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WOMEN AS PERSONS: ANALYZING WOMEN'S DECLINING STATUS THROUGH THE LENS OF SURNAME PRACTICES IN THE ENGLISH EARLY MODERN PERIOD

Abstract:

Name usage illustrates much about social and legal practices extant through English history. Surname use was at one time quite variable; women in England once held individualized surnames reflecting their own traits, occupations, statuses, or family relations (e.g. Fairwife, Silkwoman, Widow, Robertdaughter). After surnames became hereditary around the 15th century, women still sometimes retained their birth names at marriage, even passing them on to their husbands, children, and grandchildren. But these practices—signifying a surprisingly developed social and legal standing—eventually disappeared. There are several possible explanations. In addition to the emergence of feudalism, the common law, and coverture in England, there were substantial economic and political developments in the Early Modern period, including the advent of capitalism. Theoretical concepts of citizenship and rights were advanced, becoming more formalized and therefore more exclusive to certain privileged groups, which came to exclude women. Notions of conquest and imperialism, and the building of the modern nation-state became central, bringing with them discourses of dominance and superiority, self and other. In the process of formally identifying the "self" in determining which were the citizens entitled to rights and status, the women may have been formally excluded in ways in which they had not previously been. The theoretical implications of these historical developments and their impact on women are wide-ranging and significant.

Keywords:

Women, law, history, rights, women's history, legal history, political theory