

**“Mein tachter sol man zu pett und zu tisch aufseczen als
eines reichen mannes tachter”:**

**Childhood and Adolescence in Moravian Towns in the
Late Middle Ages from the Perspective of Gender**

Michaela Antonín Malaníková

The quotation used in the title of this study brings us directly among the inhabitants of medieval Znojmo, a town located in southern Moravia, not far from the border with Austria. It comes from the last will and testament of the affluent burgher Sigmund Vehiner, who in 1487 left a house with its appurtenances, a farmstead and a butcher's shop to his minor son Wolflen, a vineyard to his daughter Kateřina, while another daughter Klára was to be equipped for marriage “as befits the daughter of an affluent man” in the case of Sigmund's death.¹ This last will is an example of somewhat unequal and probably gender-conditioned distribution of the family property. In some families, most of the immovable property belonged to the sons, whereas the daughters were leaving the family house with movable property, or possibly with money. Although we encounter this type of the division of property in medieval towns, it might not have been a prevailing model. Which factors played a part in this respect? What conditions did the urban society create for the children of its citizens? How significant was their gender in this respect? We will try to find the answers to these questions in the following lines, using the example of the communities of the Moravian towns of Brno and Znojmo.

One of the reasons why precisely these two towns were chosen for the analysis is that they belonged to a single law family (the so-called South-German or Nuremberg law area),² which enables us to follow the analysed phenom-

¹ Státní okresní archiv Znojmo [State Archive in Znojmo](= SOkA Znojmo), Archiv města Znojmo [Znojmo Town Archive] (= AM Znojmo), sign. II/96, pag. 131.

² Town law in the lands of the Bohemian Crown was shaped by a complex process of interaction between domestic and imported legal practices from the second half of the 12th century on. From the beginning, there existed two main legal families – the first one influenced by the northern German (Saxon-Magdeburg) rights and the second one affected by the southern German rights. Generally on this issue see František Hoffmann, *Středověké město v Čechách a na Moravě* [The medieval town in Bohemia and Moravia] (Prague: Nakladatelství Lidové noviny, 2009), 393-404; Jiří Kejř, *Vznik městského zřízení v českých*

ena in the context of the law that was in effect at that time. Another reason is the relatively well preserved source base from these localities. The number of inhabitants of Brno fluctuated between 5,000 and 8,000 in the given time period. The town experienced its heyday in the Middle Ages after the middle of the 14th century, when it became the margravian capital of John Henry of Luxembourg, the brother of Emperor Charles IV. The town of Znojmo had a more agricultural character throughout the Middle Ages – on approximately the same area inside the town walls (about 35 hectares) there lived about half as many inhabitants as in Brno.³ The German ethnic group as well as the Catholic confession remained strongly represented among the population of both towns throughout the period. They were both negatively affected by the disputes among John Henry's successors in the last third of the 14th century, by the Hussite wars as well as by the power struggles between King George of Poděbrady and later Vladislaus Jagiellon on the one side and Matthias Corvinus on the other in the 1460s-1480s. Each of these conflicts brought about an economic recession and a related decline in the number of inhabitants.⁴

The main sources for our analysis are the 14th- and 15th-century testaments from Brno and Znojmo which are (apart from normative sources, which however provide a somewhat schematised image) the only evidence usable for our topic on wider scale.⁵ In comparison with medieval cities such as Lübeck,

zemích [The formation of urban constitution in the Czech Lands] (Prague: Karolinum 1998), 150-60.

³ See Jaroslav Marek, *Společenská struktura moravských královských měst v 15. a 16. st.* [The social structure of the Moravian royal towns in the 15th and 16th centuries] (Prague: Československá akademie věd, 1965), 35. However, one cannot think about Znojmo as a rural type of town, see Gracián Chaloupka, "Řemesla a živnosti ve Znojmě v době předhusitské" [Crafts and trades in Znojmo in the pre-Hussite period], *Vlastivědný věstník moravský* XVI (1961-1964): 51. Chaloupka also published here a list of crafts he detected in Znojmo in 1381 and 1415, see *ibidem*, 52-55.

⁴ Regarding the political situation in Moravia in the monitored period see the basic monographs that quote other relevant literature: Josef Válka, *Dějiny Moravy 1, Středověká Morava* [Moravian history 1: medieval Moravia] (Brno: Muzejní a vlastivědná společnost, 1991); Jaroslav Mezník, *Lucemburská Morava: 1310-1423* [Moravia in the Luxembourg period] (Prague: Nakladatelství Lidové noviny, 1999); Rudolf Urbánek, *Věk poděbradský*, vol. 1-4 [Poděbrad's age] (Prague: ČSAV 1915, 1918, 1930, 1962); Jaroslav Dřímál, "Účast moravských královských měst na politickém vývoji českých zemí za bezvládní v letech 1446 až 1453" [The participation of the Moravian royal towns in the political life of the Czech lands in the times of interregnum in 1446-1453], *Brno v minulosti a dnes* 8 (1966): 75-117; *idem*, "Politika moravských královských měst za feudálních rozběrů ve 40. letech 15. století" [The policy of the Moravian royal towns during the feudal disruptions in the 40s of the 15th century], *Časopis Matice moravské* 84 (1965): 132-56.

⁵ Unfortunately, no sources such as coroners' rolls survived for Moravian towns, which would allow us to look at children's everyday life and to reconstruct a much more colourful world of children, like B. Hanawalt or J. Goldberg did for medieval England; see Barbara A. Hanawalt, *'Of Good and Ill Repute'. Gender and Social Control in Medieval England* (New

Cologne or Vienna, where the numbers of extant last wills are in the thousands,⁶ the summary figure of approximately 550 testaments for Brno and Znojmo seems modest. Moreover, we need to bear in mind that the outcomes of an analysis of these last wills are representative only of the more affluent part of the urban population who had them, for a fee, recorded in the urban books, thus maintaining them for later generations.⁷ However, I think that, in spite of these restrictions, the extant testamentary corpus is representative enough to be subjected to an analysis in order to derive conclusions of more general validity. What makes the situation even more favourable is the fact that one can compare the legal practice (represented in the case of Brno by the so-called Memory Books and for Znojmo by the Book of Testaments, specifically kept from 1421) with the period's laws, above all with the Book of Law of Scribe Jan⁸ and with

York and Oxford: Oxford University Press, 1998), 158-78, Jeremy Goldberg, "Childhood and Gender in Later Medieval England," *Viator* 39 (1/2008): 249-62.

⁶ In Hanseatic Lübeck more than 6000 testaments survived from this time period, even though the vast majority of them only as regesta. In geographically close Vienna 2400 testamentary records from the years 1395-1430 are preserved in the town books, see Martin Urs Zahnd, "Spätmittelalterliche Bürgertestamente als Quellen zu Realienkunde und Sozialgeschichte," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 96/1-2 (1988): 60. In Bratislava there were over 800 of them written into the town books between 1414 and 1529; see Katalin Szende, "From Mother to Daughter, from Father to Son? Intergenerational Patterns of Bequeathing Movables in Late Medieval Bratislava," *Annals of Medieval Studies at CEU* 7 (2001): 213.

⁷ There are almost no testaments preserved in the form of charters for medieval Brno and Znojmo. For Brno there are only several individual pieces, in the case of Znojmo, there is just one; see Vincentius Brandl (ed.), *Codex diplomaticus et epistolaris Moraviae XII* (Olomouc, 1890), 414, No. 467. Regarding testamentary practice in medieval Brno see Miroslav Flodr, *Brněnské městské právo. Zakladatelské období (-1359)* [Brno municipal law. The founding period (-1359)] (Brno: Matice moravská, 2001), especially 284-98; Hana Jordánková and Ludmila Sulitková, "Zásady testamentární praxe královského města na jihočeském právu (na příkladu Brna)" [The principles of testamentary practice of a royal town based on southern German rights (on the example of Brno)], in *Pozdně středověké testamenty v českých městech: prameny, metodologie a formy využití* [Late medieval testaments in the Czech towns: sources, methodology and forms of utilization], ed. Kateřina Jíšová and Eva Doležalová (Prague: Scriptorium, 2006), 39-53. Testamentary habits in Znojmo have received the most systematic attention so far from Věra Tlapáková, "Testamenty znojmských měšťanů v pozdním středověku (do roku 1479)" [The testaments of Znojmo burghers in the late Middle Ages (until 1479)] (unpublished MA thesis, Department of History, Faculty of Arts, Masaryk University, Brno, 2004); eadem, "Testamentární praxe ve Znojmě v 15. století" [The testamentary practice in Znojmo in the 15th century], *Jižní Morava* 41 (2005): 29-43.

⁸ Miroslav Flodr (ed.), *Právní kniha města Brna z poloviny 14. století I. Úvod a edice* (hereafter as *Právní kniha I*) [The Book of Law of Brno (of Scribe Jan) from the first half of the 14th century I. Introduction and edition] (Brno: Blok, 1990); idem, *Právní kniha města Brna z poloviny 14. století II. Komentář* [The Book of Law of Brno (of Scribe Jan) from the first half of the 14th century II. Commentary] (Brno: Blok, 1992); idem, *Právní kniha města*

the so-called *Manipulus*,⁹ both originated in Brno, as well as with the *Ortholf Code* kept in Znojmo,¹⁰ which was strongly inspired by the judgements reached in Brno.

The issue of gender differentiation of the bequests is of utmost relevance, because medieval society worked as a system in which gender differences played an important part and the destinies of individuals were to a significant extent derived from their biological sex, or more precisely from the notions medieval society associated with it.¹¹ If we are to characterise the extant wills with respect to the gender and the family state of their initiators, we come to the conclusion that out of the almost 280 last wills from 1346 to 1515 still in existence for Brno,¹² three-quarters belonged to men, more than 70 % of whom were provably married. The wills of married men thus comprise more than a half of the overall number of testaments. Female burghers had 24 % of the Brno testaments written up, women explicitly described as widows comprising half of them. For Znojmo, we have a total of 270 last wills preserved,¹³ of which men's

Brna z poloviny 14. století III. Rejstříky a přehledy [The Book of Law of Brno (of Scribe Jan) from the first half of the 14th century III. Index and summaries] (Brno: Blok, 1993).

⁹ Miroslav Flodr (ed.), *Příručka práva městského (Manipulus vel directorium iuris civilis)* [The Handbook of urban law (Manipulus vel directorium iuris civilis)] (hereafter *Manipulus*) (Brno: Matice moravská, 2008).

¹⁰ SOkA Znojmo, AM Znojmo, sign. II/287/2.

¹¹ Although the main discussions on the concept of gender as part of historiography took place outside medieval studies, a number of ideas penetrated here. For an overview of other works and the major topics in this field of historical research written at the turn of the new millennium see, e.g., Bea Lund, "Mediävistische Genderforschung. Fragestellungen – Forschungsergebnisse – Geschichtsdidaktische Überlegungen," in *Zwischen Politik und Kultur: Perspektiven einer kulturwissenschaftlichen Erweiterung der Mittelalter-Didaktik*, ed. Wolfgang Hasberg (Neuried: Ars Una, 2003), 71-108, Felice Lifshitz, "Differences, (Dis)appearances and the Disruption of the Straight Telop. Medievalogy („Mediävistik“) as a History of Gender," in *Mediävistik im 21. Jahrhundert. Stand und Perspektiven der internationalen und interdisziplinären Mittelalterforschung*, ed. Hans Werner Goetz and Jörg Jarnut (Munich: Fink, 2003), 295-312.

¹² While the situation in Znojmo is somewhat "uncomplicated" from a research point of view, predominantly due to the existence and preservation of the Book of Testaments, by contrast in Brno it was necessary to assess all the entries of the so-called Memory Books on an individual basis. In the examined corpus of last wills not all the records relating to the last acquisition (in the 14th century for these acquisitions a fixed form of testament had not been shaped yet) were included. It contains only those whose record resulted from efforts to reconcile earthly affairs, and those from which it was possible to reconstruct the greater part of the last purchases.

¹³ Chronological limitations of the research are largely artificial, arising from the state of preservation of the sources. Brno Memory Books are kept till 1515. Four chronologically relevant last wills that were included into the corpus belong to the Book of Testaments of Brno, founded in 1510 (and used till 1571), Archiv města Brna [Brno Town Archive] (= AM Brno), fond A 1/3 (Sbírka rukopisů a úředních knih), manuscript nr. 49. The Book of Testaments of Znojmo contains testaments till 1529, whereas after the year 1513 only seven last wills are preserved, see SOkA Znojmo, AM Znojmo, sign. II / 96, pag. 194-204.

wills comprise 80 %. The ratio between married men and widowed women in the group of the originators is very similar to that of Brno.¹⁴ It means that women testators were mostly widows, whereas the men were usually married. These conclusions correspond to the situation in other European towns:¹⁵ in the mentioned Lübeck, for instance, married men comprised 56 % male testators, whereas married women only 8 % of the female ones. Women comprised more than half of the group of widowed persons there.¹⁶ Another fact worth mentioning is that the type of property bequeathed by male and female burghers in Moravia did not significantly differ, which is given by the strong position, both legal and factual, of widows in the urban society of the Late Middle Ages. The structure of property disposed of by the testators of both genders is similar, and it is therefore relevant to compare the strategies they applied in relation to their heirs and heiresses.

The distribution of property in individual families was influenced by a number of factors, starting with the representation of male and female heirs in the family and ending with the life cycle stage in which the individual beneficiaries were. Some of the children might have already been married when the will was composed, and the payment of dowry was in practice usually tantamount to using up their claims of inheritance from the property of the original family.

¹⁴ It was not possible to fully determine the marital status for approximately one-third of the last wills. Nor were the most likely cases (which could not be verified in other sources) taken into account to avoid biased interpretation of the results. In case of women's testaments, which could not be determined with absolute certainty, a great part probably belonged to widows, which means that the number of testaments of widows was in fact even higher. This fact corresponds to the disposition of property rights as defined in the contemporary town law – only those who had the full right of disposal, could make the legal purchases.

¹⁵ In the New Town of Prague, between the years 1455 and 1494, the female wills represent one quarter (exactly 25%), see Thomas Krzenck, "Prager und Pilsener Frauentestamente in der Hussitenzeit im Vergleich," *Mediaevalia Historica Bohemica* 4 (1995): 266. One quarter to one third representation of female wills for the medieval cities is generally a European average. But, for instance, in Cologne the situation is specific due to the favourable conditions for female entrepreneurial activities – here in the middle of the 14th century the number of female testators even outnumbered the number of their male counterparts and a large part of female testators were not married. In subsequent decades, the situation in Cologne in this respect became equal and joint testaments of spouses are becoming more and more important. This can be interpreted as an effort to ensure the spousal co-ownership (*eheliche Erwerbsgemeinschaft*), see Brigitte Klosterberg, *Zur Ehre Gottes und zum Wohl der Familie – Kölner Testamente von Laien und Klerikern im Spätmittelalter* (Cologne: Janus-Verl.-Ges., 1995), 31-34. In Brno and Znojmo we can also find examples of spousal co-ownership, but they are less numerous and often relate to situations when the spouses owned property in different towns.

¹⁶ See Birgit Noodt, *Religion und Familie in der Hansestadt Lübeck Aland der Bürgertestamente des 14. Jahrhunderts* (Lübeck: Schmidt-Römhild, 2000), 259. Widows comprised 56% of the female testators in Cologne in the 14th century and 70% in the 15th century, see Klosterberg, *Zur Ehre Gottes*, 60.

Children whose portion was already covered might not have been included in the testament alongside their other siblings.¹⁷ In connection with childhood, the coming of age is a factor that is very strongly reflected in the analysed sources. The legal status of majority was differentiated according to the child's gender: according to the Book of Law of Brno, girls came of age after completing the twelfth year of their lives, and boys after their fourteenth year, which corresponds to the letter of canon law.¹⁸ It is evident that the urban law was based, in accordance with Roman law, on the premise of sexual maturity (*pubertas*), which might have been, if needed, ascertained also by a physical examination according to secondary sex characteristics. If we proceed from the division of childhood into three stages, *infantia*, *pueritia* and *adolescentia*, the transition to sexual maturity corresponds to the transition from the second stage of childhood to the third.¹⁹ The need for legal and social protection was recognised for under-age persons, who were by definition unable to correctly distinguish between good and evil.²⁰ At the same time, it is evident that the Moravian burghers associated the coming of age with becoming economically self-sufficient. This particular aspect was certainly more important in practice than reaching some imaginary age, and we can assume with reason that precisely this was the factor that the inhabitants of towns at that time connected in their minds with the notion of "adulthood". For girls, especially those from affluent burgher classes, the level of coming of age more often coincided with entering into marriage than with biological maturity as such; it had therefore rather social character. Entering into marriage was, above all in the case of girls, a fundamental transition ritual.

The distribution of property also reflected a very complicated net of relationships in the burgher families, where children from present and previous marriages of their parents grew up together; this often resulted in tense situations, as is abundantly evidenced by the preserved heritage disputes. The situations in which the will mentions children of both genders who came from the same marriage and did not yet come of age have the highest information value with re-

¹⁷ This practice corresponds to the situation in some of the imperial and other West European cities, for example in medieval London, as stated by Barbara Hanawalt, inheritance and dowry were closely linked, because, according to the law, the girl was supposed to get her share of the family property either through a bequest in testament, or at marriage as a dowry, see Barbara A. Hanawalt, *The Wealth of Wives: Women, Law and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007), 66-68.

¹⁸ See Hanawalt, *The Wealth of Wives*, 45. Regarding the age of the majority in the Book of Law of Scribe Jan (Právní kniha), see Gertrud Schubart-Fikentscher, *Das Eherecht im Brünner Schöffebuch* (Stuttgart: Kohlhammer, 1935), 26-28.

¹⁹ See Shulamith Shahar, *Childhood in the Middle Ages* (London: Routledge, 1990), 21.

²⁰ (...) *annis puericie (...) in quibus homo nec campos nec usum plene rationis habens nec inter bonum et malum sufficienter discernere sciens iudicatur...*, see *Právní kniha* I, 249, no. 316.

spect to the questions that we ask in this analysis. An increased attention is therefore paid to these cases within the presented argumentation.

It is impossible to base the analysis of the bequests on the real value of individual items,²¹ because its determination is not unambiguous even in the seemingly simple cases of inheritances in cash. The typology of the bequeathed immovable and movable property was therefore chosen as the most suitable starting point for the comparison. Along with the division into two basic recipient categories (daughters, female relatives and friends versus sons, male relatives and friends), it may help us discover whether a certain type of property was preferentially handed down in the female, or male line. Unlike the towns of the Magdeburg area, the towns of the South German area do not apply female and male furniture (*geråde* and *herwêrde*), i.e. equipment that was to be inherited in the male or female line of the family, as a legal institution, but we may ask whether or not some form of division on the gender basis was used there as well.²² For children, this method allows us to follow the conditions that the urban society created in relation to the future generations, and more specifically whether and how these conditions were modified by the fact that the children were born in a male or female body.

The analysis of the testaments from Brno and Znojmo in relation to the individual female and male recipients has proved that providing for the closest family, i.e. one's spouse and children, was the priority for most testators. The importance of collateral family lines was thus already suppressed in favour of

²¹ It is rather impossible because except of the bequests of cash we only rarely learn the value of the legates, and if we do, it cannot be automatically considered as corresponding to reality. In practice, the combined bequests of cash and immovables are the most common, or possibly of the movables but mostly with no estimated price.

²² Regarding *gerade* or *grod* as legal institutions in the lands of the Bohemian Crown see Antonín Haas, "Ženský nábytek v magdeburské oblasti českého městského práva" [Female acquisitions in Magdeburg area of the Czech municipal law], *Sborník prací Filosofické fakulty brněnské university* C7 (1960): 141-50; lately on the same topic Michaela Hrubá, *Zvonění na sv. Alžbětu: odraz norem a sociální praxe v životních strategiích měšťanek na prahu raného novověku* [Ringing on St. Elisabeth: The reflections of social norms and practices in the life strategies of town's women on the threshold of the Early Modern period] (Prague: Argo, 2011), 62-73; Jan Mareš, "Ženská výbava v litoměřickém městském právu v předhusitské době" [Women paraphernalia in city rights of Litoměřice in the pre-Hussite period], *Porta Bohemica* 4 (2007): 54-91. For this practice in neighbouring Poland, or more precisely in Krakow and Gdansk, see Urszula Sowina, "Testamenty mieszan krakowskich o przekazywaniu majątku w późnym średniowieczu i we wczesnej nowożytności" [The last wills of burghers of Krakau on the transfer of property in the late Middle Ages and early Modern times], in *Sociální svět středověkého města* [The social world of the medieval city] (= *Colloquia mediaevalia Pragensia* 5), ed. Martin Nodl (Prague: Filosofia, 2006), 175-76; Beata Możejko, *Rozrachunek z życiem doczesnym. Gdańskie testamenty mieszczańskie z XV i początku XVI wieku* [Settlement of the afterlife. The last wills of burghers of Danzig in the 15th and early 16th century] (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego, 2010), 122-25.

the nuclear family, which can be interpreted together with Jack Goody as a consequence of urbanisation.²³ This trend is accentuated also by the relevant urban law: it supports collateral relatives only if no one from the nuclear family remained alive,²⁴ which is one of the reasons why South German laws are regarded as more progressive than North German ones in the Lands of the Bohemian Crown.²⁵ In the upshot, the preference of the nuclear family led to greater equality of daughters in urban inheritance law, among other things.

Although the records in law books represent the valid norm, it must be emphasised that it is not legislation in today's meaning of the word. In the case of the Book of Law of Scribe Jan, known also as *Brünner Schöffebuch*, on which the other analysed manuscripts are based and which became inspiration also for Bohemian codifications of the Modern Period,²⁶ it is a set of model solutions, i.e. of the legal statements proclaimed by the town council in the particular cases. Medieval urban law was living and was being searched for in every particular case; it therefore cannot be regarded as a fixed legal framework, valid under all circumstances. The issues connected with inheritance, heirs and their succession are very complex and pervade all the relevant law materials.²⁷ What is fundamental in this respect are above all the articles concerning testaments (*De testamentis*) and heirs (*De hereditatibus* and *De successionibus*) both in the Book of Law of Scribe Jan (1355-1357) and in the somewhat more recent so called Manipulus (1379-1386). From the detailed and extensive²⁸ character of

²³ Jack Goody, *Proměny rodiny v evropské historii* [The Family in European history] (Prague: Nakladatelství Lidové noviny, 2006), 32.

²⁴ It is a paragraph in the Book of Law of Scribe Jan (Právní kniha) aptly called *Quod frater patris ad bona relictia propinquior est heres quam frater matris*, see *Právní kniha* I, 263-64, No. 358. The later town law in Brno organically built on *Iura originalia*, see Miroslav Flodr (ed.), *Iura originalia civitatis Brunensis. Privilegium českého krále Václava I. z ledna roku 1243 pro město Brno* [*Iura originalia civitatis Brunensis. The privilege of the Czech King Wenceslas I. from January 1243 for the city of Brno*] (Brno: SNIP, 1993), [II Privilegium minus], No. 9: *Statuimus insuper, quod quicumque civium moriatur, si uxorem habuit vel liberos, iudex vel advocatus nequaquam intromittat se de bonis ipsorum, sed sint in potestate uxoris et liberorum*.

²⁵ There is evidence that in other Czech towns conditions for heirs and heiresses may not be equal, or more precisely, that the heiresses could be legally disadvantaged, see Antonín Haas, "Omezení odúmrti a vdovská třetina v starém českém právu" [Limitations of escheat and widow's third in the old Czech law], *Právně historické studie* 17 (1973): 210-11.

²⁶ In the examined towns these norms have remained in force throughout the whole medieval period, in fact until the end of the 17th century, when the Codification of Koldín was established, see Jordánková and Sulitková, "*Zásady testamentární praxe*," 45.

²⁷ The freedom of bequest in Brno was indirectly codified already by *Iura originalia*, see Flodr (ed.), *Iura originalia*, [II Privilegium minus], No. 9-12. For Znojmo a similar set of rights, which could be called a "foundation charter" have not been preserved.

²⁸ *Právní kniha* I: *De testamentis*, 360-72, No. 617-49, *De hereditatibus*, 252-66, No. 321-65, *De successionibus*, 356-59, No. 607-13; *Manipulus: De testamentis*, 200-10, No. 1290-1322, *De hereditatibus*, 72-83, No. 484-564, *De successionibus*, 196-99, No. 1280-86. Under the heading *De testamentis* and *De successionibus* both the texts are almost identical,

the individual sections, we can derive how significant attention was paid to testamentary and inheritance affairs by the town council. For the purposes of this study, we will restrict ourselves to the basic provisions concerning the practice in the relatively frequent situation when a man died, leaving his wife and children, and on the analysis of the sentences concerning children heirs. Furthermore, we will focus on several cases from *De hereditatibus* section that are relevant to our topic.²⁹

If the husband died, all his property was to be, according to both Brno and Znojmo law and in the standard situation, divided among his wife and children in the ratio of one to two-thirds.³⁰ The so-called widow's third, which started to appear in the towns on the territory of today's Czech Republic at the end of the 14th century,³¹ can be regarded as one of the features strengthening the position of burgher women and, at the same time, as a characteristic sign of South German laws. According to the urban law of Brno, the widow was entitled to a third of the property, but if she decided to remarry, her third was to be handed over to her in movable property.³² Immovable property held traditionally a higher status,³³ which is important for our argumentation, and children had a better title to inherit it from their father from the viewpoint of the urban law.

The Book of Law of Scribe Jan, which was taken over in this respect also by the Ortholf Code of Znojmo, lists four categories of descendants based on the degree of their titles to the inheritance: legitimate, so-called *pueri naturales et legitimi* (born from a legitimate marriage blessed by the church), illegitimate, so-called *naturales non legitimi* (born to a concubine during the wife's life), adoptive and finally the category of children termed *nec naturales nec legitimi*, i.e. those who were born from an adulterous relationship of the wife or from an incestuous relationship.³⁴ Legitimate and adoptive children were to have the

whereas the structure under the heading *De hereditatibus* is slightly different in the *Manipulus*.

²⁹ A brief explanation of this issue is submitted by Miroslav Flodr, see Flodr, *Brněnské městské právo*, 284-97.

³⁰ As emphasized in several places of the Book of Law of Scribe Jan (*Právní kniha*) and the Ortholf Code of Znojmo, see Flodr, *Brněnské městské právo*, 294 and SOkA Znojmo, AM Znojmo, sign. II/286, pag. 329. See also Tlapáková, "Testamenty znojenských měšťanů," 36.

³¹ See Haas, "Omezení odúmrti," 212-15; as to the institution of the so called widow's third in the Czech lands cf Hrubá, *Zvonění na sv. Alžbětu*, 62 and 282, note 23.

³² *Si propter secundas nuptias mater de bonis communibus suam terciam velit excipere partem, illa in bonis mobilibus, si sunt, est sibi danda*, see *Právní kniha* I, 260, No. 343.

³³ Likewise, in medieval Hungary stricter rules applied to immovable property, see Katalin Szende, "From Mother to Daughter, from Father to Son? Inheritance of Movables in Late Medieval Pressburg," in *Generations in Towns: Succession and Success in Pre-Industrial Urban Societies*, ed. Finn-Einar Eliassen and Katalin Szende (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 45.

³⁴ *Právní kniha* I, 260, No. 345.

same legal titles to the inheritance.³⁵ However, no situations explicitly dealing with the inheritance among legitimate, adoptive or illegitimate children of the first or second degree that would imply precisely from their belonging to the different legal categories are documented in the legal practice, which is within the presented research represented by the Memory Books and paper testaments from Brno and the Book of Testaments of the Town of Znojmo.³⁶ We generally find adoptions rather rarely in the legal practice – as one example for all, let us mention a 1349 record from Brno, in which Ditlinus “adopted” his cousin (his uncle’s son) Nicolas as his universal heir, but carefully stipulated four conditions that had to be fulfilled for the adoption to become legally valid.³⁷ On the contrary, the situations when the property was divided between biological children and stepchildren are very frequent, and this fact is usually explicitly stated.

Concerning the specific legal norms that had the potential of directly influencing the bequests intended for the sons and the daughters, we can state that none of the articles of both town rights explicitly mentions different legal titles to inheritance stemming from the child’s gender. The most telling in this respect is a sentence of the Book of Law of Scribe Jan *De hereditaria successione, quantum ad masculum et feminam*, which stipulates: *...mortuis parentibus in bonis per eos relictis heredes tam femelle quam masculi ius hereditarium obtinebunt*.³⁸ It is true that from the context of some sentences it follows that immovable property might have traditionally been passed down preferentially in the male line in some families, but this may stem from the fact that legal advice was often sought by localities outside the town itself, which were of rather rural character and were less progressive from the viewpoint of law. It is of extraordinary interest for our topic to follow in these situations the attitude of the town council, and in the case of Brno also the prospective shifts that can be registered

³⁵ *Právní kniha I*, 262, No. 352, and also Flodr, *Brněnské městské právo*, 295.

³⁶ An exception is an interesting case described in the Book of Law of Scribe Jan – a husband caught his wife *in flagrante*, hurt her, but did not seek the canonical separation from table and bed, and continued in marital cohabitation. Later his wife gave birth to a son, whom her husband refused as illegitimate and as such excluded from the right of inheritance. However, the urban authorities confirmed son’s right to inheritance with reference to the fact that his wife had not been renounced after the incident, and therefore the husband *de facto* confirmed his son’s legitimate origin. Cf Flodr, *Brněnské městské právo*, 297. This case also shows how the symbiosis between the two legal systems – secular and ecclesiastical – worked in practice. While canon law solved the moral implications of the “sinful behaviour”, the urban authorities focused on the practical implications of such violations with a view to maintaining stability and balance in the urban community.

³⁷ First, all of Ditlin’s debts had to be repaid, Ditlinus would have to die without heirs and testament (*intestatus*), and the power to dispose of his own property was to be unquestionable until the end of his life, Nicolas had to lead an honourable and obedient life, see Miroslav Flodr (ed.), *Pamětní kniha města Brna z let 1343-1376 (1379)* [Memory Book of Brno from the years 1343-1376 (1379)] (hereafter as *Pamětní kniha I*) (Brno: Matice moravská, 2005), 220-21, No. 545.

³⁸ *Právní kniha I*, 262, No. 351.

in comparison of the Book of Law of Scribe Jan from mid-14th century with the approximately two decades later *Manipulus*, created in accordance with the needs of the current law practice.

A case from Klobouky near Břeclav is telling from the viewpoint of the town council's attitude to the gender of the heirs. One of the locals had left his house along the male line, all of whom however died out in a plague outbreak, while some relatives remained alive in a female branch (*mulieribus vero aliquibus superviventibus*); the superiors of the community therefore asked to whom the house was to pass. The councillors of Brno answered that it was to pass to the surviving women, although the will stipulated otherwise, arguing with the inheritance law.³⁹ Furthermore, one of the requests for advice testifies that according to the will of one Hainricus, a field in the community of Borkovany was to be bequeathed in the male line, and if the sons died, always to the oldest family member (seniority principle).⁴⁰ The town council of Brno decided that in line with the testator's wish, the oldest of his sons, i.e. of Hainricus' grandsons, was to be entitled to the field. Comparing this to the corresponding article of *Manipulus*, we register an interesting shift in meaning: *Si hereditas legata fuerit tribus filiis vel pluribus ita, quod seniore mortuo ad secundum et de secundo ad juniorem devolvi debeat, tunc omnibus istis mortuis filii senioris hereditatem eandem obtinebunt. Et sicut est in linea masculina, sic etiam est in linea feminali. Unde sicut testator disposuit, quod semper senior filius agrum possideret, eodem modo in tali possessione filiorum filii, si seniores fuerint, sibi succedunt.*⁴¹ We can see that the *Manipulus*, which is only a little later, accentuates also the inheritance in the female line, unlike the Book of Law.

The rather indifferent attitude to gender assumed by the period law norms is echoed in practice for example in situations when all children, without specification, are left the whole property together, or they are bequeathed its equal part. In this context, we can point out for instance the wills from Brno by Mikuláš Herlin, Václav Olejník or Johann Arnold called Czwilling, all from the first decade of the 15th century,⁴² or similarly formulated testaments from Znojmo by Petr Völkl from 1446 or by Dorota Hungerin,⁴³ who portioned out her property among all her grandchildren and nephews based on the same principle in the 1470s. It is very unlikely that all these cases would concern a group of

³⁹ *Právní kniha* I, 259-60, No. 341; in unchanged, only shortened form this paragraph is also noted in *Manipulus* 78, No. 533.

⁴⁰ *Hainricus condidit testamentum et sic disposuit, quod eidam ager situs in campis ville Purkban hereditarie et succesive per lineam masculinam a descendantibus ab eo possideri debet, ita quod filiis eius mortuis, proximus consanguineus et senior eundem agrum possideret (...)*, *Právní kniha* I, 259, No. 340.

⁴¹ *Manipulus* 78, No. 531.

⁴² Miroslav Flodr (ed.), *Pamětní kniha města Brna z let 1391-1515* [Memory Book of Brno from the years 1391-1515] (hereafter *Pamětní kniha* II) (Brno: Matice moravská, 2010) 122, No. 326; *ibidem* 143, No. 377; *ibidem* 166, No. 446.

⁴³ SOkA Znojmo, AM Znojmo, sign. II/96, pag. 43-44; *ibidem*, pag. 121.

children of the same gender; instead, we can assume that the testators did not consider it necessary to further specify the bequests. In these cases, moreover, husbands often allotted the same share of their property as to their children also to their wives, which manifests the effort to divide the property equally among the entire closest family.

In 1397, Jan of Meziříčí called Lolako left a house to be jointly owned by his daughter Magdalena and son Nicolas.⁴⁴ Michael Lautsch, a burgher from Znojmo, chose a similar strategy in the 1470s; in his will, he stipulated a specific share for his wife, dividing the rest of the property (including a house and a mill) equally between his son and daughter.⁴⁵ Somewhat more complicated, although identical as regards the principle of “equality”, is the will of Matyáš Sleicher from the 1460s.⁴⁶ He bequeathed all his property in equal parts to his wife and four children – a daughter and three sons. He stipulated a special share for his daughter from his previous marriage, Fronka, whom he provided with an extra share pointing out her dowry (*andere zugehorung, die dannen gehören zu einer iunkfraw, das genem ist zu pet vnd zu Tisch*), explicitly leaving nothing to another of his daughters, Anna, who was already married at that time, because, according to his words, he had endowed her in accordance with the custom. We can use the quoted example as a model illustrating the situations when parents divide their property among their children in different stages of the life cycle and thus with different claims: Mathias had two elder daughters (probably from his first marriage), one of whom had received dowry and the other was of the age to marry. He therefore explicitly left nothing more to Anna (but felt the need to explain his decision properly), whereas Fronka was presented with a silver belt, a quarter of a vineyard and equipment. Minor children received equal parts: along with their mother, they inherited a house, other immovables and valuables, in order to provide for their existence in the case of his death. Michael proved to be a responsible father who carefully weighed the current needs of all members of his family, trying to satisfy them within his possibilities. The examples of equal distribution of property among children (albeit with respect to their current needs depending on their age) have been mentioned in order to demonstrate a tendency which we can, with a certain overstatement, described as “democratic”.⁴⁷ On the contrary, it is impossible to ascertain that this trend would grow more intensive, or on the contrary that it would recede in the course of time, which is however given also by the fact that the number of wills preserved from individual years in both towns is not very high.

However, there are also provable situations when the parents took into account also other factors apart from age, such as the spiritual career of one of their children. It is evident that they regarded the taking of monastic vows as an

⁴⁴ *Pamětní kniha* II, 57, No. 145.

⁴⁵ SOkA Znojmo, Archiv města Znojmo, sign. II/96, 121.

⁴⁶ *Pamětní kniha* II, 300, No. 683.

⁴⁷ Regarding this tendency see also Hrubá, *Zvonění na sv. Alžbětu*, 124-25.

important milestone that excluded the child from the family circle, moving him or her outside the ordinary functioning of the family and of the town, because they often explicitly mention this fact, or even condition some bequests by it.⁴⁸ Daughters – nuns (they are recorded less frequently) and sons – monks or priests most often receive cash, an annuity or bedclothes from their parents, which makes these bequests close to the legacies for spiritual persons outside the circle of the family, which are very numerous in testaments.⁴⁹ Another factor that was taken into account by the testators, both male and female, was distinguishing among their own children and stepchildren. It did not necessarily have to have an emotional basis, but might have reflected the fact that the given child had been materially provided for from the property of their biological parents. Jakub, the stepson of the barrel maker Maternus, received a vineyard from his stepfather in his 1483 will, whereas his house with the furniture, cash and a part of a vineyard went to his daughter Veronika along with her mother, and more property to his daughter Barbara. Likewise, the share of the stepson André in the will of the butcher Šimek was incomparably lower than those of his half-siblings Markéta and Petr, who were to jointly possess extensive immovable property.⁵⁰

Although children often received shares regardless of their sex, gender might have had a distinctive function in some cases. If we analyse the composition of the bequests in detail, we find out a visible tendency in some burgher families to leave cash and movable property to daughters, whereas sons received immovables in a greater extent.⁵¹ An example of a restrictive tendency in relation to daughters is the testament of Martin Brunnar, who left cash for his daughter Kateřina in 1458, whereas her brother Bartoloměj shared a house with their mother. When Ludmila, the widow of Jakub Klein, wrote down her will at the beginning of the 1470s, she named bequests for five children. The mother divided cash, a part of a vineyard and an annuity among her four daughters, two of whom were married, one was a nun and one was still unmarried, while her son Augustin received a village, a house with the furniture and a vineyard with the

⁴⁸ Moreover, the right to inheritance for children belonging to the spiritual order explicitly formulates also the local urban law, see *Právní kniha* I, 263, No. 356.

⁴⁹ With respect to the medieval perceptions of persons belonging to the spiritual order as the “third gender” see Robert N. Swanson, “Angels Incarnate: Clergy and Masculinity from Gregorian Reform to Reformation,” in *Masculinity in Medieval Europe*, ed. Dawn M. Hadley (London: Longman, 1998), 161.

⁵⁰ *Pamětní kniha* II, 447, No. 847; *ibidem*, 519-20, No. 926.

⁵¹ The same was stated also for the late medieval and early modern New Town in Prague by O. Fejtová and K. Jiřová, who nevertheless emphasized that the total amount of property bequeathed to sons and daughters was comparable, see Olga Fejtová and Kateřina Jiřová, “Děti v testamentární praxi pozdního středověku a raného novověku v městech pražských jako badatelské téma” [Children in testamentary practice of late medieval and early modern Prague as a research topic], in *W kręgu rodziny epok dawnych. Dzieciństwo* [In the family circle of ancient times. Childhood], ed. Bożena Popiołek, Agnieszka Chłosta-Sikorska, and Marcin Gadocha (Krakow: DiG, 2012), 15-30.

appurtenances. Bequests skipping one generation, i.e. endowing grandsons and granddaughters, have a similar information value for our topic. The principle of preferential leaving of immovable inheritance in the male line was applied for example by the burgher from Brno Petr Sleicher. In 1449, he bequeathed a garden, a house, vineyards and cash to his grandsons Matyáš and Jan, with the cash alone significantly exceeding the amount which was the only part of his property he excluded as a bequest to his granddaughter Markéta.⁵²

The fact that boys were preferred to girls with respect to the inheritance of immovable property in some families perhaps surprises less than if it were the other way round. Yet even such cases can be found in the analysed material. The smith Tomáš of Znojmo earmarked a house and a quarter of a vineyard for his daughter, her husband and their children, while not bequeathing any other immovable property apart from a part of a vineyard for his son.⁵³ The generally rather negative attitude of medieval society towards women reflected also in some institutes (such as the institute of testimony)⁵⁴ of the urban Moravian law, which are otherwise rather liberal towards women, corresponding to those female burghers enjoyed in the towns of Western Europe, as opposed to Southern Europe, for example Italy.⁵⁵

Although the legal restrictions of public-law activities of female inhabitants of towns might have been a motivation for some testators to rather bequest their immovable property to their sons and grandsons, a greater part was played in these cases by the different life trajectories of daughters as compared to sons. Women had a much higher level of mobility within the family structures, which was further complicated by the fact that a certain level of loyalty was required from them towards both their original and their new family. It was not unusual in European medieval towns that a widowed woman returned to her native house,⁵⁶ which can be documented also in the source material of the geographic

⁵² *Pamětní kniha* II, 244-46, No. 603.

⁵³ SOkA Znojmo, AM Znojmo, sign. II/96, pag. 138.

⁵⁴ The female testimony here is generally rejected, justified by a female instability: (...) *quod testimonium mulieris, quia inconstans est reicitur de iure, exceptis tamen casibus, in quibus mulier testari potest*. As pointed out by G. Schubart-Fikentscher, this paragraph has a direct model in Roman law, see Schubart-Fikentscher, *Das Eherecht im Brünner Schöffebuch*, 12. Only some situations when women's testimony was admitted are stated. Although there is evidence that women could testify, if necessary in a number of situations, the very need to establish the conditions under which their testimony was admitted, is sufficiently significant. For the restrictions of women in the various legal institutions see Flodr, *Brněnské městské právo*, passim; for women as legal protagonists see under the heading *De mulieribus*, *Právní kniha* I, 308-17, No. 482-504.

⁵⁵ Evidences of significant differences between Italy and Northwest Europe in this area were presented among others by David Herlihy, *Opera Muliebria. Women and Work in Medieval Europe* (Philadelphia: Temple Univ. Pr., 1990), 154-67.

⁵⁶ On this topic, see e.g., Leah Otiis-Cour, *Rozkoš a láska* [Lust and love] (Prague: Vyšehrad, 2002), 27; Edith Ennen, *Ženy ve středověku* [Women in the Middle Ages] (Prague: Argo, 2001), 244. In more detail, see Linda Guzzetti, *Venezianische Vermächtnisse. Die soziale*

area under investigation.⁵⁷ The dowry of daughters leaving their father's house for the first time was more likely to be comprised of cash, valuables, clothing, bedclothes, and in southern Moravia also of vineyards or their parts, which had an added value in the form of their annual revenues. However, this does not mean at all that women from burgher families would have no chance to possess real properties such as houses, rural farmsteads, malthouses, butcher's shops and such like. On the contrary, they often acquired them in later stages of their lives as the wives of affluent burghers. It is evidenced the best by the extant last wills of men who were married when writing them down; as we have mentioned, they comprise more than a half of the overall number of surviving testaments. In those cases when the text does not mention children (approximately 30 % of the last wills in the case of Brno), an overwhelming majority of husbands leave all their movable and immovable property to their wives. Even if they make bequests to children at the same time, the legacies earmarked for the wives are usually also comprised of real properties. These brief statistics can be understood as an insight into the mechanism that in its consequence led to the fact that the property bequeathed by men and by women (widows) has a basically identical structure. It has been confirmed for Znojmo that 70 % of all the testaments originated by women until 1479 concern houses and vineyards.⁵⁸

From this point of view, therefore, the decision of (grand)parents to provide their daughters and granddaughters more often with movable items and their sons and grandsons rather with real properties appears to be logical and need not bear any witness at all about a cooler emotional relationship to daughters. This grants even more weight to the documented examples of "democratic" family testamentary strategies, which slightly prevail in the corpus under investigation and attest to a strong status of female inheritors.

While in the case of real properties (including butcher's shops, which are most often described in the context of Brno and Znojmo as *fleischpankh*) we can state a relatively even distribution of property in the male and female lines, certain differences are visible among movable assets. The bequests of parts of armour are significant: they comprised a typical part of *herwërde* in the towns following Magdeburg law, and were handed down almost exclusively within the male line.⁵⁹ For example, the burgher from Znojmo Petr of Čula left most of his

und wirtschaftliche Situation von Frauen im Spiegel spätmittelalterlichen Testamente (Stuttgart: Metzler, 1998), 63-64.

⁵⁷ In this context, we can cite two examples from the tax record of Brno founded in 1477: the butcher's Martin widow was taxed in the household of her mother (a widow herself), on the half of the butchery, a quarter of a vineyard and on execution of trades, see Archiv města Brna [Brno Town Archive], fond A1/3 (Sbírka rukopisů a úředních knih), manuscript No. 9, fol. 11r; a widowed daughter of Oswald Czach whose butchery was included in her father's property list, was in a similar situation, *ibidem*, fol. 22r.

⁵⁸ Tlapáková, "Testamenty znojemských měšťanů," 88.

⁵⁹ Regarding concrete examples of Brno provenance and family patterns in transferring specific types of property and goods see Michaela Antonín Malaníková, "Materiální kultura

property to his relative Hans in 1450, mentioning armour (*harnasch*) among other things.⁶⁰ Bedclothes, clothing, jewellery and household equipment (*omnia utensilia domus, que vulgariter Hawsgeret nuncupantur*), in turn, were often handed down in the female line, although not with a regularity that would allow their assessment as a domain of women.⁶¹

Similarly unambiguous are the bequests of tools needed for the performance of a trade, although they are not very frequent in testaments. A characteristic example is the 1465 testament of the goldsmith Jakub, who left the same amount in cash to his daughter Kateřina and to his son Filip, but the son moreover received the tools needed for the performance of the trade (*allen wergczeug, der in der smeten ist und der czu dem Hantwerg gehortet*).⁶² Mathes, who made his living by producing kettles, divided his property among his children in a similar way. All his five children – one daughter and four sons, an unusually high number, as one to two children are usually mentioned in wills – were to receive the same amount in cash, but the sons (along with his wife) also got the tools (*Werckzeug*) in order to be able to make their living (*domit sich meine Suen mitsambt der mütter desterpas neren muegen*).⁶³

The bequests of craft tools may serve also as an indirect indicator of the possibilities and forms of getting trained in a craft profession, which was organised on the basis of guilds. As regards the basic knowledge of reading, writing

brněnských domácností 15. století v zrcadle testamentů” [Material Culture of the 15th-century Brno households as reflected in testaments], *Brno v minulosti a dnes* 25 (2012): 61-75. Similar observations were presented by G. Jaritz with regard to the neighbouring Archduchy of Austria: he described the bequests of books and weapons as a sphere completely dominated by men; see Gerhard Jaritz, “Österreichische Bürgertestamente als Quelle zur Erforschung städtischer Lebensformen des Spätmittelalters,” *Jahrbuch für Geschichte des Feudalismus* 1984: 255.

⁶⁰ SOkA Znojmo, AM Znojmo, sign. II/96, p. 58. According to the dictionary of medieval German, this term refers to the chest armour, see Václav Bok, *Slovník středověké němčiny pro historiky* [Dictionary of Medieval German for historians], (České Budějovice: Jihočeská univerzita, 1995), 76. However, it seems that it was used more broadly referring to all parts of the armour, which is best illustrated by the uniquely preserved inventory of property of a wealthy burgher Hanuško des Sczepans from 1421, which includes a very long and detailed list under the heading *harnasch*, see SOkA Znojmo, AM Znojmo, sign. II/96, p. 22. In this broader sense, this term is also interpreted by Tlapáková, “Testamenty znojemských měšťanů,” 64.

⁶¹ Cf. Thomas Krzenek, “Pražské a vídeňské testamenty pozdního středověku – pokus o komparaci” [Prague and Viennese testaments of the late Middle Ages – an attempt at comparison], in *Pozdně středověké testamenty v českých městech*, ed. Jišová and Doležalová, 90. In Brno and Znojmo, as in Olomouc, the situation is not so clear, see Eva Glogarová, “Hmotná kultura pozdně středověkých měšťanských domácností ve světle testamentů olomouckých měšťanek” [Material culture of the late medieval urban households in the light of testaments of the townswomen of Olomouc] (unpublished MA thesis, Department of History, Faculty of Arts, Silesian University in Opava, 2009), 87.

⁶² *Pamětní kniha* II, 293, No. 672.

⁶³ *Ibidem*, 358, No. 746.

and arithmetic, for boys we can expect the possibility of education in so-called particular schools, which are documented in towns, whereas the possibility of home education by relatives or through private lessons given by professional teachers, in convents or by Beguines is the most likely for girls.⁶⁴ Unfortunately, no direct evidence documenting the possibilities of the education of girls in the analysed town communities have survived. The so-called German (*teutsche*) school, which taught the basics of reading, writing and arithmetic in the native tongue and where girls from imperial towns most often received their education in the 15th century,⁶⁵ is only documented in Brno from the beginning of the 16th century, and it functioned on a private basis.⁶⁶ The increase in the number of educational institutions and their diversified nature at the end of the Middle Ages are along with laicisation of education and the emphasis on vernacular languages generally regarded as trends favourable to female education.⁶⁷ As specific tools can be best used by one who engages in a certain trade, we can also encounter bequests earmarked for a craftsman apprentice in the testaments. In 1483, the barrel maker Maternus left most of his property to his daughters and his wife, money in cash and a winery to his stepson, while bequeathing all that appertained to the acquisition and performance of the barrel-making craft (*alles, was zu einem man gehört auff vnserem Hanntwerch, so er das Hantwerch awslernen vnd arbaiten wil*) to his apprentice Toman.⁶⁸ Identical examples of bequests to apprentices, who were in some cases relatives, are recorded also for the medieval Znojmo.⁶⁹ If journeymen and apprentices are explicitly mentioned in the examined testaments, they are always boys (the used terms include *Knabe*, *knecht* or *lerknecht*). However, the more frequently documented maids (*Mägde*) also need to be perceived more widely than as auxiliary staff. It is possible, or even likely that these women also actively participated in the operation of the craftsman's workshop or trade, thus being able to improve their skills in the craft

⁶⁴ Hanawalt, *The Wealth of Wives*, 35-49.

⁶⁵ Margaret Wensky, "Mädchen- und Frauenbildung in der spätmittelalterlich-frühneuzeitlichen Stadt," in *Mitteleuropäisches Städtewesen in Mittelalter und Frühneuzeit*, ed. Wilhelm Janssen (Cologne, Weimar, and Vienna: Böhlau, 1999), 27-28, Andrea Kammeier-Nebel, "Frauenbildung im Kaufmannsmilieu spätmittelalterlicher Städte," in *Geschichte der Mädchen- und Frauenbildung*, Bd. 1, *Vom Mittelalter bis zur Aufklärung*, ed. Elke Kleinau and Claudia Opitz (Frankfurt am Main and New York: Campus-Verlag, 1996), 79.

⁶⁶ See Hana Jordánková and Ludmila Sulitková, "Možnosti vzdělání v předbělohorském Brně" [Educational opportunities in Brno before 1620] in *Nový Mars Moravicus*, ed. Bronislav Chocholáč, Jan Libor and Tomáš Knoz (Brno: Matice moravská, 1999), 323.

⁶⁷ See Barbara A. Hanawalt and Anna Dronzek, "Women in Medieval Urban Society," in *Women in Medieval Western European Culture*, ed. Linda E. Mitchell (New York and London: Garland, 1999), 35.

⁶⁸ *Pamětní kniha* II, 447, No. 847.

⁶⁹ Until 1479 summarized by Tlapáková, "Testamenty znojemských měšťanů," 64.

or trade.⁷⁰ Hans-Dieter Loose reached the same conclusion based on his research into testaments from Lübeck and Hamburg.⁷¹ Like for instance in the medieval York, the role of a maid was probably a usual life experience for many girls on the threshold of adulthood⁷² also in the Moravian towns of the Middle Ages.

Female craft apprentices are not directly documented in the investigated towns, although there is much evidence that Moravian woman burghers participated in the operation of workshops and trades alike. The number of female tallage payers in a wide range of documented craft professions and also the analogy with the situation in other European towns⁷³ make it evident that we must expect “initial training” (although probably modified) also in the examined milieu. Many girls might have simply been trained in the workshops of their fathers without ever gaining the status of an apprentice,⁷⁴ which is probably the main reason why most of them remain hidden to the eyes of historians. Unlike boys, girls more often received their training in the crafts informally, similarly to their learning of the basics of literacy. Moreover, their knowledge of the operation of a workshop or trade and specialisation in a craft undoubtedly increased the girls’ chances and “value” on the marriage market. Marriages within one trade might not have been conditioned only by a more interconnected social network among the guild companions, but perhaps also by the practical assumption that the daughter of a craftsman will be able to provide experienced help also to her husband within the framework of the same profession.

Based on the analysis of the extant testaments from Brno and Znojmo of the Late Middle Ages, seen through the prism of gender, we have investigated

⁷⁰ In Moravian context, maidens are often also addressees of testamentary bequests. In many cases they obtained the pieces of clothing. As shown by Katalin Szende on the example of medieval Bratislava, bequests of clothing can be considered as the most personal gift and as an expression of positive relationships. As such, they are frequently given to friends and servants, scilicet persons outside the family, see Szende, “From Mother to Daughter, from Father to Son? Intergenerational Patterns,” 218-19.

⁷¹ “Fraglich ist dabei allerdings, ob es sich bei den als *ancilla* oder Magd bezeichneten Frauen in jedem Fall um Angehörige des Gesindes handelte, das Hausarbeit verrichten musste. Der Begriff *ancilla* oder Magd scheint auch für Gehilfinnen im Geschäft gebräuchlich gewesen zu sein.” See Hans-Dieter Loose, “Erwerbstätigkeit der Frau im Spiegel Lübecker und Hamburger Testamente des 14. Jahrhunderts,” *Zeitschrift des Vereins für Lübeckische Geschichte und Altertumskunde* 60 (1980): 15.

⁷² Peter Jeremy Piers Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford, New York, and Toronto: Clarendon Press, 1992), passim; idem, “Marriage, Migration, and Servanthood: The York Cause Paper Evidence,” in *Women in Medieval English Society*, ed. P.J.P. Goldberg (Phoenix Mill: Alan Sutton Publishing Limited, 1997), 1-15.

⁷³ Marry Wiesner-Hanks, “Ausbildung in den Zünften,” in *Geschichte der Mädchen- und Frauenbildung*, ed. Kleinau and Opitz, 93.

⁷⁴ This explanation is considered to be plausible also for medieval London, see Hanawalt, *The Wealth of Wives*, 40; or for imperial cities Wiesner-Hanks, “Ausbildung in den Zünften,” 93.

the conditions that the *societas urbana* created for their offspring. Although it is evident by definition that a wide range of diverse factors reflected in the distribution of legacies in every individual case, we can formulate several conclusions. Both male and female testators (the latter being most often widows) regard their children as significant social capital. Apart from the practical need to secure a safe existence above all for minor children, this fact is stemming also from the fact that the children of burghers took over into their hands not only the care for the material assets, but also the care for the posthumous memory of the testators, which was a necessary condition for spiritual salvation – a category that was crucial for a medieval person regardless of his or her social status. This role was fulfilled in both examined towns by sons and daughters alike; this corresponds to the period legal norm, which unambiguously preferred the nuclear family at the expense of collateral kinship bonds. In practice, the composition of the property bequeathed to daughters tends to be very similar to the bequests to sons, which corresponds to a trend observable in Western European towns, where girls and boys had almost equal entitlement to the family property, in stark contrast to the legal practices of the Mediterranean, where the patrilineal pattern of the transfer of property was strongly preferred. Although we do see certain disproportion in favour of immovable property bequests rather in the male line in some families, it is to a great extent the outcome of a difference in the life trajectories of sons and daughters and in the level of their mobility within the family structures. The most significant gender differences manifested themselves in the group of bequests of movable items, particularly as regards the tools necessary for the performance of a trade, as a consequence of the less formal character of the training of burgher daughters in this sphere.⁷⁵

⁷⁵ This study was written as a part of the project POST-UP II., CZ.1.07/2.3.00/30.0041, co-financed by the European Social Fund and the state budget of the Czech Republic.

MEDIUM AEVUM
QUOTIDIANUM

68

KREMS 2014

HERAUSGEGEBEN
VON GERHARD JARITZ

GEDRUCKT MIT UNTERSTÜTZUNG DER KULTURABTEILUNG
DES AMTES DER NIEDERÖSTERREICHISCHEN LANDESREGIERUNG

niederösterreich kultur

Titelgraphik: Stephan J. Tramèr

ISSN 1029-0737

Herausgeber: Medium Aevum Quotidianum. Gesellschaft zur Erforschung der materiellen Kultur des Mittelalters, Körnermarkt 13, 3500 Krems, Österreich. Für den Inhalt verantwortlich zeichnen die Autoren, ohne deren ausdrückliche Zustimmung jeglicher Nachdruck, auch in Auszügen, nicht gestattet ist. – Druck: Grafisches Zentrum an der Technischen Universität Wien, Wiedner Hauptstraße 8-10, 1040 Wien, Österreich.

Inhaltsverzeichnis

Vorwort	4
Andrea Kiss, Weather and Weather-Related Natural Hazards in Medieval Hungary II: Documentary Evidence on the 13 th Century ..	5
Michaela Antonín Malaníková, “Mein tachter sol man zu pett und zu tisch aufseczen als eines reichen mannes tachter”: Childhood and Adolescence in Moravian Towns in the Late Middle Ages from the Perspective of Gender	47
Tamás Kiss, “Instead of attacking the Turks...”: The 1535 War of Tunis in Habsburg Imperial Propaganda	66
Anschriften der Autoren	89

Vorwort

Medium Aevum Quotidianum 68 widmet sich neuen Analyseergebnissen aus der ungarischen und tschechischen historischen Forschung, die wichtige Bereiche des mittelalterlichen und frühneuzeitlichen Alltags betreffen. Die Fortsetzung der Studie zu den Wetterverhältnissen im mittelalterlichen Ungarn durch Andrea Kiss behandelt im vorliegenden Heft nun den Zeitraum des 13. Jahrhunderts.¹ Eine weitere Fortsetzung zum 14. Jahrhundert ist für Heft 70 (2015) geplant.

Michaela Antonín Malaníková analysiert spätmittelalterliche Testamente aus der südmährischen Stadt Znojmo in Bezug auf ihre Aussagen zu Kindheit und Jugend aus genderspezifischer Perspektive. Sie präsentiert dabei Ergebnisse, die auch für die internationale Forschung zu letztwilligen Verfügungen und ihrem Aussagegehalt von besonderer Relevanz erscheinen.

Tamás Kiss behandelt ein Phänomen, das natürlich starke politikgeschichtliche Bezüge aufweist, jedoch auch besonders alltagsbeeinflussend wirken konnte: die Kriegspropaganda, hier bezogen auf den Tuniskrieg Kaiser Karls V. von 1535. Er kann dabei feststellen, dass das Propagandapotential des Krieges genauso wichtig war wie den Krieg letztendlich zu gewinnen.

Gerhard Jaritz

¹ Vgl. Andrea Kiss, Weather and Weather-Related Natural Hazards in Medieval Hungary I: Documentary Evidence on the 11th and 12th Century, *Medium Aevum Quotidianum* 66 (2013): 5-37.