

**MINISTRY OF EDUCATION AND RESEARCH  
ION CREANGĂ STATE PEDAGOGICAL UNIVERSITY  
FACULTY OF PHILOLOGY AND HISTORY**

**Published as a manuscript**

**UDC: 94 (478+4)-055.2“13/16”(043.2)=111**

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**THE STATUS OF WOMEN IN THE MEDIEVAL SOCIETY OF MOLDAVIA AND THE  
COUNTRIES OF CENTRAL AND EASTERN EUROPE (14<sup>TH</sup>-17<sup>TH</sup> CENTURIES).**

**COMPARATIVE STUDY**

**Specialty: 611.02 – History of Romanians (by periods)**

**Specialty: 611.03 – Universal History (by periods)**

**Abstract of the thesis for the degree of doctor habilitatus in historical sciences**

**CHIȘINĂU, 2021**

**The thesis was developed within the Department of History and Geography of the Ion Creangă State Pedagogical University in the Municipality of Chişinău**

**Composition of the Public Thesis Commission (approved by the Ion Creangă SPU Senate Decision no. 2 dated 30.09.2021)**

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The defense of the thesis will take place on December 3, 2021, 14:00, at a meeting of the Public Thesis Commission within the Ion Creangă State Pedagogical University in Chişinău, 1 Ion Creangă Street, block 1, Room no. 512, MD-2069, Republic of Moldova (onsite and online).  
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The doctoral habilitation thesis and the abstracts can be consulted at the Library of the Ion Creangă State Pedagogical University, the National Library of the Republic of Moldova, on the Ion Creangă SPU website and on the ANACEC website ([www.cnaa.md](http://www.cnaa.md)).

The abstracts were sent on October 30, 2021.

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## CONCEPTUAL GUIDELINES OF THE RESEARCH

**Relevance and degree of study of the topic.** Studying the issues related to *women's history, family life*, regardless of the era, is an imperative of time, because these aspects are part of the basic principles of society. *Female history* has been and will remain one of the little studied subjects of universal historiography, especially in the Republic of Moldova. In the conditions of the contemporary society, this topic has not been in the focus of fundamental academic studies for a long time, the political and socio-economic history being addressed as a priority. The image and role of a woman in history were reflected exclusively against the background of a man's personality, and her social status was limited to the level of his wife, mother, daughter, and so on. The connection between a woman and politics or a woman and power was ruled out from the very beginning. However, history attests to many events that confirm that women also made a significant contribution to the formation of the concepts of the era (history, politics, dynastic succession, family issues, diplomacy ("marriage diplomacy"), etc.

The question of *what* and *how* it is necessary to study in the field of history has become an urgent problem of modern historiography. Over the years, new directions and tasks, specific categories and concepts have been proposed. The development of the problematics, methodology and conceptual apparatus of *women's history* was achieved thanks to broad interdisciplinary cooperation, when it became an important object of study for researchers in various fields of science (history, law, demography, sociology, anthropology, etc.).

The subject of *women's history* draws a new line in modern historiography, generating a new discipline in the humanities, which deviates from the study of the political and economic spheres and returns historical research towards the human factor. Thus, the present study aims to change the emphasis on some issues of medieval history and to superimpose them on the feminine factor, superficially researched so far.

The need for a study of *women's history* is explained by a series of evidence and arguments. First, a substantial part of women's contribution to history has simply been denied or skeptically perceived. Second, the progress of history has generally been attributed exclusively to men, with women being reduced to an inferior status. The issue of the social and legal status of women in medieval Moldavian society is of particular importance. In historical, legal, ethnographic and literary documents, a woman appears to be endowed with many special gifts: she is wise, an educator of children, a teacher of Christian law, a founder, a factor of stability and permanence of the family, a politician, a regent, etc. Therefore, we consider necessary the complex approach to *women's* issues in history, in order to reconstruct the role and place of women in society. At the

same time, our scientific approach is important as a starting point for elucidating *women's history* in the context of various socio-economic, political-dynastic, confessional-spiritual, everyday, worldview and other phenomena, which will allow us to more deeply reflect the role of women in history and politics, their social and family status, both in terms of the evolution of legal systems and through comparison with the situation in other countries.

*The aim of the paper* is to develop a comprehensive study on the social and legal status of women (in high society) in the medieval period of Moldova, highlighting the specific status principles of Moldavian women in relation to those in Central and Eastern European countries in the 14<sup>th</sup>-17<sup>th</sup> centuries.

In order to achieve the aim, we set ourselves the following *objectives*:

1. Researching the historiography of the issue and delimiting the new directions based on new sources;
2. Determining the role of women in family relationships;
3. Studying the conditions for the formation of a family (engagement, marriage);
4. Determining the woman's legal circumstances regarding the initiation of a divorce;
5. Reasoning women's rights to property and inheritance in Moldavia;
6. Examining the legal character of the dowry sheet;
7. Assessing the legal status of women in medieval Moldavian society (between law and custom);
8. Creating an overview of the phenomenon of certain legal freedoms of Moldovan women in the medieval period.

*The scientific hypothesis* consists in the comparative approach of the social status of women in medieval Moldavian society in relation to the countries of Central and Eastern Europe, from a historical-legal and historical-social point of view, from a more complex perspective of the issue, well documented and systematized. In the course of the study, it was found that in medieval Moldavia, the social and legal status of women differed from the situation in neighboring countries. Highlighting some of the legal aspects, characteristic of this phenomenon, a number of advantages were established that women from Moldavia enjoyed in comparison with women from European countries; namely, they had:

- equal rights with men to inheritance, movable and immovable property;
- legal grounds for divorce;
- the right to remarry after divorce;
- the right to own and dispose of her own money (from dowry and inheritance);

- legal authority to manage (to sell and buy estates, furniture and other goods necessary for living);
- the right to initiate a trial independently and to act as a witness in court;
- to own her own dowry (the husband is not entitled to it);
- the right to leave her property as an inheritance at her own will: to children, husband, other family members (parents, sisters, brothers, grandchildren, etc.) or for charitable purposes to holy places (monasteries and churches), hospitals, schools, etc.;
- after the death of the husband to manage his property equally with the children until they reach the age of majority.

It is very important and remarkable that women in medieval Moldavia also had a certain influence on power. The following facts tell us about these:

- two ruling dynasties, of the “Bogdănești-Mușatini” and of the “Movilești”, were determined on the female line;
- ladies could participate in the regency during the infancy of their sons, elected rulers;
- ladies were accepted in the category of politicians during the power struggles of their spouses or sons;
- at the conclusion of dynastic alliances (internal or external), the daughters of the rulers became an instrument for solving political problems (interstate, inter-territorial, etc.);
- Only in the Principality of Moldavia, both legitimate children and those born out of wedlock were allowed to power. In these cases, the women obtained a special status and were the ones who protected their children during the reign.

The right of succession to the throne in medieval Moldavia was specific; from the very beginning of the formation of the state, the principle of heredity-election was introduced. The ruler was supposed to be a man, "the bone of lord's bone", which means the son of the lord. *Women did not have the right of succession to the throne and the rights to rule were never transferred through women.* However, in Moldavia, two ruling dynasties, the "Bogdănești-Mușatini" and " Movilești ", were founded along the female line or by "royal blood".

**Research methodology.** The status of women in medieval society is a broad historical and legal issue that requires a complex approach, especially through the use of interdisciplinarity. From a methodological point of view, we note the absence of a single standard research method. In fact, given the complexity of the investigations, it could not have been otherwise. Therefore, research techniques specific to history, law, genealogy, sociology, historical demography, etc. were used.

On the other hand, through such a methodological approach, the aim was not to make our work necessarily acquire an interdisciplinary and/or multidisciplinary aspect.

In the science of world history, the result of multidisciplinary approaches turned out to be useful for a more complete knowledge of the past and led to the construction, expansion and individualization of the problems of certain areas, which, despite the general object of research, differed in special tools and directions of approach. At the national level, there is a lack of synthesis works in which medieval society would be examined from the perspective of anthropological research. This gives rise to errors and confusions both in scientific and didactic research and in works on national history.

The methods of scientific investigation used in this paper were the classic ones for historical science, combined with new ones, promoted, first of all, by the *Annales* School, i.e., the method of critical analysis, the method of historical analysis, etc.

The research methodology corresponded to the sources, object, purpose, objectives of the paper and consisted of: the *historical method*, i.e., studying the problem from the perspective of civilizations; the *analytical method*, i.e., identification, assessment and interpretation of sources. Considering that factual historical material largely depends on the information required for research, in direct connection with the analytical method, the *logical method* was used, i.e., deciphering documents, identifying events in the context of historical processes and the legal system during the period under study. Especially since the status of women in society was determined by certain social and legal conditions. The *critical analysis* is useful for studying certain forms of human behavior. *The historical-comparative method* is one of the main ones, since it allows us to single out the specific and general features of the position of Moldavian women in the legal and social system in comparison with those in European countries. Within the historical approach, *particularization* and *generalization* complement each other and explicitly or implicitly depend on comparison. *The historical-typological method* makes it possible to typologize the structures and systems of society (for example, family), to reveal the essence of the phenomena under study (for example, divorce), both by the similarity and by the difference in their qualities.

The legal status of women in the medieval period was directly linked to social life. In such conditions, the application of a complex set of techniques, procedures and methods, allows us to obtain new results that are valuable and useful for the process of studying the issue in question. To achieve the goals of the thesis, a comprehensive methodology for the study of historical events was used, based on the *problematic* and *chronological* principle.

***Chronological and spatial boundaries.*** The paper examines the chronological period *from the second half of the 14<sup>th</sup> century to the middle of the 17<sup>th</sup> century*, which covers the history of

Moldavia from the creation and consolidation of the medieval state to the beginning of the modern era. In our research, the entire epoch is viewed not only from a historical but also from a legal perspective. **The lower chronological limit** corresponds to the crystallization of the territorial-administrative, social, judicial structures, etc. Until the middle of the 17<sup>th</sup> century, the legal basis of the Principality of Moldavia was the customary law or *the custom of the land* (*obiceiul pământului*), which had a long use among the Romanians. **The upper chronological limit** corresponds to the period marked by the adoption of written laws in Moldavia (*Cartea românească de învățătură [Romanian Book of Learning], 1646*) and Wallachia (*Îndreptarea legii sau Pravila cea Mare [Law Enforcement or the Great Code], 1652*). The written law was not a legal norm meant to completely replace *the custom of the land*, but was a component of the indispensable legal pluralism of the state, society and medieval culture. As a rule, it was applied along with *the custom of the land*. The texts of these documents contain a lot of data that allow us to highlight some of the elements that are characteristic of the legal status of women from the perspective of historical evolution.

**The geographical limits** of our research are within the historical borders of the Principality of Moldavia. However, another aspect complementing the present study is the comparative approach. We would like to point out that the chronological segment of the medieval period in Central, Eastern and South-Eastern Europe does not correspond to the respective period in the Principality of Moldavia. Some exceedances of the established chronological framework are motivated and supported precisely for these reasons. Moreover, the comparative analysis of the documents does not coincide with the those in Moldavia and cannot be synchronized. These arguments led us to refer to documents from the 12<sup>th</sup>-14<sup>th</sup> centuries in the corresponding geographical area (Wallachia, Serbia, Bulgaria, Transylvania, the Grand Duchy of Lithuania, Poland and Russia).

**The scientific novelty of the results** lies in a comprehensive and interdisciplinary research of the status of women in medieval society in the Principality of Moldavia and in Central and Eastern Europe (14<sup>th</sup>-17<sup>th</sup> centuries), which allows us to outline the differences and peculiarities of the position of Moldavian women.

The study is an attempt to address a set of issues related to a new direction of research in historical science, women's history. For the first time, some new aspects are discussed and explained concerning the following issues: the institution, legal and moral nature of engagement and marriage (conditions and obstacles); the status of women in the context of family relations; the legal situation of women: women's right to initiate divorce (divorce procedure, legal and moral consequences of divorce); the right to property and inheritance (the equal right of women and men



to inherit in the Principality of Moldavia, the right of succession on maternal and paternal lines); women and the right of children born out of wedlock to inherit, etc.

***Theoretical significance and applicative value of the research.*** The studied problem has a multilateral, interdisciplinary and comparative character. The comprehensive research of the topics investigated in the paper offers a wide range of new theoretical and methodological approaches. The studies will allow specialists in the field of world medieval history, historical anthropology, social history, historical demography, history of law, and so on to reconsider the tasks of studying human life through the prism of everyday structures, collective mentalities, institutional practices. These need to be examined through case studies, through the method of content analysis, through the monuments of historical memory, etc. Thus, an essential feature of the topic under consideration is to facilitate dialogue with other "humanities" sciences.

The results of the paper can be used to elucidate less treated issues, such as women's history, family history, history of daily life, private and spiritual life in the family, history of morals, history of personalities, sociology, history of mentalities, political and socio-economic history, approached through the prism of the human factor. The study can be used for the elaboration of university courses at the faculties of history, law, psychology, journalism, ethnology, ethnography, international relations, etc. Published research can also be useful in the elaboration of scientific-methodical and practical works.

At the same time, the study encourages the continuation of in-depth research in the field of historical and anthropological analysis of the family in the context of major events of everyday life; the ceremonies and rituals specific to family holidays (baptism, wedding, funeral, etc.). It should be noted that such studies were not carried out in the historiography of the Republic of Moldova due to the lack of synthesis works in which the medieval society would also be examined from this point of view (studies of kinship and family structures in the Middle Ages).

***Approbation of scientific results.*** The results of the investigations in the field of women's history are materialized in 7 monographs, 3 volumes of international studies (coordinator and author) and in more than 140 scientific articles (2008-2021), of which 89 were published abroad: Romania (Arad, Bucharest, Iasi, Suceava), Russian Federation (Moscow, St. Petersburg, Yaroslavl, Saryi Oskol, Arkhangelsk, Kaliningrad, Smolensk, Nizhny Novgorod), Ukraine (Kiev, Odessa, Ostrog), Belarus (Minsk, Vitebsk), Poland (Warsaw, Krakow, Poznań, Siedelce), Great Britain (Oxford), Lithuania (Vilnius), America (Boston), Kazakhstan (Astana), Armenia (Yerevan). Various aspects of the research were also presented in the form of scientific communications (including in plenary sessions) at 40 national and 68 international conferences in Romania, Poland, Lithuania, Belarus, Russian Federation, Armenia, Georgia, and USA. During

2006-2021, the author initiated and organized 14 international conferences, coordinated 13 international volumes. The collection of articles "The Female Factor in History" brought together specialists from 14 countries of the world.

The theoretical and practical aspects of the research were approbated in various activities: university lectures, lectures for students of a master's degree, international summer schools for young historians at universities in the country (Moldova State University, Ion Creangă State Pedagogical University, Free International University of Moldova, "Perspectiva" University of International Relations, Academy of Public Administration) and abroad: Institute of Universal History of the Academy of Sciences of the Russian Federation (Moscow); Institute of National History of the Academy of Sciences of Armenia (Yerevan); Institute of History of the Academy of Sciences of Belarus (Minsk); Institute of History and Institute of Eastern Europe of the Adam Mickiewicz University (Poznań, Poland); Institute of History and Ethnology of Georgia (Tbilisi).

The thesis of doctor habilitatus in history was considered and recommended at the meeting of the Department of History and Geography of the Ion Creangă State Pedagogical University in Chisinau, at the scientific seminar of the Ion Creangă State Pedagogical University (Specialty: 611.02 - History of the Romanians (by periods); Specialty: 611.03 - General History (by periods)).

**Keywords:** woman, women's history, social and family status, family law, family, marriage, divorce, church canons, codes of laws, property, inheritance, family-patrimonial relations.

## BASIC CONTENT OF THE THESIS

The thesis for the degree of doctor habilitatus consists of the introductory part, annotations in Romanian, English and Russian, list of abbreviations, six chapters structured in subchapters, general conclusions and recommendations, bibliography of 1059 titles, 248 pages of basic text, author's CV, and the declaration.

The **Introduction** reveals the conceptual guidelines of the research, the relevance of the problem approached, the purpose and objectives of the thesis, the novelty and scientific originality are argued, the geographic and chronological space and the main research methods are explained, the results of the research that led to the solution of the scientific problem, the theoretical significance and the applicative value of the paper, the approval and implementation of the results, the summary of the thesis compartments is presented.

Chapter 1 entitled "**Problematics of women's history: historiographic analysis and sources used**" presents and considers the main scientific publications, which address the issue of research and identification of *women's history* in national and world historiography: France (Bloch 1996, Duby 1988, Braudel 1984, Le Goff, Rouche 1990), Great Britain (Miles 2008, Amaury 1983, Amt 1993, Janeway 1977, Scott 1998, Smith 1998), USA (Andersson, Zinsser 1988, Beard, Bowles 1983, French 1986), Spain (Bertini 1991), Germany (Uitz, Ennen 1999), Italy (Herlihy 1978, Humbert 1972, Romano 1996), Poland (Kuchowicz 1975, Kutrzeba 1908, Sajkowski 1982, Bogucka 1998, Czamańska 1998, Wasilewski 1989, Kulesza-Woroniecka 2002, Tęgowski 1993), the Russian Federation (Repina 2012, Pushkareva 2007), Serbia (Tomin, Laskaris 1926, Ćirković 1997, Bobić 2001), Lithuania (Ragauskienė 2017, Karpavičienė 1999, Sarcevičienė 2005, Lazutka, Valikonite, Gudavičius 2004), Bulgaria (Andreyev 1988, Angelov 1962, Bozhilov 1985), Belarus (Dzerbina 2012), etc.

It is important to note that the emergence of *female history* was primarily supported by medievalists, since it was they who viewed *the Man* as the *axis mundi* of historical analysis in terms of the internal relations between the various spheres of his social activities, which will ensure the development of society, integrity and originality in each temporal "*cadastre*". Proponents of the new approach to the study of the past call themselves adepts of *social history*, which, in turn, includes subdisciplines such as *the history of everyday life*, *the history of privacy*, etc., including *the history of women*.

In international historiography, this issue arose in the 19<sup>th</sup> century and has a high level of scientific research. The development of the historiography of the subject in Western Europe takes place in several stages, each of which is characterized by a certain scientific level of research. The

*female* theme has been approached in many fundamental studies (monographs, journals, collections, scientific articles) addressed the history of women, their social and family position, marital-patrimonial relations in the family, family history, etc., written based on new methodologies, until now it remains one of the most urgent and priority research topics in modern historical science. Considerable results in the field of the historical presence of women in society have been obtained in the last twenty years. This period marks a distinct stage in the study of *female history*. The main feature of the period is determined by the emergence of the first modern concepts of Western and world historiography. The multidisciplinary studies of historians provided a new vision of the problem under study and gave preference to an interdisciplinary approach to women's issues. Examples are works based on new areas of research, such as social psychology, intellectual history, the history of individuals, historical and cultural anthropology, etc.

At the same time, we would like to emphasize that in the last decades the female theme in Romanian historiography has offered more fruitful research, constituting another period, different from the post-war (Soviet) one by conception and methodology. Essential historiographic contribution of Romanian colleagues (Gonța 1998, p. 269-276; Solcan 2020; Szekely 2012, p. 103-117; Gorovei 2006, p. 9-16; Rezachevici 2001; Iftimi 1999-2002; Ghițulescu 2004, Barba 2007, Ciupală 2003, etc.) manifested itself in substantial attempts to assess the importance of the field and demonstrates a deep coverage of topics related to the history of women, female characters in history, family institutions, private life, mentality and everyday life. The natural redirection of historians' interest in these studies has led to significant methodological consequences: an interdisciplinary approach, the search for synthesis through diversity, through the historical and cultural method, etc. New social history is investigated not from the point of view of social movements, but through the prism of historical anthropology. Man, his way of thinking, behavior, way of life, spirituality, mentality and everyday life have become topics of research, and the anthropological method has taken its rightful place at the center of the problem of human history.

As to the national historiography, we must recognize that the female theme (during the research period) has long been ignored by the academic community and has not been addressed in special synthesis or monographic studies. However, tangentially the identified issue found its reflection in the historiography of the Republic of Moldova. Among the studies that partially focus on *women's history*, there are works by P. Sovetov (2001-2002, c. 26-152), A. Galben (1986), A. Eșanu (1983, c. 66-77; Ibidem 2008, p. 444 -490), A. Felea (2008, pp. 20-29). The studies of the mentioned authors are focused on the legal customs in medieval Moldova, the norms of customary law in the field of inheritance, the role of "marriage diplomacy", matrimonial traditions, education,

culture and spiritual life of women in that era, issues of mentality history, and so on, contributing to the research and promotion of *women's issues*.

Special attention in this thesis is given to the analysis of historical sources. The specificity of the topic is that there are very few historical sources concerning family life, private life in general and *women's history* in particular. Studying documents often required reading between the lines or *in a mirror* (Szekely 1997). The comprehensive and multilateral character of the study made it necessary to refer to all written sources of that time: chronicles, codes of laws, wills, dowry lists, lists for church commemoration of the dead, property deeds, various notes, notes of foreign travelers, diplomatic reports, acts of purchase and sale, legal proceedings, etc. The study of the proposed problem was based on the most diverse available historical sources, classified according to the degree of reliability, volume and information content, which were published in Moldova, Romania, Poland, Russia, Ukraine, Lithuania, Serbia and Bulgaria. Note that a large part of the documents is published, but at the same time unique documents were used that were put into a scientific practice for the first time. The complex organicity of all the sources that complement each other made it possible to give a broad, unified and analytical vision of the problem under study.

Both the complexity of the proposed tasks and the diversity of historical sources led us to specify the main categories of sources that were available to us: documents from archives; published and translated documents; published documentary sources (internal documents; legal sources (code of laws, rules, etc.).

First of all, we refer to the original sources, especially those found in Poland, namely in Biblioteka Kórnicka (Sygn 201, 280, 361, 1607, 41606, Mf. 423, 497; 7128), Biblioteka Czartoryskich (rks. 146, IV 215; IV 351, 378, 632, 752; 917), Biblioteka Polska Akademia Nauk (Mf. 24177; 278, Mf. 25655), Archiv Sanguszków (nr. IX ½, (zb. Rusieckich, IT. 363), Arhiv Potockich (T. 45 / II k., 488 v.), Arhiv Radziwiłłów (Dz. V. t. 281, no. 12235; no. 12 258; Dz. II, t. 11, no. 1447), in which we have found information about the Moldavian-Polish dynastic relations, detailed descriptions of princely weddings (conditions of engagement and marriage), personal lives of the daughters of Stephen the Great, Ieremia Movilă, Vasile Lupu, family life in Poland (relations between spouses, marriage, divorce) etc. Of great value are the sources relating to the personal life and activities of women from Moldavia (Elena, Ecaterina, Ruxandra Lăpuşneanu, etc.), references to wills (Maria Cnejna, Maria Radziwiłł, Maria Movilă), the originals of Maria Radziwiłł's letters of the 17<sup>th</sup> century, documents about the dowry of the daughters of Ieremia Movilă (Raina, Maria, Caterina and Ana) and Vasile Lupu (Maria Radziwiłł and Ruxandra Khmelnitska), documents reflecting family relations (Alexander I of Moldavia,

Bogdan III, Alexandru Lăpușneanu). A special category is the documents about princely weddings. During 2004-2006, at the Biblioteka Kórnicka (Poznań) and at the Biblioteka Czarotoryskich (Krakow), unique documents were found, where the weddings of Vasile Lupu's daughters are described in great detail. We also note the document on the divorce between Alexander I of Moldavia and his third wife from *Bullarium Poloniae* (IV, p. 129, document 690), found at the University of Lublin. We refer to unique sources from *the Russian State Archive of Ancient Acts* (hereinafter RGADA), especially collections 68 (*Relations between Russia and Moldavia*), 156 (*Historical and ceremonial affairs*), 135 (*Moscow Grand Duke Archive*).

In addition to the original sources, the published documentary sources were also used. Among the most important sources of this type are a series of collections that appeared at the end of the 19<sup>th</sup> century and the first half of the 20<sup>th</sup> century, made by Nicolae Iorga (1900; 1901; 1902; 1903), E. Hurmuzaki (1897), I. C. Filitti (1913-1914), Gheorghe Ghibănescu (1910; 1921; XIII 1923; 1922; XVI 1926), Teodor Balan (1934), Ștefan Berechet (1926; 1930), Andrei Veress (1935; 1938), I. Corfus (2001), etc. Particularly valuable for researching the issues addressed are the collections of internal and external documents: *Documente privind istoria României (Documents on the history of Romania) (DIR)*, *Documenta Romaniae Historica (DRH)*, *Suceava. File de istorie. Documente privitoare la istoria orașului (1388-1918) (Suceava. History files. Documents on the history of the city (1388-1918))*, *Catalogul de documente din Direcția Arhivelor Centrale (Catalog of documents from the Directorate of Central Archives)*, *Moldova în epoca feudalismului (Moldova in the era of feudalism)*, *Documente privitoare la istoria orașului Iași (Documents regarding the history of the city of Iași)*, and others.

The study and reconstruction of the history of women in the medieval period cannot be carried out without an analysis of scriptures of that time. Internal and external *narrative sources* of that period (chronicles, individual letters, notes of foreign travelers) constitute a separate group of sources and reflect a number of valuable facts about wedding customs and traditions (marriage, engagement, wedding), family life, mixed marriages, dynastic relationships, and so on. In this order of ideas, relevant are the chronicles of Grigore Ureche (1990), Miron Costin (1990), Ion Neculce (1990), Axinte Uricarul (1993), the Slavic-Romanian Chronicles of the 15<sup>th</sup>-16<sup>th</sup> (*The Anonymous Chronicle of Moldavia, The Moldavian-German Chronicle, The Chronicle of Azariah, The Chronicle of Euthymius, The Moldavian-Polish Chronicle, The Moldavian-Russian Chronicle, The Teachings of Neagoe Voda Basarab to his son, Theodosius, The life of Vlad Țepeș, Story about Dracula voivod* (Cronicle 1959), Georg Kraus, *Chronicle of Transylvania 1608-1665* (1965), *Chronicle of Ghiculești. History of Moldavia between 1695-1754* (1965), *Chronicles of Muntenia (Chronicle of Radu Greceanu, History of Wallachia from Constantin Cantacuzino,*

*Chronicle of Cantacuzeni, Histories of the Rulers of Wallachia by Radu Popescu, Anonim Brâncovesc*) (1961).

This study is also based on narrative sources of foreign origin - chronicles from Poland, Ukraine, Lithuania, Serbia, Bulgaria, namely: Feodosiy Sofronovich, *Krojnika o pochatku i nazvisku Litvi ši Krojnika o zemli Polskoj* (1992), Marcin Murinius, *Kronika mistrzów Pruskich* (1989), *Kronika Jana z Czarnkowa* 1996; Łowmiański 1999), *Polnoe sobranie russkih letopisej (Spisok grafa Rachinskago. Letopisec Velikogo Knjazja Litovskogo i Zhomoit'skogo. Kniga Velikogo knjazhestva Litovskogo i Zhemoickago. Rodstvo velikih knjazej Litovskih. Letopisec Velikogo Knjazja Litovskogo i Zhomoit'skogo. Kniga Velikogo knjazhestva Litovskogo i Zhemoickago)* (*Zapadnorusskie Letopisi* 1907). The collections of documents *Stari srpski rodoslovi i letopisi, Iz starata bulgarska knizhnina*, edited by Ivan Duichev (Дуйчевъ 1944), were of real use to us. In these sources, there is rich historical information, sometimes captivating, which illustrates the history of Moldavia in the context of international relations in terms of dynastic relations, the role and mechanisms of "marriage diplomacy" in establishing interstate agreements, the evolution of matrimonial relations with neighboring countries, etc.

The documentary value of **legal sources** is no less significant for knowing the issue of *female history*, because the study addresses in particular the social and legal situation of women in the family, society, etc. The sources of feudal law in the time we are referring to were the *obiceiul pământului* (customary law), *pravilele bisericești*, i.e., church rules (law, regulation of civil or church law, according to church canons), *hrisoavele domnești* (princely charters of property, privilege, etc.) and written law (collections of laws, codes of laws). Information on the legal rules concerned the issue is contained in the written legislation of the countries of Central Europe (Poland, Czech Republic), Eastern Europe (Lithuania, Russia) and Southeast Europe (Bulgaria, Serbia), namely: *Ecloga*, *Dušan's Code*, *Kormchaia Book*, *Stoglav*, *First and Second Lithuanian State*, etc.

The analysis of the historiography presented above, and especially of the Republic of Moldova, shows the lack of a work on the status of women in medieval society. Although the *issue of women* has been addressed, the topic proposed for research (The status of women in medieval society in Moldavia and the countries of Central and Eastern Europe (14<sup>th</sup>-17<sup>th</sup> centuries). Comparative study) has not yet been the subject of special investigations.

To achieve this goal, we set ourselves the following tasks: research of historiography and sources, including new ones on this problem; studying the role of women in the context of family relations; study of the institution of the family (engagement, marriage: conditions and obstacles); defining the role and right of a woman to divorce; assessment of the legal status of women in

medieval Moldavian society (between law and custom). At the same time, our scientific approach is important as a starting point in covering the *women's history* in two directions - historical and legal. In order to highlight and establish the features of the social and legal status of Moldavian women, it is necessary to consider the issue by a comparative method, without which it is impossible to draw up a clear picture of the phenomenon of certain legal freedoms of women in the period under study. In this context, in this study, we turned to historical and legal sources from Moldavia, Wallachia, Serbia, Bulgaria, Transylvania, the Grand Duchy of Lithuania, Poland and Russia. The analysis of documentary material from this period prompted us to apply a comprehensive historical and legal approach to the study of the social status and legal status of women in the specified geographical region in order to fill the gap in modern historiography.

Chapter 2 entitled **“Woman in the context of family relationships. Institution of family”** represents an interdisciplinary approach to fundamental issues related to family history and the status of women in marital relations. The first condition of the approach is to consider the following fundamental phenomena: the definition and institute of engagement and marriage; the legal and moral nature of the engagement, the conditions and obstacles for the conclusion of a marriage, the list of the dowry, the legal act of that time. The second condition is that research is focused on the *female factor*, that is, on the marital status of a woman (from high society) in the context of family relations. The finality of this approach is multiple, because family relationships, family ties, spiritual unions, etc. reveal the importance of marriage, as well as the social and legal status of women in the family and society.

In order to highlight and establish the particularities and the specific status of women in Moldavia, we approached the problem by comparative method, without which it is impossible to create a clear picture of the phenomenon of certain legal freedoms of women in the era under study. In this context, in this study we appealed to the historical and legal sources from Moldavia, Wallachia, Serbia, Bulgaria, Transylvania, the Grand Duchy of Lithuania, Poland and Russia. The analysis of documentary material from this period prompted us to apply a comprehensive historical and legal approach to the study of the social status and legal situation of women in the specified geographical region in order to fill the gap in modern historiography.

Through the present study we tried to approach certain general problems of social history in the given period with the emphasis placed on the feminine factor, superficially researched in historiography. After analyzing the problem under consideration, we found that the old sources contain enough references to understand the notion of *marriage*. Marriage was considered one of the sacraments of the Church and was (and still remains - the author's note) the basis of family structures, which, in fact, forms the basis of society, and is endowed with sacramental attributes



by Christianity. *The religious function* of the family continued to be maintained, beginning with the very act of creating a family and persisting throughout its existence. Any marriage that had not been officiated religiously was considered cohabitation.

Marriage was determined by the norms and principles of church canons. For marriage, it was necessary to meet certain conditions, which were determined by both written legislation and customary law. ***The conditions for the validity of marriage*** in the Romanian principalities were: the appropriate age or the statutory age of the spouses; parental consent; consent of the young couple; voluntary choice; physical and mental condition; belonging to the same religion; exclusion of a close degree of kinship; observance of the church wedding ceremony; belonging to the same social class. To achieve the above results, we have resorted to comparative studies. In this context, we mention that we turned to Byzantine canon law and identified the main influences of Byzantine law on European countries. Until the 15th century, in all European countries, both in the East and in the West, the age of 12 to 14 years was valid for marriage.

Based on the foregoing, we conclude that in order to enter into a marriage during the period under study (14<sup>th</sup>-17<sup>th</sup> centuries), it was necessary to fulfill certain conditions, which are reflected both in written legislation and in *customary law*. In the Romanian principalities, the strong influence of Byzantium on civil legislation is evident. According to the factual materials, the age of marriage in Romanian countries was 12 years for girls and 14 years for boys. The situation in the countries of Central, Eastern and South-Eastern Europe was similar. According to civil law in Western and North-Western Europe, the age of marriage was between 14 and 20 years. Marriage was a legal act of creating a family, it was celebrated in public, in front of the church authorities, and all conditions for marriage were strictly observed.

The marriage was concluded after meeting certain conditions, but certain obstacles were also taken into account. To truly define and understand the role of marriage in the Middle Ages, it is necessary to know ***the obstacles to marriage***. In the Romanian principalities, these were: the kinship of blood on the direct line and on the collateral line, the kinship by alliance and spirituality (which comes from holy baptism and adoption), mixed marriage (marriage with heterodox people), marriage with people who took monastic vows, incest (mixing of blood), marriage during mourning, bigamy (“two wives or two husbands”), the fourth marriage (only three marriages were considered legal).

In the Middle Ages, marriages between *blood relatives* were considered invalid and strictly prohibited. According to church canons, relations between relatives were strictly regulated. The marriage between *the parents of the spouses* was not allowed and was declared illegal, although they were not considered *blood relatives*. Another form of kinship that prevented marriage and

was characteristic of the medieval spiritual and religious mentality was *spiritual kinship*, also associated with another church sacrament, namely baptism.

Mixed marriages have been one of the most rigorous impediments to creating a family. This prohibition was included in all the codes of law in force in the European countries at that time. If one of the spouses changed his confession (that is, renounced Orthodoxy), according to canon law and the *customary law*, the marriage was dissolved.

In the Middle Ages, marriages with monastics and incestuous marriages were prohibited. Incest was called in the feudal law a *mixture of blood* and was punished by the rules of death, nose-cutting and whipping. Mourning was another obstacle to marriage. Marriages were postponed during the period of mourning. Bigamy was impediment to marriage also. In the event of a marriage, but without the dissolution of the previous marriage for various reasons, including if one of the spouses was in captivity, the new marriage was considered invalid. In other words, no one was allowed to have two wives or two husbands.

No more than three marriages were allowed. According to *custom* and *sacred rule*, the fourth marriage was strictly prohibited and, thus, this was an obstacle. The institution of marriage in the Middle Ages had a special role and was strictly regulated by the church: from conclusion to dissolution. In relation to marriage, the church established a number of rules, some of which were taken directly from Roman law, others were established independently. Of these rules, we are mainly interested in the legal ones, which regulate, first of all, the conditions that had to be met in order to be able to marry, then the way of marrying: directly or through a preliminary engagement, and thirdly, we investigated the relationship between spouses in terms of mutual rights and obligations, and, finally, there was a special category of rules regarding the termination of marriage (for natural reason, or through legal separation).

The marriage was preceded by *an engagement*, which was considered an official promise with legal effects both in terms of the position of the betrothed ones and in terms of property. Through an engagement, two young people (or candidates for marriage - the author's note) solemnly promised each other to get married. *The purpose of the engagement* was solely the marriage; therefore, the engagement was considered the guarantee of the marriage. The act of engagement was viewed in the light of considerations similar to marriage, so most of the obstacles to marriage also related to engagement (dementia, consanguinity, bigamy, etc.). These conditions had to be met before marriage, because after the wedding divine service, there was a moral and spiritual relationship between the married couple, with all that it entailed. One of the goals of the engagement was to provide the girl with a dowry. Over the centuries, a custom has been established in the Romanian principalities, according to which the groom provides the house, and the bride

brings a dowry to this house. At that time, *the dowry list* was considered a legal act reflecting mutual understanding and agreement between two families to ensure the fulfillment of certain obligations both on the part of the bride's parents and on the part of the groom and his parents. The presence of witnesses was necessary to avoid the misunderstandings that could arise between the two families in case of non-fulfillment of duties and the eventual dissolution of the marriage. In addition, these conditions were sacredly observed, because in medieval Moldavia, the dowry was protected by the *customary law* and written laws. The dowry remained all her life in the possession of the woman and the family from which she came, the husband had no right to dispose of his wife's property, sell it, alienate it or pledge it. At the end of the engagement, the most important stages of the wedding were discussed: the day of the religious ceremony and wedding celebration, sponsors at the wedding, guests, entertainment, etc. The religious wedding ceremony was the most solemn and important part of the wedding; without it, the marriage would be invalid. In conclusion, we note that the study of the issue of the institution of marriage in the literature has been little studied, especially from the point of view of the functions of the family: demographic, ethical, pedagogical. In essence, we consider that the family, in the old legal conception, has a vast interest both for the perception of our past and suggestions for contemporary realities.

Chapter 3, **“Dissolution of Marriage: Conditions and Consequences. The right of women to initiate divorce”**, addresses issues little researched in Romanian historiography. Closely related to marriage, divorce is a very interesting chapter, as this (delicate) topic allows in-depth research of privacy and opens new perspectives for studying the state of medieval society through several factors - social, demographic, everyday, mental, psychological, etc. Research in this area shows that Europe inherited the institution of divorce from the laws of Greece, Ancient Rome and Byzantine law. It is widely believed in the historical literature that divorces were rare in Central, Eastern and South-Eastern European countries.

For centuries, in the Romanian principalities, most of the conditions for divorce were inherited. It is also certain that, although the European legal environment was more advanced in terms of civil law, the Romanian space demonstrated the most persistent preservation of *Byzantine law* and *German law*. It is surprising that, although in the Romanian principalities written legislation was introduced into official circulation only three centuries after the emergence of the state, the right of both spouses to divorce (*Byzantine law*) was applied more often than in other European countries.

The reasons for divorce in the Romanian principalities were quite many: adultery; suspicion of adultery; fornication; evasion of marital duties; conversion to another religious confession; close kinship; alienation of the wife's property (*"bad living and squandering of the dowry"*); *defamation*

of wife (slandering denunciation); improper behavior (*drunkenness*); for "*man's enmity*"; the beating and threat of death by the husband; evicting the wife from home (*repudiation by expelling the wife from the house was one of the rarely used but known ways*); the disappearance of one of the spouses; leaving the marital home; if the woman is not a virgin on the wedding night; wife's wickedness, lack of wisdom, waste of property and ineptitude in housekeeping; "*bad living*" associated with drunkenness and waste of dowry; the monkhood of one of the spouses; heresy; sodomy (*abnormal sexual intercourse*); pedophilia (*sexual attraction to children*); exhibitionism (*sexual perversion expressed in public exposure of the genitals*); lesbianism (*female homosexuality*); pimping (*profiting from the prostitution of others*); imprisonment (Ghițulescu 2004; Ibidem 2002, p. 89-114; Székely 1997, p. 74-76; Ibidem, 1999, p. 75-77).

*Divorce* involved a moral responsibility to the church, relatives, and the entire community, it was a very complicated court procedure that required spouses and the whole family to follow a series of rules and assume certain legal responsibilities. The norms of the *customary law* were applied in accordance with the *morality of society*. Divorces were tried by the ecclesiastical court, being a canonical civil matter. Following the trial, a *separation card* was issued, which could be obtained by either spouse. In medieval Moldavia, both men and women had the same rights when it came to separation or remarriage.

However, we would like to mention that we accept the opinion of several authors who, among other things, argue that "*the principle of gender inequality dominated in relations between spouses*", and the traditions of that period obliged women to be loyal to their husbands, to obey them, and the husband had the right to correct wife. Divorce had many consequences that were not in favor of the woman. For example, in a divorce, values brought or acquired during marriage were shared, the husband always taking advantage, and when there were children, the boys were usually returned to the father and daughter were returned to the mother. The worst consequences were of a moral and social nature, because the status of a divorced woman changed suddenly, often being ostracized by society.

In the middle of the 17<sup>th</sup> century, which was considered the moment of transition from the Middle Ages to the modern era in the Romanian principalities, the first codes of laws appeared: *Carte românească de învățătură* (1646) by Vasile Lupu and *Îndreptarea Legii* (1652) by Matei Basarab. The conception of that time towards adultery was harsh. For the first time, according to official law, the guilt of adultery was extended to men. The death penalty was not used (according to the customary law, a woman could be punished with death), but the rules clearly emphasized that this was a crime against morality. In the case of adultery by one of the spouses, the dissolution of the marriage followed.

The right of Moldavian women to divorce is confirmed by many chapters in the *pravile* (the code of laws). If a woman could bring evidence and arguments against her husband, about "enmity" (drunkenness, abuse), "*bad living and squandering of the dowry*", sodomy, heresy, etc., then, according to the *pravile*, she could demand, in addition to divorce, her maintenance at the expense of her husband. All property and all income from the dowry (sometimes also part of her husband's property) passed into her possession.

As we have tried to show, using a number of documents from that era, in order to obtain a divorce, women needed not only to motivate the causes that led to the trial, but also to obtain the support of credible witnesses. The institution of witnessing in situations of divorce was of indisputable importance, the priest should have been the main witness, because divorce, like marriage, was formalized only according to church rites and traditions. It is certain that women in Romanian lands were presented as having equal rights with men to testify in court. A woman was fully capable of appearing alone, unaccompanied, in court when initiating a divorce or in any lawsuit with her husband, other relatives, etc. At the same time, the law provided for a number of conditions under which a husband could challenge his wife's accusations. For example, there was an article in which the court had to consider the situation when the woman claiming the abuse could provoke the man, and then it had to be proved that she was guilty of being beaten.

In addition, men were protected by law, and women could not end a marriage if the man claimed that his wife was not a good housewife, was not obedient, and so on. In the end, the codes of the law made it clear that in some cases the marriage was not dissolved at the request of the spouses and even established the conditions for the preservation of the family. Time was given "for reflection" so that the spouses could reconcile and keep the family together. When comparing divorce conditions for men and women in the *pravile*, it is easy to see the difference between the two. Obviously, the men had advantages. But the very fact that women did have the right to file for divorce tells us a lot about how family relationships developed during the study period. It was this right that distinguished the women of the Romanian principalities from the European ones. In medieval European law, we could hardly find such examples.

We have already pointed out that this issue is partially researched in Romanian historiography. For our part, in this short study, an attempt was made to analyze the process of dissolving marriage from the point of view of women's rights. But we would like to mention that the extreme scarcity of sources did not allow us to give answers to the many questions related to this topic.

Chapter 4, "**Women's right to property and inheritance. Legal situation**", pays attention to the property and legal status of women. This issue is connected not only with the development

of the history of law in general and family law in particular, but also contributes to the clarification of issues of great importance, such as the spectrum of private law, marriage and property relations, the socio-economic status of women, as well as the sources of inequality of women in society, arising from the correlation of the legislative sphere with the real situation of women. At the same time, the financial and hereditary status of women was a guarantee of their legal status in the family and society. The social position of a woman depended not only on her origin, but also on her financial situation. Owning and managing their own wealth gave women the right to an independent economic position and to social activity. Developing this topic in relation to the researched period, we point out some of the features characteristic of the Principality of Moldavia. First of all, let us emphasize that the appearance of Moldavia as a state on the political map of Europe is rather late (mid-14th century), while European countries were in the process of transition from the Middle Ages to the present. However, even at such a long distance in time, the evolution and development of the legal system of the medieval Moldavian state had certain features that were not characteristic of developed European states. The medieval era is a period of various state legal processes. In Western Europe, jurisprudence has developed according to its own traditions.

During this period, in Moldavia, the institutions of state power were rapidly developing, the territorial-administrative infrastructure was determined, the Christian religion was formalized (Rezachevici 2001, p. 40, Gorovei 1997), which influenced the formation of the concept of national identity and largely accentuated the evolution of the judicial system. An important feature of this process in Moldavia was the absence of written law until the middle of the 17<sup>th</sup> century, which determined the peculiarities of the national-state history. Another characteristic difference was the revelation of Byzantine law. The third feature is that in the conditions of imperfection and immaturity of the legal system, Moldavia in some respects surpassed the civilization of the developed West with its rich legal traditions.

Documents from that period testify to the relative patrimonial independence of Moldavian women from the privileged strata in the family and society. In Moldova, both daughters and sons had the right to inherit equally. Women had the right to own property (movable and immovable); at the end of the marriage, a woman remained the owner of her property, brought to the family (dowry) or acquired in marriage, all this belonged only to her. The particular importance of the status of women in Moldavia is explained by the historical legal basis. It is in the legal norms of inheritance that reflects the development and evolution of legislation showing the system of family relations between spouses, especially the rights of women.

Unlike many European countries, in Moldavia, in inheritance law, girls inherited on an equal basis with boys. And if they were endowed with a dowry before opening the inheritance, they

could attribute the dowry to the hereditary mass, and then move on to a new section of the inheritance (*sinisphora* - the author's note). *Sinisphora* was a norm of Moldavian *customary law*, according to which a daughter who married before the death of her parents and, therefore, had an appropriate fortune, upon opening an inheritance, had the right to inherit lands, adding them to the already received real estate. Surprisingly, *sinisphora*, inherited and adopted from Byzantine law, was known only in Moldavia and was not used in other European countries. In Moldavia, there are many cases when women received charters for real estate from princes. A number of documents from the medieval era confirm the right of women to buy real estate. This is a very important element because to a certain extent it defines the legal status of women in the context of property rights in general. The purchase of movable and immovable property gave women the opportunity to protect their status in society and in the family. This right guaranteed women independence in managing their wealth.

Unlike in Moldavia, in Wallachia, as well as in Transylvania, the right to inherit was primarily held by the male representatives. However, we found that women could obtain inheritance rights in a variety of ways that were accepted at the time. If there were no male heirs in the family, the head of the family appealed to the king to give the girl *the son's right* to inherit, that is, *to change the daughter into a son*. Another way was the king's permission to endow the woman with the right of legal inheritance. This right was rarely applied, but such cases are well known.

One of the most common practices was the institution of *fraternization* (*înfrățire*). Fraternization between family members (between cousins, brothers and sisters, grandchildren, sons and daughters, etc.) at that time, were used in order to avoid the obstacles established by law for the inheritance the property of parents, grandparents, uncles, etc. Fraternization was generally applied to ensure the preservation of family property. Through this process, daughters could inherit the property of parents who did not have sons. The institution of *înfrățire* demonstrated the equality of both sexes in inheritance rights and, in addition, ensured the protection of this right for the heirs. It was a safe and effective way for women to become owners with the right to inherit and own family property, because this right was obtained with the consent of the ruler and could not be challenged by close relatives on the part of the husband or wife. In the "Îndreptarea Legii" by Matei Basarab (1652), the issue of heirs was clarified as follows: children, regardless of gender, were the heirs of both parents, father and mother, no one else, neither grandmother, grandfather, nor uncle, had the right to inherit.

Women's right to inheritance was also known in other countries. For example, in Lithuania, women enjoyed certain freedoms. *The First Lithuanian Statute* (1529) stipulated that after the

death of the father, both sons and daughters had the right to inherit. This legal position of women was reconfirmed by *the Second Lithuanian Statute* (1566) and *the Third Lithuanian Statute* (1588).

The conducted historical research, the historical and legal documentary base show that women in Moldavia had a special status in comparison with neighboring countries. Considering the legal aspects of this phenomenon, we found that they had certain advantages compared to women in European countries, having the right to property and inheritance of movable and immovable property; to own their own money and independently dispose of the dowry; to initiate legal proceedings and testify in court; to dissolve the marriage, to remarry and preserve their own fortunes; to inherit all property after the death of the husband; to patronize the children and property after divorce; to leave the fortune as an inheritance at will; to deprive children of inheritance, and so on.

In our opinion, this status of women was also determined by the adoption of Byzantine law; in the complex of practices and norms that constituted the feudal legal custom, *the customary law*, the unwritten law, the impact of Byzantine law is noticeable. It is also noteworthy that in Moldavia the written law (*which was a compilation of Byzantine canons and civil laws*) became official only in the middle of the seventeenth century, and historical documentary materials demonstrated this recorded influence. This is a complex, difficult and insufficiently studied issue in Romanian historiography, which is rather related to the history of law.

Chapter 5, “**The right of pre-emption and redemption**”, analyzes the legal dimension of the patrimonial relations between spouses. This issue is one of the most complex ones in the field of family law research, especially when it comes to women, which is also the subject of this study. The conceptions, often erroneous, that were formed in connection with the status of women, especially in the Middle Ages, generate numerous questions regarding the origin and position of women in society, of their status and economic role in the family.

In order to illustrate the rights of women in medieval Moldavian society, when, among other things, they also enjoyed property rights to real estate, we proposed to study this issue from an analytical point of view. The need to study this topic from several points of view includes an analysis of the content of property and methods of acquiring it, since most of the scientific literature in this area reveals this problem one-sidedly. Consideration should be given to the way to access the property, such as inheritance, will, agreement, donation, etc.

In order to better understand the matter of women's succession, traditions and customs in family law preserved to this day, we considered it necessary to deepen the study of *customary law* (local-territorial customs) and legal norms, the right of pre-emption and redemption; so did the *protimisis*, the *prădalica*, and the inheritance of the dowry.



We found that the inheritance rights of women in medieval Moldavia to some extent determined their legal status in society, giving them relative freedom. In Moldavia and Wallachia, women (married or widowed) owned their property contributed to the family as a dowry or acquired during marriage for their own money. The principle of separate ownership of property lay at the basis of property relations between spouses.

Many documents of that era testify that Moldavian women had the right to inherit, alienate, manage, sell, buy property; they had the right to receive charters for real estate, own it, manage it and, if necessary, defend themselves in court. In all cases investigated, women acted as prosecutors or witnesses in trials alone, without parents, husband, brother, etc., who could accompany or represent them.

In the family relationship between spouses, it is worth highlighting an element of a legal nature: when buying real estate, a man who had lawful common children with his wife became the owner, who, by signing the act, received individual rights and obligations arising from the transaction. The proceeds of this contract became his own, which could be passed on to his descendants, and his wife had no rights over them. Therefore, only the contracts to which both spouses were associated offered the wife patrimonial privileges over their product.

A very important issue, related to our subject, is the *protimisis*, which consisted in the *pre-emption* right of the relatives, which benefited the relatives of someone who intended to sell a part of the inheritance. The documents of the time show that in Moldavia and Wallachia women, by virtue of the right of *protimisis*, had the right to keep the estate for themselves, even in case they remarried. The wife could dispose of her property without asking her husband's permission. The right of *pre-emption* and *redemption* allowed women in high society to manage and dispose of the property that belonged to them, independently (or together with family members), i.e., they could legally sell it. In case of dispute, the women appealed to the ruler and the princely council to confirm their rights. The princely council, as the Supreme Court presided over by the ruler, judged and decided the processes of *protimisis* (Grigoraș 1971, p. 228).

The analysis of documentary material of the era shows that in Moldavia there was no institution of *prădalica* (the right of the lord to take the property of the deceased who did not have male descendants), because the male inheritance privilege was not applied; here the right of inheritance of women was well established and always maintained. For the right of succession of girls there was no need for a special approval, as in Wallachia.

In contrast to Moldavia, in Wallachia, as well as in Transylvania and Hungary, the right of inheritance belonged, first, to the representatives of the male sex. The institution of *prădalica* appeared in Wallachia in the middle of the 15<sup>th</sup> century and disappeared in the middle of the 16<sup>th</sup>

century. At the origins of this institution was the concept that the estate is a privilege provided by the lord, and the lord can revoke it in the case of the disappearance of the owners in the male line, because women cannot fulfill military duties to the lord, duties arising from the provision of the fief. However, we found that the institution of *prǎdalica* does not coincide with the privilege of male inheritance. According to the "*prǎdalica* will never happen" formula, the wealth obtained from royal donations remained in the family and was inherited through the female line. The *prǎdalica* extended to all estates in the country, even to the lands of the communities of elders, which were previously in the possession of a lord or king. The *prǎdalica* also affected the estates bought by women.

In other European countries, the situation was completely different. In the Middle Ages, the absence of the right to inherit real estate for women was normal. Although in Europe there were different forms and models of inheritance rights, in most countries women were excluded from inheritance of real estate, and if they had this right, then it was partial, because in some cases women inherited only a quarter, in rare cases a little more, but without the right to manage, sell, etc. At the end of the marriage, women were provided with movable property (valuables, money, furniture, household items, etc.). After the allocation of the dowry, the daughters were removed from inheritance. Only widows had a special status and often inherited the property of the spouses, but they were also limited in their rights in favor of the heirs, primarily the sons.

A similar legal practice exists in Lithuania. Women enjoyed not only the right to inherit real estate, but also the freedom to manage independently their property in order to conclude a number of transactions: purchase and sale, exchange, guarantees/pledges. The sale of real estate, especially estates and land (vineyards, orchards), requires prior notification of the owner's intention to sell the property. This condition is due to the existence of a pre-emptive right to purchase of relatives and neighbors, who by law are preferred buyers. Failure to comply with this condition entails the possibility of appealing the transaction in court.

Chapter 6, "**Woman and the inheritance law**", is dedicated to the legal effects within the framework of inheritance law, the legal regulation of the patrimonial relations between spouses regarding the testamentary succession, the ways of transmitting the heritage within the succession. Historical literature tends to treat this subject in a marginal and detached way. We consider that it is imperative to identify the material issues (essential components) of the property and legal status of a woman both in the family and in society: property received from the family (movable and immovable property); wedding gifts (from the husband, from the husband's family or from relatives); income and profit from their own area of exploitation and their own money (houses, vineyards, gardens, animals, household items, jewelry, etc.). At the conclusion of the marriage,

the woman remained the full owner of the property that she acquired as a dowry from her family, as well as property acquired during the marriage (including the engagement). We are of the opinion that this issue is of great importance and requires a structural approach. The study of marriage and individual possession in the family, in particular the quality of the testator for men and women, should be revealed in a concordant context.

In this chapter we aimed to investigate the legal situation of women as legal heirs and beneficiaries of testamentary rights; as a testator and of her right to the distribution of the wealth among the heirs / successors (husband, children, relatives, churches and monasteries, etc.); women's right to disinheritance and reasons for exclusion from succession. During the study of the testamentary-succession issue, we analyzed the structure of women's wills, the character and specificity of their testamentary inheritance, the importance and materialization of the patrimonial effects of the succession law.

In the context of investigating the legal status of women as owners and independent administrators of movable and immovable property, we also examined the succession rights of women during the research period. The analysis of wills presents the legal situation of the woman in the case of testamentary succession, as testator or beneficiary (daughter, wife, niece, etc.). In Moldova and Wallachia, the wife remained the owner of the movable and immovable property, regardless of marital status (alone or with children); but the ownership of this advantage was strictly subject to the condition of remaining unmarried, since, otherwise, its property passed to the children, or, in the absence of the heirs, to the relatives from the husband's family. The wife had the right to exchange, sell, donate her husband's estates, alone or with the children. If the will specified that the wife had the right to inherit the property, whether she remarried or not, then the relatives of the deceased husband could not claim the estate. The legal position of widows was also protected by the rules of the time: the will protected a woman's right to the property left by her husband. If one of the relatives, or even the ruler himself, claimed property, in part or in full, the wife had a legal basis for claiming the right to property (in inheritance).

From the point of view of status and law and of the parallelism with other European countries (Western or Eastern), the testamentary right to inheritance grants to the women from the Romanian principalities more freedoms. In most European countries, widows, even if they inherited their husbands' wealth, remained under the care or supervision of their sons, fathers, or the husband's relatives. The main heir was the eldest son or the eldest man in the husband's family. The principle of primogeniture of the Salic system predominated in Western countries.

The testamentary status of a woman was also determined by her legal status as a testator. In addition to the fact that a woman, as a beneficiary, had the right to all movable and immovable

property inherited from her parents, from her husband and to those acquired during the marriage on her own money, she, in her capacity as testator, could dispose of all his fortune freely. Beneficiaries of the inheritance could be the husband, children, close relatives, monasteries, etc. In most cases, a woman left all the property to her children, but often women gave the real estate not only to their children, but also to the husbands or wives of these children. A specific category is represented by the legal cases regarding the division of property between the heirs (children) born from the different marriages of the testator. The final decision belonged to the mother and, as a rule, all her wealth was divided equally among all the children, whether they were from the first or the second husband.

If the deceased had no children, the woman's parents or close relatives filed lawsuits for the return of the property to the family of origin. In order to leave a legacy to her husband, the woman had to confirm this decision in writing, by will. The husband did not have the right to administer or sell the property of the deceased wife without the consent of her relatives. In this case, the husband could get the property only if he had a written and confirmed document from witnesses, by which the wife bequeathed the property to him.

Women in the Romanian principalities could be disinherited for a number of reasons: fornication, adultery, drunkenness, sodomy, etc. The punishment of disinheritance in cases of infidelity has been preserved for centuries. Because of the mother's fornication, the children were also disinherited. But women, in turn, had the right to disinherit their children (for indecent behavior, disobedience, marriage without parental blessing, theft, etc.) or their husbands (for "bad living and squandering the dowry", slanderous denunciation, leaving the marital home, adultery, etc.).

Illegitimate children, according to the customary law and medieval law, had the right to inherit from both parents, especially from the mother and her relatives. Children born of incest, rape, adultery, and those born to nuns were not entitled to inheritance.

## GENERAL CONCLUSIONS AND RECOMMENDATIONS

The status of women in society cannot be elucidated without researching the legal-patrimonial sphere. This issue is not only related to the development of the history of law in general, and family law in particular, but also contributes to solving primary issues, such as the spectrum of private law, marital-patrimonial relations, the socio-economic situation of women and also the sources of women's inequality in society, which derive from the correlations of the legislative sphere with the real situation of women.

Based on the research results, related to the projected goal and objectives, we find the following:

1. The present study is an attempt to address issues from the new direction in historical science, *female history*, which so far is little elucidated in Romanian historiography and is addressed for the first time in historiography in the Republic of Moldova. The scientific novelty consists in examining the problem of the social status of women in the medieval society of Moldavia, compared to the countries of Central and Eastern Europe from a historical-legal and historical-social point of view, from a complex perspective well documented and systematized. The objectives of the thesis derive from the need for scientific recovery of female history in the medieval community, using the identification of the aspect of legal freedoms of Moldavian women based on comparative technique. It is the first thesis for doctor habilitatus degree dedicated to *women in Moldavia* (at that time) in the context of European civilization, by applying new concepts and scientific methods promoted by the field of historical anthropology.
2. Since the predominant entourage of women in the Middle Ages was the family, the present study paid particular attention to the transformations of the medieval family structure, in terms of configuration and terms of establishment (from institution to divorce). In the historical, social and legal plan, some new aspects of the issue were elucidated: the institution of the family, the legal and moral character of the engagement and marriage (conditions and impediments). The status and role of women in the context of family relations were examined. In this sense, the characteristics of the medieval legal system of Moldavia were highlighted, which includes the analysis of contractual obligations between spouses and the preparation of a dowry list, by the bride, during the engagement period. Engagement is a type of marriage contract, based on bilateral commitments. The initiation of the union was announced by concluding a matrimonial agreement or a real contract, which attributed to the family alliance a legal-moral character, imposing obligations on contracting parties. The list or statement of the dowry did not indicate a simple transfer (patrimonial and moral) of the bride to another family environment. This essential

document completely transforms the repositioning of women in the family, as it represents a protective pledge of the patrimonial situation. According to the concepts of legal history (the history of law), this arrangement denotes a "commitment" / "constraint" / "credit".

3. For centuries, in the Romanian principalities, most of the conditions for divorce were inherited. Although the European legal environment was more advanced in terms of civil law, the Romanian space demonstrated the most persistent preservation of *Byzantine law* and *German law*. It is surprising that in the Romanian principalities, written legislation was introduced into official circulation only three centuries after the emergence of the state, but the right of both spouses to divorce (Byzantine law) was applied more often than in other European countries. There is no doubt that women in Romanian space are presented as having equal rights with men to testify in court. A woman could well testify in court alone, unaccompanied. For the first time, the role and right of women to divorce and, in particular, the procedure for divorce, legal and moral consequences of divorce, the legal and social status of women in the process of divorce and after divorce, husband-wife-children relations, etc., have been defined. When comparing divorce conditions for men and women in the *pravile*, it is easy to see the difference between them. Obviously, the men had advantages. However, the very fact that women were eligible to file for divorce tells us a lot about the evolution of family relationships during the study period. It was this right that distinguished the women of the Romanian principalities from the European ones. In medieval European law, we could hardly find such examples.
4. Marriage creates a domain and an economic unit, elaborating a whole system of juridical-marital patrimonial relations. Special attention was paid to some essential aspects: the right of women to property and inheritance in the Principality of Moldavia, examination of the legal character of *sinisphora*, *înfrățirea*, *change of a daughter to a son* and *prădalica*, the right to *protimisis*, assessment of the legal situation of women in medieval Moldavian society (between law and custom). One of our most valuable conclusions is that the legal patrimonial situation of women in the Principality of Moldavia is unique (phenomenal and exceptional in the European context). Moldavian women took advantage of many legal freedoms and privileges, guaranteed by the *customary law*, and then by laws. Historical investigations, the historical and legal documentary basis show that women in Moldavia had a special status compared to those in neighboring countries. By emphasizing the legal aspects of the phenomenon, we found that they benefited from certain advantages, compared to women in European countries, having the right to property and inheritance of movable and immovable property. Women could own their own money and manage the dowry themselves; initiate a trial and testify in court; after the dissolution of the marriage to remarry and keep their fortune; inherit all property after the death of the husband; patronize

children and property after divorce; leave property as an inheritance at their discretion; disinherit children, etc.

5. To highlight and establish the characteristics and peculiarities of the legal status of women in Moldavia, we used a comparative method, analyzing the social and legal status of women in other European countries (Wallachia, Serbia, Bulgaria, Transylvania, the Grand Duchy of Lithuania, Poland and Russia). Confirming the general and particular in the system of patrimonial law, we note that the statement about the lack of property and inheritance rights of women in other countries is often exaggerated. In fact, many property freedoms were available to European women. In the laws on women's property, both in legislation and in its application in practice, there are often inconsistencies and contradictions. In particular, the Lithuanian Statute examines women, their rights and obligations from a patriarchal-traditional point of view. However, a large number of sources show various mechanisms of inheritance for women, the independence and freedom of Lithuanian women in the 16th and 17th centuries, and their high social activity. The foundations of the patrimonial equality of women and men in Lithuania were reflected in the laws on privileges and codes (1387, 1413, 1434, 1468, 1498) and in the Lithuanian Statutes (1529, 1566, 1588). In Russia, the situation was set out in the collections of imperial laws and decrees (*Acts of Zemsky Sobors* (1611), *Sobornoye Ulozhenie 1649*, *1714 Decree of Peter I*); in Moldavia there was a *customary law*, legalized during the reign of Vasile Lupu (*Carte românească de învățătură* (1646)); in Wallachia, the *Pravila lui Matei Basarab* or *Îndreptarea legii*, published in Târgoviște in 1652; in Serbia, *the Dušan's Code* (1349, 1354); in Transylvania, *Tripartitul* (1514).
6. Ownership and inheritance of land have been a source of benefits and privileges for women in Moldavia and Lithuania, especially widows. Officially, women did not have the right to participate in the political life of the country, but, owning huge fortunes, they received a certain authority in society. The legal and social status of privileged women in Moldavia was strengthened by their ancestral law, and due to their independent economic position, they showed significant social activity, enjoyed authority and influence in the family and society.

Another stereotype was the approach to the dowry model, which, apparently, would have a single (universal) system. But the system of use and administration of the dowry allowed women (married and unmarried) to preserve and protect their movable and immovable property. In Moldavia, at the end of the marriage, the woman remained independent in the inheritance of her property, brought into the family as a dowry. In parallel with the dowry institute (inherited) there was also the notion of movable and immovable property acquired separately from the husband during the marriage, which considerably strengthened the legal and social status of the woman.

A wife could own, use and dispose of this property without asking her husband's permission (Roman law). The patrimonial relations of the spouses were based on the principle of separating the property of the husband and the wife. The husband did not have the right to manage the wife's property (to sell it, to pledge it, to exchange it, etc.) without her consent, and in case of wasting the dowry, the wife had the right to sue him.

A similar situation was in Lithuania, where the laws of the time protected the patrimonial and succession rights of girls and women, through *veno* (property equal to the double value of the dowry and donated by the nobleman to his wife). Namely through dowries, the daughters' right to inherit land estates was realized (I Lithuanian Statute, compartment III, art. 9). According to this article of the law, when there were no sons in the family, the possibility to inherit all the land estates was granted to the daughters, not just  $\frac{1}{4}$  in the form of dowries (Валиконите 1982, с. 40). Girls could be deprived of dowries for the contraventions (crimes) under articles 10, 11 and 13, compartment IV, if they married without the will of their parents or relatives, or if they offended their parents.

The historical investigations, the historical and legal documentary evidence show that women in Moldavia had a special status than women in neighboring countries. By highlighting the legal aspects of the phenomenon, we found that they enjoyed certain advantages compared to women in European countries, had the right to initiate a trial and to testify in court, had the right to dissolve marriage and could remarry after divorce, to patronize their children and the fortune after the divorce, to own their own money and to administer the dowry alone, etc.

In our opinion, this status of women was also determined by the reception of Byzantine law, in the complex of practices and norms that made up the feudal legal custom, the *customary law*, the unwritten law being observed the impact of Byzantine law. It is also noteworthy that in Moldavia the written law (*which was a compilation of Byzantine canons and civil laws*) was made official only in the mid-17<sup>th</sup> century, and historical documentary material demonstrated this recorded influence. It is a complex, difficult and insufficiently studied problem in Romanian historiography, which does not fall within the scope of our research, but in the history of law.

The basic conclusion is that, in general, the social and legal position of women in the context of the family at that time was reduced to an inferior status. Women did not have the right to voluntary choice, they could not get out of obedience to their father or husband, to make a decision on their own without *the head of the family*, etc. Even though the woman was endowed with the gift of wisdom, she took care of the children's education, she was the teacher of Christian law in the family, she remained permanently under the tutelage of the man and in the shadow of events. We believe that in order to truly specify and perceive the status of women in medieval



society, it is necessary to know other aspects of the position that women had in everyday life, as a daughter, wife, mother, widow, regardless of her social class: a country ruler's wife or ordinary woman, etc. The woman, considered inferior to the man, in reality has always been the foundation of the family and the factor of stability of marriage.

We hope that the study will make a consistent contribution to the fullest possible understanding of women's lives in the family of the researched era. At the same time, we believe that our research will be one of the starting points for all those who want to approach carefully and fully to the understand the family life of women in such a long period.

An essential feature of the topic under consideration is the promotion of dialogue with other "*humanities*" sciences. The study can be useful for specialists in the field of universal medieval history, historical anthropology, social history and demography, history of law, family history, history of everyday, personal and spiritual life in the family, history of personalities, sociology, history of mentalities, political and social-economic history from the point of view of the human factor.

The general conclusions complement the picture of the investigations carried out, and the recommendations contain additional solutions to the problems addressed and some promising projects. The examination of the economic, legal and social status of women in the Middle Ages contributes to the analytical perception of their position in modern society: in the economic or political sphere, in the field of education, and in family relations. Through the study of *female history* from a historical, legal, anthropological and interdisciplinary point of view, it is possible to: (1) avoid the asymmetrical interpretation of historical events and processes; (2) highlight the aspects related to the national and cultural identity; (3) include the problems regarding spirituality, individuality and daily life into the sphere of investigation; (4) circumvent the politicization and reinterpretation of historical events. Studying the history of women will contribute to the reorientation of research from the political to the anthropological dimension.

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2. **ZABOLOTNAIA, L.** Testament of Moldavian Princess Maria (Lupu) Radziwill from 1659. In: *Tyrageia*, Istorie și Muzeologie, Serie nouă, vol. XIII [XXVIII], nr. 2. Chișinău, 2019, p. 79- 101. ISSN: 1857-0240. [https://www.nationalmuseum.md/ro/press\\_releases/journal\\_tyrageia/tyrageia\\_serie\\_noua\\_vol\\_xiii\\_xxviii\\_nr\\_2\\_istorie\\_muzeologie/](https://www.nationalmuseum.md/ro/press_releases/journal_tyrageia/tyrageia_serie_noua_vol_xiii_xxviii_nr_2_istorie_muzeologie/)
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5. **ZABOLOTNAIA, L.; IFTIMI, S.** Portretul Mariei Radziwill reflectat într-o lucrare a pictorului polonez Korneli Szlegiel (1851). In: *Tyragetia*, Istorie și Muzeologie, Serie nouă, vol. X [XXV], nr.2. Chișinău, 2016, p. 9-23. ISSN: 1857-0240. <https://dbh.nsd.uib.no/publiseringsskanaler/erihplus/periodical/info.action?id=486028>.
6. **ZABOLOTNAIA, L.** Enigmele, miturile și realitățile testamentului Mariei Radziwill. In: *Tyragetia*. Istorie și Muzeologie, Serie nouă, vol. IX [XXIV], nr. 2. Chișinău, 2015, p. 9-29. ISSN: 1857-0240. [https://www.nationalmuseum.md/ro/press\\_releases/journal\\_tyragetia/tyragetia\\_serie\\_noua\\_vol\\_ix\\_xxiv\\_nr\\_2\\_istorie\\_muzeologie/](https://www.nationalmuseum.md/ro/press_releases/journal_tyragetia/tyragetia_serie_noua_vol_ix_xxiv_nr_2_istorie_muzeologie/)
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19. **ZABOLOTNAIA, L.** Condiții de încheiere a căsătoriei în Evul Mediu. Studiu comparativ. In: *Tyragetia*, Serie nouă. Istorie. Muzeografie, Vol. I [XVI], nr.2, Muzeul Național de Istorie, Chișinău, 2007, p. 107-113. ISSN: 1857-0240. <https://dbh.nsd.uib.no/publiseringsskanaler/erihplus/periodical/info.action?id=486028>.
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1. **ЗАБОЛОТНАЯ, Л.** Указ императора Николая I от 7 марта 1850 года как нормативная основа регулирования брачно-семейных отношений в Бессарабской Губернии Российской империи. În: *Государство и право: эволюция, современное состояние, перспективы развития (к 300-летию российской империи)*. Часть 1. Материалы XVIII международной научной конференции 29–30 апреля 2021 года, Санкт-Петербург 2021. p. 253-259. ISBN 978-5-91837-387-3. ISBN 978-5-91837-386-6.
2. **ZABOLOTNAIA, L.** Discoveries of new documents and their interpretation. On the example of an unknown letter from Grand Duke Pyotr Fedorovich Romanov to Antiochus Cantemir. In: *Istoria și scrisul istoric azi. Opțiuni metodologice. Paradigme. Agendă*. Lucrările Conferinței internaționale din 2-5 februarie 2020 dedicată Centenarului Institutului de Istorie „George Barițiu” din Cluj-Napoca, Institutul de Istorie „George Barițiu”, Cluj-Napoca, Edit. Școala Ardeleană, 2020, p. 331-339. ISBN: 978-606-797-604-5. <https://institutuldeistoriegeorgebaritiu.ro/>
3. **ЗАБОЛОТНАЯ, Л.** Неизвестные письма о межличностных отношениях Марии Кантемир и Екатерины-Смарагды Голицыной. Женское и мужское в традиционной и современной культуре: сохранение, фиксация, понимание. In: *Материалы XIII международной научной конференции Российской ассоциации исследователей женской истории и Института этнологии и антропологии им. Н.Н. Миклухо-Маклая РАН, Том 2, Москва-Казань, 2020, с. 263-268. ISBN: 978-5-4211-0253-3. <http://rarwh.ru/index.php/konferentsii/27-2020>*

4. **ЗАБОЛОТНАЯ, Л.** Роль брачной дипломатии в молдо-польских отношениях. In: *Женщины и мужчины в миграционных процессах прошлого и настоящего*. Материалы XII международной научной конференции Российской ассоциации исследователей женской истории и Института этнологии и антропологии им. Н. Н. Миклухо-Маклая РАН, 10–13 октября 2019 года, Калининград, том 2, Москва-Калининград, 2019, с. 3-6. ISBN: 978-5-9971-0553-2. <http://rarwh.ru/index.php/konferentsii/26-2019>
5. **ЗАБОЛОТНАЯ, Л.** Страницы из личной жизни Марии Кантемир. История одного письма. In: *Частное и общественное в повседневной жизни населения России: История и современность*, Том 2, Материалы международной конференции, 15-17 марта 2018 г., Санкт-Петербург, 2018, с. 337-443. ISBN: 978-5-8290-1718-7. <https://elibrary.ru/item.asp?id=32798690>
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## ADNOTARE

**Zabolotnaia Lilia, „Statutul femeii în cadrul societății medievale din Moldova și țările din Europa Centrală și de Est (secolele xiv-xvii). Studiu comparativ”, teză de doctor habilitat în științe istorice, Chișinău, 2021.**

**Structura tezei:** Introducere, Istoriografia problemei, șase capitole, concluzii generale și recomandări, bibliografie din 1059 de titluri, 323 de pagini text (248 de bază). Rezultatele obținute sunt publicate în 140 de lucrări științifice (89 în străinătate) și în șapte monografii.

**Cuvinte cheie:** femeie, istorie feminină, statut social-familial, dreptul familial, familie, căsătorie, divorț, canoane bisericești, codice de legi, proprietate, moștenire, relațiile familial-patrimoniale.

**Scopul lucrării:** elaborarea unui studiu cuprinzător despre statutul social-juridic al femeilor (din societatea înaltă) din epoca medievală a Moldovei, în baza căruia să evidențiem principiile statutare specifice femeilor din Moldova în coraport cu cele din țările Europei Centrale și de Est din secolele XIV-XVII.

**Obiectivele cercetării:** 1. cercetarea istoriografiei problemei și delimitarea noilor direcții în baza surselor inedite; 2. stabilirea rolului femeii în cadrul relațiilor de familie și dreptul acestora la proprietate; 3. investigarea condițiilor de instituire a familiei (logodna, căsătorie); 4. determinarea circumstanțelor legale ale femeii privind inițierea divorțului; 5. examinarea caracterului juridic al foii de zestre; 6. evaluarea situației juridice a femeilor în cadrul societății medievale moldovenești (între drept și cutumă).

**Noutatea și originalitatea științifică:** Inovația științifică a lucrării constă în abordarea în premieră, a unor termeni comparativi, precum: instituția familiei, statutul juridic și socio-economic al femeilor în familie și societate. Originalitatea lucrării rezidă din introducerea unei noi definiții a statului social-juridic al femeilor din Moldova medievală.

**Rezultatele obținute:** a fost creat un nou concept științific în studierea istoriei sociale și a antropologiei – *istoria femeilor* și stabilit statutul semnificativ al femeilor de elită (*upper class*) din Moldova medievală în istoria Europei.

**Semnificația teoretică:** constă în complexitatea cadrului teoretico-metodologic utilizat, varietatea surselor documentare, interdisciplinaritatea, precum și tehnicile comparative.

**Valoarea aplicativă a lucrării:** semnificația practică a lucrării este de o importanță deosebită în ceea ce privește evidențierea unor domenii interdisciplinare, puțin cunoscute și investigate: istoria familiei, istoria dreptului, mentalitatea cotidiană, istoria femeilor etc.

**Implementarea rezultatelor științifice.** Rezultatele teoretice și practice au fost aprobate prin diverse proiecte de cercetare, prezentate la peste 80 de conferințe, circa 20 stagii de documentare peste hotare și diverse prelegeri pentru cursuri universitare și postuniversitare.

## АННОТАЦИЯ

к диссертации Заболотной Лилии, на тему: «Статус женщины в средневековом обществе Молдовы и стран Центральной и Восточной Европы (XIV-XVII вв). Компаративное исследование», представленной на соискание ученой степени доктора хабилитат исторических наук, Кишинев, 2021 г.

**Содержание диссертации:** введение, историография вопроса, шесть глав, общие выводы и рекомендации, библиография из 1059 наименований, 323 страниц текста (248 страницы основного текста). Полученные результаты исследования опубликованы в 140 научных работах (из них 89 за рубежом) и в семи монографиях.

**Ключевые слова:** женщина, женская история, семейно-социальный статус, семейное право, семья, брак, развод, церковные каноны, своды законов, собственность, наследство, семейно-имущественные отношения.

**Цель работы:** осуществление всестороннего исследования социально-правового статуса женщин (из высшего общества) в средневековой Молдове, для выявления специфики семейно-правового положения молдавских женщин в сравнении с положением в странах Центральной и Восточной Европы в XIV-XVII веках.

**Задачи исследования:** 1. исследование историографии вопроса и определение новых направлений на основе неопубликованных источников; 2. установление роли женщин в системе семейных отношений и их права на собственность; 3. исследование условий создания семьи (помолвка, заключение брака); 4. определение юридических прав женщины в отношении развода; 5. анализ правового характера описи приданого; 6. оценка правового положения женщин в средневековом молдавском обществе (между законом и обычаем).

**Научная новизна и оригинальность исследования:** научное новшество работы состоит в том, что в ней впервые в сравнительном ключе рассматриваются такие вопросы, как институт семьи, правовой и социально-экономический статус женщины в семье и обществе; оригинальность исследования заключается во введении нового определения социально-правового статуса женщины в средневековой Молдове.

**Полученные результаты:** была создана новая научная концепция в изучении социальной истории и антропологии – *женская история*, и определен значимый статус женщин из высших слоев молдавского средневекового общества в Европе.

**Теоретическая значимость работы** заключается в комплексности используемой теоретико-методологической базы, разнообразии документальных источников, междисциплинарности, а также компаративных методах.

**Практическая значимость работы:** исследование имеет особое значение в виду освещения малоизученных междисциплинарных областей: семейной истории, истории права, бытовой ментальности, истории женщин и т. д.

**Применение научных результатов.** Практические и теоретические результаты исследования были апробированы в рамках различных исследовательских проектов, представлены на более чем 80 конференциях, использованы в ходе около 20 стажировок за рубежом и различных лекций для студентов и аспирантов.



## ANNOTATION

to a thesis research of Lilia Zabolotnaia, on a topic “The status of women in the medieval society of Moldavia and the countries of Central and Eastern Europe (14<sup>th</sup>-17<sup>th</sup> centuries). Comparative study”, presented for a doctor habilitat degree majoring in history, Chişinău, 2021.

**Content of the thesis:** introduction, historiography of the issue, six chapters, general conclusions and recommendations, bibliography of 1059 titles, 323 pages of text (248 pages of basic text). The obtained research results are published in 140 scientific works (of which 89 are abroad) and in seven monographs.

**Keywords:** woman, women’s history, family and social status, family law, family, marriage, divorce, church canons, codes of law, property, inheritance, family and property relations.

**Goal of the thesis research:** to carry out a comprehensive study of the social and legal status of women (of upper class) in medieval Moldavia, in order to identify the specifics of the family and legal status of Moldavian women in comparison with the situation in the countries of Central and Eastern Europe in the 14<sup>th</sup>-17<sup>th</sup> centuries.

**Targets of the research:** 1. study of the historiography of the issue and the identification of new directions based on unpublished sources; 2. establishing the role of women in the system of family relations and their right to property; 3 study of the conditions for creating a family (engagement, marriage); 4. defining a woman’s legal rights in relation to divorce; 5. analysis of the legal nature of the dowry inventory; 6. assessment of the legal status of women in medieval Moldavian society (between law and custom).

**Scientific novelty and originality of the thesis research:** the scientific innovation of the work lies in the fact that for the first time in a comparative vein such issues as the family institution, the legal and socio-economic status of women in the family and society are considered; the originality of the research lies in the introduction of a new definition of the socio-legal status of women in medieval Moldavia.

**The results obtained:** a new scientific concept in the study of social history and anthropology was created, *women’s history*, and the significant status of women from the upper strata of society of medieval Moldova in the history of Europe was determined.

**The theoretical significance of the work** lies in the complexity of the theoretical and methodological framework used, the variety of documentary sources, interdisciplinarity, as well as comparative methods.

**Practical value of the work:** the study is of particular importance in view of the coverage of little-studied interdisciplinary areas: family history, history of law, everyday mentality, women’s history, etc.

**The implementation of the scientific results:** the practical and theoretical results of the research were implemented in various research projects, presented at more than 80 conferences, used during about 20 internships abroad and various lectures for undergraduate and graduate students.

**ZABOLOTNAIA, LILIA**

**THE STATUS OF WOMEN IN THE MEDIEVAL SOCIETY OF MOLDAVIA  
AND THE COUNTRIES OF CENTRAL AND EASTERN EUROPE (14<sup>TH</sup>-17<sup>TH</sup>  
CENTURIES). COMPARATIVE STUDY**

**Specialty: 611.02 – History of Romanians (by periods)**

**Specialty: 611.03 – Universal History (by periods)**

**Abstract of the thesis for the degree of doctor habilitatus in historical sciences**

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Approved for print: 29.10. 2021

Offset paper.

Offset printing. 50 ex.

Format of paper 60x84 1/16

Edition.

Order no.

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**Ion Creangă State Pedagogical University in the Municipality of Chişinău**