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**A View Of Society In Europe, In Its Progress From  
Rudeness To Refinement: Or, Inquiries Concerning The  
History Of Law, Government, And Manners**

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Section II. Of Property of the Women. The Dower, the Morgengabe, and the Marriage-portion. The Communication to the Women of the Powers of Succession and Inheritance. The advancement of Manners.

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## S E C T I O N II.

*Of the Property of the Women. The Dowry, the Morgengabe, and the Marriage-portion. The Communication to the Women of the Powers of Succession and Inheritance. The advancement of Manners.*

**H**AVING distinguished the property of the men, it is fit I should treat that of the women. I have observed, that, among the antient Germans, and the case, it is to be presumed, is similar in every rude community, the property of the land was invested in the tribe or nation. His proportion of corn was allotted to the individual by the magistrate, and corresponded to the number of his family, the degrees of his merit, and the importance of his service. He derived, accordingly, no source of influence from the property of land. His chief, and almost only riches, consisted in cattle (1); and, in those rude and remote times, the more powerful supported their hospitality and magnificence by war and violence. They collected their retainers, and committed incursion and plunder upon neighbouring nations; and their states discouraged not a practice which was favourable to the military virtues.

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In this situation, it is obvious, that no property could be possessed by the women (2). They had neither land nor cattle, and could demand no share of the booty procured by robbery and depredation. While they remained in their virgin state, they continued, therefore, in the families of which they were descended (3); and, when they passed, by marriage, into other families, their husbands became bound to attend to and to provide for them. Hence the custom recorded by Tacitus: '*Dotem non uxor marito, sed uxori maritus offert.*' On the death of the husband, the wife received this provision; and, it was the object of it to render her alike independent of the house she had left, and of that into which she had entered (4).

This provision consisted, doubtless, of goods; and, even in this form, it is to be conceived, it discovered itself after the Germanic conquests. When time, however, refinement, and necessity, had taught the barbarians the uses of wealth, and individuals were proud of acquisitions in land, it assumed more enlarged appearances; and property opening to the women, they acquired a source of consideration which they had not formerly known, and which was about to produce consequences of no less moment to themselves than to society.

The *dos* or *dower* came to consist in money and in land. It was to arise out of a personal estate, out of allodial property, or out of fiefs. With the widow, it remained during her life, and

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on her death it passed to the heirs of her husband. In general, it was regulated by his deed. In some places it was governed by custom. It was sometimes constituted by ceremonies, which grew out of the particular situation of parties (5); and, when no private act had taken place, where no custom directed, and where no peculiarity of situation prevailed, it was fixed and ascertained by established and statutory laws (6).

Nor was it a *dower* only, that the husband bestowed on the wife. The morning after his nuptials, he made her a present, which was valuable in proportion to his generosity and wealth. This acquisition is known by the appellation of *morgengabe* (7); and, possessing it in full property, she could convey it away during her life, allow it to pass to her heirs, or dispose of it by a deed, to take effect after death (8).

The experience of the uses of property was to produce a solicitude to possess it. While the *dower* and the *morgengabe* gave distinction to the wife, the daughter was to know the necessity of acquisitions, and to wish for them. The parent was to encourage her hopes, and to gratify his affections. He was to make her state correspond to his riches and his dignity. The refining intercourse, and the rising luxuries of society, were to demand this attention. A portion was to go from the bride to the husband. The personal fortune, to which the daughter had been a stranger in the days of Tacitus, made its appearance. And

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wealth in the female sex, joining itself to beauty and wit, contributed to support and extend their dominion.

The custom, in fact, of giving portions to the women, is to be traced to an early period in the laws of the Germanic and Celtic nations (9). The present, simple and slight in its origin, grew complicated and extensive. It kept pace with luxury and opulence. The *dower*, which before was chiefly directed by the will of the husband, became now a formal matter of treaty and agreement. The bride had a title to stipulate her claims. The riches she brought, and her rank, were duly considered; and a provision in proportion to both were allotted (10).

The *portion* of the daughter, like the *dower* and the *morgengabe* of the wife, was originally to consist of goods, and then of money. It was afterwards to consist of land. But, when the father was first to bestow land on the daughter, it is to be understood, that it was a part of his property, which was free or *allodial*. Fiefs, in their commencement, could not be enjoyed by the women. The actual service of the shield was required from the vassal. To admit them to allodality, was even a deviation from the spirit of the antient customs of the barbarians; and, it was only in the evolution of the rights of property, that they were permitted to acquire it. A *propriety* then, or an *allodial* possession, might come to them by donation or by testament. But, by the rules of regular succession, it was to go

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to the sons; and, according to law, they were only to inherit, when there were to be no sons, or when the sons were to fail (11). The communication, however, of these privileges was a powerful addition to their importance, and was to lead to advantages still greater.

The capacity to receive allodality by grant, by gift, by testamentary destination, and to enter to it by succession, in the event of the want of male heirs, or after their demise, introduced and fostered the idea of their admission to fiefs. As the original rudeness of the barbaric nations yielded to successive improvements, as manners softened, and the arts of peace were cultivated, the propensity to add to their emolument, and to contribute to their pleasure, grew stronger. If they could not march to the field, and charge an enemy at the head of their vassals, they might perform these offices by substitution. An approved warrior might discharge, for the female possessor of a fief, the military duties to which it was subject. A right to succeed to feudality was, by degrees, acknowledged in the sex; and, when invested in the grant, they were to exert all its civil rights. Though they deputed its military command, they could sustain its honours and prerogatives. They were to hold courts, and exercise jurisdiction in ordinary fiefs; and, while they attended to these cares in noble ones, they were also to assemble with the peers, in the great assemblies of the state in every country of Europe, to deliberate, to vote, and to judge. Neither the



military service incident to every fief, nor the obligation of attending the assembly of the peers or the council of the nation incident to fiefs, which were noble, could prevent the advancing condition of the women. The imbecillity of their nature, which gives a strength to all their other attractions, made them fulfil the first duty by delegation: The last they were long to perform in person (12).

From the moment that settlements were made in the territories of Rome, the women were to improve in advantages. The subordinations of rank, which before had been chiefly discriminated by merit, were now marked more palpably by riches and property. Modes of a distant and respectful demeanour were invented. New sentiments of dignity and meanness became known. Displays of elegance and luxury took place. The extent and order of established kingdoms rendered men more domestic. Less engaged with the public, the female sex engrossed more strongly their regard and notice. They approached them with greater reverence; they courted them with an assiduity that was more tender and anxious. The women, in their turn, learned to be more vain, more gay, and more alluring. They grew studious to please and to conquer. They lost somewhat of the intrepidity and fierceness which before were characteristic of them. They were to affect a delicacy, and even a weakness. Their education was to be an object of greater attention and care. A finer sense of beauty was to arise. They were to abandon all  
employments



employments which hurt the shape and deform the body. They were to exert a fancy in dress and in ornament (13). They were to be more secluded from observation. A greater play was to be given to sentiment and anticipation. Greater reserve was to accompany the commerce of the sexes. Modesty was to take the alarm sooner (14). Gallantry, in all its fashions, and in all its charms, was to unfold itself.

But, before I can express, with precision, the consideration they attained, and perceive, with distinctness, the splendour which the feudal association was to throw around them, I must look for the extension of fiefs, and for the sources of chivalry. Fiefs and chivalry were mutually to act upon one another. The feudal association was to direct and to foster chivalry; and, from chivalry, it was to receive a support or lustre. They were plants which were destined to take root about the same period, and to sympathise in their growth, and in their decline. The seeds of them had been gathered by the barbarian in his woods; and, to whatever soil or climate his fortune was to carry him, there he was to scatter them with profusion.

S. E. C.

