

International Conference

**New Perspectives on Gender and Legal History:
European Traditions and the Challenge of Global History
(Middle Ages to 20th Century)**

**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 Frankfurt a.M.

Organizers:

- Dr. Karin Gottschalk
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- Dr. Grethe Jacobsen
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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 20th 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 twofold: 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.

Provisional Programm

Thursday, April 2, 2009:

9.00-9.15 Welcome by the Dean

9.15-9.45 Introduction by the Organizers

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

Chair: Anna Bellavitis (Paris)

9.45-11.15 Evdoxios Doxiadis (Princeton): Gender constructions in non-judicial discourses – general considerations
(45 min + 45 min discussion)

11.15-11.45 Coffee Break

Section 1: Society and Politics

Doron Avraham (Tel Aviv): The limits of social transformation: The discussion of the legal status of women in Germany, 1848-1871

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

(2 papers á 20 min, 50 min discussion)

13.15-14.45 Lunch Break

Chair: Karin Gottschalk (Frankfurt a.M.)

Section 2: Medicine and Science

Alexandra Ortman (Göttingen): The principle of legal (un)certainty – Women, Psychology and the German *Strafprozessordnung* of 1879

Katja Geiger (Wien): Gender in forensic case histories: Infanticide in the first part of the 20th century

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

(3 papers á 20 min, 60 min. discussion)

16.45-17.15 Coffee Break

Chair: Grethe Jacobsen (Copenhagen)

Section 3: Philosophy and Theology, Religions and Confessions

Ellinor Forster (Innsbruck): Between law, gender and confession: Catholic, protestant and jewish matrimonial law in Austria, 18th and 19th 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 18th century Germany

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

(3 papers á 20 min, 60 min discussion)

19.30 Dinner

Friday, April 3, 2009:

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

Chair: Isabelle Chabot (Florence)

- 9.30-11.00 Maria Ågren (Uppsala): Comparing legal cultures – general considerations (45 min + 45 min discussion)
- 11.00-11.30 Coffee Break
- 11.30-13.00 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 (2 papers á 20 min, 50 min discussion)
- 13.00-14.30 Lunch Break

Chair: Nina Koefoed (Aarhus)

- 14.30-16.00 Anna Loutfi (Budapest): Gender difference and the dichotomous construction of 'state' versus 'non-state law': The case of Hungary (1848-1913) in the broader European context
- Karen M. Kern (New York): Gender, islamic law, and milk marriage in late Ottoman Birecik (3 papers á 20 min, 60 min discussion)
- 16.00-16.30 Coffee Break

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

Chair: Aglaia Kasdagli (Crete)

- 16.30-18.00 Romy Kunert (Trier): Eigen- und Fremdwahrnehmung der rechtlichen Handlungsspielräume von Männern und Frauen im mittelalterlichen Genua
- Wiebke Jensen (Göttingen): "Hat mich der Beklagte wiederholt zum Beischlufe zu verleiten gewußt" – Women and men in court in Hannover, 1814-1879
- Hiram Kümper (Bochum): The injured body in context. Outlines for a legal history of rape in pre-modern Europe (c. 1250-1750) in cultural perspective (3 papers á 15 min, 45 min discussion)
- 19.00 Evening Lecture
- Silvana Seidel Menchi (Pisa): The power to say „No“

Saturday, April 4, 2009:

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

Chair: Heide Wunder (Kassel/Bad Nauheim)

- 9.30-10.30 Sophie Bollen (Brüssel): The professional purge of female employees at the Belgian Department of Telecommunications after World War II: a gender analysis of eruption files
Sonja Niederacher (Wien): Wealth formation via dowry in 20th century Austria
(2 papers á 15 min, 30 min discussion)
- 10.30-11.00 Coffee Break

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

Chair: Gerhard Jaritz (Budapest)

- 11.00-12.30 Jutta Sperling (Amherst): Across the Religious Divide: Women's Property Rights in the Wider Mediterranean (ca. 1300-1800)
(45 min. + 45 min. discussion)
- 12.30-14.00 Lunch Break
- 14.00-16.00 Mareike Menne (Stuttgart): Of men without pigtails and women with big feet. Hybrid law, gender, and culture in 17th century Batavia
Michaela Bank (Frankfurt a.M.): Representing „universal sisterhood“ – Countering nativism. Migrant women, citizenship and suffrage in the 19th-century US women's rights movement
Reut Yael Paz (Tel Aviv/Berlin): The contribution of 20th-century jewish German speaking female scholars to international law and global consciousness
(3 papers á 20 min, 60 min. discussion)
- 16.00-16.30 Coffee Break
- 16.30 *Final discussion, planning of the next conference in Budapest*