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Germanic Women in the Eyes of Law

Abstract

Germanic laws focused mainly on community and kinship ties, they clearly defined social divisions and organized the life of the community. The law was not to be perceived as a product of the times, it was passed on from generation to generation and conveyed the wisdom of the elder. Every crime against another person or their property, independently of whether it concerned family laws, laws of property or any other laws, had to be compensated in accordance with customary rules as well as the social status of the aggrieved.

The paper takes the perspective of social and cultural anthropology and aims to shed some light on the legal situation of women in Germanic laws. The author's aim is to investigate the position of women and their legal status in Germanic society. The paper compares the situation of young women who remained under the protection of their fathers and brothers with the situation of wives, mothers and finally widows. The author discusses the crimes committed on women and the severity of their punishment that are mentioned in the available manuscripts of legal texts. The paper aims at presenting both the image and legal status of a Germanic woman.

Keywords: Germanic, law, woman, Frisian law, Anglo-Saxon law, crime, punishment, Germanic culture.

1. Introduction

It is necessary here to clarify exactly what is meant by *law* in Germanic culture. The Oxford English Dictionary states that law is “the body of rules, whether proceeding from formal enactment or from custom, which a particular community recognizes as binding on its members or subjects.” Germanic laws based on customs and varied from tribe to tribe, notwithstanding, they all were executed by the judges who formed a ‘*thing*’, an assembly of free men, during which various crimes and offences were tried. Every crime against another person or their property had to be compensated in accordance with the customary rules as well as the social status of the aggrieved (Modzelewski, 2004). The laws clearly stated when, in what amount and to whom wergild was to be paid. Since the law did not require investigation, and an oath determined the proof, it was very important for both the accused and the victim to have support of the family and community they lived in. What needs to be remembered is that the Germanic laws were not codified until the fall of the Western Roman Empire. Jenks (1898] mentions that the codes received the

name of *Leges Barbarorum* and were published under the auspices of the rulers of the newly established Germanic kingdoms.

The paper attempts to shed some light on the legal situation of women in the Germanic legal system. One of the first references to Germanic women can be found in *Germania* by Tacitus (98 AD) who writes that "VIII. (...) the Germans even ascribe to women a certain inspiration and power of prophecy; they do not either despise the advice they give or neglect their forecasts." Still, it needs to be stressed here that Germanic woman, regardless of her age, could not make any decisions or take any action without her legal guardian's approval. Bremmer (1995: 59) points out that

[u]ntil her marriage, a woman remained under the protection (*mund*) of her father (or brothers); at her wedding she passed into that of her husband. Only as a widow would she be fairly independent, but her husband's kinsmen would still be legally responsible for her rights and the rights of her children.

Therefore, daughters were always treated as a property whose future could have been decided by her closest male relatives, whereas wives had a chance to gain some legal independence.

Having taken the above in consideration, one has to remember about certain discrepancies between the legal solutions introduced by various Germanic tribes. Germanic people and, thus, their legal codes do not treat females identically – certain rights and limitations present in one code are often absent in another text.

2. The rights of Germanic women

Women, in general, were perceived as essential and invaluable members of Germanic society. In her analysis of Frankish society, Wemple (1981: 11) mentions that "they not only provided a network of kinship ties as wives and mothers but also gave inspirational support and were nurturers and providers." In order to ensure their well-being, Germanic women could enjoy certain privileges which, among others, include their property rights, protection from forced marriage or divorce rights. These privileges were often nowhere to find in the later, mediaeval Europe. Stenton (1957: 348), when discussing Anglo-Saxon England, concludes:

The evidence which has survived from Anglo-Saxon England indicates that women were then more nearly the equal companions of their husbands and brothers than at any other period before the modern age. In the higher ranges of society this rough and ready partnership was ended by the Norman Conquest, which introduced into England a military society relegating women to a position honourable but essentially unimportant.

2.1. Property rights and privileges

Woman's property rights depended mostly on her origin. It appears that the tribes which established contacts with Romans tended to restrict the woman's property rights (Fischer Drew 1996 [1949] : 4), whereas the tribes which not only did not maintain contacts but also were conflicted with Romans had more liberal laws as far as women's rights are concerned. The harshness of law towards women is certainly visible in the case of the late fifth-century Burgundian law:

If any woman, Burgundian or Roman, gives herself voluntarily in marriage to a husband, we order that the husband have the property of that woman; just as he has power over her, so also over her property and all her possessions. (Burgundian Code)

Here, women are put on par with various material possessions and are deprived of possibility of making their own independent decisions. What they can actually do is obey their husbands decisions and orders.

A completely different approach towards property rights of women was adopted by Lombards and Frisians. Both Lombard law as well as Frisian or Anglo-Saxon laws restricted the property rights of a woman's spouse and included women in the decision making processes:

If a woman wishes to sell her property with the consent of her husband or in community with him, the man who wishes to buy [from her] or those who wish to sell to her shall notify two or three of the relatives who are nearest in relationship to her. If in the presence of these relatives the woman says that she has acted under compulsion, then that which she sold shall not be valid (The Lombard laws, 22.3)

Women were given certain autonomy as far as their material status was concerned. In his study investigating Anglo-Saxon laws, Bremmer (1995: 60) reports that “[o]n his daughter's marriage, the father gave her property, usually land, as was agreed in the negotiations with the prospective husband”. This, in turn, gave the woman “financial security and independence within marriage” (Fell 1986: 16), as the property could only be sold with her knowledge and full consent. In contrast to Burgundian laws, Lombard or Frisian laws prevented men from selling their wives' property without their consent. What is more, especially in times of war, women had to provide for their families and make sure that their children were well taken care of. Such situation made it possible for a woman to make independent decisions regarding her family's property.

If it becomes a terrible year and burning hunger travels over the land and the child will die from hunger, then the mother may mortgage and sell her child's inheritance and buy cow and corn for her child with which his life can be safe. (Old Frisian Land Laws, II)

Yet another way of securing the financial situation of a woman was the *mundwald* (bridal-price) or the dowry that was paid by the groom or the groom's family to secure the well-being of the bride. The Visigothic laws not only mention such duty, but also indicate the value of such payment:

(...) if it should happen that a parent should wish to give the dowry for the benefit of his daughter-in-law, he can then give as said dowry, the tenth part of the property which his son would inherit from him in case of his death. (The Visigothic Code - Book III; point VI)

Similar solution is proposed in the laws of the Salian and Ripuarian Franks:

If anyone marries a woman, let whatever [the husband] grants to her by means of documents and charters remain permanently hers irrevocably. But if he gives nothing to her through documents, let her receive fifty *solidi* in dowry. (Lex Ribuarica 41(37))

Visigothic as well as Anglo-Saxon traditional laws also mention the so called *bridal – price* which is paid to the bride's parents, and not to the bride:

The father shall have the right to demand and keep the dowry of his daughter. If the father or mother should not be present, then the brothers, or the nearest relatives, shall receive the dowry, and deliver it untouched to their sister. (The Visigothic Code - Book III; point VII)

In Anglo-Saxon England similar law is in force until eleventh century, when King Canute, the king of England, Denmark and Norway – known as the Anglo-Scandinavian North Sea Empire, modifies it and states that:

(...) no woman or maiden shall ever be forced to marry a man whom she dislikes, nor shall she be given for money, except the suitor desires of his own free will to give something. (The Law Code of King Cnut; 74; translation: Robertson)

Notwithstanding the foregoing, women in Anglo-Saxon England could, as pointed out by Clark (1995: 211), “hold, devise, inherit and sell land”, which, with no doubt, strengthened their social position.

2.2. Property rights of widows

When we consider social position of Germanic women, we can say that widows, and in particular widows with children had the strongest position. Frisian law, for instance, gave them the right to become the guardians of their children. In such situation, the woman could buy and sell property or make decisions concerning the children’s inheritance.

If that child is bounded and taken away at an early age north over the ocean or south over the mountains, then the mother may mortgage and sell the inheritance of her child and free her child and save his life. (Old Frisian Land Laws, II)

Similar acts were introduced in Anglo-Saxon realm, where, already in 673-685, king Eadric and his uncle – king Hlophere introduced the law which gave widows the right to keep and make decisions concerning the future of their children. Here however, as we read, a woman was expected to follow the advice of her deceased husband’s and her own family members:

If a man dies leaving a wife and child it is right that the child should accompany the mother; and one of his father’s relatives who is willing to act, shall be given to him as his guardian to take care of his property, until he is ten years old. (The Law of Hlophere and Eadric, VI; translation: Attenborough)

In the late seventh century King Ine of Wessex introduced similar law in which he provides a widow with a full custodial right over her children. The law states that “if a husband has a child by his wife and the husband dies, the mother shall have her child and rear it” (Laws of Ine, 38).

Later, in the eleventh century, the already mentioned here King Canute granted the women permission to inherit the assets of their husbands. The king, additionally, allowed a widowed woman to pursue all her deceased husband’s unresolved legal issues in court. This led to a situation in which Anglo-Saxon women gained not only significant property rights but also certain legal awareness which helped them protect their children, property and themselves in court (Bremmer 1995: 67).

Still, in the vast majority of cases, as in the example of the Visigothic Law, Germanic widows could become the guardians of their children and property only when they chose not to remarry:

If the father should be dead, the right to dispose of the children of both sexes in marriage shall belong to the mother. If the mother also should be dead, or if she should have married a second time, the brothers shall have the right to select the husbands or wives for the other children. (Visigothic Code, 3.1.8)

Comparable regulations which grant the widow one third of her departed husband's property are present in Burgundian law:

(...) if a woman whose husband has died without children has not taken her vows a second time, let her possess securely a third of all the property of her husband to the day of her death; with the further provision that after her death, all will revert to the legitimate heirs of her husband. (The Burgundian Code; XLII, 1)

The laws of Burgundians specify, however, that a widow cannot remarry if she wants to keep her children and her deceased husband's property: "[i]f a mother wishes to assume guardianship (*tutela*), no other relationship (*parentela*) shall be placed before her." (The Burgundian Code; LXXXV, 1).

The late sixth century's Kentish laws also include the regulations concerning widows and their property rights. The law issued by Æthelberht of Kent grants half of the joint property to a widowed mother "78. If she bears a living child, she shall have half the goods left by her husband, if he dies first" (edited and translated by Attenborough 1963: 15).

As can be observed, the financial situation of Germanic married and widowed women was regulated by law in a very meticulous way. Women could not only possess lands and properties, but they were also able to independently dispose of their belongings. Furthermore, their social position grew the moment they got married. When a woman lost her husband, she became the only provider for her children, and her privileges and rights grew with new responsibilities. Still, as far as the well being of her children was concerned, she could rely on her husband's and her own family's support.

2.3. Germanic women – marriage and divorce

The first insights into Germanic culture are given by Roman writers who compare their own customs and traditions with the pagan ones. The records often mention the status and character of relationships between men and women. Tacitus in his *Germania* provides us with the information concerning the age of Germanic people entering marriage:

The young men experience love late, and for this reason their strength is not exhausted. Nor are the girls hurried into marriage; they have the same youthful vigor and similar stature: they are well matched in age and strength when they enter upon marriage, and the children reproduce the strength of their parents. (*Germania*, 20)

The confirmation of Tacitus's words can be found in Visigothic laws which state that "(...) women shall always marry men who are older than themselves, and a marriage under other circumstances shall not be valid" (Visigothic law book III, point V) p. 78.

Germanic people put great emphasis on marrying within their own social class. Therefore, the law often punished both men and women for not heeding this custom. Amt (1993: 46) mentions one of the Burgundian laws which states: "[i]f indeed a native free girl unites voluntarily with a slave, we order both to be killed." Of course, every woman had a choice. The dishonoured family could ask her to choose between a sword or a spindle (Gummere 1892: 153). If the woman chose a sword – she had to kill her slave-husband, if a spindle – they both were killed or she became a slave. This, however, was rather a rare situation, and the common rule of 'till death do us part' solved all the inconveniences connected with such a relationship.

The Lombards had slightly less strict rules as far as marriages were concerned and to certain extent accepted the idea of social mobility. Still, they did not tolerate intermarriages between slaves and freeborn women claiming that:

“The slave who dares to marry a free woman or girl shall lose his life. With regard to the woman who consented to a slave, her relatives had the right to kill her or to sell her outside the country and to do what they wish with her property.” (The Lombard laws, 221)

It is worth mentioning here that both Frisians and Lombards were far more lenient in a situation when a freeman wished to marry a slave woman. This shows the social position of women and their dependence on the will of their fathers or brothers:

“If any man wishes to marry his own woman slave, he may do so. Nevertheless, he ought to free her, that is, make her worthy born (...) and he ought to do it legally by the proper formal procedure” (The Lombard Laws, 59).

There existed also laws that protected a woman from forced marriage. Neither the family, nor a man could force a woman to enter the relationship. Marriage by capture was, also, consistently forbidden by the law. The Lombards’ laws include the following provision:

“If a man violently seizes a woman and takes her unwillingly to wife, he shall pay 900 *solidi*, half to the king and half to the woman’s relatives. And if she does not have relatives, then the entire 900 *solidi* shall be paid to the King’s fisc. The woman then has the right to choose who shall have in his power her *mundium*, together with all the property legally belonging to her.” (The Lombard Laws; Rothair’s Edict, 186)

The already mentioned here King Canute strictly demanded that a woman had to consent to her marriage: “(...) [a]nd no woman or maiden shall ever be forced to marry a man whom she dislikes, nor shall she be given for money (...)” (The Law Code of King Canute, 74).

Interestingly, married women had right to state their case and defend themselves in court by swearing an oath. In one of the Anglo-Saxon legal acts we can read

If a husband steals a beast and carries it into his house, and it is seized therein, he shall forfeit his share [of the household property]—his wife only being exempt, since she must obey her lord. If she dare declare, with an oath, that she has not tasted the stolen [meat], she shall retain her third of the [household] property (The Laws of Ine, 57; translation: [Attenborough](#)).

As far as the right to divorce was concerned, theoretically, both spouses could terminate their marriage. This was, however, a much more difficult decision for a woman as she had to take her children’s and her own future into account and make sure she could cover all their expenses. The Anglo-Saxons under the rule of King Æthelberht introduced the law which gave women not only the right to divorce but also a relative financial security:

If she wishes to depart with her children, she shall have half the goods. 80. If the husband wishes to keep [the children], she shall have a share of the goods equal to a child’s (The Law of Æthelberht, 79; translation: [Attenborough](#))

Similar provisions were taken by Frisians whose laws granted that

Whoever leaves his wife and takes another, forfeits a fraction of a hundred marks, and is to pay her twenty marks to repentance, unless they are divorced in the way of justice (17 Statutes, 8).

What appears to be interesting is the fact that Frisian law, in addition to protecting women who were abandoned, praised them for proper upbringing of their sons.

This is the legal swaddling-payment that the son shall pay to his mother when he takes a bride; five shillings a year for twelve years, in payment for his not having been injured by neglect (24 Land Laws, 11).

Nevertheless, this was a unique privilege given only to Frisian women. It needs to be pointed that vast majority of Germanic codes forbade a man to marry a divorced woman. Such laws appeared mainly due to the Roman influence or because of the conversion to Christianity:

“And a Christian man must never marry a professed nun or his godmother or a divorced woman, and he shall never have more wives than one” (Æthelred VI, 12 translation in: Wyatt 2009). What is more, it was often much easier for a man to divorce a woman than the other way round. The domination and privileged position of men is especially visible in Burgundian law.

34.1 If any woman leaves (puts aside) her husband to whom she is legally married, let her be smothered in mire. 2. If anyone wishes to put away his wife without cause, let him give her another payment such as he gave for her marriage price, and let the amount of the fine be twelve *solidi*. 3. If by chance a man wishes to put away his wife, and is able to prove one of these three crimes against her, that is, adultery, witchcraft, or violation of graves, let him have full right to put her away; and let the judge pronounce the sentence of the law against her, just as should be done against criminals. The Burgundians (The Burgundian Code; XXXIV, 1 – 3)

3. Punishment for crimes – Germanic women as victims

As was pointed out in the introduction to this paper, Germanic women had to have a guardian, a male member of the family that would protect and take care about them. Because of that, in most tribes, the woman's guardian and in certain cases the woman herself obtained the monetary compensation for any violations that were committed against her. The amount of money, however, depended on the woman's social status:

The compensation to be paid for violation of the *mund* of a widow of the best class, [that is, of a widow] of the nobility, shall be 50 shillings. For violation of the *mund* of a widow of the second class, 20 shillings; of the third class, 12 shillings; of the fourth class, 6 shillings. (The Law of Æthelberht, 75; translation: Attenborough)

The codes distinguish between non-sexual and sexual crimes. Each crime is meticulously described and assigned a weight and a punishment, for instance a fine. As indicated by Oliver (2011: 180) “the laws (...) consider the inherent physical weakness of the female sex compared to the male, with the concomitant lesser ability for self-protection.”

3.1 Crimes of non-sexual character and their punishment

Germanic law makers, having been aware of the importance of woman's image in the society, often included in their writings one particular crime that men committed against women, namely cutting the woman's hair. Today, this may seem as a small crime or even a contravention. At that time, however, woman's hair symbolised her nobility, purity and social status. A woman with short hair gave an impression of an immoral, neglected by her family and community person. Therefore, we can read in The Burgundian Law that: "92. [i]f any native freeman presumes to cut off the hair of a native freewoman in her courtyard, we order that he pay thirty *solidi* to the woman, and let the fine be twelve *solidi*". The Salian Franks had a similar law:

"[i]f he cuts the hair of a free girl without the consent of her relatives, and it is proved against him (...), he shall be liable to pay eighteen hundred denarii.

If a slave presumes to cut off the hair of a native freewoman, let him be handed over to death and let nothing be sought from the master of the slave" (The Laws of the Salian and Ripuarian Franks, 24.3, 24.4)

The length of woman's hair symbolized her status. Slaves, but also older or poorer people often had shorter hair. Thus, laws protecting the length of girl's hair were a way of preserving her identity (Brundage 1990: 347).

Since the law did not require investigation, and an oath determined the proof, Germanic people based their relations on honour, honesty and oaths. The moment someone gave a word or swore something, it was considered truth. That is why, most Germanic tribes introduced laws which could be compared to modern libel and slander laws. They were supposed to protect people, their honour and reputation from false defamation (Tiersma 1999: 12 – 13). Women were also protected by such laws. Drew (1996: 134) in her translation of the Lombard Laws refers to the following law:

If anyone maliciously and without legal cause accuses his wife of having committed adultery or of having conspired against the life of her husband, that woman may clear herself by the oath of her relatives by combat. If she clears herself, then the husband shall offer oath together with his legal relatives, twelve with himself, [to the effect] that he accused her of the offense neither with evil intent nor maliciously, and that he ought to leave her only if he has had his suspicions confirmed. If he does this, he shall be absolved from blame. But if he does not dare to so swear, he shall pay the *wergild* of that woman in composition, such an amount as if he had killed her brother, half to the king and half to the relatives (The Lombard Laws, 7)

The law additionally protected women from possible physical violence. 'Pactus Legis Alamannorum', the law introduced in the 7th century by Alamans, states, for instance, that using violence against women should be punished with a fine that is adjusted to the social position of the harmed woman: "If anyone strikes a freewoman with a blow and blood does not flow, let him pay two *solidi*. If the woman was from the servant classes, the law reduced the fines (Pactus Legis Alamannorum, 2.7)". We can find similar legal solution in the Anglo-Saxon laws from as early as 6th century: "compensation [for injury] to be paid to an unmarried woman, shall be on the same scale as that paid to a freeman" (The Law of Æthelberht, 74).

Similar message can be found in the Laws of King Canute:

If anyone does violence to a widow, he shall make amends by the payment of his wergild (...)
 If anyone does violence to a maiden, he shall make amends by the payment of his wergild (The Law Code of King Canute, 52; translation: Robertson)

The Germanic law put women expecting a child under special protection. Here, the person attacking a woman was tried as if he attacked two people, and the punishment could be even more severe if something bad happened to the baby. Salic law states, for example, the following:

If anyone has struck a pregnant free woman in the belly or kidneys with his fist or a heel and does not strike the fetus out and on account of this she is stricken almost to the point of death, he should be judged culpable for 200 solidi. But if anyone strikes the fetus out dead and she herself escapes, he would be judged culpable for 600 solidi (The Salic Law, 3.104, translation in Mistry 2015: 219)

Similar regulation is found in Frisian Laws. The harm done to a woman and the harm done to the unborn baby require different remuneration

If a married woman who carries a child under the heart, is attacked, and she has not done any harm (...), nor any other evil deeds, and she is attacked in such a way that the prematurely born body-fruit dies, so he [the defendant], if he confesses the offense (...) shall pay (...). And when she dies, let her and the baby with sevenfold fee be paid (...) And if he [the defendant] denies it, so he may cleanse himself with the oath of twelve men (...) (Old Frisian Land Laws, 24)

Crimes committed against women by free men could be paid off. The offender paid a particular wergild and thus could escape the vengeance of the victim's family. When the crime was committed by a slave, however, it was the slave's owner who, being responsible for his property, had to pay the wergild. The slave, on the other hand, was killed: "If any slave does violence to a native freewoman, and if she complains and is clearly able to prove this, let the slave be killed for the crime committed" (The Burgundian Code XXXV, 1).

3.2 Crimes of sexual character and their punishment

Having discussed general offences committed against women, this section addresses the crimes against women which were most commonly referred to and penalised by Germanic law, namely crimes of sexual character. Oliver (2011: 201) observes that "[t]he most common assault against women addressed in the [Germanic] laws is rape." Such an act is treated in the majority of Germanic legal codes on par with murder. Still, the fine or the wergild for such a crime varies depending on the woman's social status, whether she is a free person or a slave. The age of the victim, whether she is married, widowed or still a maid could also be an important factor here.

There are two approaches to the crime that can be found in Germanic legal codes. First, which treats women as family properties and does not require a victim woman be paid any kind of compensation, and second which entitles the woman to indemnification for her suffering. The laws of Burgundians are an example of the first approach. It is the parents of the girl who may demand a wergild from the man who committed the crime:

If anyone shall steal a girl, let him be compelled to pay the price set for such a girl ninefold, and let him pay a fine to the amount of twelve solidi.

If a girl who has been seized returns uncorrupted to her parents, let the abductor compound six times the wergild of the girl; moreover, let the fine be set at twelve solidi.

But if the abductor does not have the means to make the abovementioned payment, let him be given over to the parents of the girl that they may have the power of doing to him whatever they choose. (The Burgundian Code XII; 1 – 3)

Still, if the crime is committed by a slave, or if a girl voluntarily unites with a slave, the punishment in the Burgundian society is death:

If any slave does violence to a native freewoman, and if she complains and is clearly able to prove this, let the slave be killed for the crime committed.

If indeed a native girl unites voluntarily with a slave, we order both to be killed. (The Burgundian Code XXXV; 1 – 2)

With respect to who receives the compensation, Salic law includes similar to Burgundian law regulations:

If three men carry off a free born girl, they shall be compelled to pay 30 shillings.

If there are more than three, each one shall pay five shillings. But those who commit rape shall be compelled to pay 2500 denars, which make 63 shillings.

But if the girl who is carried off be under the king's protection then the "firth" (peace-money) shall be 2500 denars, which make 63 shillings. (Salic Law XIII; 1-2, 4, 6)

Visigoths, on the other hand, treat rape of a virgin or a widow differently than rape of a mature or married woman. Here, we can see that women whose future life and social value may be vastly influenced by the crime receive a financial compensation for their loss:

If any freeman should carry off a virgin or widow by violence, and she should be rescued before she has lost her chastity, **he** who carried her off **shall lose half of his property, which shall be given to her**. But should such not be the case, and the crime should have been fully committed, under no circumstances shall a marriage contract be entered into with him (Visigothic Laws; Book III, 1)

On the other hand, in all the other cases, there is no mentioning of a woman receiving any compensation. The law mentions only the punishment of a criminal.

Anyone who is known to have assisted, or to have been present, at the carrying off of any woman by force, if he is a freeman, shall pay a fine of six ounces of gold, and shall publicly receive fifty lashes with the scourge. If he is a slave, and acted without the consent of his master, he shall receive a hundred lashes. But if he should commit this crime with the consent of his master, the latter must give such satisfaction in his stead as has already been stated. (Visigothic Laws; Book III, 7)

Still, as it is stressed by Scott (1910: 99) "[t]he distinctions between the crimes of rape, adultery and fornication, as now established, are not clearly set forth in the Visigothic Code. The rape of a woman of any condition, is frequently called adultery with violence."

The laws of North Sea Germanic people indemnify the woman for the crime committed on her body. In Frisian law, as pointed out by Oliver (2011: 183), the crime of rape is punishable on three different levels, and the law "considers raping a virgin to some extent a public offence: the rapist must pay her a wergild, an additional one third of her wergild to her protector, and a further one third of the wergild to the king, under whose protection stands the entire realm." The law states:

If someone abducts a virgin girl and leaves her behind dishonoured, he pays her wergild, if she is a noble or free woman, as compensation, and also to the king. A third wergild to the father or guardian of the girl. If, however, the girl is a serf, he also compensates her by paying her wergild, and he pays 10 solidi to her lord. (Frisian Law IX, 8 -10)

As far as Anglo-Saxon laws are concerned, a woman can also expect wergild, but what appears to be interesting is that compensation is given to a woman regardless of her age. In the Laws of King Alfred we read "If anyone rapes a girl who is not of age, the same compensation shall be paid to her as is paid to an adult." (The Laws of Alfred, 29; translation: Attenborough). Yet another unusual approach to the matter of compensation and punishment can be seen in the Laws of King Æthelberht. Here the law not only treats a young woman as one man's property, but also does not expect the abductor to free a woman: "If a man forcibly carries off a maiden, [he shall pay] 50 shillings to her owner, and afterwards buy from the owner his consent" (The Law of Æthelberht, 82; translation: Attenborough).

3. Conclusions

The article provides just a few examples of Germanic legal regulations that focus on women's protection and rights. Still, basing only on the given examples, we may observe that social position of Germanic women was strictly based on hierarchical rule and kin connections. A woman's position depended on her family's status and, in the majority of cases, on whether she had children or not. The legal codes clearly indicated that the main role of a woman was to look after the family and bare children. Such image and a female ideal arose mainly due to the influence of Roman civilization. Here, we have to remember that first Germanic laws were passed orally. Only later, and to some extent thanks to the Roman culture, the codes were written down. What is also worth noting is that the attitude towards women and the laws concerning women varied among Germanic kingdoms. The closer and stronger relations the Germanic society had with Romans, the clearer and stronger the social divisions and roles were established. Thus, for instance, Salic laws were much more restrictive than Frisian laws. Still, there is no denying that all codes included the laws that secured the well being of women, their inheritance and ownership rights. What is more, introducing severe penalties and fines the laws protected women from rape, insult and abuse.

Finally, when looking back at the Germanic, or as some would say Barbarian laws, we should realize that later on, in the history of various highly civilized European countries, those rights were limited to great extent. It was only after 1918, one hundred years ago, when women began to slowly regained their rights and position.

We face the 100th anniversary of women gaining the right to vote, nevertheless, we need to remember that the history of women's rights should not be narrowed just to those 100 years. Further investigation and research into the legal history of women is needed and may have important implications for future.

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