

Inheritance, Custom, and Economic Power among Polish Noblewomen. The Case of Barbara Radziwiłłowa

by

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Many of our assumptions about women and property in Early Modern Europe have been shaped by studies of English history, including the influential "Women and Property in Early Modern England" by Amy Louise Erickson and Susan Staves' "Married Women's Separate Property."¹ But if one were to take the English example as applicable throughout Europe, one would come away with the negative impression that all European women were "covered," that is to say that they lacked individual rights and their own legal personality. Many European law codes addressed matters regarding women and property and provided for female inheritance. But in 18th-century codes, women as a rule received their dowries in moveable property rather than land, which excluded them from any later claim upon their birth family's property. When they became widows, settlements often restricted their use of property in favor of their husbands' male heirs. It has been assumed that this was the case throughout Europe, but the Polish case indicates that these generalizations need to be modified or even rejected completely.

In the Polish-Lithuanian Commonwealth and in Russia as well,² the position of noblewomen was somewhat different. Noblewomen had full rights to sue, to initiate legal action in their own name, to give evidence, and to be witnesses. They retained representatives to appear in court for them, as was the case with noblemen. Property law guaranteed equal partible inheritance among sons and daughters, and it also guaranteed women's entitlement to the family estate. The law also allowed women to litigate against those who would try to obstruct or limit their legal rights. The law granted widows at least a quarter of their husbands' immoveable property outright, which they could sell or bequeath at will, but according to 18th-century custom, many

¹ AMY LOUISE ERICKSON: *Women and Property in Early Modern England*, London 1995; SUSAN STAVES: *Married Women's Separate Property in England 1660-1833*, Cambridge, Mass., 1990.

² MICHELLE LAMARCHE MARRESE: *A Woman's Kingdom. Noblewomen and the Control of Property in Russia 1700-1861*, Ithaca, NY, 2002. Marrese argues that women's property rights were linked to Peter the Great's reforms and new developments in the establishment of private property rights. In: *The Wild Woman in the Polish-Lithuanian Commonwealth*, in: *Women As Sites of Culture*, ed. by SUSAN SHIFRIN, Hampshire 2002, pp. 183-193, I argue that noble women's property rights are one feature of Sarmatism.

noblemen specified that their widows should have a life interest in their joint property.

Traditionally, historians, recognizing that the source of wealth in early modern society was land, have been most concerned with inheritance strategies and the composition of dowries. More recently, historians have come to acknowledge that the situation was more complex. One must look also at women's access to land – their ability to freely dispose of it, to sell and to lease property, and to have free access to the income from that property. Under both Polish and Lithuanian law, noblewomen could own land in their own right, could inherit, could bequeath and sell property, conduct business in their own name, and dispose of their dowry – which could include land – as they wished.

I examine the situation of the Radziwiłł family because they were the richest family in the Commonwealth in the 18th century. The largest of the Radziwiłł properties were Nieśwież and Mir which at the end of the 18th century included 21 villages, and 142 manor farms, amounting to 200,300 hectares of land (81,093 acres).³ Estimates put the family fortune at 130-150 million Polish złoty at the mid-18th-century. The family's disposable income at the time was about seven and a half to nine million annually.⁴ For comparison's sake, in the period of the Czartoryski family's greatest power, that family had an income of approximately three million Polish złoty annually.⁵ The only family that possessed as much wealth and annual income as the Radziwiłłs in this era was the Potocki family, having an income of eight million złoty in 1750.⁶

It is also natural to study this family because the Radziwiłłs family accumulated their fortune in the 18th century in an apparently remarkable fashion, through the efforts of women: Anna z Sanguszków and Barbara z Zawiszów Radziwiłłowa.⁷

In the history of all contemporary magnate clans one hears of the role played by energetic and gifted individuals whose accomplishments distinguish them above and beyond other representatives of the family. In the case of the Radziwiłłs that role was filled by women – Anna z Sanguszków and Barbara z Zawiszów [...] ⁸

³ ZBIGNIEW ANUSIK, ANDRZEJ STROYNOWSKI: Radziwiłłowie w epoce saskiej. Zarys dziejów politycznych i majątkowych [The Radziwiłłs in the Saxon Era. An Outline of Political and Property History], in: *Acta universitatis Lodziensis, Folia Historica* 33 (1989), pp. 29-58, see p. 30.

⁴ *Ibidem*, p. 47.

⁵ *Ibidem*, p. 46.

⁶ *Ibidem*, p. 47.

⁷ Noblewomen who married in the Polish-Lithuanian Commonwealth did not lose their birth name. Thus Barbara, born into the Zawisza family who married a Radziwiłł was known as Barbara z Zawiszów (of the Zawisza family) Radziwiłłowa.

⁸ ANUSIK, STROYNOWSKI (cf. footnote 3), p. 57. Barbara's husband died in 1746, and Anna's in 1719. TERESA ZIELIŃSKA: Radziwiłłowie herbu Trąby. Dzieje rodu [The

One of the reasons that these women enriched their family so much is not just that they were heiresses, but that they understood the economic and legal system in which they lived, and they manipulated it to their own advantage. By studying both cases and the legal institutions of the Commonwealth, one can draw conclusions about the legal status of women within the family and in society as a whole.

Although the women of the Radziwiłł family cannot be viewed as representative of the average woman of the Polish-Lithuanian Commonwealth, other studies have shown noblewomen acting as independent legal agents, and even managing large estates. As the first generation of women historians attained higher education, they turned their attention to the history of women. Wanda Brablec's work, written in 1900, documented the economic power of Elżbieta z Lubomirskich Sieniawska,⁹ a woman from a magnate family, showing that she personally managed her family's estates, owned more than twenty private cities, and handled business operations as well as large-scale export of agricultural goods from her estates.¹⁰ Contemporary scholars have confirmed Brablec's findings, as well as sketched the important role that Sieniawska, as well as other nobles, had in employing Jewish agents to look after their financial interests.¹¹ In terms of large-scale land ownership, independent economic management, and employment of Jewish agents to conduct their business, the women of the Radziwiłł family resemble Sieniawska in every respect.

In a system in which men were not formally trained in the law, privileged noblewomen such as Barbara Radziwiłłowa could be on an equal footing with noblemen in legal affairs.¹² Since no one wanted to become entangled in lawsuits, women like Barbara Radziwiłłowa who were talented mediators could use their skills to settle matters outside the court. And through money and political maneuvering, privileged noble families and noblewomen could maneuver to place their "friends" upon the bench, thereby manipulating the legal system to gain property, which was to their own advantage.

Radziwiłłs of the Trąba Coat of Arms. History of the Clan], in: SŁAWOMIR GÓRZYŃSKI, JOLANTA GRALA, WŁODZIMIERZ PIWKOWSKI, VIOLETTA URBANIAK and TERESA ZIELIŃSKA: *Radziwiłłowie herbu Trąby*, Warszawa 1996, pp. 3-43, see pp. 24, 21.

⁹ WANDA BRABLEC: *Elżbieta z Lubomirskich Sieniawska*, Kraków 1900.

¹⁰ DANIEL STONE: *The Polish-Lithuanian State 1386-1795*, Seattle, London 2001, p. 299.

¹¹ GERSHON DAVID HUNDERT: *The Jews in a Private Town. The Case of Opatów in the Eighteenth Century*, Baltimore 1992.

¹² Generally speaking, men as well as women learned law by practicing it. On the practice of law in that period, see JĘDRZEJ KITOWICZ: *Opis obyczajów za panowania Augusta III* [A Description of Customs during the Reign of August III], Warszawa 1985, pp. 108-155; MARIA BOGUĆKA: *The Lost World of the 'Sarmatians'. Custom as the Regulator of Social Life in Early Modern Times*, Warszawa 1996, p. 162; JERZY LUKOWSKI: *Liberty's Folly. The Polish-Lithuanian Commonwealth in the Eighteenth Century 1697-1795*, London, New York 1991, p. 19.

The Radziwiłł Women and the Legal System

I will first look at these noblewomen's use of the legal system to gain access to property. Upon examination, it seems clear that not only were they legal personalities in their own right, but also that they understood the law and used that knowledge to their own advantage. One of the ways that they gained materially was by successfully mediating property disputes. Barbara Radziwiłłowa was extremely preoccupied with legal matters, if her correspondence is any indication. Her first recorded discussion about issues of property law appears in 1739 when she wrote for clarification regarding perpetual annuities. There was no central law library in the Commonwealth, so the family kept its own archive that included legal records as well as family documents. She asked the more senior member of the house, Anna Radziwiłłowa, for materials that might help to assist her in a property dispute in which she was involved:

I may be so bold as to humbly ask if you might order your archive to send me a copy of the law of perpetuities regarding breaking up the entailed estate granted in hereditary tenure to the Lord and Lady Wołodkowicz.¹³ Or rather give some kind of notification if he has shared tenure with that dreadful first wife of his – if the law of perpetuity is specified. This information is indispensable for the court case of my sister v. [them] [...] ¹⁴

Barbara Radziwiłłowa and Anna Radziwiłłowa knew and understood such legal issues as the law of perpetual annuities even though they lacked legal training. Perhaps because few noblemen in the Commonwealth had extensive formal legal education that would be similar to a modern law degree, a woman like Barbara Radziwiłłowa might successfully navigate the legal system.

The Radziwiłłs developed strategies to control the judicial system. Barbara Radziwiłłowa was extremely interested in judicial appointments, and much of my work proves that she had effective influence on who was appointed to them, and that she was considered an important patron who was able to appoint her desired candidates to office, writing many successful letters of promotion.¹⁵ This was important because the judge rendered the verdict and the scribe rendered the official written version of the court verdict, so to control the judge and scribe was to control the court's verdict. Thus even if a woman could not hold a judicial office, she could influence the decisions of those who did as her patron.¹⁶

¹³ Leon Wołodkowicz, Tribune of Minsk, Lieutenant in the army of Paweł Sanguszko.

¹⁴ Archiwum Główne Akt Dawnych, Warszawa, Archiwum Radziwiłłów (hereafter "AR") January 5, 1739 (AR IV, t 47, k 637, 97). See a second request for documentation January 4, 1739 (AR IV, t 47, k 638, 111).

¹⁵ For example, LYNN LUBAMERSKY: *Women and Political Patronage in the Politics of the Polish-Lithuanian Commonwealth*, in: *The Polish Review* 44 (1999), 3, pp. 269-285.

¹⁶ In this respect, the Polish Lithuanian Commonwealth was similar to some other states of Early Modern Europe, including France. The work of Sharon Kettering, Sarah

Barbara Radziwiłłowa also served as an informal mediator who would work to settle conflicts outside the court system. For instance, she maneuvered to settle several legal disputes, some involving her birth family, as in the case above. In 1739, she wrote to gloat over her successful mediation of her sister's legal matter, when she "persuaded the Wołodkowicz to settle with [her] sister, and both sides were well-inclined to the settlement [...] They acted conclusively to the mutual satisfaction of both parties."¹⁷ With such results, it is unfortunate that Barbara Radziwiłłowa did not turn her hand to mediating all of the Radziwiłł legal disputes, since not all of them ended so amicably.

It was not unusual for Barbara Radziwiłłowa, like many nobles of this time, to be involved in litigation, usually over property disputes. The family's register of legal documents, which was preserved in the Nieśwież archive, shows that she had to go to court or to file court documents more than once a year over property disputes. The register indicates that she was involved in more than 32 court cases from 1743 to 1770 in which the details are obscure, but some cases can be clarified.¹⁸

Noblewomen and Dowry

One of the aforementioned suits involved a dowry: the property of Berdyczów which Barbara Radziwiłłowa's mother, Teresa z Tyszkiewiczów, brought to her marriage as dowry and bequeathed to Barbara Radziwiłłowa.¹⁹ This case entangled Barbara Radziwiłłowa for a long time. A suit was filed against her in the Castle Court of Kiev by Zuzanna z Tyszkiewiczów Stetkiewiczowa. The Stetkiewicz family was suing to recover the property

Hanley and Sara Chapman on French noblewomen alerted me to the possibility that noblewomen could and did act both as patrons and clients in the judicial, economic and social networks of patronage in Early Modern Europe. For the most important works on these topics, see SHARON KETTERING: *Patronage and Kinship in Early Modern France*, in: *French Historical Studies* 16 (1989), 2, pp. 839-862; SARAH HANLEY: *Engendering the State. Family Formation and State Building in Early Modern France*, in: *French Historical Studies* 16 (1989), 1, pp. 4-27, see p. 26; SARA CHAPMAN: *Patronage as Family Economy. The Role of Women in the Patron-Client Network of the Phélypeaux de Pontchartrain Family 1670-1715*, in: *French Historical Studies* 24 (2001), 1, pp. 11-35, see p. 12.

¹⁷ May 1, 1739 (AR IV, t 47, k 638, 105).

¹⁸ AR XI 207 (Legal documents of the sons of Mikołaj Faustyn Radziwiłł), 49-55.

¹⁹ Berdyczów had been in the Tyszkiewicz family definitely since 1483. In 1687 the property left the house of Tyszkiewicz when Teresa Tyszkiewiczówna, daughter of the Esquire Carver of Lithuania married Krzysztof Zawisza, Voivode of Minsk. In 1721 Krzysztof Zawisza died and the Berdyczów property passed into possession of his daughter Barbara. See *Słownik geograficzny Królestwa Polskiego i innych krajów słowiańskich* [Geographical Dictionary of the Kingdom of Poland and Other Slavic Countries], ed. by FILIP SULIMIRSKI, vol. I, Warszawa 1880, pp. 135-139.

and for court costs,²⁰ and they contested the will of Barbara Radziwiłłowa's grandfather. Teresa z Tyszkiewiczów had received the property as dowry and she left the Berdyczów estate to her husband and daughter (Barbara Radziwiłłowa) in 1695.²¹ This case was finally settled in 1744 when Barbara Radziwiłłowa was recognized, through the power of her descent from the Tyszkiewicz family and the right of purchase, as the owner of Berdyczów and several smaller estates.²²

This dispute is interesting because it concerns property which came into the family through dowry. In this case of Władysław Tyszkiewicz, Teresa Tyszkiewiczówna was his sole heir.²³ According to law, only in the absence of sons did daughters inherit an entire estate including paternal property. This was repeated in both the Second and Third Lithuanian Statutes.²⁴ But if a woman did inherit, this property was deemed maternal property and was to be divided equally among her sons and daughters, according to the Statutes.²⁵ In this case, that practice was not followed. Barbara z Zawiszów Radziwiłłowa, the eldest daughter, inherited all her mother's property, and it was not shared with the other children in the family, including a brother and sister who were both living at the time. Perhaps this was done to give her a substantial dowry, thus making her an attractive marriage prospect, even to a Radziwiłł. The Zawisza family certainly was not a magnate family, and although she was a noblewoman, it would take most all the family's property plus many other intangible factors to make Barbara z Zawiszów Radziwiłłowa an attractive fiancée for the Radziwiłł family.

In the 18th century, the average nobleman gave his daughter a dowry ranging from about 10,000 to 40,000 Polish złoty. Among the magnates, this figure averaged from between 20,000 and 200,000 Polish złoty. Magnate daughters were most often designated dowries valued at 200,000-300,000 Polish złoty, of which the cash value was not greater than 100,000 Polish złoty. But a dowry of a half million złoty was not a rarity.²⁶ The rule was that the dowry should be equal for each daughter, but in practice things rarely worked that way. In the Nieśwież branch of the Radziwiłłs, Tekla Radziwiłłowa married Jakub Henryk Flemming, and therefore required a much larger dowry than her two sisters had received before her. This meant that the

²⁰ AR XI 207, 39-40.

²¹ *Ibidem*, 41.

²² *Ibidem*, 44.

²³ WŁODZIMIERZ DWORZACZEK: *Genealogia*, Warszawa 1959, "Tyszkiewiczowie", p. 178.

²⁴ TERESA ZIELIŃSKA: *Rozważania nad kwestią wyposażenia szlachcianek w Wielkim Księstwie Litewskim w XVIII stuleciu* [Consideration of the Question of Provision of Noblewomen in the Grand Duchy of Lithuania in the 18th Century], in: *Kwartalnik Historyczny* 96 (1989), pp. 93-109, see p. 94.

²⁵ *Ibidem*, p. 94.

²⁶ *Ibidem*, p. 98.

younger unmarried daughters had to agree to increase Tekla's dowry; there was no source of funds to reimburse the older daughters.²⁷

A Case Study: "A Widow's Manifesto against Her Eldest Son"

In August 1767, Barbara Radziwiłłowa's eldest son Udalryk entered into a marriage contract with Kunegond Eleonora Kamińska, a noblewoman whose father held a minor office in the military. The signatures on the marriage contract indicate that the bride's parents agreed, and they offered a modest dowry of 30,000 Polish złoty.²⁸ By way of comparison, this dowry and corresponding dower were intended to provide security for a wife in the event of her husband's death, yet the minimum that the Radziwiłłs were expected to provide for daughters' dowries was 200,000 złoty. Despite the meager dowry and the fact that the groom's parents did not sign, this marital contract appears to have been legal and binding.

The requirements for constituting a valid marriage were undoubtedly great in number and complex, but little is known about them. An exhaustive study has been done to determine how marriages were constituted in early Polish law²⁹ but no such study has been done for the 18th century. The laws regarding marriage in the Commonwealth were based upon canon law, but the question is how that law was applied.³⁰ One study noted that the Vatican was concerned by the apparent disregard among the nobility of the Commonwealth for following the letter of canon law and instead pursuing a practice that allowed marriages to be readily contracted and relatively easily dissolved.³¹ Given the fact that this marriage took place between consenting Christians in a church, with benefit of a marriage contract, and the marriage was physically consummated, it could be assumed that most would consider it valid.

Barbara Radziwiłłowa strongly opposed the marriage, and she expressed this in a Manifesto that she filed in court as a means to attempt to put a stop to the marriage and also as a kind of restraining order against her eldest son. She opposed the marriage on various illuminating grounds. In the first place, she

²⁷ Ibidem, p. 98.

²⁸ Biblioteka Narodowa [National Library], Warsaw (hereafter "BN"), MF.32918 K.196, Dokumenty dotyczące małżeństwa Udalryka Krzysztofa Radziwiłła z Eleonorą Kamińską [Documents Concerning the Marriage of Udalryk Krzysztof Radziwiłł and Eleonora Kamińska].

²⁹ WŁADYSŁAW ABRAHAM: *Zawarcie małżeństwa w pierwotnym prawie polskim* [The Contracting of Marriage in Primordial Polish Law], Lwów 1922, pp. 318-343.

³⁰ KAROL ALEXANDROWICZ: *Marriage Law in Poland*, in: *Studies in Polish and Comparative Law. A Symposium of 12 Articles*, London 1945, pp. 156-167, see p. 157.

³¹ BOGNA LORENCE-KOT: *Child-Rearing and Reform. A Study of the Nobility in Eighteenth Century Poland*, Westport, Conn., 1985, p. 52.

wrote that her son Udalryk was financially irresponsible, and that he had squandered the family's money while living on her estate, Berdyczów. He had been in such financial difficulty that he was forced to sell the office that she and her husband had procured for him, the Master of the Horse. Now that he wanted to marry for a second time she planned to refuse to provide him with dower money that he would need to match his second wife's dowry and to make the marriage legal, as a means of punishing him for not consulting her and for contracting a marriage that was not financially advantageous to the family.³²

In Barbara Radziwiłłowa's Manifesto, she laments her son's ingratitude over all that she had done to secure his future. Her lamentation is made in the most stark and vivid of language. In the Commonwealth of the 18th century, legal documents such as these were passionate and dramatic, in order to gain the support of the judge:

[...] my first-born son, Prince Udalryk Radziwiłł, so lightly weighing both the laws of God and nature, through the entire course of his life behaved in the most troubling way, to such a degree to bring worry and pain upon his own mother. One needs a register to record it all. He was so ungrateful for all that has been done for him. Material evidence bears out that no expense has been spared for his high level of education, for learning in foreign countries and in the acquisition of dignities [offices] which he has miserably trampled underfoot. These circumstances, and the necessity of gathering oral and written evidence has had the effect of completely eradicating all feeling in the maternal heart, replacing it with the wrath of God and of a mother. He brought it all upon himself: from unpleasantness to unpleasantness, and worry to worry, continuously adding to it. He only bestirred himself from his wantonness in [his] ripe old age through the efforts of Lady Kamieńska [to marry].³³

Besides stating so clearly her disappointment in her first-born son, the Manifesto also explained that Udalryk Radziwiłł had taken advantage of a legal convention that was new to the Grand Duchy of Lithuania in the 18th century, the *abrenuncjacja* or the *ab renuntio*, the prior renunciation of rights to property.³⁴ Although it was seldom practiced in the Polish Lithuanian Commonwealth, one of the ways in which this law was applied in other parts of Europe at this time was to allow the dowry money given to a woman to stand as her share of her family's inheritance. This was the way that women in other parts of Early Modern Europe were excluded from their share of the family inheritance upon their parents' death, by having to settle for a dowry

³² BN MF.32918, K.196, 198. Udalryk married Zofia z Rejów in 1742. She was older than he was, and the widow of the Castellan of Wolhynia. In the eyes of Barbara Radziwiłłowa, it was a misalliance, since Zofia was a *szlachcianka*, not learned, accomplished, or rich. The marriage produced no children. Zofia died March 2, 1765. See WŁADYSŁAW KONOPCZYŃSKI: Feniks Samojedny, in: Biblioteka Warszawska 1911, 2, pp. 316-353, pp. 326, 351.

³³ BN MF.32918, K.197-199.

³⁴ TERESA ZIELIŃSKA: Rozważania (cf. footnote 24), p. 95.

portion when they married. Or, in this case, to allow dower money given to a groom to stand as his share of the family inheritance. When he agreed to stipulate that his dower was his complete share of the family inheritance, Udalryk Radziwiłł voluntarily divested himself of any rights that he had on paternal and maternal property and these properties were granted to his younger brother, Albrycht Radziwiłł, Starost of Rzeczyca, in exchange for a settlement to be remitted in perpetuity.³⁵ Given his profligacy, Udalryk Radziwiłł found that the only way to settle his debts was to renounce his share of the inheritance in the future in exchange for having his debts paid immediately. He was also in very poor health, stricken with gout and other illnesses as a result of his decadent lifestyle, so he might have suspected that his days were numbered.

The Manifesto was written in 1766, but Barbara Radziwiłłowa later made a conciliatory move – she relented, stating that she would bless the marriage *ex post facto* if a son were born and christened as a result of the marriage.³⁶ The marriage did produce an heir, Mateusz, but a year later, on February 15, 1770, Barbara Radziwiłłowa died, at the age of 80, and she could no longer act as protector and guardian of her son and his family. Udalryk's brothers were only waiting for the death of their mother to declare a kind of small-scale civil war upon their brother and to take away their property, to which he no longer had any right. They used the Radziwiłł family militia to occupy the family properties and to drive him out of his mother's estate where he was living, Berdyczów, taking his child Mateusz under armed guard to the family seat, and imprisoning his wife in a cloister adjacent to the palace.³⁷ Udalryk Radziwiłł died in the same year, 1770, and the conflict among his brothers, his widow and his heir was not settled until 1778. The *Sejm* delegated a commission that took a year and a half to settle the conflict. Mateusz, the heir, was given lifetime use of Berdyczów, and his mother, Eleonora Kamieńska, was appointed his guardian.

It was not unusual for a woman to be named her own child's guardian in the 18th century, and this possibility was allowed for under the Second and Third Lithuanian Statutes. The naming of a woman as her child's guardian was grounded more in practice than in law, because the Third Lithuanian Statute stated that if the father did not designate a guardian, then guardianship would fall to the paternal uncle and to more distant relatives.³⁸ In this case, the father's will (Udalryk's) explicitly excluded paternal uncles from guardianship, which is not surprising on account of their conflict. Instead, he designated the head of the Radziwiłł house, Karol Stanisław Radziwiłł, the

³⁵ BN MF.32918, K.196, 198.

³⁶ WŁADYSŁAW KONOPCZYŃSKI: *Mrok i świt* [The Darkness and the Dawn], Warszawa 1911, p. 184.

³⁷ *Ibidem*, p. 186.

³⁸ JAN LOHO-SOBOLEWSKI: *Prawo opiekuńcze w dawnej Litwie* [The Law of Guardianship in Old Lithuania], Lwów 1937, p. 80.

Voivode of Wilno, as executor of his will as well as naming five other noblemen witnesses to the will. He wrote that it was his wish that his wife's maternal authority over his son should not be impeded.³⁹

This incident shows that a noble widow had a much stronger position in the Commonwealth than a wife did. Neither Barbara nor Anna Radziwiłłowa remarried after the deaths of their husbands, perhaps because they inherited their husbands' estates. Some noblemen of the 18th-century Commonwealth pledged their wives lifetime usufruct of their estates, but not full ownership of their properties. Barbara Radziwiłłowa was promised lifetime usufruct of property just two years after her marriage, when Mikołaj Faustyn Radziwiłł pledged that

since we are living now in a married state, if my wife should survive me, the property named Dzieściół in the Słonim district and the Voivodeship of Nowogródek should belong, along with the city and city offices worth 130,000 Polish złoty and Wilkomir property in Courland worth 70,000 złoty and my moveables and valuables to her.⁴⁰

In other words, she was granted lifetime use of all of their existing property and resources in the event of her husband's death. This disposition of their property did have limitations, since it was dependent upon her living in Dzieściół and never remarrying.⁴¹ Such a favorable situation for a widow makes clear the advantages that both Barbara Radziwiłłowa and Anna Radziwiłłowa saw in not remarrying after the death of their husbands. But there were some noblewomen who had lifetime annuities in their husband's properties without conditions barring remarriage, and other limitations on the properties' sale and use.

This case also shows that a widow in the Commonwealth had a strong position relative to her counterparts in other parts of Europe. In England, for example, a widow, upon the marriage of the eldest son, might either have had to live on the estate with her son and his family, or she might have been forced to move. She would have had a maintenance allowance, but she would not have continued to control the family fortunes after her sons reached the age of majority, as Barbara Radziwiłłowa did. She would not have had the strength of position to file a manifesto in court against her son in her own name.⁴² She would not have been able to deny him the money for a dowry. The fact that her sons waited until she died to engage in their violent behavior against her eldest son signifies that she must have had a certain degree of control over them during her lifetime.

³⁹ Testament Xcia JMSci Udalryka Radziwiłła Generała Lejtnanta Wojsk WXLit. [The Will of Prince Udalryk Radziwiłł, Lieutenant General of the Army of the Grand Duchy of Lithuania], BN MF.32918, pp. 196 and 199.

⁴⁰ AR XI 206, 101-102.

⁴¹ Ibidem, 102.

⁴² LAWRENCE STONE: *Road to Divorce. England 1530-1987*, Oxford, New York 1990, p. 4.

A woman's independence, status, and personal freedom depended upon her age and marital status, not simply her status in law. This fact is illustrated in a 17th-century poem reprinted in a family's *silva rerum* or family notebook:

Bread for girls, cakes for married women, marzipan for widows, scraps of food for crones.

Cheese for girls, milk for married women, cream for widows, and whey for crones.

Apples for girls, pears for married women, oranges for widows and wild apples for crones.

Mead for girls, wine for married women, malmsey for widows and slops for crones.

A cart for girls, a chariot for married women, a carriage for widows and a wheelbarrow for crones.

The world for girls, paradise for married women, heaven for widows and hell for crones.⁴³

As this poem illustrates, the status of women within the family and in society in general waxed and waned depending upon their age and their marital status. Given the scheme depicted in this poem, and the case examined above, it is not surprising that Barbara Radziwiłłowa, Anna Radziwiłłowa and others like them who customarily gained lifetime use of their husband's properties chose not marry again, but to live out their relatively long lives enjoying the benefits of the status of widow and heiress.

Noblewomen and Offices as a Source of Family Wealth

One of the chief sources of wealth for the nobility of the Commonwealth in the 18th century was offices, and access to those offices. The fact that women were legally excluded from holding public office might lead one to believe that women were excluded from a vital source of wealth and power. But the theory and practice of office-holding was just as divergent as the theory and practice in law. When one examines the Radziwiłł family, one can see that women did indeed have access to royal land-holdings and in the 18th century, with the help of agents, they managed these lands very profitably. Access to high office brought access to land, and the most lucrative landholdings were in the hands of high officeholders. By the mid-18th century, most noble income came from rent. In studying the Zamoyski property in 1767, one can see that income from the Danzig grain trade fluctuated from eight percent to twenty-two percent of overall revenue between 1767 and 1798, and the *propinacja*, or tax from the sale of alcohol, produced thirty percent of income in that period. The greater part of the entail's income came from rent, much

⁴³ Czartoryski Library Manuscript MS 1657, Mf 9163, p. 146, cited in: MARIA BOGUĆKA: The Foundations of the Old Polish World. Patriarchalism and the Family, in: *Acta Poloniae Historica* 69 (1994), pp. 37-53, see p. 39.

of that rent coming from crown lands, which constituted an average thirty-four percent of income.⁴⁴

It is difficult to get a precise picture of the distribution of income on Radziwiłł lands because these were divided among the entailed land, allodial land, crown land, and land that was leased out. Radziwiłł lands were also in the possession of a few lines of the family so it is difficult to make general statements about the distribution of family income as a whole. But it can be established that during the 18th century one of the most lucrative sources of income came from renting out the family's crown lands. This opportunity for profit came because the family received offices and the land that came with them.

One of the reasons that the Radziwiłłs of Nieśwież had so much land at the beginning of the 18th century was that the leader of the house, Karol Stanisław Radziwiłł, the Chancellor of Lithuania, was King Jan III's nephew. His uncle gave him two of the richest crown estates, both of them in the Crown of Poland, and lesser crown lands in the Grand Duchy of Lithuania, where he leased out the *Starostwa* of Krzyczewsk, Kamieniec, and Braśław, among others, as well as the office of Bailiff of Wilno. He received 90,000 Polish złoty annually for his possessions, and he was able to dole all of them out to his heirs: his wife and sons.⁴⁵

In the 18th century, under the direction of Anna Radziwiłłowa, the Nieśwież branch of the family pursued a consistent course of leasing out most of their land and profiting greatly from the terms. Anna Radziwiłłowa, with the aid of Jewish leaseholders, Szmojło Ickowicz and his brother Gdał Józef Ickowicz⁴⁶, amassed a great deal of wealth from leasing out the *Starostwo* of Krzyczewsk as well as other properties. There was much profit from these leases: the 1741 contract alone paid a sum of approximately 500,000 Polish złoty.⁴⁷ In practice, Jewish leasing of royal and hereditary lands was not rare, despite numerous protests against it in the *Sejm* constitutions, and strong prohibitions against it. Anna Radziwiłłowa was frequently criticized in the *Sejm* of 1738, but she paid no heed to it, and in fact promoted the two brothers, naming Szmojło Ickowicz her General Cashier, in recognition of his money management. The position of General Cashier gave Ickowicz leeway

⁴⁴ ROBERT FROST: The Nobility of Poland-Lithuania 1569-1795, in: The European Nobilities in the Seventeenth and Eighteenth Centuries. Vol. II: Northern, Central and Eastern Europe, ed. by HAMISH M. SCOTT, London, New York 1995, pp. 183-222, see p. 201.

⁴⁵ ANUSIK, STROYNOWSKI (cf. footnote 3), p. 36.

⁴⁶ Szmojło Ickowicz and Gdał Ickowicz were leaseholders of some of the largest Radziwiłł estates in the eighteenth century. Regarding their service in the Radziwiłł house see: TERESA ZIELIŃSKA: Kariera i upadek żydowskiego potentata w dobrach radziwiłłowskich w XVIII wieku [The Career and Downfall of a Jewish Tycoon in the Radziwiłł Estates in the 18th Century], in *Kwartalnik Historyczny* 98 (1991), 3, pp. 33-49.

⁴⁷ Ibidem, p. 35.

to dispose of both the property of Anna Radziwiłłowa, and of her son Hieronim Florian Radziwiłł.⁴⁸

Szmojło Ickowicz's position as General Cashier to Anna Radziwiłłowa entailed his acting as her agent, and thus as the agent of the Radziwiłłs of Nieśwież. He represented the family in complex and secretive business transactions in which trust was placed in his discretion. He was present at sensitive negotiations that the family undertook, and he apparently kept these matters in confidence.⁴⁹

Access to the revenue generated by the profitable management of leases could bring political gain as well, since Radziwiłł clients could be rewarded from their enlarged coffers. In a letter to Gdal Ickowicz, General Leaseholder on the Krzyczewsk property, Barbara Radziwiłłowa wrote that a noble client of Zdzięcioł, the Scribe of Nowogródek, Sir Korsak, was trying to obtain one of the royal estates that Gdal currently leased, the *Starostwo* of Rzeczyca.⁵⁰

Please ask someone there to go, or you yourself go, or ordain someone knowledgeable to go to the Scribe admonishing him about this money. And hide everything you know about this [...] I [also] ask that you ask the Princess Patroness [Anna Radziwiłłowa] if she would not consent somehow to put the Birże property out to lease to [...] the brother-in-law of Colonel Liwen⁵¹ [Lieven] [who] asked me for assistance and showed me that he is a good person and a gentleman.⁵²

By this letter, she instructed Gdal how to handle this potentially embarrassing situation: to dissuade Korsak from trying to buy this *starostwo* office, which was probably already illegally leased out. This matter was cleared up slightly over a month later, when she thanked Gdal for his effort dealing with this office.⁵³

It became clear later in the year what she intended to do with the *Starostwo* of Rzeczyca: to lease it out to the Ickowicz brothers for a three-year period. Thus she was leasing out royal lands that were attached to a public office in

⁴⁸ *Ibidem*, p. 36.

⁴⁹ June 6, 1739 (AR IV, t 47, k 638, 110).

⁵⁰ "Unlike public office, it was possible to cede a *starostwo*, a practice that had become increasingly common in the seventeenth century, when a lively trade developed [...] Fathers would attempt to secure their sons' futures by obtaining cessions on key royal estates in their possession when they died [...] and individual starosties became all but hereditary in certain families. The practice was aided by the fact that, although women technically could not be granted starosties, they could share possession with their husbands *ius communicativum*. If a wife were predeceased by her husband, she continued to hold the royal land, which could be transferred again on a subsequent marriage." FROST (cf. footnote 44), p. 213.

⁵¹ The Colonel Maciej Lieven, brother of Jerzy, the General. The Lieven brothers visited Zdzięcioł in 1742. See: ZOFIA ZIELIŃSKA: *Walka rodziny o reformę Rzeczypospolitej* [The Struggle of 'The Family' for Reform of the Commonwealth], Warszawa 1983, p. 40.

⁵² May 22, 1735 (AR IV, t 47, k 637, 36).

⁵³ June 26, 1735 (AR IV, t 47, k 637, 40).

exchange for private gain. Despite the fact that many did this, the practice was considered disreputable, and the matter had to be kept in confidence. She wrote to Szmojło Ickowicz on November 24, 1736 asking him if he would be interested in leasing her son's *Starostwo* of Rzeczyca:

I remember that you mentioned that you might want to lease the *Starostwo* of Rzeczyca. Therefore if you have the desire, please let me know. Our son gives you the right to a guarantee to our property and assures that we will precisely and excellently adhere to everything. There is an agreement dealing with forest products and we expect you to give us the sum over three years according to formal agreement and justice without offense to either side. If you like, rather than to do this yourself, you could procure someone confidentially for this contract.⁵⁴

This letter revealed a great deal about Barbara Radziwiłłowa's attitude toward property. Her son Albrycht's office should have been considered his own property since he had received it July 15, 1734 as a result of his loyalty to the court during the interregnum.⁵⁵ But according to Barbara Radziwiłłowa, this land was "our" property, or family property. This letter also illustrates the secretive relationship between Szmojło Ickowicz and the Radziwiłł family in the legal battle over the family's property rights in Słuck. Even though Anna Radziwiłłowa was apparently impervious to criticism about her relationship with Ickowicz and the management of her lands, Barbara Radziwiłłowa was more reticent about the relationship. This reticence appears in her correspondence itself: on almost every occasion when she wrote to him, she used a scribe. Since she almost never used a scribe, this was a notable distancing of herself from him. Secondly, she advised him not to pursue a legal battle over the Słuck property, since such a battle would "provoke great hardship [...] [and] cause an explosion at court."⁵⁶ So even though the more powerful and wealthy Nieśwież branch of the Radziwiłł family might pursue the most profitable leaseholdings with little regard for public opinion, Barbara Radziwiłłowa, in one of the weaker branches, seemed reluctant to disregard public opinion, at least in this matter.

One of the most significant sources of income for noble families was the sale of agricultural products and raw materials. Barbara Radziwiłłowa concerned herself with every detail of such sales. In order to guarantee that goods reached market without being waylaid, the Radziwiłł family paid a network of informants to keep an eye on its business transactions. Barbara Radziwiłłowa wrote to the Nieśwież branch of the family to ensure that goods being sold from her son's estate were not waylaid:

⁵⁴ AR IV, t 47, k 637, 44.

⁵⁵ WACŁAW SZCZYGIELSKI: Radziwiłł Albrycht, in: *Polski Słownik Biograficzny*, vol. 30, Wrocław et al. 1987, pp. 148-150, see p. 148.

⁵⁶ October 21, 1739 (AR IV, t 47, k 638, 123).

I may be so bold as to supplicate to use the spies/informers. I know that the last timber-float was taken from Królewiec [Königsberg]. If the goods from Rzeczycza happen to take the wrong road [...] I count on your treasury [...]⁵⁷

This network of informants was yet another way in which the Radziwiłł family had a business advantage over others and were privileged. Through the use of their spy network and their private armies, they could be sure that their goods did not “happen to take the wrong road.”

Barbara Radziwiłłowa also oversaw the property that she had inherited from her mother's dowry in Ukraine, Berdyczów. She was very unsentimental in her feelings regarding the property, and viewed it as a source of income. The entire city and estate were severely damaged in 1768, as this was a center of the Confederation of Bar. Writing to the Vice Chancellor of Lithuania, Antoni Przeździecki, on March 6, 1769, about the condition of Berdyczów she bluntly described:

The entire fatherland knows well of the catastrophe that my Ukrainian properties of Berdyczów have suffered through the burning of the city, lock, stock, and barrel [...] [This loses] me 7,000 cash profit and makes me incapable of satisfying the debt which I owe my patron [...]⁵⁸

Another source of Radziwiłł income in the 18th century came from industries established on a large scale by Anna Radziwiłłowa. She established a glass factory in Nalibok, a mirror factory and a mill in Urzecz, and a tapestry factory in Korelicz. The most famous Radziwiłł factory was the belt and silk factory in Słuck which was established according to her plan but managed after her death by her sons Michał Kazimierz “Rybeńko” and Hieronim Florian.⁵⁹ She also began the step-by-step modernization of agriculture on Radziwiłł lands.

Conclusion

In the past, European historians had the mistaken view that women in the 18th century lacked access to property, lacked individual legal personality, and lacked access to lands tied to public office. This misperception was influenced by the fact that much of the work done in this area was done on the Anglo-American case, in which women were indeed excluded from ownership of property, and denied full legal capacity, since they were “covered” by their male guardians.

By examining the status of noblewomen in the Polish-Lithuanian Commonwealth, one can see women acting as independent agents of their own property, gotten both through inheritance and through marriage. One can hear the voices of women acting as independent legal agents, through court docu-

⁵⁷ February 7, 1739 (AR IV, t 47, k 637, 69).

⁵⁸ BN, Sygnatura 692.

⁵⁹ ANUSIK, STROYNOWSKI (cf. footnote 3), p. 37.

ments such as a manifesto written to influence the judge's verdict. One can see the results of women acting as legal patrons, arranging the appointment of those who will act favorably toward them in legal matters. And finally, one can see that women did not gain access to land only through inheritance and marriage, but also by continuing to hold tenure to lands gained through office-holding. Not only did they hold this land, but they might alienate it as well, renting it out and realizing profit as a result of that alienation.

Focusing on the legal activities of wealthy and powerful women of Radziwiłł family gave me the advantage of examining a family with one of the most extensive collections of family documents in Central Europe for the Early Modern period. Although this was an advantage in terms of the amount of documentation available, it is clear that the Radziwiłł family was not an "average" noble family, nor can the privileges available to women of this family be viewed as "normal" or readily available to the average women of that time and place. These legal cases and case studies, chosen to illustrate the relationship between women and property ownership in the Polish-Lithuanian Commonwealth as they can be traced through legal documents depict a society in which legal rights could be disregarded, and those without the protection that privilege afforded could be subject to arbitrary and rough justice. They allow for a glimpse of women in the Polish-Lithuanian Commonwealth who attempted to uphold their legal rights, to use the law to their advantage to achieve access to property and all the wealth and influence that afforded. But that glimpse must be expanded into a wider survey that would include an examination of the legal status of women of all classes and nationalities, to determine the extent of their legal personality and control of wealth.⁶⁰

⁶⁰ The most extensive treatment of women's legal status in the Polish Lithuanian Commonwealth is available in MARIA BOGUCKA: *Women in Early Modern Polish Society, Against the European Background*, Burlington, Verm., 2004.

Zusammenfassung

Polnische adelige Frauen im Umgang mit Erbschaft, Gewohnheitsrecht und wirtschaftlicher Macht. Das Beispiel Barbara Radziwiłłowa

Die vorliegende Studie befaßt sich mit den Frauen der Familie Radziwiłł im 18. Jahrhundert und deren Verfügung über Landbesitz. Die Radziwiłłs waren in jener Zeit die vermögendste Familie im polnisch-litauischen Staat, was nicht zuletzt auf die Tätigkeit zweier Frauen der Familie, Anna z Sanguszków und Barbara z Zawiszów Radziwiłłowa, zurückgeführt werden kann, die als Erbinnen, Verwalter und durch Rechtsgeschäfte das Familienvermögen mehrten. Für die Untersuchung wurden Quellen aus dem Hauptarchiv Alter Akten in Warschau herangezogen, darunter die Familienkorrespondenz, gerichtliche Unterlagen, Testamente sowie Gesetzestexte. Anhand von Fallstudien, in denen sie geschriebenes Recht und Rechtsgebrauch einander gegenüberstellt, kommt die Autorin zu dem Schluß, daß polnische adelige Frauen in der Praxis sehr wohl Landgüter erben, verkaufen oder verpachten konnten und daß sie das Rechtswesen durch Mittelsmänner zu ihrem wirtschaftlichen Vorteil zu manipulieren wußten.