

Call for Papers

7th Conference of the International Research Network „Geschlechterdifferenz in europäischen Rechtskulturen“ – „Gender Differences in the History of European Legal Cultures“

New law – new gender structure? Codifying the law as a process of inscribing gender structures

Innsbruck, 13th – 15th September 2012

Organiser: Institute of History and European Ethnology / Research Cluster “Political Communication” (Research Platform “Politics Religion Art”), University of Innsbruck

<http://www.uibk.ac.at/politik-religion-kunst/cluster/politische-kommunikation.html>

<http://www.gendered-legal-cultures.de/>

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Conference language: English

Deadline: 15th April 2012

The year 2012 is the 200th anniversary of when the “Allgemeines Bürgerliches Gesetzbuch” (ABGB; the Austrian Civil Code) came into effect in the German hereditary lands of Austria. The proclaimed objective of this codification was the creation of a legal system for a new – civil – society. However, it actually codified the hierarchy relations in a different way.

Power relations are organised and structured largely by means of law in the way in which they are anchored territorially. This is the case for all forms of hierarchy and rule within a society and thus also for the unequal power relations between the genders. Over the course of the centuries, the law was increasingly modified, amended and rewritten. The range in terms of its area of validity was highly varied, especially in the early modern period: village regulations and city laws existed alongside land and church laws, which in turn possessed a complementary or subsidiary relationship with canon law or imperial law. The large centralised codifications successively replaced these kinds of particular laws in a formal sense from the end of the 18th century and forced back the influence of church law and the early modern legal plurality.

The development of a new legal system as well as the introduction of new statutes and regulations is inseparably connected with social processes, changes and upheavals – whether law depicts what is already social reality, or whether by means of the law new social templates are implemented. The legal organisation of gender relations is to be seen as a central element of any social order. The powers allocated to both genders structured the connection and the relations between women and men as well as expanding or limiting their scope of action and thereby their position of power within their own social environment and within society. Social changes were often accompanied by criticism of the prevailing gender relations. “New” law, however, did not always involve improvement in terms of a move towards gender equality; therefore from the gender perspective in particular it can no means be equated per se to “progress”.

The legal shaping of gender structures took place within society and at the same time cannot be separated from the concept of gender of those who drew up and codified new legal structures. The conference thus centres on the question concerning connections between processes of negotiation and codification of law – at the various territorial levels – and perceptions with regards to the resulting creation of gender structures. The historical period for potential contributions stretches from the ancient world to the 20th century.

The topic spectrum includes “New law – new gender structure” in the respective social context in connection with

- the actors, processes of negotiation and practices relating to codification
- processes of transfer, transformation and adjustment
- the previously valid laws
- social practice
- the application of law and its effect in specific areas

Suggestions for conference contributions in the form of an English abstract with a max. length of 3,000 characters are to be sent by 15th April 2012 to:
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