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### **Abstracts**

#### **Jana Osterkamp, Family, Domination and Difference. Family Law(s) in the Habsburg Monarchy as a Challenge for the Empire**

In empires there is often no ‘ideal type’ of family as the smallest unit of the political order, since, by definition, empires are characterised neither by one confession, nor one society, nor one state order. How marriage, family and gender roles were legally framed, socially understood and privately lived varied hugely depending on different confessional groups and different levels of power in the Habsburg Monarchy. On the one hand, this article examines the differences in family law that existed between Hungarian and non-Hungarian Crownlands and between members of different religions. On the other hand, family and family law are presented as an essential part of political theory as well as of nineteenth-century state building and nation building. This complementary perspective is not least intended to counteract the “invisibility of the state” in gender history.

#### **Evdoxios Doxiadis, “*Ous o Theos Synezeuxen, Anthropol me Chorizeto*”: State, Church and Divorce from the Ottoman Empire to the Early Modern Greek State**

The Greek Orthodox world has consistently accepted in principle the possibility of divorce. In the Byzantine Empire both state and Church recognised various grounds for divorce, certainly favouring husbands over their wives but without entirely excluding the latter from the possibility of seeking a divorce. Under Ottoman rule Orthodox Christians were often able to expand their options to dissolve unwanted marriages by appealing to Kadi (Islamic) courts. In response the Orthodox Church progressively loosened the restrictions on divorce so that by the time of the establishment of the modern Greek state (1829) Greeks enjoyed some of the most permissive divorce regulations in Europe. The Greek state did not directly challenge

those privileges despite the otherwise radical transformation of the judicial system in Greece which was under strong European influence. The ease of divorce came under increasing attack from moralists and early feminists, predominantly over its supposed effects on the welfare of women. By the end of the nineteenth century the tide had changed so dramatically that in 1919 the Greek state severely restricted the ability of men and women to divorce. This paper examines the Ottoman period and the early decades of the modern Greek state to identify how marriage was perceived, the grounds for dissolving it and the agency of women in this process.

**Marie-Pierre Arrizabalaga, Women, Inheritance and Empowerment: French Basque Women's Adaptation to Legal Systems across Spaces, Times and Places**

Using archival data from three different projects, this paper intends to show that in the past 250 years, Basques of southwestern France have been confronted with a succession of three different legal systems: the unequal Customs of the *Ancien Régime*, imposing single impartible inheritance by transferring all assets to first-born male or female heirs, the egalitarian laws of the Civil Code of 1804, imposing equal partible inheritance between all siblings, male and female, and finally the free-to-choose legal system of Common Law in California where Basque immigrants transferred assets to whoever they wanted. At first glance, Basque women seem to have been treated rather fairly, especially first-born daughters. Yet looking at the data more carefully, it appears that no matter the systems, Basque women have often been treated more unequally and unfairly than men, their power and status being lower than men's. However, across times, places and spaces, the data show that these women have used their own resources and capabilities to resist inequalities, adapt to the laws and at times acquire greater powers and status.

**Lena Radauer and Maren Röger, Mobility and Order. A Legal and Societal History of German-Russian Marriages 1875–1926**

This article focuses on German-Russian marriages between the late nineteenth century and the 1920s, showing how increasing personal mobility and new migration patterns came into

conflict with often rigid legal and administrative systems. Transnational couples frequently ended up caught between the orders of nation states and empires, and it was mostly women who bore the consequences such as statelessness. Patrilinear Civil Law thus had significant gender specific consequences. The study begins with the introduction of civil marriage in the German Empire and ends with the year 1926 when the new Soviet code on family law undermined the practice of legal marriage. At the same time, both states made German-Russian marriages considerably more difficult due to tendencies of isolation and ethnonational closures in the inter-war period.

### **Regula Ludi and Matthias Ruoss, The Grandmothers and Us: Voluntarism, Feminism and Gender Arrangements in Switzerland**

What is voluntarism, and how can we conceptualise it as a subject of historical research? In this article we address these questions with regard to the relationship between gender arrangements and voluntarism in modern Switzerland. Our considerations are based on the assumption that voluntary aid is not a spontaneous act or an amorphous activity but rather constitutes a mode that regulates social relations and structures the social order. Building on this premise, we first outline the emergence of a political culture in the nineteenth century that organised public life and the social division of labour around a gendered discourse on rights and duties, accordingly assigned different tasks to men and women. In the second part of this article, we argue that feminists in the 1970s radically challenged this arrangement, a rupture we interpret as recodification of voluntarism. Corresponding with the emergence of new practices of solidarity among feminists, such reclassification changed the significance of voluntarism. Instead of providing services in support of the state and the common good, feminists defined voluntary engagement as a means of women's liberation and an instrument for revolutionising power relations in society.