

## Women, Dowries and Familyholds in Early Modern Basque Country

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### Abstract

The concept of dowry is usually associated with the woman to be married. This assertion is based on ancient, medieval and early modern legislation on the European continent. However, it is not unanimous, as Basque legislation in the Biscay region provided for a different legal scenario: the husband contributed a dowry at the time of marriage. In order for this to happen, the wife had to be designated as the sole heiress of her parents. In the following pages, therefore, I will analyse this peculiarity of Basque law and, more specifically, of the territory of Biscay in the 16th-18th centuries. I will not only explain the legislation, but also a large number of real cases found in the archives. These examples show that there were husbands who brought the dowry, while the wives, who had been appointed heiresses by their parents, brought the family home. These situations could therefore be seen as examples of gender equality in the history of European legal cultures.

**Keywords:** *Basque Law, Dowry, Impartible Inheritance, Women, Wills*

### Introduction

In Roman society, the dowry functioned as a transfer of wealth from the bride—or from her family on her behalf—to the groom, intended to support the economic demands of marriage (Arias Ramos, 1994, p. 760). Legally, ownership of the dowry passed to the husband, yet its significance extended beyond financial considerations. Socially, it operated as a mechanism by which Roman families preserved and reinforced their status within the civic hierarchy (García Martín, 2004, p. 53). This practice of endowing a marriage with property or wealth did not remain confined to antiquity but was gradually incorporated into the legal frameworks of medieval Europe.

On the Iberian Peninsula, for instance, the Visigothic *Liber Iudiciorum* (7th century) already regulated aspects of dowry, thereby institutionalizing the practice within Germanic-Roman law. Similarly, in the Kingdom of Valencia, the *Furs* stipulated that the groom received a dowry from his bride; in exchange, a counter-gift known as the *creix*—valued at half the dowry—was granted to the bride, provided she was a virgin (Wessell Lightfoot, 2013, p. 25). In Castile,

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the legislative codification of dowries found expression in Alfonso X's *Siete Partidas* (13th century), which defined the dowry as “*el algo que da la mujer al marido por razón de casamiento*, that is, the property given by the woman to her husband on account of marriage. This formulation shaped Castilian, and later Spanish, understandings of dowry until the 19th century, given the long normative authority of the *Siete Partidas*.<sup>2</sup>

Yet, despite the apparent transfer of wealth to the husband, the legal framework also introduced nuances regarding ownership and responsibility. In Castile, for example, although the husband managed and bore responsibility for the dowry, the wife retained legal ownership of the property (Espín, 2016, pp. 186–189). This duality reveals both the vulnerability and the agency of women: on the one hand, the dowry functioned as a form of economic protection within a patriarchal system; on the other hand, it preserved for women a residual, albeit limited, power over property. It is precisely in light of such tensions that Margareth Lanzinger characterizes the dowry as an “ambivalent institution” (Lanzinger, 2015).

In several European regions, the practice of transferring wealth at marriage took varied forms. In Austria, Italy, and England, the bride's family commonly provided payments—most often in cash—to the groom's family, underscoring the role of marriage as both a social and economic transaction (Lanzinger, 2011, pp. 69–97; Shaw, 2018, pp. 173–201; Stone, 1993). In the Spanish Indies, however, dowries were often more diverse in composition, encompassing not only cash but also land, household furnishings, furniture, and even enslaved individuals (Gonzales Jauregui, 2023, p. 6). Such variation highlights the adaptability of the institution across geographical and cultural settings, as dowry systems absorbed the economic structures and material resources specific to each society.

It is important to recognize that the dowry was not merely a marital gift but also functioned as the daughter's share of the family inheritance, transferred at the moment of her marriage (Moor & van Zanden, 2010, p. 6). This dual role reveals the dowry as both an intra-family mechanism for distributing wealth and a tool for negotiating alliances between households. Thus, the dowry simultaneously served as a financial safeguard for women and as a strategy for families to maintain or advance their socio-economic position within broader networks of kinship and status.

The close association between women and the institution of dowry is further illustrated by its extension beyond marriage into the religious sphere. Women who entered convent life were also required to provide a dowry, although the amount was generally smaller than that demanded in the context of marriage (Intxaustegi Jauregi, 2018, p. 83). This practice can be better understood within the theological framework that defined nuns as the “brides of Christ,” thereby transferring the logic of marital exchange into the spiritual domain (Sánchez Hernández, 1998, p. 88). In this way, dowries reinforced the symbolic and material connections between female life courses and the circulation of property.

Yet convent life was not the sole alternative to marriage available to women in pre-modern Iberia. In the Basque Country, women who rejected or were unable to pursue either monastic or secular marriage could choose a third path: that of the *seroras*. These celibate laywomen, officially licensed by the diocese, assumed responsibility for the care of local shrines or parish

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<sup>2</sup> *Liber Indiciorum*, Libro Tercero, Título I, Ley V; *Siete Partidas*, Partida Cuarta, Título XI, Ley I.

churches (Scott, 2016, p. 40). Importantly, the position of *serora* also required the payment of a dowry, following which the woman would relocate to quarters within the parish church itself (Poska, 2005, p. 236). The persistence of dowry in this context highlights its function as a prerequisite for entry into socially sanctioned female roles, whether religious, secular, or liminal, and underscores its pervasive influence in structuring women's options in the 16th-18th centuries society.

Taken together, the evidence shows that, throughout history and across different territories and legal traditions, women were consistently associated with the institution of dowry. This persistent association suggests that the relationship between women and dowry was structural, embedded in social practice and legal codification, rather than incidental. The concept of 'women and dowries' thus emerges clearly, revealing how gendered logics deeply shaped the regulation of property and the structuring of familial and societal bonds.

This paper focuses on the region of Biscay, situated in the northern Iberian Peninsula, near the French border and along the Bay of Biscay. The earliest recorded reference to Biscay appears in the Chronicle of Alfonso III at the close of the 9th century<sup>3</sup>. Historically, Biscay—also referred to as the Lordship of Biscay—was governed under a feudal system by the Lord of Biscay and, from the 10th century, came under the dominion of the House of Haro. In 1379, the Lordship was formally incorporated into the Crown of Castile following the accession of Lord Joan as King Joan I of Castile. Consequently, from the 14th century onward, Biscay became integrated into the political framework of the Crown of Castile and, later, the Kingdom of Spain. This historical trajectory provides essential context for examining local legal and social practices, including those related to dowries and women's property rights.

Biscay possessed its own legal framework, known as the *fueros*, with the most notable being the *Fuero Nuevo* of 1526, which received formal approval from Emperor Charles V the following year. The *Fuero Nuevo* primarily governed rural areas, whereas Castilian law was applied in urban centers, creating a dual legal system within the region of Biscay. This study focuses on the *Fuero Nuevo* because of its distinctive treatment of women as heirs, which in turn shapes the understanding of dowry practices. Significantly, unlike many other contemporary legal systems, Biscayan law did not restrict the concept of dowry exclusively to women. This unique feature underscores the importance of examining Biscay as a case study for exploring the intersections of gender, inheritance, and marital property.

### **1.Sources: *Fuero Nuevo* and archival documentation**

As mentioned, Biscayan legislation addresses the concept of dowry, but notably does not restrict it to women, as both men and women could contribute to the marital estate. The *Fuero Nuevo* explicitly states, *si alguno de ellos vino a Casa, y Casería del otro con dote*<sup>4</sup>, indicating that either spouse might bring a dowry to the marriage. Although the *Fuero Nuevo* was codified in 1526, historical evidence suggests that from the 14th century onwards, husbands in Biscay were already permitted to provide a dowry (Castrillo Casado, 2012, p. 26). This practice was well

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<sup>3</sup> *Crónica de Alfonso III. Edición preparada por Zacarías García Villada*. Madrid: Juntas para ampliación de estudios e investigaciones científicas. Centro de Estudios Históricos, 1918, p. 69.

<sup>4</sup> *Fuero Nuevo*, Título 20, Ley 1.

established within the Biscayan legal framework and can be understood in relation to the region's distinctive system of inheritance, which allowed for more flexible distribution of property between men and women.

Early modern Europe was characterized by a diversity of inheritance systems, reflecting regional legal traditions and social structures. In countries such as England, France, Castile, and Italy, for example, primogeniture predominated, with the eldest son typically inheriting the family estate. In contrast, 16th-century Germany witnessed a practice in which princes divided their estates among multiple sons, a process that became increasingly fragmented over time (Hurwich, 1993, p. 699). Notably, even within a single kingdom, multiple inheritance systems could coexist. In the southwest of France and the northeast of Castile, for instance, the seven Basque territories operated under their own legal framework, known as Basque law, which diverged significantly from the prevailing norms of the surrounding kingdoms. This regional variation underscores the complexity and adaptability of inheritance practices in early modern Europe.

In Biscay, as in the other Basque territories, inheritance followed the system of impartible succession, whereby family property was transmitted in its entirety to a single heir, who could be either male or female (Valverde Lamsfus, 1991, p. 126; Arrizabalaga, 1994, p. 139). Marie-Pierre Arrizabalaga emphasizes that this Basque system of inheritance was without parallel elsewhere in Europe (Arrizabalaga, 2022, p. 37). The small size of Basque farms contributed to this practice: dividing land among multiple heirs would have rendered agricultural holdings unprofitable, thereby undermining the economic viability of the household (Valverde Lamsfus, 1991, p. 123). Beyond economic considerations, Basque families sought to preserve the integrity of the *etxea*—the household in Basque language—which encompassed the house, its lands, the family, and the lineage. The sale or division of property was perceived as a threat not merely to material assets but to the survival of the household itself, and consequently to the continuity of the family and its lineage (Arrizabalaga, 2006, p. 156). This perspective underscores the intertwined economic, social, and symbolic dimensions of inheritance in the Basque territories, in which the dowry and property rights of women were embedded within broader concerns of lineage preservation.

The focus of this paper is on women who inherited property and whose husbands contributed dowries, a configuration that challenges conventional understandings of gendered economic exchange. By examining the identities and family circumstances of these heiresses, the research aims to clarify the social and legal factors that defined their status. Attention will also be given to the dowries provided by husbands, situating these contributions within the broader context of marital property arrangements. Furthermore, the paper considers the centrality of the household (*etxea*) in early modern Basque society, exploring how its economic and symbolic significance shaped inheritance practices. Finally, the analysis addresses the issue of surnames, which intersects with questions of lineage, inheritance, and social identity, providing additional insight into the structure of Basque familial networks.

The primary source for this study is the aforementioned *Fuero Nuevo*. In addition, a substantial body of marriage contracts and other civil law documents dating from the 16th to the 18th centuries has been consulted. Many of these records are preserved in the Archivo Histórico Foral de Bizkaia and the Archivo Histórico Provincial de Bizkaia, both located in Bilbao. These archives hold a wide array of materials, including legislative and municipal

records; for the purposes of the present research paper, attention is focused on notarial and judicial documents, as they provide insight not only into marriage contracts but also into wills, inheritances, and the litigation arising from these matters.

Further documentary evidence was drawn from the Archivo Catedralicio y Diocesano de Calahorra, in the present-day autonomous community of La Rioja. Since Biscay historically fell within the diocese of Calahorra, the bishop's court adjudicated cases involving the breaking of marriage vows and ecclesiastical divorces, which frequently included references to marriage contracts. Finally, ecclesiastical records of baptisms, marriages, and deaths from the Archivo Histórico Eclesiástico de Bizkaia, located in Derio near Bilbao, were employed to establish vital dates for spouses and their relatives. Collectively, these sources provide a multifaceted perspective on inheritance, dowry practices, and familial networks in early modern Biscay.

Before examining the specific cases of heiresses whose husbands contributed dowries, it is necessary to consider in greater detail the marriage contracts and wills produced in Biscay, as well as the designation of heirs and the legal framework governing these practices. This preliminary analysis is crucial because the applicable law is Basque, which differs in significant ways from the legal systems of neighboring regions. Understanding these distinctions provides essential context for interpreting the contractual and testamentary arrangements that structured inheritance and dowry practices in early modern Biscay.

This paper is based on the analysis of marriage contracts executed by couples in rural Biscay between the 16th and 18th centuries. As Margareth Lanzinger emphasizes, such contracts provide particularly clear insight into the dynamics of power and negotiation within the intimate family sphere (Lanzinger, 2012, p. 146). The early modern matrimonial property regime in rural Biscay, known as the *comunicación foral de bienes*<sup>5</sup>, stipulated that all property, rights, and shares—regardless of their source, whether contributed before or acquired during the marriage, and irrespective of location—were to be divided equally between spouses. This legal framework highlights the egalitarian principles embedded in Biscayan marital property law and offers a critical lens through which to examine the interaction between dowries, inheritance, and gendered family roles.

In these arrangements, the parents of both parties negotiated the marriage of their son and daughter, typically designating one as the heir to the family household and property, while the other would provide a dowry. The value of the dowry was generally aligned with that of the house contributed by the designated heir, and it was often employed to finance the dowries of the other children—namely, the siblings of the heir (Monasterio Aspiri, 2005, p. 274). This practice illustrates the interconnection between inheritance, marital property, and the economic strategies of families seeking to preserve both the household and equitable provisions for all children.

One might argue that the male dowry functioned as a counterpart to the traditional marital portion<sup>6</sup> typically provided at the time of marriage<sup>7</sup>. While this interpretation is largely accurate,

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<sup>5</sup> *Fuero Nuevo*, Título XX, Ley I.

<sup>6</sup> *Arras* in Spanish.

<sup>7</sup> According to Andrea Griesebner and her team at University of Vienna, the counter-marriage portion was brought by the groom (or his parents) and it was intended as joint start-up capital in order to cover the financial burdens of marriage. [https://ehenvorgericht.univie.ac.at/?page\\_id=10684&lang=en](https://ehenvorgericht.univie.ac.at/?page_id=10684&lang=en)

it is important to emphasize a key distinction: when the wife inherited the family household and brought it into the marriage, this transfer was never termed a dowry. In such cases, the term “dowry” applied exclusively to the sum of money contributed by the husband or his family, whereas the wife contributed the house and other possessions. This distinction underscores that, contrary to common assumptions, the concept of dowry has not always been intrinsically linked to women.

With respect to wills, the system of intestacy has already been discussed. Traditionally, the inheritance of agricultural land in Biscay followed the principle of impartibility, a practice consistent with the region’s agrarian-based economy (Willenbacher, 2003, p. 213). While testators technically possessed the freedom to designate their heirs, this autonomy was constrained by local legal norms. According to the *Fuero Nuevo*, a hierarchy of compulsory heirs existed—beginning with children and grandchildren, followed by ascendants, and then collateral relatives—but within this group, the testator retained the discretion to select a single heir, effectively excluding others from succession. This framework illustrates how legal structures balanced familial authority, economic practicality, and social continuity in early modern Biscay.<sup>8</sup>

It is evident that women in Biscay enjoyed equality with men in matters of inheritance, facing no legal restriction in their right to inherit the family household or other productive assets. The law explicitly permitted women to be designated as heiresses, even in the presence of brothers. Consequently, women could inherit not merely by default in the absence of male siblings, but in their own right. This finding challenges broader historiographical narratives that emphasize the exclusion of women from inheritance (Feci, 2021, p. 29), demonstrating that Biscayan law offered a markedly different, more egalitarian framework.

## 2.Cases

This paper is based on a total of sixty cases. While this sample size is relatively modest, the selection criteria were intentionally restrictive: only cases in which the woman’s surname corresponded to the name of the family household were included. This approach facilitates archival research, as it allows for clearer identification of heiresses and their associated property. It should be noted, however, that other women also contributed to households, even when the names of these houses no longer matched their surnames. For instance, in 1772, Ignacio de Laida and María Antonia de Bengoechea Mendezona executed a marriage contract in which she contributed the house of Olazabal, among other properties<sup>9</sup>. Such examples indicate that the sample, while selective, reflects broader patterns of female property contribution in Biscay. Baptismal records indicate that she had five brothers and two sisters, four of whom were younger than herself<sup>10</sup>, yet she inherited the family household. This example demonstrates that women could contribute houses regardless of whether the property

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<sup>8</sup> *Fuero Nuevo*, Título XX, Ley XI. *Que cualquier hombre ó muger, que oviere Hijos de legitimo Matrimonio, pueda dar, assi en vida, como en el artículo de la muerte a uno de sus Hijos, ó Hijas legitimos, ó a su nieto, y descendiente de su Hijo, ó Hija legitima que haya seydo fallecido, todos sus bienes, muebles, y rayces, apartando con algún tanto de tierra, poco, ó mucho á los otros Hijos ó Hijas, y descendientes, aunque sean de legitimo Matrimonio*

<sup>9</sup> AHFB N0057/0098.

<sup>10</sup> José, Juan Bautista, Francisco, Antonio, and Juan Francisco, and Magdalena and Concepciona. AHEB 993568, 993004, 996238, 1000015, 986212, 996498, 987904.

name corresponded to their surname. In other words, the sixty cases analyzed in this study represent only a subset of a broader pattern in which women provided the family home while the husband contributed a dowry. The archival evidence suggests that such arrangements were more widespread than the selected sample alone might indicate.

The archival records indicate that parents typically designated the heir during their lifetime, and marriage negotiations were conducted with this choice in mind. Marriage contracts explicitly recorded the status of the heir and identified the house and property to be contributed, reflecting the careful planning involved in succession. In many cases, parents did not wait until the end of their lives to appoint a successor; instead, the designation occurred well in advance (Monasterio Aspiri, 2006, p. 273). These contracts also reveal the centrality of financial considerations and family strategy in marital arrangements, as well as the degree of agency exercised by the contracting parties. Such dynamics have been widely examined in historiography, highlighting the negotiation and maneuvering inherent in early modern family alliances (Tulchin, 2013, p. 713).

The archival documentation permits the analysis to be organized around three key points. First, it identifies the household and associated property contributed by women, with a particular focus on cases in which the woman's surname corresponded to the name of the house. Second, the records frequently provide information regarding the presence of brothers and/or sisters, or the status of an only child among the heiresses. Complementary baptismal records have been instrumental in establishing the identities of these potential siblings, shedding light on the familial circumstances that led to women being designated as heiresses. Third, the documentation records the dowries provided by the husbands, offering insight into the reciprocal contributions and economic negotiations embedded in marriage contracts.

### **3. Household and Surnames**

In early modern Biscay, a variety of names and terms were used as surnames, one of which frequently corresponded to the name of the family household (*etxea*) (Zabalza Seguín, 1999, p. 319). It is unclear whether the ancestor adopted the toponym of the place or whether the place was named after the family (Dacosta Martínez, 2001, p. 93); what is certain, however, is the coincidence between surname and household name. It is also important to note that, throughout the territories comprising the Crown of Castile and later the Spanish Empire, individuals customarily carried two surnames: the first derived from the father and the second from the mother. Yet, the paternal surname was not invariably given precedence. As Tamar Herzog observes, it was common for individuals to change surnames at their discretion, meaning that parents and children—or even siblings—could bear different surnames (Herzog, 2007, p. 1). This fluidity underscores the complexity of tracing inheritance and family identity through naming conventions in Biscay.

The archival evidence examined in this paper indicates that, in some cases, men adopted the name of their wife's household upon marriage. For instance, in 1626, María Ibáñez de Barrenechea married Juan Fernández de Iturriaga; she brought the Barrenechea house into the marriage, and he subsequently appears in the records as Juan de Barreneche de Yturriaga,

retaining the surname of the household for the remainder of his life<sup>11</sup>. This example underscores the central importance of the household (*etxea*) in early modern Biscayan society, not merely as a material asset but as a marker of identity, lineage, and social standing.

It is also important to note that the use of two surnames, despite the possibility of changes over time, significantly facilitates the identification of individuals in archival records and, in the context of this study, helps establish their relationship to the family household. This dual-surname system provides a valuable tool for tracing property transmission and familial connections in early modern Biscay.

Under the Ancien Régime, the household (*etxea*) was regarded as a distinct social entity, positioned above the individual and serving as a fundamental organizing unit within the community (Zabalza Seguín, 2004, p. 79). This perspective explains the significance attributed to the appointment of the heir to the family home. It was common for multiple generations of the same lineage to reside together under one roof, including the parents or senior household members, the designated heirs and their spouses, their children, and, in some cases, unmarried siblings of the heirs (Jimeno Aranguren, 2005, p. 253). Such multigenerational cohabitation was rarely without tension; consequently, the conditions of these domestic arrangements were often negotiated in advance. Marriage contracts frequently codified the terms of this future household organization, ensuring that the expectations and responsibilities of all parties were clearly delineated (Usúnariz, 2008, p. 209).

The following table presents a selection of women who owned their own households in the sixteenth century, illustrating the prevalence of female property ownership and its integration within the broader social and legal framework of early modern Biscay.

Year	Location	House	Female identity
1553	Munguía	Ormaeche	María Ochoa de Ormaeche
1568	Munguía	Elorza	Mari Ibáñez de Elorza
1570	Munguía	Masustegui	María Sáez de Masustegui
1588	Guizaburuaga	Beingolea	Juana de Beingolea
1590	Ispaster	Eguen	María de Eguen
1595	Mendeja	Lea	Teresa de Lea

**Table 1:** *16th century*<sup>12</sup>

I would like to focus on María Sáez de Masustegui, who married twice—first to Ochoa de Sertucha and subsequently to Diego de Bengoechea—while consistently bringing the Masustegui family household into her marriages.<sup>13</sup> Her case clearly demonstrates that, upon marriage and even remarriage, women could contribute the family home to the marital union

<sup>11</sup> AHFB Gortazar 2470/001/048.

<sup>12</sup> AHFB N0072/0122; N0115/0174; N0114/0117; N0391/0784; N0391/0454; N0014/0419.

<sup>13</sup> AHFB N0115/0207; N0114/0117.

while retaining ownership, underscoring the enduring legal and social recognition of female property rights in early modern Biscay.

#### **4.Choice of Female Heiress**

One might question the circumstances and motivations underlying the designation of a woman as heiress. While the archival documentation rarely specifies the precise rationale, several plausible scenarios can be considered. Thus, the heiress may have been an only child, or the couple may have produced exclusively female offspring. Alternatively, sons may have existed but died young, pursued religious vocations, emigrated to the Americas, or married other heiresses. In some cases, the daughter may have possessed qualities that her parents valued more highly than those of a male sibling. Finally, naming a daughter as heiress may have served a strategic economic purpose, enabling the household and its property to be relieved of debts, which could be offset by the dowry contributed by the future husband. These scenarios highlight the interplay of demographic, social, and economic factors in early modern succession practices.

As previously noted, the archival documents rarely provide explicit explanations for the designation of a daughter as heiress; however, in certain cases, the underlying rationale can be inferred. Complementary sources—such as baptismal, marriage, and death records, as well as marriage contracts, letters of payment, and wills—offer valuable insights, or at least assist in reconstructing, the factors that influenced the appointment of women as successors. These records collectively enable a more nuanced understanding of succession practices and the social, familial, and economic considerations that shaped them.

As noted, some women were designated as heiresses because they were only children. For example, Mariana Torre Lugo<sup>14</sup>, born in 1600, signed a marriage contract with Pedro de Zarauz in 1625, bringing the Lugo household into the marriage. In another instance, Juan de Allica and Antonia de Guendica executed their marriage contract in 1637, with Antonia contributing the Guendica house, which had previously been transferred to her by her mother, Mariana de Guendica<sup>15</sup>. Similarly, in 1764, Antonio de Olabarria Goiri made a will naming his daughter, Ursola, as his sole heiress.<sup>16</sup> Additionally, the Aldana house in Amorebieta exemplifies the continuity of female inheritance: María Sáenz de Almezaga y Aldana inherited the house from her mother, Marina Aldana, and brought it into her marriages with Pedro de Zabala and later with another member of the Zabala family. These cases collectively illustrate the legal and social recognition of women as property holders and the enduring role of heiresses in maintaining family households.<sup>17</sup>

There were also cases in which daughters were named as heiresses because their brothers had predeceased them. Analysis of baptismal and death records allows for such determinations, as the deceased male siblings are typically absent from the documents designating the daughter as heiress. A clear example is Francisca de Jáuregui, the daughter and heiress of Manuel de

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<sup>14</sup> AHFB N0523/0248.

<sup>15</sup> AHFB N0353/0351.

<sup>16</sup> AHFB JCR1935/001.

<sup>17</sup> ACDC 27.37.5.

Jáuregui. In a document dated 1779, she is referred to as *única heredera*<sup>18</sup>, the sole heiress of her father, with no mention of siblings. However, the baptismal and death records reveal that she was born in 1732 and had two older brothers—Manuel Agustín, born in 1727 and deceased in 1735, and Ignacio, born in 1730 and deceased in 1735, just three months prior to his elder brother. This case demonstrates how female inheritance could emerge as a result of mortality patterns, rather than the absence of male heirs at birth.<sup>19</sup>

A third scenario occurred when a couple had only daughters, with one—typically the eldest—designated as heiress. For instance, in 1677, Martín de Amparan married Magdalena de Goitiz; both were widowed with children from previous marriages, and Magdalena brought the Goitiz house into the union<sup>20</sup>. The marriage contract stipulated that José, Martín's son, would marry either Águeda or María, Magdalena's daughters from her first marriage, and that the Goitiz house would pass to José and whichever of the two sisters he married. In 1697, José formally denounced Águeda to the Bishop of Calahorra for attempting to marry Domingo de Ibayzabal, thereby breaking her marital promise and taking the Goitiz house with her.<sup>21</sup>

A similar case occurred in 1701 with the sisters Antonia and María Uriondo of Zaratamo, who signed a betrothal contract with the brothers Domingo and Juan Uriarte: Antonia would marry Domingo and María would marry Juan. Antonia was to bring the Uriondo house, including its farmland, apple orchards, and chestnut groves, into the marriage. However, complications arose when the sisters refused to marry these brothers and instead sought to marry Santiago and Juan Idirin. Their father expressed extreme displeasure, repeatedly declaring that he would disinherit the eldest daughter, Antonia, and leave the entirety of the estate to the youngest, Magdalena. These cases illustrate how marriage negotiations, inheritance rights, and familial authority intersected in early modern Biscay, with heiress designation contingent on both strategic and behavioral considerations.<sup>22</sup>

In another case, when Ignacio de Busturia married Catalina de Landa Acurio Goyenengoa, her parents—Juan de Landa and María Joanes de Acurio Goyenengoa—contributed the Acurio Goyenengoa house to the marriage. Additionally, the newlyweds were responsible for the care of Catalina's sister, María San Juan. Later, in 1704, Catalina drafted her will, specifying that her husband should designate one of their four daughters—María, Magdalena, Josefa, or Catalina—as their heiress, giving him the discretion to choose either the eldest or another daughter. The designated heiress would inherit the Acurio Goyenengoa house, which had passed through three generations of women, from Catalina's mother and grandmother before her. Records indicate that Ignacio selected the eldest daughter, María, as heiress. Consequently, when María married Martín de Ybargüen Elorriaga in 1711, she brought the Acurio Goyenengoa house into the marriage, along with a dowry of 300 ducats. This example highlights the intergenerational continuity of female property ownership and the strategic integration of dowries within marriage arrangements.<sup>23</sup>

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<sup>18</sup> AHFB JCR0821/056.

<sup>19</sup> AEHB 534892, 461646, 461398.

<sup>20</sup> AEHB 175283.

<sup>21</sup> ACDC 27.129.10.

<sup>22</sup> ACDC 27.745.53.

<sup>23</sup> AHFB N0028/0052, N0028/0051, N0030/0049.

Finally, there were instances in which a daughter was named heiress despite the presence of living sons, a practice well documented in the archival record. In 1590, Catalina de Barrenechea was designated universal heiress by her mother, María Sáez de Madariaga, who simultaneously disinherited her son, Juan de Madariaga, granting Catalina the Barrenechea house in Castillo Elejabeitia<sup>24</sup>. Similarly, in 1632, a marriage contract between Martín de Gogencia Larrazabal and María de Aguirre of Elorrio specified that she would contribute the house of Aguirre de Ygurria, along with its lands and other possessions. The contract explicitly notes: *por elección y nombramiento de los dichos sus padres la pertenecen sin parte de Juan de Aguirre su hermano que está presente*, indicating that her parents chose her as heiress even though her brother Juan de Aguirre was present.<sup>25</sup>

In another case, María Ascorra Urresti married Domingo Landaluce in 1681; she brought the Urresti house into the marriage, while her husband's father assumed responsibility for the house's debts. María had three older brothers—Manuel, Juan, and Juan Bautista—yet the necessity of settling the debts appears to have outweighed traditional considerations of male succession. Notably, her father, Gonzalo Ascorra Zurbano, is consistently referred to in documents with the surname Urresti, the name of the house, which had been managed by his wife Isabel prior to the marriage.<sup>26</sup>

Another illustrative case involves Elvira de Lezama, who in 1701 named her daughter, Ana María de Zugasti Lezama (born 1697), as her heiress, despite having a son, Lorenzo, born in 1698.<sup>27</sup> This clearly demonstrates that gender did not constrain the appointment of heiresses. Finally, in January 1776, Antonio and Elena executed their marriage contract<sup>28</sup>, in which Elena's parents, Juan and Manuela, bequeathed the family house, land, and chestnut groves to their daughter. Although baptismal records show that her three brothers—Juan, Pedro, and Lázaro—were older than Elena, she was nonetheless appointed heiress, indicating that neither age nor gender necessarily determined succession.<sup>29</sup> These cases collectively underscore the flexibility of inheritance practices in Biscay, revealing that daughters could and did assume the position of heiress under a variety of circumstances.

## **5. Men's dowries**

The archival evidence indicates that it was common for men to contribute monetary dowries. Typically, the funds were provided by the groom's parents, while the bride's family often formalized receipt through a letter of payment. This practice underscores the structured and documented nature of financial exchanges in marriage arrangements, reflecting both the legal and social significance of dowries in early modern Biscay.

In 1593, a marriage contract was executed between Pedro Ortiz de Olaeta and Marina Fernández de Albiz Lamíquiz. In this arrangement, Juan Ortiz de Olaeta agreed to provide a dowry of 200 ducats on behalf of his son Pedro, while Marina's parents, San Juan de Albiz

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<sup>24</sup> AHFB Gortazar 2479/001/019.

<sup>25</sup> AHFB Elorrio 03995.

<sup>26</sup> ACDC 27.512.5; AHEB 1181295, 890331, 1181744, 1180678.

<sup>27</sup> AHFB Larrea 2630/027; AHEB 857406, 857330.

<sup>28</sup> AHFB JCR1877/008.

<sup>29</sup> Juan 25-05-1752, Pedro 08-08-1754, Lázaro 27-03-1757, and Elena 03-05-1760. AHEB 1325730, 1324394, 1325899, 1325476.

Arguena and María San Juan de Lamíquiz y Arguena, stipulated that she would contribute the house of Arguena along with all its possessions.<sup>30</sup> This case illustrates that the property originated from the maternal side. Another example occurred in 1596, when Domingo de Olarra married Catalina de Barrenechea; he provided a dowry of 30,000 *maravedies*, and she contributed the Barreneche house. These examples highlight the reciprocal nature of marriage arrangements, in which men typically provided monetary dowries while women contributed property, reflecting both economic strategy and family lineage considerations.<sup>31</sup>

In 1625, Mariana de Lugoña issued a letter of payment in favor of Juan Martínez de Zarauz, the father of her husband Pedro. This document demonstrates that the bride's parents contributed the Lugoña house and its associated farmland, while the groom's parents provided a dowry of 40 ducats. This arrangement exemplifies the complementary contributions of both families, highlighting how property and monetary dowries were combined to solidify marital alliances in early modern Biscay.<sup>32</sup>

In another instance, Juan Fernández de Yturriaga contributed a dowry of 300 ducats when he married María Ibáñez de Barrenechea in 1626. These funds were used to settle the debts of his father-in-law, Domingo, which had encumbered the Barrenechea household.<sup>33</sup> Similarly, in the 1637 marriage contract of Juan de Allica and Antonia de Guendica, he provided a dowry of 160 ducats, which was paid in installments.<sup>34</sup> In 1641, Mariana de Guendica, Antonia's mother, issued a letter of payment for 20 ducats to Magdalena de Acurio, Juan's mother, followed by another letter for the same amount the subsequent year.<sup>35</sup> These cases illustrate how dowries served not only as marital contributions but also as instruments for addressing familial financial obligations, demonstrating the interconnection of marriage, inheritance, and economic strategy in early modern Biscay.

Men could also contribute assets beyond monetary dowries. For example, in 1713, Pedro Ocerin and María Goicoechea executed a marriage contract in which she brought the Goicoechea house in Ceanuri, while he contributed not only 300 ducats but also a range of movable goods. These included a new bed, three dresses (two for everyday use and one for Sundays and holidays), two chests, two swarms of bees, a five-year-old cow with her calf, two goats with their young, and a hoe. This case illustrates the diversity of contributions that men could make, reflecting the practical and economic considerations embedded within early modern marital arrangements.<sup>36</sup>

## **Conclusion**

This paper offers a detailed examination of Basque law, with a particular focus on the rural region of Biscay, analyzing cases in which daughters were designated as heiresses and brought family houses into their marriages, with surnames corresponding to those houses. Although

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<sup>30</sup> AHFB Larrea 2638/001/015.

<sup>31</sup> AHFB Gortazar 2479/001/023.

<sup>32</sup> AHFB N0523/0248.

<sup>33</sup> AHFB Gortazar 2479/001/029.

<sup>34</sup> AHFB N0353/0351.

<sup>35</sup> AHFB N0354/0230; N0354/0310.

<sup>36</sup> ACDC 27.225.10.

the sample size is limited, the cases presented open a promising avenue for further research on gendered patterns of inheritance and marital property. The archival evidence sheds light on the distinctive Biscayan practice in which husbands contributed monetary dowries while wives contributed the family household. Notably, the term “dowry” in these cases refers to the husband rather than the wife, challenging conventional associations of the term with female property contributions. This phenomenon reflects the broader legal framework in Biscay, wherein the freedom to designate heirs allowed for the emergence of female heiresses and underscores the unique interplay of gender, property, and legal custom in early modern Basque society.

It can be argued that the legal framework in Biscay afforded a form of equality between men and women, insofar as either could be designated as heirs and contribute a dowry upon marriage. Significantly, dowries were not exclusively associated with women; men also provided monetary contributions at the time of marriage, typically expressed in ducats. In the documented cases, the term “dowry” consistently applies to the husband’s contribution, while women were expected to bring the family household and its associated possessions. This distinction underscores a key feature of Biscayan marital and inheritance practice: the household, rather than a monetary dowry, constituted the principal contribution of women. It is important to note, however, that not all women contributed a household or dowry, highlighting variability in practice and the selective application of these norms within the region.

Closely linked to the phenomenon of male dowries was the practice of designating women as heiresses to the family household and its possessions. In some cases, this designation arose because the daughter was an only child, or because her male siblings had predeceased her. Alternatively, among multiple daughters, parents sometimes selected one to inherit, or even in families with both sons and daughters, they could decide to forgo a male heir entirely. The rationale for appointing a daughter as heiress—and thus ensuring that she would contribute the household to the marriage—is rarely explicitly documented. Nevertheless, in certain instances, an economic motivation can be inferred, as the husband’s dowry was used to settle existing debts. The appointment of the heiress generally coincided with her marriage, although there are also examples in which the designation was formalized in a will, highlighting the flexibility of succession practices within Biscayan law.

Baptismal and death records prove invaluable for establishing the presence or absence of siblings, which is crucial for understanding the family circumstances that led to the appointment of a woman as heiress. While the specific motivations behind each designation may vary and are often not explicitly documented, the evidence unequivocally demonstrates the dual pattern of inheritance in Biscay: women could inherit the family household, while men contributed a dowry, thereby reinforcing the complementary economic and social roles of both spouses in the transmission and consolidation of family property.

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