

## Rezensionen zum Themenschwerpunkt

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Jutta Gisela Sperling and Shona Kelly Wray eds., **Across the Religious Divide. Women, Property, and Law in the Wider Mediterranean (ca. 1300–1800)** (= Routledge Research in Gender and History 11), London: Routledge 2009, VI, 309 pp., EUR 85,99, ISBN 978-0-415-99586-3.

It would be difficult to find a reviewer competent enough to discuss knowledgeably sixteen essays of such thematic and chronological breadth as those contained in “Gender, Property, and Law”. I have no claims to such competence, but the first task I set myself was to consider the volume in its editors’ own terms. Their objective, as stated in their introduction, is “to make a contribution to the growing field of Mediterranean studies by investigating the history of women, gender, and the law from a transreligious perspective” (1). Less explicit but nevertheless all-pervasive is their partisan stance (which they term “a less competitive approach”, 1) on the Eastern/Muslim and Western/Christian contrast. Most importantly, the editors also emphasise that local variations, mutual influences and common trends are salient features of their venture.

Chronologically, the various themes are considered in the framework of the *longue durée*: the contributions officially cover five centuries, just the first paper, referring to the largely uncharted territory of Copts in Islamic Egypt, goes back to the twelfth century and is somewhat set apart. On the whole, we encounter a formidable array of case studies: geographically, six papers deal with various Italian regions, a clear reminder of the variability of ideas and practices even within the same region. Two cases offer welcome insights into the Slavic countries, while Portugal, France, Spain and the Greek Aegean islands have one case study each. Three papers deal with Muslim societies, ranging from an overview of inheritance practices to localised cases. Finally, Jewish law is considered with reference to the communities of Umbria and Modena.

The authors are all able to bridge gaps in research, to stimulate comparative studies and update the existing literature and available sources. Indeed, the ample bibliographical information throughout the book is a major contribution, documenting a formidable cross-cultural and diachronic array of case studies and demonstrating a high level of research. Equally importantly, the readers are invited to explore a great variety of the

evidence most likely to provide links in the quest for the legal position of women and the ways in which property devolved to them or passed them by. It includes normative sources, in the guise of formal law (e.g. church edicts and religious rules, state legal codes, local statutes or customary norms) and documents of legal practice (e.g. fiscal documentation, litigation, marriage settlements, wills, acts of sale, endowment gifts or *waqfiyyat*/religious endowment deeds).

The volume gives a high priority to comparative history. The concept may date back to the pioneer approach of Marc Bloch, but it has assumed new dimensions in recent years. An explicit example of this is the comparison between Ottoman versus English and French women in the early modern period; in this context the Western women appear rather less well-off than their Eastern sisters, but this was not necessarily typical and there may be other factors involved. Leaving aside the fact that English Common Law of the time was notoriously sexist, there is some disparity in the quality of evidence, given that the Ottoman case is investigated much more comprehensively than the European one and that in the absence of a unified legal code in France generalisations are difficult to make.

A final point concerns another two controversial subjects in modern historiography. One is the need for the West to shake off its colonialist preconceptions, which in the case under examination take the guise of orientalism. The other is a sharp focus on mutual exchanges and acculturation. This must enrich and nuance our perceptions, but I suspect that these are still early days. I will limit myself to a minor example that I happen to know well, in which the assumption of signs of acculturation in my view leads to a misunderstanding of the real – and more straightforward – issues. It dates back to the seventeenth century, when the Aegean islands were under a peculiar Ottoman regime. It is well documented that, in accordance with the fluctuating political circumstances, the inhabitants (of whom the overwhelming majority were Greek Orthodox) used a plurality of legal systems and tended to resort to different sources of justice, including the Islamic sharia court, to which even the Jesuit missionaries had been known to appeal. This confirms that the locals were very adaptable, that they conformed readily to the authorities of the day and could be very sly. This, however, cannot lead us to assume that the Jesuits, foreigners without roots or prospects within the island community, but who had close political links with Western Europe and a sharp eye for the benefit of their church, rather than imitating the locals out of expediency were on the way to becoming assimilated into Islam.

The contributors of the volume are careful to stress that, for the most part, the investigation of the issues that they deal with is still in its infancy. For this reason, and due to the restrictions imposed on the size of the essays, every so often we find that an interesting paper has left us with a string of unanswered questions: for instance, how do the Jewish women of fifteenth-century Umbria compare to their co-religionists in other parts of Italy? Had some of them also distanced themselves from rabbinic law? If so, which factors were involved? If not, why did the female status change in this way only

in Umbria? Are there any commonalities across Italy among aristocratic women? And so on, and so forth.

To conclude, I would readily say that the papers of the volume evidence the editors' original claim that women in the Late Medieval and Early Modern Mediterranean region were more often than not active participants in the economic and social life of their respective communities and played a crucial role as channels for the intergenerational transmission of property. Similarly, it has been shown that the essays admirably stimulate comparisons and address important questions, while opening the way for further inquiries.

It has to be said, however, that, having taken a first step in the right direction, the task awaiting researchers is still enormous. If we want to make a difference to our overall understanding and start formulating tentative comparisons and interpretations, the only solution that I can think of lies in organised cooperation. A possible solution could be something like an (electronic?) network of interested scholars exchanging information and ideas, plus a workshop with very specific agenda, which ideally will result in the formulation of meaningful questions and the organisation of practicalities. The outcome will be a substantial accumulation of data across geographical, chronological and institutional divisions and in the process we will be able to trace and document variations, commonalities and changes over time. I believe that this will be another important step forward.

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Anna Bellavitis, **Famille, genre, transmission à Venise au XVI<sup>e</sup> siècle** (= Collection de l'École française de Rome 408), Rome: École française de Rome 2008, 241 pp., EUR 29,-, ISBN 978-2-7283-0840-8.

This careful study is a valuable contribution to our understanding of what is usually called family law and its relationship to social and gender order in early modern Europe. Although its subject is sixteenth-century Venice, the material analysed, along with the author's intelligent observations, will be extremely useful not only for historians of early modern Venice but also for scholars working in other periods and places of premodern Europe.

The study has two great virtues. First is Anna Bellavitis's meticulous examination of the norms that informed Venetian statute law and of the practices that constituted the 'normal'. Although the basis of Venetian marital property, succession and inheritance law was Roman law, both in statute and as statute was interpreted and applied by municipal authorities, Roman law was modified in ways that expressed slightly different conceptions of how property (and what kind of property) should be controlled during marriage, by whom, and how it should be passed at death. This account is the