CHAPTER 6

THE CHANGING FORTUNES OF THE BURGHER AND PATRIMONIAL CONSTRUCTIONS

In comparing women’s economic activities to those of men, the preceding chapters have deliberately focused on the narrow time period between 1339 and 1361 to explore how legal structures and cultural discourses allowed, limited, and supported those activities. This chapter widens the temporal focus to consider how and why women’s economic activities, legal structures, and cultural discourses changed over time. I briefly examine the origins of the burgher construction before turning to the well-documented fifteenth and sixteenth centuries. By the early fifteenth century, women were losing access to middling economic niches and their economic activities were increasingly determined by their marital status.1 Although women in the early modern Low Countries seem to have continued to play a larger public economic role than women did elsewhere, by the sixteenth century, the balance had shifted to the patrimonial construction.2 Ghent had fallen more into line with gendered discourses and practices of Europe beyond the Low Countries.

The economic position of women depended on the balance between two sets of gendered legal and economic practices and supporting discourses about gender, family, and property. The burgher construction was older, urban, and aligned with the marital property and inheritance customs of Ghent. Women’s authority to act publicly came from their property ownership, which was more important than their marital status. Although there were clear limits, men did not necessarily perceive women’s property management, public legal performance, or work in middling niches as threats. Most men thought that women had the potential to make good economic decisions and act for the benefit of their families. The family was a productive unit, centered around the husband as the head of the family and the wife as his helpmate, advisor,

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and lieutenant. The wider circle of the extended family was cognatic, reproducing itself in both the male and female lines. The burgher family depended on all its members, male and female, to protect the family’s property and interests.

The patrimonial construction was a competing system of inheritance and marital property customs, landholding practices, and supporting discourses. Although its general features are familiar from *ius commune* and medieval customs elsewhere, in Flanders, it first appeared with feudal law and noble rural landholding. The patrimonial construction was supported by the learned, clerical, legal, and noble discourses, which cast women’s capabilities and trustworthiness into doubt, even though writers paid scant attention to mundane economic matters. Daughters could only detract from family property, because the patrimonial family reproduced itself exclusively in the male line. Daughters’ inheritances were limited to dowries and widows’ to usufruct to preserve property for the patrilineal family or agnatic lineage. A man’s honor rested in part on his authority over the women of his household, which was more important than a woman’s rights to property.

Although both constructions existed in the mid-fourteenth century, the acts in the aldermens’ registers were ten times more likely to use the burgher construction (with a woman acting in her own name or a husband-and-wife economic partnership) than they were to employ the patrimonial construction (with an adult woman under guardianship). Looking backwards raises many questions: Did the burgher construction always allow women as much access to legal capability and economic activities? Did women perhaps have even more access to middling-status positions before the fourteenth century? Was the patrimonial construction a new invention (for Ghent) in the fourteenth century? The next section considers these questions for the time period before 1339.

The Origins of the Burgher and Patrimonial Constructions

The burgher construction existed before the mid-fourteenth century, predating war, plague, and crisis, but there is little evidence about it in Ghent before 1339. Scattered thirteenth-century Ghent chirographs show women working as drapers, dyers, cloth-sellers, and moneylenders in deals that involved significant sums of money. In a chirograph dated October 12, 1299, Guy of Dampierre, count of Flanders, acknowledged that he owed Verghine del Merre, a female citizen of Ghent and “our good friend,” the enormous sum of 880 pounds. Verghine had provided twenty lengths of wool cloth to outfit the count and his knights for the