



The Hebrew University of Jerusalem

Syllabus

Women Gender and the Law in the Hispanic World - 29953

Last update 30-08-2017

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: romance studies

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Yanay Israeli

Coordinator Email: yanay.israeli@mail.huji.ac.il

Coordinator Office Hours: Monday 13:00-14:00

Teaching Staff:

Dr. Yanay Israeli

Course/Module description:

This course uses legal sources to examine the history of women, gender and sexuality in the Hispanic world between the 14th and the 17th centuries, with an emphasis on Spain and Spanish America. Throughout the semester, we will analyze a series of judicial case studies dealing with issues such as marriage and property disputes, insults and honor, sexual violence, and religious transgression. Using these cases to learn about Hispanic women and their interactions with different legal institutions, we will examine the law not only as an instrument of male domination and social control, but also as a tool used by women to deal with violence and oppression, and analyze the roles played by gender, class, and race inside the courtroom. The weekly readings include scholarly studies and primary sources, such as laws and regulations, verdicts, witness-deposition-records, petitions for royal justice, and inquisitorial records.

Course/Module aims:

The students will learn about the history of women, gender, and sexuality in the late medieval and early modern Hispanic world; The students will learn about the legal system; The students will familiarize themselves with current scholarly debates concerning these topics; The students will practice primary source analysis and develop critical reading skills.

Learning outcomes - On successful completion of this module, students should be able to:

Demonstrate knowledge of issues central to the history of women, gender, and sexuality in the late medieval and early modern Hispanic world; Demonstrate knowledge of the legal system of the Hispanic world; Demonstrate knowledge of the key questions and methodological approaches that characterize current scholarship of the said topics; Analyze late medieval and early modern legal sources and demonstrate critical reading of primary sources. (in translation).

Attendance requirements(%):

90

Teaching arrangement and method of instruction: Discussion and analysis of primary sources

Course/Module Content:

1. Introduction
2. Patriarchy and the law
3. Judicial procedures in the Hispanic world
4. Marriage life
5. Women, conflicts and honor
6. Sexual violence
7. Truth, power and legal mediation
8. The prosecution of adultery
9. Women and Inquisition
10. Race, sexuality and the law in the Spanish empire (part a)
11. Female slavery and struggles for freedom
12. Race, sexuality, and honor in the Spanish colonies (part b)
13. Conclusion

Required Reading:

1) Introduction

אמירה גלבום, "מיגדר והפוליטיקה של ההיסטוריה," בתוך דרכים לחשיבה פמיניסטית: מבוא ללימודי מיגדר, עורכות: ניצה ינאי, תמר אלאור, אורלי לובין וחנה נווה (רעננה: האוניברסיטה הפתוחה, 2007), עמ' 451-491.

Chris Wickham, "Gender and Community in Late Medieval Europe," in *Medieval Europe* (New Haven: Yale University Press, 2016), 186-195.

2) Patriarchy and the law

Marie Kelleher, "Later Medieval Law in Community Context," in *The Oxford Handbook of Women and Gender in Medieval Europe*, eds. Judith Bennett and Ruth Mazo Karras (New York: Oxford University Press, 2013): 133-150.

Judith Bennet, "Patriarchal Equilibrium," in *History Matters: Patriarchy and the Challenge of Feminism* (2006): 54-81.

Primary source:

צו תגובה לעתירתה של לאונור גונזלאס דה-אבילה, תושבת העיירה פאלמה-דה-ריו, בעקבות העוולות שנגרמו לה בידי בעלה (1478) [תעתוק מכתב היד ותרגום לעברית: ינאי ישראל]

3) Judicial procedures in the Hispanic world

Robert Burns, "Introduction to the Third Partida," in *Las Siete Partidas*, Vol. 3, *The Medieval World of Law: Lawyers and their Work (Partida III)*, trans. Samuel Parsons Scott (Philadelphia: University of Pennsylvania Press, 2001), xi-xx, Tamar Herzog,

"The Penal Administration in Early Modern Quito," in *Upholding Justice: Society, State, and the Penal System in Quito (1650–1750)* (Ann Arbor: University of Michigan, 2004), 19–61.

Primary sources:

"Concerning Torture," in *Las Siete Partidas Vol.5: Underworlds: The Dead, The Criminal, and the Marginalized*, 1458–1460.

צו הכרעת דין במשפטה של קטלינה דה-בלונסה, תושבת העיירה סאן-סבסטיאן, שהואשמה בקיום יחסי מין עם אישה (1503) [התפרסם אצל Telechea Solórzano Ángel Jesús *ley y sexo, Poder*"]
La persecución de la sodomía en los tribunales de la Castilla de los Trastámara, "Clio & Crimen" 9 (2012): 285–396, at 359–365

[תרגום לעברית: ינאי ישראלי]

4) Marriage life

Susan Mosher Stuart, "Brideprice, Dowry, and Other Marital Assigns," in *The Oxford Handbook of Women and Gender*, 148–162.

Marie A. Kelleher, "The Power to Hold: Women and Property," in *The Measure of Woman: Law and Female Identity in the Crown of Aragon* (Philadelphia: University of Pennsylvania Press, 2010), 48–80.

Primary sources:

"Memoirs of a Castilian Noblewoman," in *Medieval Iberia: Readings from Christian, Muslim and Jewish Sources*, ed. Olivia Remie Constable (Philadelphia: University of Pennsylvania Press, 2012), 427–435.

עתירתה של מריה סנצ'ז בעניין נישואיה (1479) [תעתוק מכתב היד ותרגום לעברית: ינאי ישראלי]

5) Women, conflicts and honor

Scott K. Taylor, "Women," in *Honor and Violence in Golden Age Spain* (New Haven: Yale University Press, 2014), 157–193.

John Jordan, "Rethinking Disputes and Settlements: How Historians Can Use Legal Anthropology," in *Cultures of Conflict Resolution in Early Modern Europe*, eds.

Stephen Cummins and Laura Kounine (New York: Routledge, 2016): 17–50.

6) Sexual violence

Marie Kelleher, "Gender and Violence," In *The Measure of Woman: Law and Female Identity in the Crown of Aragon* (Philadelphia: University of Pennsylvania Press, 2010), 112–148.

Primary sources:

צו בית דין במשפטה של מיסול, יהודייה ותושבת העיר זמורה (1491) [פורסם אצל: Cristina Mª REDONDO JARILLO, "Delincuencia civil y criminal en las comunidades judías entre el Duero y el Tajo a fines de la Edad Media. Segunda parte. Documentos." *Clio &*

Crimen 7 (2010): 344-436, at 389-393. [ישראלי ינאי: לעברית תרגום]

"Catarina María Complains that Juan Teioa Forcibly Deflowered Her," in *Colonial Lives: Documents on Latin American History, 1550-1850*, eds. Richard Boyer and Geoffrey Spurling (New York: Oxford University Press, 2000), 155-165.

7) Truth, power and legal mediation

Kathrine Burns, "Notaries, Truth, and Consequences," in *The American Historical Review* 110, no.2 (2005): 350-379.

Primary source:

תצהירי עדים בעניינה של איזבל דה-מולינה ה"ולנסיאנית", תושבת אירעית של העיר קוונקה (1495)
[תעתוק מכתב היד ותרגום לעברית: ינאי ישראלי]

8) The prosecution of adultery

Sara Mcdougall, "The Transformation of Adultery in France at the End of the Middle Ages," *Law and History Review* 32, no.3 (2014): 491-524.

Primary sources:

חקיקה קסטיליאנית בנושא ניאוף. ראה: *Partidas Siete Las :5 Volume :Underworlds :Dead, the Criminal, and the Marginalized (Partidas VI and VII)*, tras. Samuel Parsons Scott (Philadelphia: University of Pennsylvania Press, 2001), 1411-1420.

מסמכים ממשפט הניאוף של של מרטין סנצ'ז, תושב גאטה, נגד אשתו, איזבל גונזלס (1492)
[תעתוק מכתב היד ותרגום לעברית: ינאי ישראלי]
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9) Women and Inquisition

Mary Elizabeth Perry, "Madalena's Bath," in *The Handless Maiden: Moriscos and the Politics of Religion in Early Modern Spain* (Princeton: Princeton University Press, 2005), 38-64.

Kathryn Joy Mcknight, "Blasphemy as Resistance: An African Slave Before the Mexican Inquisition," In *Women in the Inquisition: Spain and the New World*, ed. Mary E. Giles (Baltimore and London: The Johns Hopkins University Press, 1999), 229-253.

Primary sources:

"Confessing to the Holy Office of the Inquisition, Bahia, Brazil (1592, 1618)," in *Colonial Latin America: A Documentary History*, eds. Kenneth R. Mills, William B. Taylor and Sandra Lauderdale Graham (Lanham: SR Books, 2004), 234-245.

10) Race, sexuality and the law in the Spanish empire (part a)

Kimberly Gauderman, "Ambiguous Authority, Contingent Relations: The Nature of Power in Seventeenth-Century Spanish America," in *Women's Lives in Colonial Quito: Gender, Law, and Economy in Spanish America* (University of Texas, 2003), 12-29.

Bianca Premo, "Pleitos and Lawsuits: Conjugal Conflicts in Civil Courts," in *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (Oxford University Press, 2017), 121-158.

Primary sources:

"Annulment Suit Between Diego Andrés de Arena and Ysabel Allay Suyo (1618)," in Boyer et al. (eds.), *Colonial Lives* 130-140.

"On her Deathbed, María de la Candaleira Accuses Michaela de Molina of Casting Spells," in Boyer et al. (eds.), *Colonial Lives*, 156-167

11) Female slavery and struggles for freedom

Brian Owensby, "How Juan and Leonor Won their Freedom," *Hispanic American Historical Review* 85, 1 (2005): 39-79.

Nancy Van Deusen, "All the World in a Village: Carmona," in *Global Indios: The Indigenous Struggle in Sixteenth-Century Castile* (Duke University Press, 2015), 34-63.

12) Race, sexuality, and honor in the Spanish colonies (part b)

Joanne Rappaport, "Mischievous Lovers, Hidden Moors, and Cross-Dressers," in *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada* (Duke University Press, 2014), 29-60.

Primary sources:

"Affairs of the Courtroom: Fernando de Medina Confesses to Killing his Wife (charcas, 1595)," in Boyer et al. (eds.), *Colonial Lives*, 54-76.

"Under Investigation for the Abominable Sin: Damían de Morales Stands Accused for Attempting to Seduce Antón de Tierra de Congo (Charcas, 1611)," in Boyer et al. (eds.), *Colonial Lives*, 112-129.

13) Conclusion

Primary sources:

"Sexuality and the Marriage Sacrament: Elena / Eleno de Céspedes," in Richard L. Kagan and Abigail Dyer, *Inquisitorial Inquiries: Brief Lives of Secret Jews and Other*

Heretics (Baltimore: Johns Hopkins University Press, 2004).

Catalina de Erauso, Lieutenant Nun: Memoir of a Basque Transvestite in the New World [selections]

Additional Reading Material:

TBD

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 10 %

Participation in Tutorials 20 %

Project work 60 %

Assignments 0 %

Reports 10 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

Students are required to attend sessions, submit two short responses to the weekly readings, give an in-class presentation, and submit a final paper.