

## Abstract

REPLACING THE FATHER. Gender, economic change and guardianship in Sweden ca 1700-1860  
(Publications of the Department of Economic History, School of Business, Economics and Law  
Göteborg University no 99)

ISSN: 1403-2864 ISBN: 91-85196-65-7

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with a summary in English)

Distribution: The Department of Economic History, School of Business, Economics and Law,  
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In Sweden, a highly gender-specific construction of legal majority, coming of age and guardianship over children and minors was part of the pre-industrial order and its arrangements of property rights. This thesis is a study of a gender specific legal system and its interaction with economic change. Guardianship over minors – orphans, fatherless children or unmarried women - had economic implications, and was an arrangement with effects for the economy. Unmarried women's status as minors contributed to the accumulation of responsibility and disposition in the hands of men, over far more property than they actually owned.

A new, nationwide law on guardianship was introduced in the late 17<sup>th</sup> century, and many of its basic principles prevail into the 19<sup>th</sup> century. These included unmarried women's status as minors, primarily in relation to disposition of property, the principles for replacing deceased fathers with appointed male guardians and the regulation of the guardianship of widowed mothers over their children. Important changes appeared during the period, many of them with obvious gender aspects. One was that unmarried women gained majority status in 1863. The political debate on legal change in the 19<sup>th</sup> century shows that the issue of women's status was important, but controversial. An emerging liberal discourse was also opposing what was perceived as negative and obsolete sides of patriarchal authority. The embedded character of guardianship was seen as hampering for the male individual as well as detrimental to economic development.

Through a local case study of court records over the appointment of guardians and their wards in the city of Göteborg some other aspects of this institution was made evident. A comparative analysis of two cross-sections, from the years 1777-82 and 1852-57, pointed to continuities in some functions of this institution and changes in others: Among the changing features were its character as a civic duty for male citizens, a less restrictive handling of the guardianship of widows over their children, and the transformation of guardianship from an often collective and kin based institution to a more individual task.

The basic function of this institution was to maintain patriarchal relations of dependency and authority, through the replacement of the father. Inheritance and upbringing of orphans and semi-orphans as well as unmarried women were thus taken care of, and became parts of the local relations of credit. In addition, interests of different lines of kinship were protected when former marital property relations were separated from new ones. Stepfathers were not favoured as guardians. An increasing share of unmarried women in the population created a greater demand for guardians. At the same time, society went through a process of increasing mobility, i. e. urbanisation, which made control of these women more difficult.

KEYWORDS: gender, guardianship, coming of age, property rights, legal change, legal history, legal status, credit relations, embeddedness, Göteborg, orphans, unmarried women, widows, citizenship, institutional change, 18<sup>th</sup> century, 19<sup>th</sup> century, patriarchal relations, economic history