonomichni pryvileyi mista Lvova*, 303.

31 Zygfryd Rymaszewski, *Nieznaný spis prawa chełmińskiego z przelomu XIV–XV wieku* (Łódź, 1993), 145, 147.

32 *Ibid.*, 147.

33 *Ibid.*, 149.

punishments for unfaithfulness were less “*sophisticated*” but no less cruel. For instance, in Szczerbic’s treatise, we can find the following:

*Besides bringing a suit against an adulterer who has relations [with] someone else’s wife, if the adulterer is caught along with the wife, her husband can pass the judgement on his own. If he does not manage to catch him [the adulterer], the husband can injure or even kill him. And if the husband suspects his wife of unfaithfulness and tells the adulterer thrice to leave his wife be in the presence of witnesses [but the adulterer refuses to heed his words], then should he find the adulterer in a secluded place (in his house, or that of the adulterer) while talking to him, either in an inn or in the garden, he can kill him with his own hands. (But if he were to be caught elsewhere while he was talking to her [his wife, the adulteress], then her husband must bring three trustworthy witnesses who could prove their conversation, and then get the adulterer before the judge dealing with such cases. After discovering the truth, the judge must hand out an appropriate punishment).*³⁴

However, Szczerbic speaks of six cases when a man should neither take revenge for the adultery nor bring a suit against the unfaithful wife and her partner:

*First – he is unfaithful too. Second – he gave his wife a reason for being unfaithful. Third – he was not present at home for a time long enough for his wife to consider him dead. Fourth – she did it out of compulsion. Fifth – [the woman] considered the adulterer to be [her] husband. Sixth – he continues to keep her after the act [of adultery] so it turns out that [he] allowed her to do so.*³⁵

In this case, the blame for the adultery committed by the woman is at least partly placed on the man. Bartłomiej Groicki is adamant about adultery: this transgression should be punished with death. He even regrets that this norm, although dating back to ancient times, was not always observed in the 16th century:

*If proven, adultery must always be punished, regardless of whether a man or a woman commits it; the government should never allow this and, of course, must punish it severely per the law. Speculum Saxonum libri 2 articulo 13 et libro 3 articulo 1. In legibus Lex Iulia [the Julian laws], adultery is also punishable. Now these things are pretty much forgotten, so no one is punished for such things; the Lord allows execution: obvious transgressions call for an explicit punishment.*³⁶

34 Paweł Szczerbic, *Speculum Saxonum albo Prawo Saskie y Maydeburskie, porządkiem obiecadła z Łacińskich i Niemieckich exemplarzow zebrane, a na polski język z pilnością y wiernie przełożone* (Lwów, 1581), 51.

35 *Ibid.*, 52.

36 Groicki, *Artykuły prawa majdeburskiego*, 47.

No one dares to defend those guilty of this and similar transgressions:

*Those who rob churches and commit violence are not to be defended, and those who dishonour maidens, women, or nuns, or commit adultery openly, and when chased they ran away, these should not be defended too. Iure Municipali articulo 9.*³⁷

Even hiding in a church, a monastery, or a cemetery does not exempt the adulterer from punishment. They are to be caught and punished wherever they are.³⁸

Szczerbic emphasises that men and women should be punished for adultery with the same severity; it does not matter whether they have a family, for “*adultery is as mortal a sin as raping a girl*”.³⁹ A well-known case of both adulterers being punished happened in Lviv in 1518. It is described in detail by a contemporary, Bartłomiej Zimorowicz, and a historian of the 19th century, Denys Zubrytsky. Each of them, however, emphasise different details of the case. The death sentence was handed down to the Armenian Ivashko and his lover Sofia, who gave birth to a child conceived in this relationship.⁴⁰ The Belarusian scholar Natallia Slizh mentions the execution of both lovers, Ilya Onopreevych and Odaria Kozlevna, according to the norms of the German town law in Mogilev in 1619 based on the city records.⁴¹

Although the law stipulated severe punishment for both adulterers, cases like these were rare. Women were punished more often than men, as the latter were judged more leniently in terms of morals. The Polish scholar Marcin Kamler studied the court cases and made the following calculations: in 1550–1650, women punished for adultery accounted for 7.7% of all town residents in Poznań and 3.8% in Lublin; men – 2.7% and 0.2%, respectively.⁴² Even in the mentioned statute of Lviv saddlers, punishments for indecent behaviour and adultery officially handed down to men and women differed: women were banished from the trade and lost their freedoms, while men could redeem themselves:

*... A master caught in the act (of fornication) while being married shall be removed from the craft, or shall be punished according to the joint decision of the brethren...*⁴³

37 Ibid.

38 Groicki, *Porządek sądów*, 205.

39 Szczerbic, *Speculum Saxonum*, 52.

40 Bartolomey Zimorovych, *Potriynyy Lviv. Leopold Triplek* (Lviv, 2002), 101; Denys Zubrytsky, *Khronika mista Lvova* (Lviv, 2002), 127–128.

41 Natalija Slizh, *Kultura seksualnych stasunkū u Vialikim Kniastvie Litoŭskim u XVI–XVII stst.* (Minsk, 2019), 166; [A. M.] Sozonov (ed.), *Istoriko-yuridicheskiye materialy, izvlechenyye iz Aktovykh knig guberniy Vitebskoy i Mogilevskoy, khranyashchikhsya v tsentralnom arkhive v Vitebske* 8 (Vitebsk, 1877), 347–351.

42 Marcin Kamler, “Rola tortur w polskim sądownictwie miejskim drugiej połowy XVI i pierwszej połowy XVII wieku,” *Kwartalnik Historyczny* XCV, 3 (1988), 115.

43 *Ekonomichni pryvileyi mista Lvova*, 303.

After all, the 1518 case of adultery in Lviv and the Armenian community's successful appeal against the court verdict show that the blame for illegal sexual relationships was placed on women, not men.

The Polish scholar Jaśmina Korczak-Siedlecka believes that despite the law providing severe punishment for both sexes, it was more severe for women. For instance, if a woman was violated, she still had to prove this,⁴⁴ which was difficult or even impossible.⁴⁵

From the point of view of the town law, encouraging adultery was unacceptable. The Church also condemned it. Prostitution was reprehensible as one of the occupations that would cover a person with shame. Anything that could drive a woman to become a prostitute was condemned by society and the law. Bartłomiej Groicki wrote:

*Should anyone force his wife, daughter, or relative to fornicate and sell her body, or give his children a reason for performing unworthy deeds and displeasing God, so that [they] trade their bodies for gifts or something else without shame, per the prescriptions of the Rzeczpospolita law, he shall pay with his honour, his health, or his life.*⁴⁶

However, one could not deprive a girl of her inheritance for her unworthy behaviour for this reason. As Groicki points out, *“if she loses her inheritance, she will continue such shameful behaviour because of poverty”*.⁴⁷ In such a situation, a married woman dependent on her husband could be deprived of her property for unworthy behaviour, but only if her guilt has been proved. Despite the strict punishment norms, prostitution was quite common in the towns of that time. The Polish historian Andrzej Karpiński quotes one Hungarian traveller who came to the lands of the Polish Crown: he noted that in Kraków, prostitutes enjoyed as much freedom as in Sodom and Gomorrah, and if one made a couple of steps, a whole crowd of harlots would follow. According to the historian, these words border on exaggeration and metaphor; for instance, the number of prostitutes in the towns of the Polish-Lithuanian Commonwealth was lower than in London or Paris, where there were thousands. In the cities of the Polish Crown, there weren't even hundreds. In the five largest cities of the 16th century, sources mention only 171 professional prostitutes: in Poznań, there were 113; in Kraków – 29; in Lublin – 15; in Lviv – 11; in Warsaw – only 3. Unmarried women predominated among prostitutes (3/4 of the total number of those charged).⁴⁸ However, it is worth noting that not many prostitutes got into the court records, so only a few of their names are known today.

44 *“A woman or girl bringing charges for rape shall do so with hue and cry for the red-handed deed and for rape, which must prove”* (*Saxon Mirror*, II, 64), see *Saxon Mirror*, trans. Dobozy, 112.

45 Jaśmina Korczak-Siedlecka, „Model wychowania dziewcząt w szesnastowiecznej Polsce,” *Odrodzenie i Reformacja w Polsce* LVIII (2014): 59.

46 Groicki, *Artykuły prawa majdeburskiego*, 155.

47 *Ibid.*, 17.

48 Karpiński, *Kobieta w mieście polskim*, 334–335.

Andrzej Karpiński established that in the 16th and 17th centuries, the youngest city prostitutes were aged 12–15, and the oldest were 40. The latter sometimes had several children.⁴⁹ There were houses of tolerance in cities like Poznań, Kraków, Warsaw, Lublin and Lviv.⁵⁰ Their existence can be explained by a certain tolerance of this occupation in the Old Polish society of the 15th century. At that time, it was believed that controlled prostitution was much better than the spontaneous debauchery, adultery, bigamy, etc. However, everything changed in the 16th century with the spread of the ideas of Protestantism: the attitude towards prostitution became much stricter.⁵¹

When a woman became pregnant and gave birth to a child as a result of adultery or prostitution (an unwanted child at that), it was considered unacceptable from the point of view of morality and the law. At the turn of the 14th–15th centuries, if a woman or a widow conceived and gave birth out of wedlock and then killed the baby, she would be hanged according to the prescriptions of the town law.⁵² In the following centuries, infanticide was punished with the utmost severity. According to Groicki:

Should a woman abandon her child to get rid of it and forget about it, and should this child be found and brought up, and [that] woman is later found and her guilt proven, then per the advice of people knowledgeable about the law, she should be punished, but not killed. And if her abandoned child had died before it was found, per the advice of people knowledgeable about the law [such a woman] must pay with her health or her life.⁵³

Violence against women was considered one of the most terrible crimes:

Although the law mentions four punishable crimes – theft, robbery, murder and violence against women or rape, all other [wrongdoings] stem from and lead to them. [...] All who hear those cries must come and chase the rapist together, [to] kill him or bring him to court. And should a night pass after the rape, he must be brought before the highest judge in the region. If [the rapist] is caught in the act, he is to be tried without delay. If the recent act is not obvious, the defendant can refute the accusation by seven witnesses or in a duel until the plaintiff has proven herself right...⁵⁴

Szczerbic also noted that: *when not protected by the law, the house where the woman was raped must be destroyed, with every animal that might have helped the rapist in any way put to death.*

49 Ibid., 336.

50 See details: *ibid.*, 338–340.

51 *Ibid.*, 345.

52 Rymaszewski, *Nieznany spis*, 149.

53 Groicki, *Artykuły prawa majdeburskiego*, 159.

54 Paweł Szczerbic, *Ius Municipale, to jest prawo miejskie majdeborskie, nowo z łacińskiego i z niemieckiego na polski język z pilnością i wiernie przelożone* (Kraków, 2011), 171.

If the rapist somehow managed to avoid punishment with death, his children had to atone for it, and only the third generation would be “cleansed” of the sin. Since such a crime was one of the most serious, and the punishment had to be severe, accusing a man was not easy. In his treatise, Szczerbic included an explanation of possible life situations present in the Latin versions of the *Saxon Mirror* but omitted in its German versions:

Some may say: imagine a woman running into the court, her hair loose and clothes torn. She claims she was raped and wishes to prove it [with the testimony of] people who heard her screams. The accused man comes freely to the court, neither caught nor bound, and asks to be allowed to prove his innocence. Which of them is to have primacy – the plaintiff or the defendant? The answer is the defendant. He who came to the court voluntarily to prove his innocence will be given the right to refute the accusations by seven witnesses before his guilt is proven. It is so because the law is always more favourable to the defendant than the plaintiff.⁵⁵

Everything that contradicted the natural state of things was considered unworthy of a decent man. For instance, intimate relationships with his female relatives:

When testified against a man that he had inappropriate relations with his stepdaughter, stepmother, brother’s daughter, or with other women related to him, he, per the advice of people knowledgeable about the law, would be punished according to the described ancient imperial custom.⁵⁶

These, along with homosexuality and zoophilia, were the most severe crimes known in early modern society.⁵⁷

Conclusion:

In conclusion, the status of women was established in the medieval law, and although it underwent certain transformations in the 16th century, those changes were insignificant. Women were still limited in property rights and other legal matters. Although they could not independently defend their interests and those of their children, they were obligated to find them a proper guardian. A “*Good name*” was of great importance both for women and men. The law of that time protected the honour and inviolability of girls and women. However, in the cases of “*indecent behaviour*”, the sanctions against women were much more severe than against men. Adultery and infanticide were considered the most severe crimes, only punishable by death (at least *de jure*).

55 Ibid., 172.

56 Groicki, *Artykuły prawa majdeburskiego*, 153.

57 Ibid.

For further reading:

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CHAPTER VI

THE LEGAL STATUS OF PREGNANT WOMEN. THE ATTITUDE TOWARDS WOMEN'S HEALTH AND PREGNANCY

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Time required to read: ca 60 min.

Introduction:

In the Middle Ages, pregnant women were not given any particular attention, nor did they receive any special care. Moreover, as Jacques Le Goff points out, such a neutral, if not indifferent, attitude towards pregnant women was characteristic of all social strata.¹ However, **The Saxon Mirror** testifies that in the 13th century this attitude underwent certain changes: “A woman with a child may not be given a sentence than flogging and the cutting of her hair” (The Saxon Mirror, III, 3).² Therefore, the law protected a pregnant woman and her unborn child. At the end of the 12th century, shortly before Eike von Repgow’s treatise was written, the cult of the Mother of God was established, leading to an active development of the iconography of the Virgin Mary.³ At the same time, the attitude towards childhood (which had no place in the medieval consciousness for a long time) changed. The connection seems quite apparent. As early as the 13th century, several types of infants appeared in fine art: an angel, baby Jesus (usually depicted along with the Virgin Mary), and a naked baby. This, in turn, changed the attitude towards future mothers. In the 16th century, the approach towards pregnant women finally changed and, unlike the early Middle Ages, they acquired a special status.

1 Jacques Le Goff, Nicholas Truong, *Istoriya tela v Sredniye veka* (Moskva 2008), 96–97.

2 *The Saxon Mirror. A Sachsenspiegel of the Fourteenth Century*, trans. Maria Dobozy (Philadelphia, 1999), 117.

3 See: Georges Duby, *The Age of Cathedrals: Art and Society, 980–1420* (Chicago, 1981), 124–125, 157–159.

Examples from town law:

According to the norms of a town law, in the 16th century one could not execute a pregnant woman, for such an act would also lead to the death of an innocent child:

Execution or corporal punishment is to be postponed for the following persons: a pregnant woman (until she gives birth); a child who has not come of age and does not have a guardian (then it is postponed until after the second trial at the court with the guardian taking part); a madman (so it can be known whether [he] did it out of his madness, or for some other reason). Speculo Saxonum libro 3 articulo 3 et libro 2 articulo 55.⁴

Paweł Szczerbic emphasises that even if a woman commits murder, arson, theft or other crimes, she cannot be hanged if pregnant, for the child she carries would die, too. An unborn baby is innocent so punishing them would be unjust, for children should not be responsible for their parents' wrongdoings or crimes. Therefore, if a woman committed a crime deserving the death penalty, the execution of the sentence would be postponed until she gave birth.⁵ Also, a pregnant woman could not receive any punishment beyond "flogging or cutting her hair".⁶ She, like a child under 14 or an elderly person (70 and older), could not be tortured except when committing grave crimes.⁷ A pregnant woman could suffer such punishments only after giving birth. Before that, the closest relative of the deceased husband was to act as her guardian and the administrator of the estates. He would take care of the mother, the child, and the property.⁸ However, Szczerbic noted that such a relative could only act as the guardian of the child (even of an unborn one) while managing and protecting the estates the woman could not manage on her own.⁹ Moreover, a pregnant woman could not be expelled from her late husband's estate as she was carrying his heir. The Saxon Mirror also fixes this norm:

4 Bartłomiej Groicki, *Artykuły prawa majdeburkiego. Postępek sądów około karania na gardle. Ustawa płacej u sądów* (Warszawa, 1954), 71.

5 Paweł Szczerbic, *Ius Municipale, to jest prawo miejskie majdeburkie, nowo z łacińskiego i z niemieckiego na polski język z pilnością i wiernie przełożone* (Kraków, 2011), 240.

6 *Ibid.*, 238; Paweł Szczerbic, *Speculum Saxonum albo Prawo Saskie y Maydeburkie, porządkiem obiecadła z łacińskich y niemieckich exemplarzow zebrane, a na polski język z pilnością y wiernie przełożone* (Lwów, 1581), 27.

7 Bartłomiej Groicki, *Porządek sądów i spraw miejskich prawa majdeburkiego w Koronie Polskiej* (Warszawa, 1953), 195.

8 Bartłomiej Groicki, *Tytuły prawa majdeburkiego* (Warszawa, 1954), 88–89. The Lithuanian Statute of 1588 (chapter 11, art. 15) also provided for severe punishment for harm done to a pregnant woman. If she and her child or fetus died as a result of the damage caused to the mother, then the perpetrator should have been punished by death for this (see.: S. Kivalova – P. Muzychenka – A. Pankova (edd.), *Statuty Velykoho knyazivstva Lytovskoho, t. III: Statut Velykoho knyazivstva Lytovskoho 1588 roku.* (Odesa 2004), 592–593). This norm, however, was not always observed, says Ihor Serdyuk, using the example of the Cossack Hetmanate (Ihor Serdyuk, "Dytyna i dytynstvo v Het'manshchyni XVIII st.," in: *Povsyakdennyya rann'omodernoï Ukraïny: V. Horobets (ed.), Istorychni studii v 2-kh tomakh, t. 1: Praktyky, kazusy ta devyatsii povsyakdennyya* (Kyiv 2012), 57–60).

9 Szczerbic, *Ius Municipale*, 239.

No pregnant woman may be expelled from her husband's property after he dies until she has given birth (The Saxon Mirror, III, 38).¹⁰

As noted by Bartłomiej Groicki, according to the old glosses, a breastfeeding woman also could not be expelled without any strong reasons.¹¹ Szczerbic points out that even if a woman were to be expelled before giving birth, the foetus she carries could not, for it is the future heir of the estates. And since the mother nourishes the foetus growing within her, she also must have a proper place in her late husband's estate.¹² The abovementioned shows that an unborn child was considered a person with the right to life and inheritance.

If the closest relatives of a deceased man had doubts regarding his wife's pregnancy at the time of his death or they weren't sure it was his child she was carrying, the dispute would be resolved by calculations rather than the woman or other interested persons swearing an oath:

*Should the child's birthday occur later than ten months and two days (the period a mother usually carries a foetus in her womb, counting from the ninth day after the father's death), this foetus was not sired by the deceased. Therefore, such a child shall get nought of the deceased's estate, and the true heirs will divide the property. Yet if the child was born before ten months and two days, counting from the ninth day after the father's death, or it was born before ten months and two days have expired, it must be recognised as the one sired by the [deceased] husband, and (if born alive) shall get a share [of the inheritance] along with the others. If the child dies, its mother shall take its share. Until the abovementioned time passes and the widow gives birth, she shall live peacefully without dividing the husband's property.*¹³

In this case the calculations, not one's oath, were decisive. Groicki explains this norm with numerous instances of fraud on the part of women, when the latter would contrive pregnancy or even imitate it to stay in their late husbands' estates as long as possible. On the other hand, the heirs of the deceased were no less interested in preventing the newborn from getting their share of the property. Thus, they could resort to deception, too. That is why rational evidence was given priority in such cases. This norm differs from those medieval ones in which an oath sworn by a certain number of witnesses was enough to prove one's right. However, even if the child was born at the right time, the late husband's heirs could dispute the fact that this child had been sired by the deceased. Then the woman had to prove herself and the legality of

10 *The Saxon Mirror*, 124.

11 Groicki, *Tytuły prawa majdeburskiego*, 88.

12 Szczerbic, *Ius Municipale*, 239; Szczerbic, *Speculum Saxonum*, 24–25.

13 Groicki, *Tytuły prawa majdeburskiego*, 88. Earlier, the *Saxon Mirror* considered cases when it was necessary to establish the paternity of a newborn child: "When a woman takes husband and gives birth to a child prematurely, when it normally would not survive, one can contests its legal status because it is born too early. Should she give birth post-term after the husband's death, one can also contest its rights because it is born too late" (*Saxon Mirror*, I, 36). See: *Saxon Mirror*, 80–81.

the child's birth right with the testimony of four men and two women who helped her during childbirth.¹⁴

A similar norm is presented by Paweł Szczerbic who notes that some heirs counted the time of pregnancy up to nine months and two to three days from the date of the father's death, and if the child is born later, it is no longer allowed to get a share of the property. Yet the lawyer deemed this norm somehow incorrect, referring to the "advice of wise people" as: "a woman can carry a foetus for ten months and two days at most. Thus, this is how one should count the pregnancy period – starting from the eighth day after the father's death."¹⁵

Instead, Szczerbic emphasises:

*Should a woman get married, and her husband should die not long after, and she gives birth earlier than it's due, counting from the day of the wedding or marriage, such a child is to be considered as having been born later.*¹⁶

And to prevent any possible doubts about the child being sired by the woman's late husband, she, upon sensing she is pregnant, has to come to the court within 30 days after her husband's death and declare her condition. Should the pregnancy be proven, she can remain in her husband's estate until giving birth.¹⁷

The law protected the property interests of unborn children and pregnant women. It recognised the child's right to inheritance even if it was born alive but died soon after:

*Now hear about the pregnant woman who reveals her condition after her husband's death at either burial or on the thirtieth. If the child is born alive, and the woman has the oath of four men who heard the child and of two women who attended her in her labour, the child retains the father's inheritance. And if it dies thereafter, it passes the inheritance on to the mother if she is of equal birth and forfeits all claim to the father's tenured holding because it lived after the father's death. This is the way fiefs revert to the lord even when the child is presented and considered to be robust enough to survive. Yet if it is brought to the church publicly, whoever sees it and hears it can certainly witness that it lived (The Saxon Mirror, I, 33).*¹⁸

It is clear that the order of property inheritance was in question, so proving whether the child was born dead or alive was important to such an extent that even those who could not take an oath under other circumstances (monks, priests and women) were allowed to testify in such

14 Groicki, *Artykuły prawa majdeburskiego*, 14.

15 Szczerbic, *Ius Municipale*, 239.

16 *Ibid.*, 240.

17 *Ibid.*, 239.

18 *Saxon Mirror*, 79.

a situation.¹⁹ However, unborn children were not consistently treated as beings endowed with a soul. According to the town law of the 16th century, if a woman lost a foetus due to someone else's actions, it was not always punished as murder would be: if a woman had a miscarriage through someone else's fault and survived, the culprit was to be punished per the decision of the woman's husband (not necessarily with death). However, if the woman died, the culprit had to pay "with his life".²⁰

The legal codes of the 16th century mention a procedure known as a Caesarean section. The term itself is not used, and the process is described as "children cut out from the womb". This method of childbirth was particularly dangerous. Therefore, the property situation of children delivered this way, and those who did not survive had to be determined. The Kulm law stipulated:

Should an infant be cut out from its mother's womb during a difficult birth, and the mother or a midwife takes it to her bosom and baptises it, and women that are present see the infant move its mouth and yawn twice, and then die, it is to be considered truly born and shall receive the right to inherit from its mother so it can be passed onto its heirs.²¹

There were similar passages in the treatises of Paweł Szczerbic²² and Bartłomiej Groicki.²³ This provision protected the right of a mother and a new-born.

Women's health and pregnancy:

According to the ideas of the era of Humanism, diseases were subject to treatment. Therefore, medicine was considered a way to heal as much as prayers were. Universities trained doctors of medicine since the 13th century. As the need for qualified and certified physicians grew, they enjoyed a considerable respect in the society. The office of a city physician was established in cities, and well-known specialists were individually invited to fill it. For instance, in Toruń, the post of the city physician appeared in 1408.²⁴ In Lviv, in 1497: "Dr Sigismund was accepted as a city physician for one year to serve public needs during the Great

19 Groicki, *Porządek sądów*, 135; Paweł Szczerbic, *Speculum Saxonum, albo prawo saskie i majdeburskie, porządkiem obicadła z łacińskich i niemieckich exemplarzow zebrane. A na polski język z pilnością i wiernie przelożone* (Kraków, 2016), t. I, 39.

20 Bartłomiej Groicki, „Rejestr do Porządku i do Artykułów prawa majdeburskiego i cesarskiego (wyjątki),” w: Groicki, *Artykuły prawa majdeburskiego*, 178.

21 Paweł Kuszewic, *Prawa Chelmieńskiego poprawionego y z łacińskiego ięzyka na polski przetlumaczonego, xiąg piecioro ku pospolitemu pożytkowi...* (Poznań, 1623), 75.

22 Szczerbic, *Ius Municipale*, 238.

23 Groicki, *Tytuły prawa majdeburskiego*, 87.

24 Katarzyna Pecacka-Falkowska, „Lekarz miejski,” Pasaż Wiedzy: Muzeum Pałacu Króla Jana III w Wilanowie, https://www.wilanow-palac.pl/lekarz_miejski.html [accessed 20.04.2023].

Lent, and the lords councillors promised to pay him 10 kopas of grosz."²⁵ In 1529, Stanisław Mozancz, a certified physician became a member of the Lviv City Council for the first time.²⁶ In 1550, also in Lviv, a "*glorious Spaniard*" (egregious Hispanus) was accepted as a doctor of medicine, being assigned five zlotys quarterly and given housing "*above the city's weight*".²⁷ There are many examples like these. In particular, in Lviv, the famous humanist and doctor of medicine Erasm Sykst obtained the office of the city physician in 1627.²⁸ Thus, certified physicians and doctors of medicine became commonplace, and knowledge about human health and treatment spread.

In European cities of the 15th and 16th centuries, professional obstetricians begin to appear. The first city obstetric "*Order*", approved by the municipal authorities, was issued in 1452 in Ratibor (Racibórz), though its wider use can be allocated at the end of the 15th century. On the verge of the 15th and 16th centuries, obstetric prescriptions were issued in other European cities, such as Ulm (1491), Freiburg (ca. 1500), Esslingen (1537), and Uberlingen (1557).²⁹ In 1610, the city obstetric government was established in Gdańsk.³⁰ Women's health and childbirth were no longer the private affairs of individual women.

The sources of our knowledge about medical advice including that on women's health, are found in numerous medical and botanical treatises of the early modern era. These began to spread widely in the Polish-Lithuanian Commonwealth and in Europe. For example, there was a considerable amount of natural and medical literature in Lviv burghers' book collections of the 16th century. This phenomenon can be explained by the fact that there were also many physicians among the book owners, not just lawyers. *Zielniki (Herbals)* were very popular in Lviv at the end of the 16th and the beginning of the 17th century. These were written by several Polish authors like Marcin Siennik with his *Herbarz to jest zioł tutecznych opisanie etc.* Szymon Syreniusz and his *Zielnik* were especially popular as the author was a practising physician in Lviv for some time (1578).³¹ In Lviv burghers' book collections of the 16th and the early 17th century, one could find various anonymous items, e.g. *Herbaria, Zielniki, Hortus sanitates* with appendices *herbarz niemiecki, herbarz polski*, etc. Among those there were books on raising children, nutrition, and medicine published in Germany, France, Italy, etc. To a certain

25 Denys Zubrytsky, *Khronika mista Lvova* (Lviv, 2002), 107.

26 Ibid., 138.

27 Ibid., 157.

28 "Erazm Sykst (Mryholod)", *Mediyevist*, available at: <http://www.medievist.org.ua/2012/12/Sixtus.html> [accessed 12.04.2023].

29 Katarzyna Pecacka-Falkowska, „Dyscyplinować i pomagać – toruński akuszerki miejskie w XVIII w. (kilka uwag na marginesie przysięg i porządków akuszerskich)”, *Medycyna Nowożytna* 19 (2013): 70.

30 Anetta Głowacka, „Akuszerka – kobieta, która zna się na rzeczy,” in: *Pasaż Wiedzy: Muzeum Pałacu Króla Jana III w Wilanowie*, https://www.wilanow-palac.pl/akuszerka_kobieta_ktora_zna_sie_na_rzeczy.html [accessed 20.04.2023].

31 Alicja Zemanek, „Szymon Syreński (Syreniusz, Syrennius) (ok. 1540–1611): przyrodnik, zielnik, lekarz,” in: *Złota księga Wydziału Biologii i Nauk o Ziemi = Liber Aureus Fakultatis Biologico-Geographicae* (Kraków, 2000), 27–36.

extent, library inventories outline the sources contributing to the culture of Lviv residents in terms of botany and medicine.³² There were many medical recommendations in these natural treatises, including recommendations related to women's health.

In the era of Humanism, the so-called humoral theory, or the theory of four bodily fluids, was the most popular medical theory. This teaching is usually attributed to the Greek physician Hippocrates. Physicians of the early modern era considered Claudius Galen (129–200 AD), a researcher and physician of ancient Roman times, one of the leading authorities. Among the additions Galen made to the ideas of the Hippocratic corpus were the four qualities of taste: sweet, sour/pungent, bitter, and salty. He associated these fundamental taste types with four bodily fluids: blood bonds with a sweet taste, phlegm with salty, black bile with sour, and yellow bile with bitter. He also correlated the four elements (earth, air, fire, water) with the four qualities (hot, dry, cold, moist) and the four fluids (blood, phlegm, black bile, and yellow bile). As these group characteristics developed, Galen expanded his classification of the body and its qualities per anatomy, age, diet, and disease.³³ In the 16th century, this theory gained such popularity that it was reflected in literary works. Mikołaj Rej wrote about the humours, their influence on one's personality, and the food recommended for different people.³⁴ The Renaissance understanding of a woman stemmed from two ideologies: the Jewish-Christian tradition of equating Eve with the Fall and the Aristotelian-Galenic explanation of her nature and physiology. According to the first, a woman's suffering during menstruation (her "curse") and childbirth was inflicted by God for her fatal transgression. In the second (philosophical) tradition, a woman was no better, as she was viewed as an incomplete or imperfect man.³⁵

Starting with the literature of the ancient Greeks, which formed the fundamental theoretical and practical foundations of Western medicine, women were viewed as physiologically related to men but distinct enough to merit separate analyses of their bodies, digestion, and reproductive function. In terms of the humours, women were considered colder and wetter than men, which affected their diet and humoral balance.³⁶ According to this theory, humoral heat was necessary for efficient processing or digestion of food, and women weren't able to digest fully. The excess harmful substances formed due to their incomplete digestion were eliminated through menstruation, a natural process necessary to maintain a woman's health. According to the commentator of *De secretis mulierum*,³⁷ the coldest man is hotter than the hottest woman under the same circumstances. According to Renaissance authors, a boy

32 Józef Skoczek, *Lwowskie inwentarze biblioteczne w epoce Renesansu* (Lwów, 1939), 65, 67.

33 Theresa A. Vaughan, *Women, Food, and Diet in the Middle Ages. Balancing the Humours* (Amsterdam, 2020), 52.

34 Mikołaj Rej, *Zwierciadło* (Kraków, 1897), 24, 28–29.

35 Margaret Healy, "Medicine and Disease," in: Karen Raber (ed.), *A Cultural History of Women in the Renaissance* (London, 2013), 96.

36 Claudius Galen, *O naznachenii chastei chelovecheskogo tela*, (Moskva 1971), 158.

37 *De secretis mulierum* was a natural philosophical text of the late 13th or early 14th century. See: Helen Rodnite Lemay, *Women's Secrets: Translation of Pseudo-Albertus Magnus' De Secretis Mulierum with Commentaries* (New York, 1992), 1–16.

is formed in the womb faster than a girl, although there is some dispute about how long the pregnancy lasts in each of the cases. Such a legal norm as the duration of pregnancy of ten months and two days since the father's death might be related to the notions of the faster formation of the male foetus.

In contrast to the Middle Ages, childbirth was one of the most important and discussed issues in certain social circles of early modern times. One of the crucial issues was proving a pregnancy. Pregnancy was inherently unreliable and uncertain in early modern times, as some physiological signs often associated with pregnancy could be caused by several other issues. Only the result (the birth of a child) could fully attest to the pregnancy. Early medical texts (usually written by men) noted the possibility of misinterpretation of the pregnancy. In the book *Child-birth; Or, The Happy Delivery of Women: Wherein is Set Downe the Government of Women*, printed in 1612 in English, the French physician Jacques Guillemeau advises all physicians to be very cautious in determining pregnancy, stating that there is nothing more ridiculous than calling a woman swollen with wind or water pregnant. At the same time, the author provides a list of signs that can be used to determine whether a woman is pregnant. The treatise also mentions how to establish that a woman is pregnant with twins: a large belly sitting upon her knees and the movements of the child that can be felt both from the right and left.³⁸

Pregnant women and other family members wished to know the sex of the child. Since there were no scientific methods for determining the sex of the foetus, they would resort to various pseudo-scientific considerations. One can find these aplenty in the above-mentioned treatise *Child-birth*. For instance, the author notes that most young women in labour prefer to give birth to a boy rather than a girl, which is unsurprising.³⁹ According to Aristotle, the birth of a girl was generally considered an indicator of a partially failed conception.⁴⁰

According to Jacques Guillemeau, a girl would be born with the south wind blowing during conception, and a boy with the north wind.⁴¹ And with a woman already pregnant, the sex of the foetus can be determined using several available signs. If the foetus sits high above the navel, one can be sure it will be a boy; if it is in the lower part of the womb, it will be a girl. A woman pregnant with a boy looks good, she remains quick and agile, and pregnancy does not affect her body negatively. Yet if she carries a girl, she suffers from many defects; she feels and looks unwell.⁴² A woman carrying a baby girl is pale and dull in the face.⁴³ Various dubious

38 Jacques Guillemeau, *Child-birth; Or, The Happy Delivery of Women: Wherein is Set Downe the Government of Women ... Together with the Diseases, which Happen to Women in Those Times, and the Meanes to Help Them. With a Treatise for The Nursing of Children ...* (London, 1635), 13.

39 Ibid., 9.

40 Helen Rodnite Lemay, "Masculinity and Femininity in Early Renaissance Treaties on Human Reproduction," *Clio Medica* 18 (1983): 27.

41 Guillemeau, *Child-birth*, 9.

42 Ibid., 10.

43 Ibid., 11.

procedures were used to determine the sex of the foetus. In particular, the mentioned author recommends the following way to determine the sex of the foetus and the pregnancy in general:

*...Take claret wine and morning urine in equal measure, pour the mixture in a glass and put it aside for a full day. If a dense sediment settles at the bottom, it is a sign that the woman will give birth to a boy; if the sediment appears inside, it will be a girl; if there is nothing in the lower part except for the regular urine sediment, the woman is not pregnant.*⁴⁴

The author speaks of another method apparently used in ancient Rome, which was also mentioned by Livy. When the mother of the Emperor Tiberius was pregnant and wished to know who she would birth, she took an egg from under a chicken and held it in her hands until the chick hatched. It was a rooster, so she knew a boy would be born.⁴⁵ It is clear that the author was articulating the beliefs that existed and were widely used in everyday practices long before his time.

According to the authors of the 15th and 16th centuries, pregnant women had to make certain adjustments to their diet. Polish herbalist Stefan Falimirz believed that a pregnant woman should take special care of her nutrition, especially on the eve of the childbirth. She should eat well, drink good wine or muscatel, and consume lemons and other high-quality foods without excess acid so that they soften and warm her stomach. Consuming thick sauces made of chicken, young capons, or calves is recommended. The beef broth was considered eminently beneficial. All these products were also supposed to prevent constipation, which was especially dangerous in the last months of pregnancy. For this purpose, one could use various medicinal products, such as almond and rosy oil. Chicken, goose or duck fat was to be smeared around the “*secret place*”. Also, drinking good wine was beneficial.⁴⁶ Ten days before the birth, a pregnant woman should go to the bathhouse, wash herself clean, and sit in a bath with warm water up to her waist. Decoctions of softening herbs, such as fragrant chamomile, black rose (ibiscus) etc., should have been added to the water. Sitting in the bath up to the waist was to be practised every day before going to bed, and after the bath, applying the mentioned oils or other fat is recommended.⁴⁷ If the pregnant woman is too young and cannot take hot baths so often, then boil the herbs, add flax seeds, soak a sponge or kerchief in this decoction and apply it to her legs, thighs, and private parts every quarter of an hour, and then dry the wet areas and apply medicinal oils or chicken, goose or duck fat. When contractions come, Falimirz advises walking intensely around the house or up and down the stairs, and before giving birth to sit on a low chair with a special opening so that the midwife can provide the necessary aid during the delivery.⁴⁸

44 Ibid., 11.

45 Ibid.

46 Stefan Falimirz, *O ziołach y j mocy gich, o paleniu wodek z zioł, o oleykach przyprawianiu, o rzeczach zamorskich* (Kraków, 1534), 294.

47 Ibid., 294–295.

48 Ibid., 295–296.

Dietary recommendations included “*humorally neutral foods*” and foods appropriate for someone very young or very old. Like in the Middle Ages, these were broths, porridges, eggs, dairy products, and poultry. Food deemed beneficial for the convalescing or sick was usually white or light in colour: white bread, chicken, and almonds. Perhaps it is no coincidence that the wealthy, especially wealthy women, ate such products. Recommendations for lower-class women were less defined in writing, possibly because peasant women were thought to have stronger constitutions and digest food better. Also, the entire written tradition was meant for those who were able read or afford physicians, i.e. the aristocracy and upper classes.⁴⁹ Interestingly, even Aristotle, whose ideas resurfaced during the Renaissance, noted that pregnant women should have a special diet while the state can take care of their spiritual enrichment:

And pregnant women also must take care of their bodies, not avoiding exercise nor adopting a low diet; thus it is easy for the lawgiver to secure by ordering them to make a journey daily for the due worship of the deities whose office is the control of childbirth. Concerning the mind, however, on the contrary it suits them to pass the time more indolently than as regards their bodies; for children before birth are evidently affected by the mother just as growing plants are by the earth (Politics, VII, 9).

In 1534, Stefan Falimirz recommended that pregnant women take care of their nutrition, at least during the four weeks before the expected delivery. They should give up harmful food (cold, sour, spicy dishes) and if unable to do so, they must eat these dishes carefully and in small quantities.⁵⁰ If a pregnant woman has problems with defecation, she should take care of it, especially in the last months of pregnancy. The author recommends that women in such a situation use food that soften the stomach, particularly apples fried with butter and sugar, which should be eaten an hour before the main meal. Then the woman should drink some good white non-acidic wine.⁵¹ Falimirz recommends that women eat several fresh figs at night. Hungarian plums also soften the stomach. At the same time, the author does not recommend pregnant women suffering from constipation to consume sour food seasoned with vinegar, as well as sauerkraut, pears and other heavy meals.⁵²

Being based on the Greek foundations of the humoral system, theoretical medicine of this period considered pregnancy a state of illness and the menstrual cycle an important element of a woman’s health. We know that dieting was promoted among women and men to correct humoral imbalances that could lead to disease. We also know that dietary recommendations could differ for women based on assumptions about their humoral makeup and the functioning of their reproductive systems. A proper diet (according to medical theories of the time) could treat absent or excessively heavy menstrual cycles, reduce postpartum bleeding, and help with

49 Vaughan, *Women, Food, and Diet*, 199.

50 Falimirz, *O ziołach yj mocy gich*, 293v.

51 *Ibid.*, 294.

52 *Ibid.*

infertility caused by various issues, from obesity to unhealthy thinness. Food was not the only way to treat diseases and disorders: herbs-based medicines and other substances were also quite widespread.⁵³

A special diet was recommended for breastfeeding women, too:

*Her diet. She should not eat salty or spicy or pungent things, nor those things in which heat is strong, nor styptic things, nor leeks or onions, nor the rest of those spices which are added to foods for flavoring, such as pepper, garlic, garden rocket, but above all garlic. Also, let her avoid anxiety and let her beware provoking her own menses. And if her milk is diminished, let porridges made of bean flour and likewise of rice, and wheat bread and milk and sugar be given to her to drink, by which things the milk is augmented, and let a little fennel seed be mixed in. If, on the other hand, her milk becomes thick, let her nutriment be made subtle, and so let her be compelled to work. In addition, vinegary syrup and light wine ought to be given to her. If the milk becomes thin, let her nutriments be thick and strong, and let her get more sleep. If the bowel of the child is loose, let constipating things be given to the nurse.*⁵⁴

Numerous treatises on nature in the burghers' book collections contained many recommendations concerning women. However, most (if not all) of these tips were related to the intimate aspect of women's health and reproductive capabilities. For example, iris oil was believed to help with pain and uterine problems. However, it could not be used by pregnant women, as it may have caused a miscarriage (*"it pulls out the foetus"*).⁵⁵ Forest iris oil may have proved beneficial for women who wished to prevent pregnancy. Dill was recommended as the means to speed up delivery and to remove the placenta (*secundina*) or a dead foetus.⁵⁶ Spiczyński repeatedly returns to the issue of removing a dead foetus when describing various medicinal plants.⁵⁷ Stefan Falimirz gives similar recommendations regarding the removal of a dead foetus or inducing a miscarriage. For those women who wanted to induce menstruation or remove a dead foetus or a placenta, he advised the following: *"Boil a birthwort root in wine, add hazelwort and medicinal sedum in equal measures, boil the mixture in wine or water, and drink it after cooling."*⁵⁸ The number and frequency of recommendations for inducing miscarriage with the help of various herbs suggest this problem was relevant for many women. It was not yet regarded as infanticide. Therefore, it was difficult (if not impossible) to prove the fact of inducing a miscarriage.

53 Vaughan, *Women, Food, and Diet*, 213.

54 Monica H. Green (ed.), *Medieval Compendium of Women's Medicine* (Philadelphia, 2002), 111.

55 Szymon Syreński, *Zielnik herbarzem z ięzyka łacińskiego zowią: to iest Opisanie własne imion, kształtu, przyrodzenia, skutkow y moc zioł wszelakich [...] polskim ięzykiem zebrane y na osmiero ksiąg rozłożony [...]* (Kraków, 1613), 12.

56 Hieronim Spiczyński, *O ziołach tuteicznych i zamorskich, y o mocy ich...* (Kraków, 1542), 9.

57 *Ibid.*, 77.

58 Falimirz, *O ziołach y j mocy gich*, 10v.

There were also quite the opposite recommendations on how to prevent a miscarriage and save the child:

Pour a spoonful of oil in a bowl, break one fresh egg and fry it on both sides until it turns brown, then sprinkle it with crushed cloves, put it on the navel and wrap it well.⁵⁹ Or: Have two slices of a honey cake, sprinkle them with malvasia and crushed cloves. Apply this poultice to the navel and wear it at all times while wetting it repeatedly with malvasia.⁶⁰

Also, smearing the breasts with iris oil was recommended after a childbirth to prevent pain from the excessive milk supply.⁶¹ For the same purpose, Szymon Syreński recommends using syrup or water from boiling a nutmeg root (meant to be taken as a drink).⁶² Such a medicine could be used to regulate excessively long periods.⁶³ Stefan Falimirz recommends that women drink a decoction of sorrel roots and wine as it also “ceases women’s natural thing”.⁶⁴ At the same time, when boiled with wine, the juice of motherwort and its leaves are “potent in awakening the natural thing”. This decoction is to be consumed as a drink.⁶⁵ Using a decoction of chamomile and wormwood, which also relieves pain during the childbirth, can solve women’s problems.⁶⁶ For easy and painless delivery, Stefan Falimirz advises taking birthwort and boiling it with wine, pouring three or more spoons of oil into this decoction and applying this mixture on the woman’s belly when the contractions begin.⁶⁷

Nigella and wormwood brewed in wine were advised to be taken daily to reduce the amount of milk (to dry the breasts).⁶⁸ Medical recommendations and popular botanical treatises suggest various remedies. Women were advised to take many remedies based on wine or beer. With little nutritional value and certain medicinal properties, beer was recommended in medical treatises starting from the late Middle Ages. However, other types of alcohol, primarily various types of liquor and wine, were more often included in the medical recommendations.⁶⁹ It is unsurprising as, according to scientists of the 15th and 16th centuries, alcohol was perceived as a part of the diet. Per Galen’s model, it could balance the humors in the human body or ensure a balance of salts, oils, and alcohol that would stimulate the appetite, facilitate digestion, and

59 Jakub Haur, *Sklad abo skarbiec znakomity sekretów oekonomiey ziemianskiej...* (Kraków, 1693), 437.

60 Ibid., 436.

61 Syreński, *Zielnik herbarzem*, 14.

62 Ibid., 21.

63 Ibid., 22

64 Falimirz, *O ziołach yj moczy gich*, 5.

65 Spiczyński, *O ziołach tuteicznych i zamorskich*, 17.

66 Ibid., 18.

67 Falimirz, *O ziołach yj moczy gich*, 11.

68 Spiczyński, *O ziołach tuteicznych i zamorskich*, 58.

69 Analysis of recommendations for the use of various alcoholic beverages in medical and botanical Polish treatises of the 16th and 17th centuries see: Katarzyna Justyniarska-Chojak, „Alkohol i jego zastosowanie w staropolskiej medycynie (w świetle poradników medycznych z XVI wieku),” in: Justyna Żychlińska – Anetta Głowacka-Pienczyńska – Andrzej Klonder (edd.), *Użytki w świetle óródel archeologicznych i historycznych* (Bydgoszcz 2016), 95–108.

strengthen the nervous system. Therefore, alcoholic beverages were an important element of the medical pharmacopoeia.

Syreński also emphasises the benefits of beer for women in labour and breastfeeding mothers:

Beer increases the amount of milk so that young mothers can feed two children. And beer is far more beneficial than wine for those with little milk after the childbirth. Yet our lovely ladies look down upon this affordable and natural drink, preferring wine, malvasia, and muscatel. Others drink liquor so their stomachs do not hurt from beer or their teeth do not fall out.

The author also believes beer to be beneficial for babies:

And if they took better care of their health and that of their children, if they respected their husbands' wallets, for money does not come easily, they would switch from wine to beer. They would be healthier after giving birth, and their children would not be prone to various diseases. I am not talking about women who are weakened or too young and cannot give a natural birth ... I advise them to use wine in moderation, particularly in soups and sauces, or drink it with boiled sugar or dissolved in cinnamon liquor, until delivery. Then they can return to their favourite beer that will make them healthier and their children stronger and growing faster...⁷⁰

Beer, like wine in the 16th century, was recommended to women who suffered from excessive monthly bleeding, as these drinks, according to the physicians of the time, strengthened the female body and helped to retain blood.⁷¹ In general, if alcohol was not consumed excessively, it was considered healthy for the body.

Szymon Syreński noted:

Sometimes mothers rub their infants with warm beer and butter by the fire or a stove to strengthen their joints. And if one wanted an infant to get stronger and try to sit up on its own, they'd add crushed bracken roots to that beer and rub the infant's shoulders, back, and thighs. This will strengthen the infant so it can sit up on its own and make its body neat and smooth.⁷²

In the cities of the Polish Crown during the Renaissance and Humanism, women continued to be treated as beings of less value or “*wrong men*”. According to the society of that time, women’s most important quality was their reproductive function, so the issue of women’s health was also considered in this context. Natural and medical treatises of the

70 Syreński, *Zielnik herbarzem*, 948.

71 Vaughan, *Women, Food, and Diet*, 125.

72 Syreński, *Zielnik herbarzem*, 948.

15th–17th centuries were popular in the cities of the Polish Crown and in Europe and combined the achievements of practical, theoretical and folk medicine. They also contained a lot of advice about nature and women's health. Most of the advice mentioned in the medical or botanical literature of the time concerned the ability of women to give healthy offspring, or issues that were related in a certain manner to the reproductive functions of the female body. Pregnant women in the 16th century received special treatment, especially while they were carrying a child. Also, pregnant women were most carefully protected by the town law, for it concerned the woman and her unborn child. The law also protected the property rights of pregnant women. There was a specially designed diet, too. Numerous dietary recommendations for pregnant and breastfeeding women can be found in biological and medical treatises. In the medical and botanical texts of the time, many passages discuss available contraceptive methods and the ways to induce a miscarriage, which was not uncommon for the society of the time, concerned women of different social strata, both married and unmarried, and women of various property circumstances.

Medical and botanical treatises of the early modern period are a good source for studying medicine, science, social relations and cultural patterns of that time, including those in the Polish Crown and the Polish-Lithuanian Commonwealth.

For further reading:

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CHAPTER VII

WOMEN IN THE SOURCES OF PRIVATE LAW OF URBAN PROVENANCE

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Definition:

In the sources of non-contentious private law of urban provenance women mostly appear in marriage and purchase contracts, both acting independently or being represented by men. It is through these sources that it is possible to study women's issues. In the Czech milieu (i.e. Bohemian and Moravian), these kinds of records appear in large numbers in municipal books. In the Czech royal towns environment, we would come across various types of municipal books dealing with the private acquisitions of residents from as early as the 16th century. This trend was subsequently adopted by liege towns. The individual records of contracts replaced and were equal to the separate drafting of deeds. Their existence suggests a higher level of legal awareness in the urban society and the society's effort to secure the rights of its members in a more permanent and credible way than mere verbal arrangements presented. The act of drawing up a contract for the future minimised the risk of potential disputes.

Time required to read: ca 20 min.

Sources:

At a time when it was not necessary to enter into a marriage in front of an official authority (a priest, representatives of the municipal government), **marriage contracts** served as a means of confirming the marriage agreement. Primarily, they aimed to sort out the property basis of the couple's cohabitation, to regulate the inheritance claims among the survivors and provide for the descendants born in previous marriages as well as those born in the new one, all on the basis of the town's legal circle to which the given town belonged. In addition, they ensured the conclusion of the marriage union and minimised the possibility of a denial of the marriage by the man, protecting mainly the position and status of the weaker party to the agreement – the woman. Indeed, it was not uncommon for the man to make a self-serving utterance of his marriage vows, moreover in the absence of witnesses, whereupon the deceived

single mother could even be sanctioned for her actions. Marriage contracts minimised such risk. In some areas it is possible to come across the obligation to draw up a marriage contract before entering into a marriage (for example the town of Bruntál), in other areas the conclusion of a marriage contract was voluntary. There were even cases of their additional conclusion, but this could only occur if there was a marriage registration office for the surveyed area.

What information related to women can be found in marriage contracts:

- the date of the conclusion of the marriage contract (the date of the conclusion of the contract was often different from the date of the church wedding)
- the contracting parties and their social status (not always)
- the possibility of acting independently or, conversely, being represented by a man
- ties with family and friends
- the percentage of protogamous and palingamous marriages of girls and women and the related marriage strategies
- the concept of the dowry (the contribution to the marriage by the woman. In the Magdeburg legal circle, it was originally perceived as the price of the bride paid by the groom to her family or the property that was assigned to the woman within the estate/property of the man. However, over the time the dowry came to be seen as the property brought into the marriage by the woman and managed by the man; it was only after the dissolution of the marriage that it was to become the widow's property, separate from the settlement of inheritance. This property was protected and could not be used, for example, in paying off debts.)
- the concept of the dower ("*Morgengabe*" – refers to the contribution to the marriage by the man. The initial meaning of this concept was perceived as a gift from the groom to the bride for the wedding night – often in the form of a small piece of jewellery – which is why we frequently come across the term "*Morgengabe*" in sources referring to this practice. Even in the case of this concept, we can see a shift in meaning over the time. Gradually, the dower came to serve as a means of providing financial security for the widow in the event of her husband's death. In the Bohemian Lands it was customary to provide three times the value of the dowry.)
- the woman's bottom drawer/furniture/hope chest ("*Gerade*" – refers to the contribution to the marriage by the woman. It was not considered a part of the dowry, but in the case of brides from poorer families it could constitute their only contribution to the marriage. The bottom drawer included a set of movable possessions, primarily tableware and bedding, used in the marriage by the woman but managed by the man. Upon the husband's death, the bottom drawer would be transferred to the widow or another living close female relative.)
- exceptions – immovable and movable property which was excluded from the future joint property

Land registers, due to their state of preservation, rank among the most abundant sources from the early modern period. Through them, we are able to gain insight into legal practices connected to changing the property relations regarding urban or rural properties. In addition to property transfers they also contain records about the debt claims on specific properties, rights and obligations tied to the land, division of inheritances and judicial disputes related

to them. During the 16th century, recording contractual agreements regarding property transfers in municipal books became mandatory in certain locations. Without such a record, the contract could not be considered valid.

What information in relation to women can be found in land registers:

- the date of the conclusion of the contract
- the contracting parties and their social status
- ties with family and friends
- the possibility of acting independently or, conversely, being represented by a man
- the extent of their share in the inheritance from their husbands or parents
- the strategies of buying and selling property
- the sales/purchases of debt claims (efforts to gain insight into the current economic situation, either by striving to obtain instant cash in the form of loans or, conversely, by providing loans and collecting subsequent instalments)
- stipulations (immovable and movable – things, sustenance) + life estates
- an inventory of movable property

In the Czech milieu, such sources can be found in the records of specific towns and municipalities, stored in state district archives. Marriage contracts are mostly found under the designation “*registers of marriage contracts*”. In the case of land registers, the situation is more complicated, depending especially on the level of development in the individual municipal offices. Moreover, the terminological question of labelling this source has not yet been satisfactorily resolved. Therefore, it is possible to find it under various names such as “*land registers, registers of purchase contracts, registers of purchases/sales, market/sales registers, land books*”, or “*emphyteusis registers*”. In smaller liege towns and townlets, marriage contracts and property transfers were recorded in “*mixed registers*” which, however, were also often referred to as “*land registers*”.

The state of preservation of sources on the example of liege towns in the Mírov-Svitavy domain – Mohelnice, Svítavy, and Březová nad Svítavou.

State District Archives of Šumperk, collection: the Municipal Archive of Mohelnice

- inv. no. 117–124 Land books from years 1544–1806
- inv. no. 156–159 Books of marriage contracts from years 1556–1844

State District Archives of Svítavy in Litomyšl, coll.: the Municipal Archive of Svítavy

- inv. no. 23–30 Town books (obligations) (note: Land books) from years 1515–1757
- inv. no. 31–35 Land books from years 1695–1814
- inv. no. 45–49 Books of marriage contracts from years 1573–1782

State District Archives of Svítavy in Litomyšl, coll.: the Municipal Archive of Březová nad Svítavou

- inv. no. 290–296 Homestead Books (Gruntovní knihy) from years 1549–1805 (note: it is rather about Mixed Town books which contain marriage contracts)

With the advancement of digitisation in archival institutions, particularly in the region of North Moravia and Silesia, efforts have been made in recent times to digitise and publish individual land registers as part of the care for the most significant group of archival sources. These digitised land registers can be accessed at www.digi.archives.cz.

Besides digitisation, the editorial processing of selected sources remains highly beneficial, whether done in the form of editions “*in extenso*” or in abstracts which increase the convenience of researching a particular subject matter. Researchers no longer have to face the challenges of reading the original source. Several such editions and abstracts have been published by the University of Silesia.

Heinrich, Mikuláš – Korbelařová, Irena. *Trhová registra města Opavy (1654–1658). Regestář*. Opava 2017.

Heinrich, Mikuláš – Korbelařová, Irena. *Trhová registra města Opavy (1647–1652). Regestář*. Opava 2016.

Heinrich, Mikuláš – Korbelařová, Irena. *Trhová registra města Opavy (1640–1647). Regestář*. Opava 2013.

Kirschnerová, Karolína. *Kniha svatebních smluv města Mohelnice. České smlouvy (1556–1640). Edice*. Opava 2018.

Kirschnerová, Kristýna. *Kniha svatebních smluv města Svitavy (1571–1606). Regestář*. Opava 2021.

Krempel Kirschnerová, Karolína. *Kniha svatebních smluv města Mohelnice. Německé smlouvy (1556–1640/1644). Edice*. Opava 2020.

This constitutes a relatively extensive collection of sources from the pre-modern society period. Undoubtedly, this allows performing some extensive investigations over a longer time perspective and observing potential transformations in specific phenomena. The records from registers of marriage contracts and land registers often complement each other, enabling more in-depth research focused on specific families. However, the disadvantages of these sources are their large volume and a certain monotony of their content.

Case study:

1. The marriage contract between Havel Sedláček and the maiden Anna, the daughter of madam Mandaléna Hertlová (16 May 1577)

In the year of our Lord 1577, on Thursday, the Feast of the Ascension of Jesus Christ, in the time of burgomasters Lorenz Lang, Václav Franta, Vencl Friedl, Martin Pergar, and their council, a Christian marriage contract, perfect and complete, was made between Havel Sedláček of Třeština on one side, in the presence of reputable individuals invited by him,

namely Valenta Sedláček of Libiva, the groom's father, Matěj Mikulů, and Martin Hanzl, all of Libiva, Havel, the then bailiff of Třeština, Jiřík Ambrož, Martin Král, and Jerek Leingan, all of Třeština, representing the groom and on the other side the maiden Anna, the daughter of madam Manda Hertlová, represented by the aforementioned officials, i.e. Jan Lešingar, Jan Setčar, and Valenta Mlejnař. According to this contract, at the request of the aforementioned Havel, the maiden Anna was promised by the authority, her mother, and her friends, to enter into the holy state of matrimony with him, whereas the aforementioned Havel chose the maiden Anna to be his faithful wife, accepting her as the rightful, powerful and hereditary mistress in his entire estate, which the Almighty has granted him and will continue to grant him, as well as in anything he inherits from his parents and other relatives, making no exceptions for himself. Furthermore, if the Almighty takes Havel by means of death (may God forbid) before the maiden Anna, then his estate shall remain with the aforementioned maiden Anna in its entirety as if he himself owned it, without any deposits, with payments also made annually as had been customary for him, in all matters, so that she may have an undisputed equal share of the inheritance and use it as the rightful heiress. From the inheritance that passed on to Havel from his first wife in Rohle, an amount of 100 R is set aside for the upbringing of the three children conceived with his first wife. On the other hand, anything that the maiden Anna may inherit from her parents in the future, will also belong, without exception, to Havel as the rightful heir. This took place in the year and on the day stated above.

2. The marriage contract between Havel Plucar and the respectable Anížka, daughter of madam Mandaléna Hertlová (24 January 1580)

In the year of our Lord 1580, on Sunday before the Conversion of Paul the Apostle, in the presence of a full council, in the time of burgomasters Lorenz Lang, Jan Hlaváč, Vencľ Friedl, Wolf Fikar, and their council, a marriage contract, friendly, complete and perfect was made between the respectable young man Havel, the son of the late Martin Plucar, as the groom on one side and the respectable maiden Anížka, the daughter of madam Mandaléna Hertlová, as the bride on the other side, in the presence and with the assistance of good men and friends, namely Jan Strniska, Lorenz Lang, Jan Gerešderfer, the bailiff of Podolí, Ondra Ježek, Vítek and Jakub Plucar, representing the groom, and the burgomaster and the aforementioned officials representing the bride, also in the presence of Blažek Hertl and Florian Krejčí. According to this contract, the aforementioned Havel chose the respectable maiden Anížka to enter into the holy state of matrimony with him, asking the aforementioned officials, her mother, brother, and friends for permission to claim her as his faithful wife. This request was made because Havel's mother, as instructed by the late Martin Plucar, father of the aforementioned Havel, the groom, was to use the estate left by him for another year, along with all outbuildings, and after the expiration of that year, the said estate was to pass to Havel. However, according to the aforementioned instructions, Havel's mother was entitled to a field the size of $\frac{1}{4}$ lan¹ from the same estate while she was alive, whereupon after

1 Lan = unit of measurement.

her death that field the size of ¼ lan would again return to the estate to prevent its division. According to these instructions, the aforementioned Havel accepts Anička into the entire aforementioned estate left by his deceased father as a powerful mistress and rightful heiress, so that she may govern over everything with authority alongside Havel, her husband, as well as over her own estate. The instructions further state that after Havel's death (should God call him from this world sooner than her), she is to remain a powerful and rightful heiress to everything without exception doing so without any hindrance from Havel's friends. On the other hand, Havel, in turn, has the full right to anything that belongs to the maiden Anička and all that she will inherit from her parents, even after her death, should God call her from this world before Havel, with no stipulations from either side. This took place in the year and on the day stated above.

3. The marriage contract between Bartoň Tomáš and Maruše, daughter of madam Mandaléna Hertlová (15 February 1584)

In the year of our Lord 1584, on Wednesday after Saint Valentine's Day, in the time of burgomasters Jan Strnisko, Kašpar Medek, Jan Bednář, Gregor Kramář, and their council, a marriage contract, complete and perfect was made between Bartoň Tomáš as the groom on one side and the respectable maiden Maruše, daughter of madam Mandaléna Hertlová as the bride on the other side. According to this contract, the aforementioned Bartoň chose the maiden Maruše to enter into the holy state of matrimony with him and through his friends he made it known that he accepted her as the rightful heiress and powerful mistress in his entire estate, which he currently owned or may own in the future, making no exceptions for himself, to remain a powerful mistress without any hindrance should the Almighty call him from this world before the maiden Maruše. On the other hand, Bartoň, in turn, has the full right to anything that the maiden Maruše will inherit from her parents in the future, making no exceptions for herself, and to use it all as the rightful heir, without any hindrance. During the conclusion of this contract, Lorenz Lang and Ondra Gietzek were present from the groom's side while the aforementioned officials, madam Mandaléna Hertlová the bride's mother, Havel Plucar, Vítek Plucar, and Havel Sedláček of Libiva represented the bride.

4. The marriage contract between Václav Fotrle and the maiden Barbora, the daughter of the late Tomáš Hertl (13 January 1587)

In the year of our Lord 1587, on Tuesday before Saint Anthony, in the presence of the then burgomasters, Jan Grotek, Pavel Frýdl, Jan Bednář, Jan Pekař, and their council, a Christian marriage contract was made, complete and perfect, between Václav Fotrle as the groom on one side, and the respectable maiden Barbora, daughter of the late Tomáš Hertl, on the other side. According to this contract, the aforementioned Václav chose the maiden Barbora to enter into the state of holy matrimony with him and through his friends whose presence he had requested for this occasion he made it known that he accepted her as the rightful heiress and powerful mistress in his small estate which he currently owns or may own in the future, making

no exceptions for himself, to remain a powerful mistress without any hindrance from Václav's friends, should the Almighty call him from this world before the maiden Barbora. On the other hand, the aforementioned Václav, in turn, has the full right to anything that the maiden Barbora will inherit from her parents in the future, making no exceptions for herself and to use it all as the rightful heir, without any hindrance. During the conclusion of this contract, Lorenz Lang, Jan Hruška, Motl Fotrle, and Valta Halaman were present from the groom's side, while the aforementioned officials, madam Mandaléna Hertlová the bride's mother, Blažek Hertlú her brother, Havel Sedlák, Havel Plucar, and Jan Setčar represented the bride.

5. Blažek Hertl bought from Mandaléna Hertlová, his mother, an estate left by his deceased father (5 April 1588)

In the year of our Lord 1588, on Tuesday following Passion Sunday, in the time of bailiff Urban Holý, before the burgomasters Jan Lešingar, Franz Ondra, Wolf Fikar, Jan Hruška, and before their council, also in the presence of other officials, particularly Jan Grotek and Lorenz Lang, a complete and perfect transaction took place with the knowledge and instruction of the noble sir Hanuš Pavlovský of Pavlovice, an official in Mírov, between Mandaléna Hertlová and her son, Blažek Hertl. According to this transaction, the aforementioned Blažek purchased from Mandaléna, his mother, an estate left by his deceased father, namely a house on the outskirts, half a lan with wagons, horses, and all farming equipment to be used to the extent that it has traditionally been used for, for a total of 900 hřivnas of the old type. A deposit of 120 hřivnas in cash will be paid. Half of this deposit is to be paid to Mandaléna Hertlová, the other half is to be divided equally among all heirs, with each receiving 15 hřivnas. He has begun his payment last year on Saint Wenceslas Day paying out 12 hřivnas to each until the aforementioned sum is fully paid off.

As a part of the transaction, madam Mandaléna Hertlová also requested that she be allowed to use until her death a nearby field the size of $\frac{1}{4}$ lan known as Galikovská, where the aforementioned Blažek will be obligated, as is the custom, to fertilise 10 beds each year, harvest from the field, and do any other necessary work there until her death. And after her death, that field of the size of $\frac{1}{4}$ lan will once again become part of Blažek's estate. In place of that field, madam Manda will have the power to bequeath the rear field the size of $\frac{1}{4}$ lan to anyone she pleases, whether she be in good health or on her deathbed, without any hindrance. She also requested a chamber for herself, known as "*světnička*", i.e. a small room upstairs in her son's quarters, and one cowshed for livestock and fodder. Furthermore, she would continue to keep different livestock without any hindrance, and three cows that Blažek would feed and care for until her death. She is also entitled to any interest and instalments from the loans provided by her deceased daughter, until her own death. She is to keep her belongings in the aforementioned small room until her death. As for making malt, she requested, should she wish to, to always make the third malt by Blažek. She also asked for the large table and for Blažek to supply her with firewood until her death, as much as she may need. If Blažek were to pass away before his mother, these provisions will continue to fully apply to any owner of the estate until Manda's death, without any hindrance.

To remember:

- Marriage contracts were not merely agreements on entering into marriage but their main role was to regulate future property relations.
- The date of the conclusion of the marriage contract often differed from the actual wedding date.
- The concepts of the dowry and dower evolved and changed their significance over time.
- Land registers primarily contain records related to property changes in specific immovable property. Marriage contracts and testaments can also be found there.
- Land registers rank among the most abundant sources from the early modern period.
- Individual records in registers of marriage contracts and land registers replaced and were equal to the separate drafting of deeds.

Questions:

1. What did the conclusion of a marriage contract ensure in the early modern period?
2. What are land registers?
3. Name some other terms for land registers.
4. Define the concepts of the dowry, dower, and the bottom drawer.

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**SLEZSKÁ
UNIVERZITA**
FILOZOFICKO-
PŘÍRODOVĚDECKÁ
FAKULTA V OPAVĚ

LITTLE (BIG) WOMEN

Summer School of Historical Sources for Family Research and Gender History

The Textbook

**Mária Fedorčáková, Tetiana Hoshko, Urszula Kicińska, Kristýna Kirschnerová,
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