



WOMEN WITHOUT A MAN

Widowhood in pre-17th century Spain

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Mourning

Due to notorious excesses at funerals throughout the 12th century, 13th century Iberia monarchs began to curtail mourning and funerary activities

- At Zamora, only widows, widowers, children & servants of deceased were allowed to tear their faces and dress in mourning garb
- At Soria, laws were passed concerning whole funeral party
 - only widows were permitted to dress in sackcloth and “tear their faces” over the grave of a man
 - Other women allowed to weep and mourn, but not tear their faces/hair
 - Wine forbidden at wakes (except to clergymen)
- At the 1258 Cortes de Valladolid - king banned “ostentatious finery” at funerals
 - Mourners only permitted to wear white, black, and grey
 - Only social equals of the deceased allowed to wear mourning at all

Spanish Catholicism on Widows

Isidore of Seville (560-636 CE) - Sevillian archbishop largely responsible for the mass conversion of the Visigoths in Spain, whose writings laid the groundworks for most of medieval Christianity

Isidore defined widows as “formerly married women who neither remarried nor consorted with men”

- “Excessively lazy, garrulous, interfering busybodies”
- “Unbridled concupiscence” of widows was the main cause of a loss of faith among those who had taken vows

Isidore recommended that widows emulate Naomi, Judith, Tabitha, or St. Anne, because these women exemplified qualities that widows lacked: loyalty, compassion, courage, purity, and maternal dedication

Unmarried women in general were dangerous - widows provoked distrust & anxiety, as they were neither virgins nor wives and thus did not promote ideals of chastity and Christian marriage

Ideally, most churchmen preferred that widows remarry or join the convent, but ultimately the decision was up to the woman

If a woman chose not to remarry or enter a convent, she was expected to remain celibate indefinitely

Miserables personae

Widows, orphans, invalids, and the poor comprised a group called *miserables personae* (persons who deserved pity) that were protected by both church and state

Fuero of Aragon designated widows as persons to be protected from military violence

The Economics of Widowhood

Marriage in Iberia was “a society of acquisitions to which both contributed capital and from which each claimed varying proportions of profits and debts”

Widow's Property

A widow's property included:

1. Any endowment from her husband
2. Her wedding trousseau
3. Any inheritance from her parents
4. Everything she solely owned before marriage
5. Whatever part of the acquired property and debts the town allowed her

However, most of a man's property went to his children or others heirs, which caused problems we'll get to later

Inheritance

Partition of the estate usually took place as soon as possible after the funeral, and the wife's inheritance (and economic security) was dependent largely on that partition
→ which could be delayed by the age of any children, the wishes of the husband's heirs, their absence from town, etc.

There were several options to postpone the partition of the estate in such a way that would benefit the widow

Jointure agreement (widow permitted to use the property of the deceased)

- *hermandad* - partition postponed until after the widow's death
- *medietas* - in the case of no heirs, full ownership of all movables and real property transferred to surviving spouse

Will that made the wife her husband's heir (unrestricted wills were not legal in Castile until the 13th century)

Bequests

In Castile, spouses were allowed to leave to one another a gift (*un dadío*), usually one house out of several that the couple may own

- Children got the first choice of houses
- Survivor couldn't take the best house even if it were the couple's primary residence ("best" = "a fine house with upstairs rooms and facing the main road")

Perquisites

Certain basic necessities were set aside by the town or province for the widow's use - these perquisites varied from kingdom to kingdom with some overlap

- A house (not necessarily fully furnished) (if the couple had more than one)
- The marriage bed and all its dressings
- A mule, ass, or pony, but not a horse
 - Noblewomen usually received both a riding mule and a pack mule
- All of her own clothes
- Sometimes all of the clothes her husband had bought her
- Any of her late husband's gifts to her
- Any jewelry she or her family had paid for

But about those clothes...

In Navarre, certain items of clothing and accessories allowed to widows were limited:

- Three *tocas* (hats)
 - Two for every day
 - One fancy for Sunday
- Two sheepskin cloaks
 - One for every day
 - One fancy for Sunday

Likewise, Castile allowed widows no more than three changes of dress out of the couple's acquisitions

Clothing was considered conjugal property and thus belonged to the husband unless:

- 1. a woman bought them herself*
- 2. they were a specific betrothal or wedding gift*
- 3. or they were bestowed as perquisites or bequests*

There were also better places to get perquisites

- Cuenca didn't give widows a house, mule or clothes, but she did get:
 - The marriage bed
 - A subsistence-holding with a small sown field
 - A pair of oxen
 - A vineyard (that wasn't enclosed).
- In Coria, widows received:
 - The bed and dressings
 - A small house
 - Her choice among the estate's fields and vineyards
 - Milling rights every two weeks
 - Plough animals, a mule or ass, 12 sheep and a sow
 - A Muslim slave (male or female)
 - A cooking cauldron
 - All of her clothing
- Whereas Salamanca was the place to be a widow:
 - A house
 - The bed with all its dressings
 - A table, benches, and chests
 - A field and vineyard
 - A team of oxen and an ass

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- Milling rights
 - Household goods - cauldrons, roasting spits, a fire shovel, sieves, sifters, scales, a wine barrel, cutlery, crocks, trenchers, cups, and spoons

However, if she remarried, made plans to remarry before the mandatory year wait after the funeral, or took a lover, all of the perquisites would be seized and returned to the family for partition

Guardianship

Guardianship, beginning with the death or absence of a father, was supposed to protect the children of the family through their most vulnerable years and outfit them for the adult world.

Between 1350 and 1750, more than 80% of noblemen chose their wives to be the guardians of their children

- Preservation of family, power & lineage was more important than traditional gender roles
- Expected & trained female relatives to take active part in economic & political affairs of the family
- Women of the family were considered the most competent to take care of estates and children

Three common types of guardians:

1. "When a father appoints a guardian for his children by will"
2. "When a grandfather appoints a guardian for his grandchildren" so the grandchildren would not be under the control of their father
3. A mother could appoint a guardian for children who inherit property from her, but only if these children had no father

Siete Partidas on Guardianship

"A person appointed the guardian of minors should be neither dumb, deaf, nor destitute of understanding, nor a spendthrift of his property, nor of bad morals. The party should be over twenty-five years of age, a man and not a woman..."

Except:

- Women may be appointed guardians of their children or grandchildren
- A mother who wants guardianship of her children should have it “in preference to any other of their relatives, provided she is a good and prudent woman”
 - Cannot assume guardianship over a child not related this closely

Women were almost always appointed guardian of her children even when her husband didn't specifically name her in his will

Restrictions on guardianship

The *Siete Partidas* legally prohibited women from remarrying while holding a guardianship:

“The reason why we forbid her to marry while she has charge of said children is because, on account of the great affection which she may bear to her new husband whom she has taken, she will not properly care for the persons of her children, or will do something which will result in their serious injury.”

A Legal Fiction

Women were also required to “waive the defense which the law permits to women not to have the power to bind themselves for others” - in other words, women were then permitted to participate equally in all business matters conducted with men

Therefore, the role of guardian required that the woman become **legally male**, leaving behind the social weaknesses usually afforded to women

This also allowed women to participate in the public realm, including courts of law from which she as a female was prohibited from accessing in her own right

Remarriage

- After the death of her husband, a widow had the unrestricted right to remarry
- Was allowed to choose her own husband even if her parents were still alive
- However, she was required to observe a year of mourning before remarrying or planning to remarry
- If she married too early, all claims to marital property reverted back to her husband's family for partition
- Custody of children produced during the marriage could also be forfeit

Glossary

Ascendant succession: A widowed mother could lay claim to the property/inheritance of any of her children who died without descendants of its own

Jointure: A compact made by a husband and wife during their marriage to leave the survivor the right to use or benefit from the property owned by the deceased spouse; a jointure postponed the partition of the estate among family and heirs until a predetermined time

Partible Inheritance: estate is divided more or less equally between all children

Perquisites: Basic necessities set aside from a couple's property to provide for a widow's minimum needs; these items were not required to be shared with any other heirs

Primogeniture: the right of succession belonging to the firstborn child, especially the feudal rule by which the whole real estate of an intestate passed to the eldest son

Usufruct: a legal right accorded to a person or party that confers the temporary right to use and derive income or benefit from someone else's property.

Usufructuary: the person holding the property by usufruct

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