

## **International Conference**

# **New Perspectives on Gender and Legal History: European Traditions and the Challenge of Global History**

**April, 2nd-4th 2009, Goethe University, Frankfurt am Main  
(Campus Westend, IG Farben Haus, Room 411)**

Fifth conference of the international research network  
„Gender Difference in the History of European Legal Cultures“

Sponsored by  
Deutsche Forschungsgemeinschaft  
Vereinigung von Freunden und Förderern der Goethe-Universität  
Historiae faveo – Förderverein Geschichtswissenschaften an der Goethe-Universität

### Organizers:

- Dr. Karin Gottschalk  
Historisches Seminar, Goethe-Universität Frankfurt am Main  
k.gottschalk@em.uni-frankfurt.de
- Dr. Grethe Jacobsen  
Danish Department, Royal Library Copenhagen  
gja@kb.dk
- Prof. Dr. Dr. h.c. Heide Wunder  
Fachbereich 5 Gesellschaftswissenschaften, Universität Kassel  
dhwunder@t-online.de

## **Aims of the Conference**

Law is a central element of social and political order - with it, power is institutionalized, actions are structured and sanctioned. Fundamental concepts of order are expressed and legitimised by law. This is especially true of gender difference. Until equal rights won out as the norm, differentiating legal capacities of persons by their gender meant assigning distinct forms of legally defined agency to men and women and fixing gender hierarchy. Nevertheless, even while formal equality is established throughout Europe since the 20<sup>th</sup> century, gender difference in law remains a precarious question.

The international research network „Gender Differences in European Legal Cultures“ aims at bringing together scholars who analyse in historical perspective the significance and function of gender differences in European legal cultures. This will help widen the possibilities of interdisciplinary and comparative work. The network is concerned with all fields of law – such as criminal, public, civil and procedural law – although focusing especially on civil law. Our intention is a gendered history of law which not only increases our knowledge of legal norms explicitly concerning women or men, but also questions the construction of law itself. In addition, the network directs its special attention to legal practice inside as well as outside the court and to relations of legal and social norms. Legal pluralism, the subsidiary of legal norms and competitive jurisdiction of different institutions concerned with the administration of justice are analysed as to the agency they grant women and men and to their influence on shaping gender difference.

After the network's meetings in Frankfurt am Main (2000), Trent (2002), Copenhagen (2004) and Crete (2006) the fifth conference will again take place in Germany, this time hosted by the Goethe University of Frankfurt am Main. The aim of this conference is two-fold: to work out common traditions and different traits of European legal cultures by comparative research and to enrich our perspective by the flowering research on gender and global history. This research has shown the necessity to extend our focus of attention and marks a challenge to concepts, methods and narratives of gender and legal history.

The conference will be composed of three parts, each starting with a lecture given on general considerations:

- Gender constructions in medical and religious discourses and their impact on jurisprudence and jurisdiction
- Comparing legal cultures: differences and similarities, concepts and methods
- Gendered legal cultures in global perspective: encounters and conflicts, transfers and interactions

In addition to these main parts there will also be short presentations of current research projects on gender difference in legal cultures in general.

## Program

*Thursday, April 2, 2009:*

9.00 Introduction by the Organizers

*Part I: Gender constructions in non-juridical discourses and their impact on jurisprudence and jurisdiction*

*Chair: Grethe Jacobsen (Copenhagen)*

9.30 Evdoxios Doxiadis (Athens): The effects of non-juridical gender constructions on legal developments – some general considerations

11.00 Coffee Break

*Section 1: Philosophy and Theology, Religions and Confessions*

11.30 Linda Guzzetti (Berlin): Women in court in 14<sup>th</sup>-century Venice: The meaning of “equality” and “rationality” in written law and in court

Cecilia Cristellon (Rome): ‘Unstable and weak-minded’ or a missionary? Catholic women in mixed marriages (1563-1798)

13.00 Lunch Break

*Chair: Heide Wunder (Kassel/Bad Nauheim)*

14.30 Ellinor Forster (Innsbruck): Between law, gender and confession: Catholic, protestant and jewish matrimonial law in Austria, 18<sup>th</sup> and 19<sup>th</sup> centuries

Inken Schmidt-Voges (Osnabrück): Paternal authority or maternal charity – male violence or female disobedience? Gender construction in the religious concept of “Hausfrieden” and its impact on domestic litigation in 18<sup>th</sup> century Germany

16.00 Coffee Break

*Chair: Nina Koefoed (Aarhus)*

16.15 *Section 2: Society and Politics, Medicine and Science*

Ulrike Haerendel (Munich): Gender disparities in social law: The treatment of male and female pensioners by the pension insurance institutions of the German “Kaiserreich”

Katja Geiger (Vienna): Gender in forensic case histories: Infanticide in the first part of the 20<sup>th</sup> century

Ulrike Klöppel (Berlin): Who has the right to change gender status? Drawing boundaries between inter- and transsexuality, 1950-1980

*Friday, April 3, 2009:*

*Part II: Comparing Legal Cultures: Differences and Similarities, Concepts and Methods*

*Chair: Isabelle Chabot (Florence)*

- 09.00 Maria Ågren (Uppsala): For better for worse. Swedish early modern marriage law in an international perspective
- 10.30 Coffee Break
- 11.00 Zlatomira Gerdzhikova (Sofia): Gendered social positions based on civil and canon law differences in the early Middle Ages: Western Europe and the Balkans in comparison
- Jurgita Kunsmanaite (Budapest): Property status of widows and widowers in 16th-century Lithuania compared to Central and Western Europe
- Karen M. Kern (New York): Gender, islamic law, and milk marriage in late Ottoman Birecik
- 13.15 Lunch Break

*Presenstation of current research projects on gender differences in legal cultures*

*Chair: Anna Bellavitis (Paris)*

- 15.00 Romy Kunert (Trier): Gender differences and family strategies in the legal culture of medieval Genoa
- Hiram Kümper (Vechta): The injured body in context. Outlines for a legal history of rape in pre-modern Europe (c. 1250-1750) in cultural perspective
- 16.00 Wiebke Jensen (Göttingen): "Hat mich der Beklagte wiederholt zum Beischlafe zu verleiten gewußt" – Women and men in court in Hannover, 1814-1879
- Sonja Niederacher (Vienna): Wealth formation via dowry in 20th century Austria

*In association with the Cornelia Goethe Center for Women's and Gender Studies:*

- 18.15 Evening Lecture
- Silvana Seidel Menchi (Pisa): The power to say „No“. Polygamy, Monogamy – and Human Rights

*Saturday, April 4, 2009:*

*Part III: Gendered Legal Cultures in Global Perspective: Encounters and Conflicts, Transfers and Interactions*

*Chair: Aglaia Kasdagli (Crete)*

09.00 Jutta Sperling (Amherst): Across the religious divide. Women's property rights in the wider Mediterranean (ca. 1300-1800)

10.30 Coffee Break

11.00 Mareike Menne (Stuttgart): Of men without pigtales and women with big feet. Hybrid law, gender, and culture in 17<sup>th</sup> century Batavia

Michaela Bank (Frankfurt a. M.): Representing „universal sisterhood“ – countering nativism. Migrant women, citizenship and suffrage in the 19<sup>th</sup>-century US women's rights movement

12.30 Lunch Break

*Chair: Gerhard Jaritz (Budapest)*

14.00 Reut Yael Paz (Rishon LeZion): The contribution of 20<sup>th</sup>-century Jewish German speaking female scholars to international law and global consciousness

15.00 Grethe Jacobsen (Copenhagen): Travelling with gender to different legal cultures – experiences and perspectives

*Final discussion, planning of the next conference in Budapest*