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Slika Device iz Čenstohove, samostanska in župnijska cerkev sv. Petra in Pavla v Sv. Petru u Šumi v Istri / Immagine della Madonna di Czestochowa, chiesa monastica e parrocchiale dei Santi Pietro e Paolo Apostoli a San Pietro in Selve in Istria / Painting of Our Lady of Czestochowa, monastery and parish church of St Peter and Paul in Sv. Petar u Šumi in Istria (foto/photo: Gaudencije Vito Spetić).

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REVIEWS

Teresa Phipps & Deborah Youngs (eds.):

Litigating Women: Gender and Justice in Europe, c. 1300–c. 1800

(Veronika Kos)	173
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Teresa Phipps & Deborah Youngs (eds.): LITIGATING WOMEN: GENDER AND JUSTICE IN EUROPE, C. 1300–C. 1800.

London, Routledge,
2022, 252 pages.

For a long time, historiographical studies have considered law in premodern Europe as a man's world. Despite the plurality of European legal systems at the time, it was well-known to all that women were regarded as inferior compared to men. In mediaeval and early modern Europe, noblewomen and widows were seen as the only ones of their gender who had any independent legal status. This should also be evident through the preserved legal sources, which, according to the principle of *patria potestas* (Latin: 'power of the father'), treated women as 'daughter of X', 'wife of Y' and even as 'widow of Z' rather than as independent legal entities. In this context, the law has been interpreted as something 'done to' women; a system of patriarchal 'restrictions on women's legal rights and capacity' (p. 2).

Consistent with these views, the early studies of premodern women in Europe and their involvement in the law were based on the assumption that there was little or no point in discussing the role of women as litigants because they would probably not be found in the sources. However, since the turn of the twenty-first century, the research on women's engagement with the law in premodern Europe has changed. A growing body of studies has shown how a careful reading of legal sources can help us recover women's experiences in a wide range of legal situations. *Litigating Women: Gender and Justice in Europe, c.1300–c.1800*, published in 2022, falls among them.

This collection of studies, which was edited by Teresa Phipps, a social historian of late mediaeval England and Wales, and Deborah Youngs, a professor of history at Swansea University (UK), explores the diversity of women's legal experiences, from late mediaeval Marseille to eighteenth-century Ireland. The book is divided into twelve chapters written by both established and young researchers, which follow the preface.

The first chapter, *Mothers and daughters and sons, in the law: Family conflict, legal stories, and women's litigation in late medieval Marseille*, was written by Susan McDonough, an associate professor of history at the University of Maryland (USA). Based on three case studies, McDonough shows how as litigants, women used the civil court, a public forum, not only to protect their property rights but also to 'argue publicly for the righteousness of their claims of the soundness of their judgement, and of their communal good standing' (p. 14). She builds on the findings of Daniel Lord Smail, who, among others, argued that going to court was about (much) more than simply winning a case. Through her study, McDonough shows that after marriage, women remained deeply intertwined with their natal families, contrary to the viewpoint of some researchers, who propose the opposite.

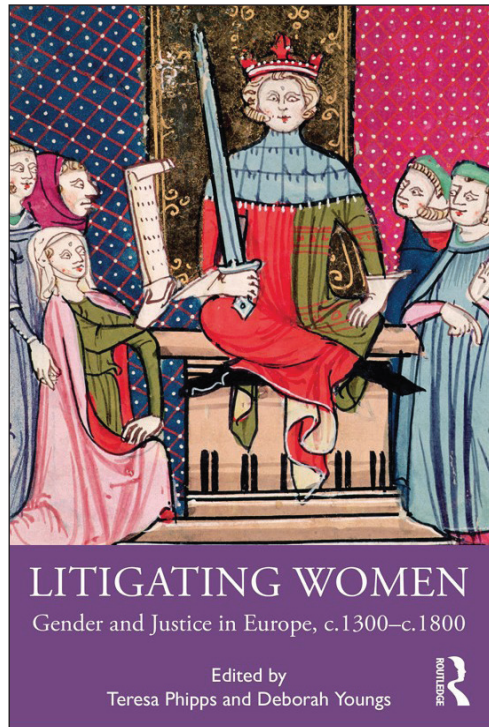
The second chapter, *Consent and coercion: Women's use of marital consent laws as legal defence in late medieval Paris*, was written by Kristi DiClemente, an associate professor at Mississippi University for Women (USA). In her research, DiClemente states that because of the higher degree of women's participation in marriage disputes, more specifically disputes regarding marriage consent, these types of conflicts give us a good insight into women's understanding of the legal knowledge that circulated in their local communities. She argues

that women in fourteenth-century France recognised the value of verbal marriage consent and used this knowledge to successfully navigate within the legal system.

In the third chapter, entitled *Shades of consent: Abduction for marriage and women's agency in the late medieval Low Countries*, Chanelle Delameillieure, a postdoctoral researcher at KU Leuven (Belgium), discusses the well-known social practice of women's abduction. While some scholars believe that abduction of women for marriage can be interpreted (only) as a form of a socio-economic strategy used by men, others argue that so-called consensual abduction, 'self-kidnapping', which could be the result of love, opposition to parental demands, etc., should be taken into consideration as well. However, Delameillieure argues that both historiographical tendencies can lead to oversimplifying historic reality. She proposes that the praxis of abduction should be seen as a complex process in which women should not be simply reduced to passive victims even if they were (because of social expectations and cultural views regarding honour, sexuality, etc.) generally married to their abductors.

The analysis of marriage disputes is also the focus of the fourth chapter, *Female litigants in secular and ecclesiastical courts in the lands of the Bohemian Crown, c.1300–c.1500*, written by Michaela Antonín Malaníková, an assistant professor of mediaeval history at Palacký University Olomouc (Czech Republic). The author focuses on marital conflicts in order to understand what types of marital issues were taken to the ecclesiastical courts, what motivated women plaintiffs to take their 'personal' issues to the court, and how, as litigants, they negotiated their cases.

The fifth chapter, *Widowhood and attainder in medieval Ireland: the case of Margaret Nugent*, written by Sparky Booker, an assistant professor of history at Dublin City University (Ireland), deals with a similar research problem. Based on a case study of a wealthy widow from the English colonial community in late mediaeval Ireland, Booker tries to answer the question of how much and in what ways gender influenced women's pleading strategies and experiences at law. The case study gives a rare insight into the language of a female litigant before the Irish parliament and helps the author show that gender provided both aids and barriers but represented only one of the factors; however, other factors, such as social status, have to be taken into account as well.



The next chapter takes a more quantitative approach. In *Choosing Chancery? Women's petitions to the late medieval court of Chancery*, Cordelia Beattie, a senior lecturer in mediaeval history at the University of Edinburgh (UK), uses women's bills to the Court of Chancery to ponder why women approached it. Because of the restrictions that women faced under common law, the Chancery should be a particularly appealing jurisdiction for women in premodern England.

In the seventh chapter, *Gender roles and female litigants in north-eastern England, 1300–1530*, Peter L. Larson, an associate professor of history at the University of Central Florida (USA), demonstrates that contrary to traditional interpretations, women in some manorial and borough courts of north-eastern England were, despite restrictions consistent with the Common Law concept, active litigants. Most women who pursued claims did so on their own, regardless of an individual's marital status. In accordance with already-known findings, Larson also confirms that both local customs and conditions strongly influenced the lives of premodern women, as well as their experiences at law and that the person's social role mattered more than their gender before the court (p. 119).

The complex marital identities within different legal circumstances are also at the core of the eighth chapter. In *Property over patriarchy? Remarried widows as litigants in the records of Glasgow's commissary court, 1615–1694*, Rebecca Mason, a postdoctoral fellow at the University of Glasgow (UK), argues that remarried widows should not be considered in the broad category of 'married women', but as a separate group of married female litigants. She states that such a methodological approach can show us 'the importance of eschewing the homogeneity of collective "women's experiences"' (p. 147). In her analysis, Mason also briefly touches on the experiences of the husbands of remarried widows, a previously overlooked group.

In the ninth chapter, *Women negotiating wealth: gender, law and arbitration in early modern south Tyrol*, Margareth Lanzinger, a professor of economic and social history at the University of Vienna (Austria), and Janine Maegraith, a research associate at the same faculty, try to reconstruct the context of conflicts and their resolutions in order to better understand the participation of women in these settings. Lanzinger and Maegraith outline a broader context of women's involvement in conflict situations in German-speaking areas. Thus, they create a cooperative perspective for the second part of their research, where they analyse and interpret a set of cases from early modern southern Tyrol, focusing particularly on arbitration procedures and family conflicts. Their treatment of a gender guardian (*Geschlechtsvormund*, or *Anweiser* in German) should be highlighted; the role usually raises the debate of women's legal inequality in court, but the authors argue that the presence could also have a positive function.

The following chapter, *A litigating widow and wife in early modern Sweden: Lady Elin Johansdotter [Månesköld] and her family circle*, focuses even deeper into women's legal agency. With the help of a case study of a particular noblewoman who was involved in multiple lawsuits at the Svea Court of Appeal in the first decades of the seventeenth century, Mia Korpiola, a professor of legal history at the University of Turku (Finland), demonstrates that the ability to litigate did not adhere strictly to the rules outlined in the written law regarding the rights of single, married and widowed women to file lawsuits and provide answers in court.

The eleventh chapter was written by Mary O'Dowd, an associate professor of history at the University of Maryland, Baltimore County (USA). In her article, entitled *Women litigants in early eighteenth-century Ireland*, O'Dowd shows that despite the destruction of court records in Dublin (1922), it is possible to reconstruct Irish women's engagement in the early modern legal system. With the two case studies, she draws attention to the potential of early modern English court records. An Irish litigant could file an appeal in a higher court in London if they were dissatisfied with the verdict in a Dublin court.

In the last chapter, *Hidden in plain sight: female litigators, reproductive lives, archival practices and early modern French historiography*, Julie Hardwick, a John E. Green Regents Professor of history and a Distinguished Teaching Professor at the University of Texas-Austin (USA), looks at the ways in which various actors within the local communities connected to help young single women use the legal system in order to address the issues of (I) female fertility in a time without reliable contraception and (II) men's unpredictable behaviour as partners in a society where premarital sex was the norm. Through her study, Hardwick shows that in the Old Regime, single women litigated about their premarital pregnancies to repair their honour, secure financial stability, etc. She also demonstrates that the issue of wedlock pregnancy was the problem of the whole local community and that a single mother could rely on its support in times of need.

Each chapter in *Litigating Women* should be treated as an independent study within its specific context. However, precisely because of the broad treatment of its topic, the edited collection represents an important contribution to our understanding of women's involvement with the law. The preface of the volume, written by the two editors, provides a helpful introduction to the field, which is analysed more in-depth throughout the work. The work not only covers a large period, but it also focuses on different parts of Europe, although the majority of contributions are still focused mainly on the British Isles.

Nevertheless, the researchers more than successfully demonstrate that it is possible to talk about women's experience at law. They also show that this does not mean that all women shared a common 'female' experience. Gender was just one of many intersecting factors that formed each woman's identity and contributed to her experience with the law. Because several factors need to be taken into consideration, women should not be seen as a monolithic but as a heterogeneous group.

Because of its broad approach, *Litigating Women* is suitable not only for individuals who are interested specifically in gender history or women's participation with the law, but for anyone interested in cultural and social history. The wide range of applied literature provides an excellent starting point for further similar studies. Additionally, because the individual studies are based on original archival material, this work also represents an important contribution to the value of legal sources in historical research.

Veronika Kos