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L'Homme extra

'Cruel' and 'nurturing' mothers. The construction of motherhood in Tuscany (1500–1800)

Giulia Calvi

Over the past decade post modernism and social history reinforced the importance of language and legal practice. "Wherever we start on our bookshelves", Linda K. Kerber has recently stated, "if the publication date is in the 1990s, attention to the role of public authority and of language itself in the shaping of gender is likely to be salient in the author's agenda".[1] Indeed before the "brutal reductionism of the political imagination",[2] which 19th century State ideology brought about, the law, not as a set of centralized norms imposed from above, but as a system of negotiable rules within different discursive fields (ethics, moral theology etc.) shaped the contexts within which relations of gender were established and contested. In *ancien régime* societies (but this is also true of some contemporary non-western societies as well) the prevalence of areas of ambiguity in society and law, where different normative traditions led the way to interpretations based on *communis opinio*, has drawn attention to practices of manipulation of rules, accommodation of conflicts and social negotiation. In this perspective kinship and household are turned into realms of cultural meaning and interaction, where, as Christiane Klapisch-Zuber has noted, "the domestic group is the theatre in which are put in question the roles and rules of behaviour that tradition assigned to the sexes and to the different age groups".[3]

Therefore in fields of historical inquiry which are relevant to a gendered conceptualisation of the public sphere, and the arena of marriage and the family fits into this

1 Linda K. Kerber, Gender, in: Anthony Molho and Gordon S. Wood eds., Imagined Histories, Princeton 1998, 41–58, 50.

2 Antonio Hespana, Introduzione alla storia del diritto europeo, Bologna 1999.

3 Christiane Klapisch-Zuber, Women, Family and Ritual in the Renaissance, Chicago 1985, 22.

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pattern, attention to law and language has aimed to redefine assumptions about power, hierarchy, mutual dependence and ultimately sexual identities. All of these are structured in multiple and changing rights and obligations which connect, but at times set against one another husbands and wives, parents and children, brothers and sisters, deconstructing the functionally silent and anonymous household outlined by demographers. This research has set the stage for a fruitful anthropological perspective on family life and disputes that construct and define sexual roles and gendered identities over the changing life cycle and in the *longue durée* (from the 16th century to the second half of the 19th century, that means from the Reformation to the abolition of the dowry system and of coverture laws). This new legal history thus combines a Foucault-inspired analysis of legal and institutional discourses with the insights of micro-history and gender history into the workings of subjective experience, narrative strategies and interpersonal relations. Stanley Chojnacky has recently argued that aggressive, institutionalised state intervention in the early modern period made the domestic realm an open, contested field, with the authority of fathers and husbands reinforced by government initiatives, but also resistant when the state threatened their private interests.[4] These divisions and conflicts marked out a space where women could manoeuvre their way through, between or against those interests. Thus scholarship set the stage for a fuller discussion of the relationship between gender and the State, and ultimately, I think, for a more comprehensive and inclusive political history.

I have chosen a point of entry into this complex scenario where characters, emotions and narratives are shaped out of legal discourse and cultural representations, and where a still hazy view and an uneven landscape challenge analysis and interpretation. Mothers and motherhood will be my starting-point.

Renaissance Legal Discourse and Cultural Representations

Working on motherhood in the early modern period entails coming to terms with fragmentary and contradictory evidence: on the one hand, we are faced with a rather static representation in discourse and iconography; on the other hand, with the multiple concrete experience of mothers in history. In Catholic Mediterranean cultures the model of a Virgin mother within a mother-centred family (baby Jesus is never seen on his father's lap or in his arms) questions patrilineal social structures, symbolically undermining *pater familias* and *patria potestas* which define and originate the family in Roman law countries. Working on motherhood means understanding the ways in which the power-

4 Cf. Stanley Chojnacki, Daughters and Oligarchs: Gender and the Early Renaissance State, in: Judith C. Brown and Robert C. Davis eds., Gender and Society in Renaissance Italy, New York/London 1998, 63–86; Stanley Chojnacki, Women and Men in Renaissance Society, Baltimore/London 2000.

fully subjective and intimate experience of giving birth is measured against the public apparatus of legal norms that from classical antiquity until the present control the bodies of women.[5]

Until recently, historical research has neglected the subjective dimensions of motherhood. This omission was due, at least in part, to the anti-maternal bias typical of feminist writings and theory in the Seventies and more specifically the anti-maternal bias of Joan Kelly's seminal essay on women and the Renaissance. In this article, she stressed the erotic independence, as well as the intellectual and social power of the largely autonomous ladies of the French feudal aristocracy.[6] Their freedom contrasts bourgeois sexual roles in marriage and political dependence of men and women from the princely rule in the small states of Renaissance Italy. According to Kelly, motherhood as a social destiny ultimately resulted from the centralized State, capitalism, marriage and the separation of a gendered private sphere. She viewed motherhood exclusively within the bourgeoning culture of honour and chastity and as the end of sexual freedom for women. In this perspective, motherhood becomes part of a more general and comprehensive historiographical trend which interprets the history of women in early modern Europe in terms of decadence, loss of social power and legal rights.[7]

In Italy Klapisch-Zuber's early work on women through Florentine family memoirs from the late Seventies and early Eighties appeared mainly in "Quaderni Storici"; the translation of Women, Family and Ritual was published in 1988.[8] Both in Italy and Europe research on motherhood took off in the Nineties, and it has barely touched on the affective qualities of maternity.[9] Scholars have mainly concentrated on demographic data concerning pregnancy and childbirth, breast-feeding, wet-nursing and weaning, pedagogical literature, advice books and medical tracts on midwifery.[10] However, exploring the context in which the practice of mothering took place did not mean coming to terms with motherhood as a specifically feminine historical experience which opened up new ways of self-representation, consciousness, conflict and ultimately

5 Cf. Marina D'Amelia ed., Storia della maternità, Roma/Bari 1997; Valerie Traub et al. eds., Feminist Readings of Early Modern Cultures, Cambridge 1996; Geraldine A. Johnson and Sarah F. Matthews Greco eds., Picturing Women in Renaissance and Baroque Italy, Cambridge 1997.

6 Cf. Joan Kelly, Women, History and Theory, Chicago 1984, 19–50.

7 Cf. Olwen Hufton, The Prospect Before Her. A History of Women in Western Europe (1500–1800), London 1995.

8 Cf. Christiane Klapisch-Zuber, La famiglia e le donne nel Rinascimento, Roma/Bari 1988.

9 Cf. Giulia Calvi, Il contratto morale, Madri e figli nella Toscana moderna, Roma/Bari 1994; Marina d'Amelia ed., Storia della maternità, Roma/Bari 1997; Giovanna Fiume ed., Madri. Storia di un ruolo sociale, Venezia 1995.

10 Cf. Yvonne Knibiehler and Catherine Foquet, L'histoire des mères du Moyen Age à nos jours, Paris 1978; Valerie Fildes, Breasts, Bottles and Babies. A History of Infant Feeling, Edinburgh 1986; Valerie Fildes ed., Women as Mothers in Pre-Industrial Europe. Essays in Memory of Dorothy McLaren, London/New York 1990; Hilary Marland ed., The Art of Midwifery, London/New York 1994.

empowerment.[11] Motherhood and motherly affection are very difficult to pin down as even religious literature, like family memoirs, does not acknowledge motherly experience as something which extends beyond the physiological process of birth and feeding, and confines its representation within a set of repetitive gestures. Both lay and religious discourse contrast a mother's "natural" affection with fatherly love which is the only spiritual and intellectual bond capable of granting the succession of the family name and property within the lineage. That is why in Renaissance family literature motherly love, in order to be acknowledged in a cultural sense, must transform itself into a manly virtue equating itself to strong feelings of loyalty vis-à-vis the interests of lineage. This was true in Elizabethan society as well where, as Lisa Jardine observes, "mother's duty towards her children is defined in terms of the patriarchal linear descent". In Renaissance theatrical plots women deprived of their hereditary rights are turned into nurturing mothers.[12] That is the only way in which agnatic memory will not remember them as "cruel", but as loving.

The long-lasting structural conflict between women's property rights and patrilineage is at the core of Klapisch's pioneering article "La mère cruelle. Maternité, veuvage et dot dans la Florence des XIV–XV siècles" published in 1983 in the "Annales". "Cruel" mothers were indeed "obedient" daughters, ready to yield to their fathers' and brothers' marriage strategies and social alliances. Working within agnatically biased family-memoirs, Klapisch coherently traces a submissive picture of young widowed mothers used as silent 'tokens' by their lineages whose aim is to avoid dispersal of the patrimony. Separating a widowed mother from her children was indeed a means of recuperating her dowry in order to marry her off to another lineage. This shared patrimonial preoccupation produced conflicting interpretations of motherhood, that is the "good" mother, who did not reclaim her dowry and was loyal to her dead husband's lineage and his children, versus the "bad" mother, who left with her dowry in order to enter a new household, abandoning her own children in poverty. Private family sources, as we have partly outlined, perpetuate a functional image of motherhood, allowing no space for women's words or gestures expressing conflict or resistance. Moreover they never take into consideration any social or institutional mediation or negotiation, while a brutal face-to-face inter-personal dynamic confines women and men to fixed roles of submission and power.

In 1989, the year after Klapisch's "La famiglia e le donne nel Rinascimento" was published in Italy; "Quaderni Storici" organized a forum to discuss her book. On this occasion David Herlihy's main points of criticism were translated from his introduction to Klapisch's 1986 "Women Family" and Ritual. He questioned the biased and marginalizing perspective on women that agnatic family memoirs inevitably contained,

11 Cf. Chojnacki, Daughters, see note 4, 63–86.

12 Cf. Lisa Jardine, Still Harping on Daughters. Women and Drama in the Age of Shakespeare, New York 1989, 81.

encouraging further research into informal, horizontal – that is cognatic – affective ties centred on all female lines within the household. In the same forum Diane Owen Hughes focused on the opposition between a "weak" wifely role rooted in reproduction and a potentially "strong" mother role structured in culture. More research on motherhood in terms of agency and choice would redeem women (and wives) from the marginal, "token" position that memoirs allotted to them.

Leaving these questions open I started working on a 16th century family book partly written by a middle aged widow, Maddalena Nerli Tornabuoni. Having already married twice and in her forties, Maddalena was no longer a token in her own lineage's hands. In her journal, detailing her duties as a guardian of her children and grandchildren, Maddalena described the institutional dimension of her role, in relation to the *Magistrato dei Pupilli* who checked her financial decisions and educational choices, and to whom she applied in times of need. The vertical patrimonial coherence of agnatic discourse gradually yielded to one of reciprocal trust, rights and obligations as the aging patrician lady negotiated with the magistrates, who in turn granted her protection as well as controlling her administration. Pursuing Maddalena's institutional and legal experience the issue of motherhood appeared in a different perspective that is not gained through the exploration of informal and horizontal emotional ties as Herlihy suggested, but rather touching the public sphere where formal duties and rights were defined. This process ended up revealing a more complex and subtle strategy of negotiating disputes and defining domestic responsibilities.

I will now consider ways in which we can recover affective dimensions of motherhood. I will begin with patrilineal legal discourses and familial, agnatic narratives that construct women as "cruel" and therefore offer only a very limited perspective on women's maternal experiences because they treat them as wives rather than mothers. I will then introduce public records as an alternate site for exploration of motherhood. Indeed State intervention, while creating a neutral sphere of mediation and negotiation among kin, involved in disputes over property and guardianship, introduced new figures into the household beyond strict family members. State officials, magistrates, notaries both in Florence as well as in the smaller centres of the Granduchy began to entry into household daily life as observers and mediators. They opened up legal procedures requiring statements and witnesses, the making of inventories, the questioning of women and children as well as servants, household labourers, farm workers, doctors and parish priests. All this set the stage for a more flexible, complex and multiple discourse concerning family affairs, structures of hierarchy and dependence, rights and obligations, emotional patterns of bonding as well as bereavement and loss, which in turn facilitated the emergence of notions of nurturing motherhood that women then could and did appropriate.

As a result, I would like to suggest that Joan Kelly's interpretation of motherhood as a social destiny imposed on women by a purely oppressive, patriarchal State has to be revisited and refined. We need to take into account that institutional intervention in

family affairs implied granting weak members of the patrilineal household the right to speak for themselves. A story of the family told from a "cognatic", that is to say, a horizontal point of view was new and different, expressing a range of situations and experiences that no private memoir at this time would ever acknowledge. State officials created a neutral space of communication, mediation, and negotiation, and offer us unusual insights into family life. Weak members of the patrilineage expressed their grievances and claimed their rights because they gradually came to trust State officials and the law. In turn women were trusted, supported and empowered. At the end of this long process the stage was set for a new representation where a growing culture of domesticity asserted itself within a disciplined household governed by a strong mother.

Patrilineal Laws and Agnatic Family Memories: The Construction of Cruel Mothers

Family memoirs rarely contain evidence of a female informant. In 1994 in "Quaderni Storici", in an issue dedicated to "the construction of kin", Christiane Klapisch-Zuber published an article which appeared in English two years later, "Family Trees and the Construction of Kinship in Renaissance Italy".[13] Focusing on the genealogy written by Lorenzo da Lutiano, a notary living in Florence after the Black Death, the text "is the record of a mother's responses to her son's questions about the history and genealogy of their family". Giving priority to women over their fathers and husbands within the logic of alliance rather than lineage, this memoir traces women's counter-memories in agnatic forms of remembrance. Moving away from private journals, Klapisch reconstructs a whole network of sources – wills, bequests for masses for the dead, patterns of female patronage – which bring to light wider ties of kinship that women manipulated in order to manage complex family lives. Klapisch concludes that "male and female approaches to kinship are radically opposed to one another"[14] allowing, in the case of women, for influence of the Church which aimed for a more inclusive and flexible genealogical discourse as opposed to that of secular *lineages*. Yet it is important to note that Monna Gemma who produced the counter-memoir, was a mother and not a wife. Indeed, only as widowed mothers were women granted a right to remember and eventually to write a family book for their children, as, in different contexts and ages, were the cases of Glikl bas Yehudah Leib and Maddalena Nerli.[15]

In *ancien régime* society the biological fact of birth was not legitimised outside marriage. In Roman law countries a mother is a woman who has given birth to a child,

13 Christiane Klapisch-Zuber, Family Trees and the Construction of Kinship in Renaissance Italy, in: Mary Jo Maynes et al., Gender, Kinship, Power, New York/London 1996, 101–113.

14 Klapisch-Zuber, Family Trees, see note 13, 110.

15 Cf. Natalie Zemon Davis, Women on the Margins, Cambridge, Mass. 1995.

whereas a *mater familias* is the wife of a citizen and a citizen was acknowledged as such only if born from a legally married woman. From a juridical standpoint, women brought up children who did not belong to them. Indeed, according to Roman law, all children, sons and daughters, legally descend and only belong to their fathers, and *patria potestas*, that is the power of the father over his offspring, generates the family. Therefore, in *ancien régime* Mediterranean societies' "mothers", as the roman jurist Ulpianus specified, "have children but not heirs" and motherhood acquires social and juridical value only through a gendered process of filiation. Physical and emotional closeness between mothers and their newborn babies lasted for the very short period following birth when, among elite European families, they were handed to a wet-nurse. Motherhood was therefore essentially a matter of bonding and belonging; it only existed as the product and representation of conjugal relationships and mutual dependence. For centuries mothers as well as wives were provisional, weak figures, used as tokens between lineages whose alliances they embodied in marriage.[16]

I would like to stress the overwhelming importance over the *longue durée* of this legal discourse, which entailed subjective, emotional, imaginary representations that become particularly vivid in family journals.[17] In the early Renaissance, strict patrilineal societies such as the Tuscan and especially the Florentine seem to be imbued with threatening mother figures. These projections, these obsessive images come from children: the 'cruel mother' is the expression with which Giovanni Morelli, an adult Florentine patrician writing his "Libro di Famiglia" in the late 15th century, remembered his own mother. She had deserted him when he was only three years old in order to remarry and obey her own fathers' will after the death of her husband (little Giovanni's father). The child lived into adulthood with this memory of bereavement, but succeeded in becoming a loving father of his own son. The words of loss and utter despair Giovanni wrote in his diary at the premature death of his son defy any definition of *ancien régime* parenthood as aloof and emotionally detached.[18] So to condemn the entry of a widow into a new marriage there arose the image, reflected in family journals, of the cruel mother who abandoned the children of the first marriage to their deceased father's kin, in order to unite herself to a new husband. Popular writing also exploited the theme of desertion, dramatizing it as the destruction, widely and acutely experienced, of an affective bond, broken only from the female, maternal side. Giovanni Gherardi of

16 Cf. Yan Thomas, La divisione dei sessi nel diritto romano, in: Georges Duby and Micelle Perrot eds., Storia delle donne. L'antichità, Roma/Bari 1990, 103–76; Maynes, Gender, see note 13; Gisela Bock and Giuliana Nobili eds., Il corpo delle donne, Bologna 1988; Christiane Klapisch-Zuber, Women, Family and Ritual in Renaissance Italy, Chicago/London 1985.

17 Cf. Thomas Kuehn, Law, Family and Women, Chicago/London 1991; Giulia Calvi and Isabelle Chabot eds., Le ricchezze delle donne. Diritti patrimoniali e poteri familiari in Italia (XIII–XIX secc.), Torino 1998.

18 Cf. Klapisch-Zuber, Women, see note 16, 117–131; Margaret L. King, The Death of the Child Valerio Marcello, Chicago/London 1994.

Prato in his 1426 'novella' "Il Paradiso degli Alberti" wrote: "Every day we see little children whose fathers have died, been abandoned and almost forgotten by their mothers who have taken a new husband. No man has ever done such a thing. From this I form the opinion that a father's love for his children is greater than the mother's."[19] In this text it is for women to disprove this assumption, to reassert the value of maternal love. Wives, Gherardi da Prato maintains, must obey their husbands and be under a master. They cannot take care of their own children because "the female sex cannot remain alone without harm, especially if young and cannot remain without masculine protection". Mothers, especially young ones, are therefore forced to act in this way – that is to separate themselves from their children – because they must place themselves under the control of a new husband. But there is no doubt, as a female character in the story bitterly argues "that they think constantly of their children and remain strongly attached to them in spite of this separation".[20]

Renaissance tracts identified the love of parents for their offspring with paternal love. Leon Battista Alberti in his "Libri della Famiglia", in which he articulated his complex view of family ideology in Renaissance Florence, stated that no form of love is more faithful, long standing, whole hearted and deeper than that of a father for his own children. He argues that a father's love originates and is rooted in their minds, whereas mothers' affection is borne and kept in the body and, like the body, is liable to become fragile and unsteady.[21] Michel de Montaigne, in his "Essays", parallels a mother's fondness for her newborn child to that of any animal, which recognizes its babies only while they suckle. A mother's love, this is the prevailing discourse, is "natural" and therefore not "rational", but determined by unpredictable and fleeting instincts.

This patrilineal discourse powerfully shaped experience and narrative of at least the literate upper middle class and family journals, as well as tracts, reflect an agnatic memory and the interests of male dominated lineages. Private literature, especially abundant in the *Quattrocento,* recounted daily events that affected family members and their status within the household as well as the acquisition, transfer, or exchange of goods that increased the linage's wealth. In this way a great number of relatives both consanguine and affine as well as wet nurses and household servants were recorded. Dowries, marriage alliances, births and deaths were among the primary issues with

19 Cf. Giovanni Gherardi da Prato, Il Paradiso degli Alberti, Roma 1975, 181: "Noi tutto giorno veggiamo i piccoli fanciulli rimasti sannza i padri dalle madri essere abandonati e prendere nuovo marito e quasi dimanticalli. Questo giamai si vide a uomo fare; per che io inferisco la mia oppinione che l'amore del padre sia maggiore di quello de la madre verso i figliuoli."

20 Cf. Gherardi da Prato, Paradiso, see note 19, 179f: "e perché il sesso femmineo male puote stare sanza molta avversità, singolarmente in giovinezza, sanza guardia dell'uomo, però le madri quasi sforzate conviene loro per lo meglio sì fare. Ma non è dubbio che, non ostante la separazione da' figliuoli, sempre elleno gli hanno nell'animo e come cosa cortissima loro fermamente si tengono." Cf. also Klapisch-Zuber, Women, see note 16, 131.

21 Cf. Leon Battista Alberti, I Libri della Famiglia, Torino 1969, 33f, 46.

which heads of households were concerned. Indeed these books offer a series of images, spread over different generations, showing how the domestic group varied in time. Jealously kept in the family archive, only fathers and their first born sons were entitled to write the "Libri di famiglia", while younger sons and women were, at least formally, denied access to the writing and reading of such papers.[22]

In order to trace mothers' minds and thoughts we have to resort to other sources that may lead us into a horizontal, cognatic perception of family bonding. Letters are useful and can convey informal integration that mothers often practised in order to keep together children borne from different marriages. In the second half of the 16th century Maddalena Tornabuoni, the Florentine patrician widow, whose family memoirs I quoted earlier, managed to unite, despite bitter patrimonial conflicts, her two sons, born from different marriages. In her son's letters she became the powerful image of the "signora madre" that could hold lineages together ("In lei sta tutto"). Maddalena Tornabuoni's life had been marked by two main turning points. She had lived through widowhood twice. The first time she was approximately 25, had been left with three young children over whom her dead husband had given her no guardianship or custody. Therefore she had to leave her former husband's home, abandon her children (the cruel mother), regain her dowry and move to the house of her brother who soon signed another marriage agreement for her. So Maddalena entered her new husband's home where two little orphaned girls (borne from her new husband's late wife) were awaiting their stepmother. Roughly twenty years later, and after having given birth to eleven more children, the picture differed radically: a middle-aged widow, Maddalena no longer had to submit to her kin's strategies. At 43 years of age she gained guardianship of her children, stayed on in the marital home and received usufruct over the family patrimony. In years to come she would find herself mothering her grand-children and great-grand-children into her sixties and seventies. For approximately fifty years of her life, Maddalena experienced motherhood, leaving a sober but at times touching account of her worries, her joys, and her grief at the death of many of her children. Her journal and account books as well as her wills obey the patrilineal logic of family life: she writes, administers and bequeaths property following patrilineal norms. Only a few letters, which recorded the informal, everyday dealings of family life, suggested ability to construct horizontal bonds among lineages and family members.[23]

We can draw a few conclusions from this case: first of all that in order to understand and gain an inner perception of the practice and experience of motherhood, we have to do away temporarily with wives. Wives never spoke for themselves, as their husbands represented and wrote the family narrative, while widows were legally entitled to act and write in the interest of their offspring after their husbands' death. Just like Glickl,

22 Cf. Alberti, Libri, see note 21; Klapisch-Zuber, Women, see note 16.

23 Cf. Giulia Calvi, Maddalena Nerli and Cosimo Tornabuoni: A Couple's Narrative of Family History in Early Modern Florence, in: Renaissance Quarterly, XLV, 2 (1992), 312–339.

the Jewish merchant widow living in Hamburg in the 17th century – about whom Natalie Zemon Davis[24] wrote – Maddalena Tornabuoni, guardian of her children and administrator of her late husband's affairs in Florence, began writing the "Libro di famiglia" and keeping account books in widowhood. In this way we can speak of widowed mothers, because we can hear and see them only when they are and act alone. It is difficult therefore to disentangle motherly and fatherly duties and roles, as widowed mothers often practised manly tasks and acquired legal capacities that only male heads of households had possessed.

Yet we sometimes gain unusual insights into motherhood through seemingly dry account books. After her husband's death Laura, widow of Lorenzo Frescobaldi, a Florentine patrician, kept, with the help of her secretary, a small account book covering a few years of her widowhood (1602 to 1616). Laura was given guardianship over the eight children and stepchildren who were living in the household and we can follow in detail the daily expenditure necessary to educate, feed and clothe the family and their servants. At the end of her account book, the widow recorded, one after the other, the religious professions of her four children who released their mother from all her legal and patrimonial responsibilities of guardianship. Finally, the very last entry registers the purchase of a country house in Laura's name and for her own use. The family account book where the widow had begun writing at the time she entered widowhood finished with the last entry which marked the beginning of a new life and of a new identity in the separate place she had acquired for herself.[25] Identity and narrative coincide and we cannot help thinking that the new house "in her own name and for her own use" was perhaps part of a strategy, a secret goal gained in time after the religious professions of her children and the formal renunciation of control over their mother's administration. Laura's case cannot but remind us of Virginia Woolf's "A Room of One's Own" and brings to light the ambivalent expression, quality and representation of motherhood, torn between opposite feelings of responsibility and care and separation, independence and individual choice.

The law and the creation of Nurturing Mothers

In order to gain access to the practice and representation of motherhood from women's point of view we have to deconstruct this image as the product of biased documentary evidence. In order to do so we have to set aside family memoirs. The major documen-

24 Cf. Davis, Women, see note 15.

25 Cf. Calvi, Contratto, see note 9, 87f; Sandra Cavallo and Lyndan Warner, Widowhood in Medieval and Early Modern Europe, Singapore 1999; Trevor Dean and Kate P. Lowe ed., Marriage in Italy 1300–1650, Cambridge 1998; Louise Mirrer eds., Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe, Ann Arbor 1992.

tary shift that allows us to make visible mothers and motherhood is the move away from private, lineage records of the late 15th century to public judicial records. When we pass from a fragmentary agnatic vertical memory to systematic, coherent, public proceedings, we are faced with a new definition of motherhood.

Public records concerning family events generally document conflict. Indeed the naming of guardians to take care and administer the wealth of orphans after their father's death was a complicated affair which divided households and led to violent confrontations between mothers and their dead husbands' lineage. A widow had to fight against her brothers in law, more rarely her father in law, in order to gain guardianship and custody of her offspring. As well as those of many Italian states, Northern European governments regulated ward ships and their legal traditions were not necessarily based in Roman law. From 1270 municipal authorities in London appointed and supervised the conduct of guardians and in 14th century Ghent, "where legal customs were only in the process of formation", as David Nicholas and Marianne Danneel have shown, city councillors performed the same duties.[26] In Venice, the Procurators of S. Marco supervised the naming of guardians and administered intestate inheritances.[27] In Florence and the Granduchy of Tuscany, women's choice to act as mothers and to practise motherhood in the absence of a husband and father was under the formal control of the *Magistrato dei Pupilli.*

The magistrate, originally created by the Florentine *Signoria* in 1393, was entrusted with the task of administering wards' patrimonies, acting as testamentary executors and taking charge of all matters concerning the custody and guardianship of minors and handicapped adults in Florence and its territory and, from the second half of the Sixteenth century, throughout the Granduchy.[28] Undergoing a series of reforms to increase its sphere of action, from the Fourteenth to the 19th century the magistracy took care of boys under 18 and girls up to 25 (but generally until marriage or religious profession): these were all minors whose fathers had died intestate or had not named guardians in their will. Apart from these basic conditions, further situations required the intervention of the magistrate when guardians died, renounced their duty or began to dispute with one another, or when widows who had been entrusted with guardianship remarried. In all these cases the officials took over, taking the wards under their tutorship, or naming new guardians among the surviving relatives. Therefore widows

26 Cf. Marianne Danneel, Orphanhood and Marriage in Fifteenth-Century Ghent, in: Walter Prevenier ed., Marriage and Social Mobility in the Late Middle Ages, Ghent 1989, 99–108; David Nicholas, The Domestic Life of a Medieval Town: Women, Children and the Family in Fourteenth-century Ghent, Lincoln 1985.

27 Cf. R. C. Mueller, The Procurators of San Marco in the Thirteenth and Fourteenth Century: a Study of the Office as a Financial and Trust Institution, in: Studi veneziani, 13 (1971), 105–220.

28 Cf. Giulia Calvi, Donne, orfani, famiglie di fronte alle istituzioni, in: Elena Fasano Guarini ed., Il principato mediceo, Firenze 2003, 441–460.

and their children lived under close institutional supervision: not only did paternal kin try to interfere with widows' decisions concerning lifestyle and education, but the officials also kept a watchful eye over households governed by women, who were compelled to submit yearly statements of their administration to the magistrate's accountant. During the first century and a half of its existence this government service contributed to the survival of over 3,300 families and the officials served as guardians for over 8,000 orphans.[29]

Dating back to Roman law tradition, guardianship was rooted in paternal authority (*patria potestas*) so that guardians could only be appointed by fathers and grandfathers. Mothers could not name guardians, but instead could be entrusted with the legal confirmation of the magistracy and the supervision of a male guarantor. Should they not keep to this procedure and not respect the prescribed deadlines, mothers lost their prerogatives and the officials assumed guardianship. The naming of guardians spelled out a precise hierarchy of kin. Statutes listed, on the father's side, the grandfather and grandmother, the widow, the brother and cousin. Thus widowed mothers were included with their in-laws, while their own kin went unmentioned and only taken into consideration if all the ward's paternal relatives were dead. One condition was absolutely necessary to entrust an adult with guardianship of a minor: no guardian could expect to inherit from his or her ward. What the magistrates feared, on the basis of Roman law tradition and juridical practice, was the death of a minor by the hand of a guardian who came next in the line of inheritance. Therefore the exclusion of mothers from patrilineal inheritance turned them into safe guardians of their children: no widow could profit from the death of her offspring, as she could never receive their patrimony. Florentine city statutes, in common with those of most Tuscan towns, insisted on the same principle, systematically eliminating all inheritance links between mothers and children.

On the contrary, paternal agnates – uncles and grandfathers – were next in line to inherit and patrimonies went from male orphans to male kin on their father's side. This relationship of dependence could prove to be extremely risky for a male infant or a young boy, whose chances of survival could be endangered if he were to be entrusted to the guardianship of an uncle with an interest in the child's wealth. The magistrates therefore preferred entrusting mothers with guardianship of their children and legal discourse defined mothers as "above suspicion" or "above all hope of inheriting". In the sentences granting guardianship the mother-child bond is repeatedly expressed in terms of "gratuitous charity and affection".[30] Also in Northern Europe the exclusion of mothers from inheriting their children's lineage property was motivated by the same concerns and practised in areas where both Roman and customary law prevailed.[31]

29 Cf. Caroline M. Fisher, The State as Surrogate Father: State and Guardianship in Renaissance Florence, 1368–1532, Waltham, Mass. (PhD Brandeis Univ.) 2002 (microfilm 2003).

30 Cf. Gulia Calvi, Il contratto morale, in: Quaderni Storici, 86, 2 (1994); Maynes, Gender, see note 13.

31 Cf. Elaine Clark, City Orphans and Custody Law in Medieval England, in: The American Journal of Legal History, 24 (1990), 168–187.

This cultural definition of the mother-child relationship is in sharp contrast to the representation of purely physical closeness that Renaissance theorists had used to portray motherhood. Legal discourse introduced a rational and historical quality to a relationship which since classical antiquity had consistently been defined as a natural bond. Early modern juridical practice and language deal in depth with the intimate experience of emotions and feelings and it is striking to find such a clear definition of motherhood in the language of sentences and decrees which painstakingly identify and support a working definition of the maternal bond vis-à-vis the structure of patrilineage.[32] A true and "purely loving" mother was one that had no right to interfere with the patrilineal structure of inheritance. She gained her cultural and ethical value from being excluded from all male succession. Thus the image of nurturing motherhood, indeed of modern motherhood, which State institutions progressively support and empower, stands in contrast to the haunting figure of the "cruel mother" bred by the logic of patrilineage. This new institutional representation, built out of women's social and patrimonial weakness, will gradually turn into an image of ethical strength.

Between 1648 and 1766 the *Magistrato dei Pupilli* appointed 1,503 guardians in Florence and its territory. 72 percent of them were mothers, while 26 percent were relatives from the dead father's side (mainly uncles). Breaking down the figures we find that mothers were entrusted in 75 percent of urban households and in 70 percent of rural households. These figures might suggest that a feminization of family life centred on the empowerment of the mother figure made itself felt in the first place in urban homes rather than in rural households. From this data a clear trend emerges: the magistracy operated on the basis of appointing the widow "without a hope of inheriting" as guardian in preference to uncles and grandfathers with an interest in inheritance.

I will leave this aside and go briefly back to the rules granting guardianship. As long as a widowed mother did not remarry she guaranteed her offspring's lineage and patrimonial rights. This implied receiving usufruct over part or the whole of her husband's patrimony, guardianship of offspring and being allowed to live in the family home. All this was on condition that the widow would not remarry. If she chose a new husband she automatically lost all these prerogatives. In Northern France, as Hardwick has shown, under customary law, widows lost guardianship if they remarried and had to submit to the judgement of their kin if they wanted their new husbands to take over

32 Cf. Barbara Hanawalt, Patriarchal Provisions for Widows and Orphans in Medieval London, in: Maynes, Gender, see note 13, 201–210; Barbara Hanawalt, La debolezza del lignaggio. Vedove, orfani e corporazioni nella Londra tardo medievale, in: Quaderni Storici, 86, 2 (1994), 463–485; Martha Howell, Marriage, Family and Patriarchy in Douai, 1350–1600, in: Walter Prevenier ed., Marriage and Social Mobility in the Late Middle Ages, Studia Historica Gandensia, 274 (1989), 9–34 ; Stanley Chojnacki, The Most Serious Duty: Motherhood, Gender and Patrician Culture in Renaissance Venice, in: Marilyn Migiel and Juliana Schiesari eds., Refiguring Women. Perspectives on Gender and the Italian Renaissance, Ithaca 1991, 133–154.

the duty[33]. In Paris, however, as Barbara Diefendorf has demonstrated, new husbands were automatically appointed co-guardians and women were frequently freed from a formal accounting of guardianship. In England, the Netherlands and France remarriage was encouraged, albeit within a trend that tended to reduce widow's rights to marital property and within a wider concern for the well-being and hereditary rights of children born from first marriages.[34]

In Tuscany norms were harsher and a remarried widow, as legal doctrine concisely stated, was like a dead mother to her children. The legal and social empowerment of motherhood required a high personal and emotional cost: that a widow remains faithful to her dead husband, giving up sexuality. Moral motherhood was based on women's abstinence, because bearing children to a new husband would endanger the patrimonial status of first-born sons. Here is where the haunting "cruel mother" image comes from. The cruel mother is indeed the "lustful widow" of popular and erotic narrative dating back to classical antiquity, which is the sensuous and unfaithful woman yielding to a second wedding in spite of the Church's opposition to remarriage. Counter Reformation tracts praised the 'new freedom' of widows from the carnal duties of marriage and encouraged them to stay chaste. As Marina Warner has ably shown, absence of sexuality early became a defining virtue of Mary, the ultimate icon of female virtue, keeping her virginity intact even in motherhood.[35]

Setting aside these models, and in contrast to ecclesiastical priorities, women, especially in youth were often urged by their own families, driven by their own inclinations or by necessity into new marriages. Other than the few derogatory observations in "Libri di Ricordi" which describe the behaviour of the urban elites, we know very little of this phase in the family life in the past. Folk tradition throws a negative light on the figure of the step-mother, but ignores that of the step- father, confirming the picture that demography gives us of the quantity and frequency of remarriage among widowers rather than widows.[36] Cases in which the second marriage was negotiated on the basis of the woman's explicit wish not to be separated from the children of her first marriage were relatively rare in the early modern period, but became a frequent practice during the eighteenth century. In time, widows' remarriage tended to be based on formal agreements that made the incorporation of the children of the first marriage into the new household a sine qua non for the celebration of the wedding. It is interesting to note that this negotiating capacity of women makes itself apparent in middle-class families.

33 Julie Hardwick, The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France, University Park 1998.

34 Barbara Diefendorf, Widowhood and Remarriage in Sixteenth-Century Paris, in: Journal of Family History, 7 (1982), 379–395.

35 Marina Warner, Alone of All Her Sex: Cult of the Virgin Mary, London 1976.

36 Cf. Sandra Cavallo and Lyndan Warner eds., Widowhood in Medieval and Early Modern Europe, London/New York 1999.

Dating from 1732 the story of Maria Maddalena Laschi, the 19 year old widow of a farmer left alone and pregnant, is a telling one. The court case opens with the will of her dead husband Stefano, who left all his patrimony to the yet unborn son or to his own father if Maria Maddalena were to give birth to a girl, who was only entitled to a 200 scudi dowry. In case Maria Maddalena should remarry, the dead husband wished that she should not be separated from her offspring. But the father-in-law violently disrupted this domestic scene of mutual trust, evicting the young widow from her home. The woman took refuge in her own mother's house where she gave birth to a baby girl. As the years went by, Maria Maddalena kept refusing to remarry because "she does not want to abandon her daughter". Finally, she writes, a city gentleman agreed to "take the mother with her child, who is now three years old". The widow "would consider this as a good prospect, only if she were to be officially assured that she will be allowed to keep her daughter. That is why she has written a plea to the Granduke so that he will issue a decree where she will be ordered to take her daughter with her into the new marriage, because it is certain that a mother's education is to be preferred in any case and especially concerning a daughter. But albeit the law does not seem to have great confidence in mothers when they remarry, this is not enough to deprive a mother from educating her daughter". The memorandum goes on to emphasize that Maria Maddalena "feels such fondness for her daughter that she has given up potential husbands, until she has met one that agrees to keep the baby and has no children of his own. Nevertheless, should he change his mind and refuse the little girl, Maria Maddalena would promptly leave him". The child has no hereditary ties with her mother, as she is entitled to a dowry which must be paid by her father's male kin. She is very young and delicate, and could easily die if left in the hands of her grandfather and uncles who are peasants and would turn her into a peasant herself. The *Magistrato dei Pupilli* agreed to the women's requests and ruled that the child went with her mother into her new stepfather's city house.[37]

Between the sixteenth and the eighteenth centuries the systematic allocation of guardianship to Tuscan widows led them to develop a well balanced sense of their own status and rights vis-à- vis public institutions and kin. However, as Barbara Hanawalt has shown among the propertied households in late-medieval London, widows' guardianship of their children tended to undermine the power of patrilineage. In London Hanawalt has uncovered a variety of legal and institutional supports that the Common Law granted widows, outlining a legal system which allowed these women access to material resources. While neither patricians in Medieval London nor in Renaissance Florence aimed at giving their widows independence or prestige. Both societies governed by the norms of Common Law and Roman law aimed at preserving their progeny in a home environment with their mother and their patrimony still intact when they reached the age of majority. This main concern is an indication, as Hanawalt

37 Cf. Calvi, Contratto, see note 9, 153–158.

underlines, of men's attitudes toward the "responsibility of patriarchy".[38] This long process set the stage for a new emotional representation of the mother figure, no longer the cruel, threatening and abandoning figure of the late Middle-Ages, but the nurturing responsible caring mother of modernity. Documentary evidence suggests that women entrusted with legal responsibilities developed a sound knowledge of the law as well as practical skills as negotiators. Thus an institutional policy of protection opened up a new space in which women could manipulate rules and exercise initiative, encouraging the formation of an intimate albeit single-parent nuclear family, which tended to separate itself from wider kin and lineage influence. It is also significant that the mother figure which resulted from this social construction lost all connection to sexuality: a single and chaste widowed mother governing her small household became the model of the nurturing mother in both secular and religious discourse.

From Weak Wives to Empowered Mothers

The social strength gained by mothers and motherhood parallels the overall weakness of wives, who are but tokens in the marriage exchange ruled by fathers and husbands. The early Renaissance family in Tuscany was overwhelmingly characterized by weak female roles: wives, who leave no trace in the documents other than dowries and objects they take into marriage and obedient mothers, who accept being deprived of their children. Wives and young silent mothers move from one house to another leaving fathers and brothers to follow husbands and we can imagine their bodies and gestures only through their coloured clothes, their jewels, their head ornaments and veils. Alamanno de'Medici in his family book describes his wife in three entries. The first one records her death in childbirth after one year of marriage. Then his memory, as in a flashback, reverts to the day he first saw her and touched her hand and finally when he sent his servant to her house with the gift of a precious brooch which had belonged to his mother: a golden eagle with a stone in its beak. In husbands' private memories wives entered their household, and sometimes left it on their deathbed, and yet women's reproductive bodies are at the core of family books, where heads of households enumerate all the children born and living as well as those who died in infancy, at childbirth, and as a result of miscarriages. We never hear women's voices; we never read their words or thoughts. However, women had their children and they would gradually bring themselves to construct their sense of self around motherhood, moving from the logic of a socially planned reproduction to one of self-centred appropriation. In this process where institutional mediation is essential, women's identity as mothers gradually superimposed itself on their identity as wives and the provisional character of their position both within their own and their acquired lineage slowly but steadily lost ground. The

38 Cf. Hanawalt, Provisions, see note 32, 201.

responsibility, experience and mutual trust which resulted from widow's guardianship of their children gradually turned what was simply a negative right to be protected against lineages and a pervasive patrilineal culture, into a positive entitlement to control and negotiate family affairs. Between the 16th and the 18th centuries there was a significant change in the pattern of family disputes vis-à-vis state intervention.

From the late Middle-Ages there existed a viable form of state protection of widows and wards, stemming from the imposition of a public system of norms onto the private sphere. Face to face violence was controlled by the systematic intervention of officials in what were perceived as family matters. Progressively, over the course of the Eighteenth century, the bourgeoning language of affective bonding and morality, by defining the territory of maternal care, was to increase further the agency of wives as well as that of mothers in the household. Women were increasingly able to superimpose an extensive network of controls over the male members of the family, the husbands and adolescent sons. In the second half of the 18th century the 'disorder' of family life, as Arlette Farge and Michel Foucault have defined it,[39] opened up new scenarios where the traditional boundaries of decency and secrecy seem to have suddenly fallen apart. In Florence wives and mothers appealed to the *Magistrato dei Pupilli* to obtain a temporary judicial ban of unfaithful and drunken husbands as well as of sons who squandered money. Eighteenth-century narratives of household life took on new overtones when, in the language of "moral motherhood", women described the lack of rational behaviour and communication, the madness and violence, the indecency, misery and utter disillusionment that marriage and family life had yielded. It is not only widows', but wives' voices which we now hear denouncing their husbands' squandering of dowries and family money in gambling and women. Increasingly, the magistrates' sentences refer to motherhood in terms of a moral and Christian role. Wives and mothers appear as the leading disciplining subjects of household disorder and deviant behaviour. As we have seen, the disciplining quality of motherly affection is built on a long term "compact" between women and state officials, between the language of the law and of love; in a mutual practice that turned women into a point of entry for the institutional control of family conflicts and life, progressively excluding face-to-face lineage confrontation. In so doing and over the centuries, institutional support of the mothers' role and responsibility turned women from weak silent wives into visible, outspoken mothers. At the end of this long process the stage was set for a new representation of an urban, middle-class, gendered culture of domesticity, which would gradually assert itself in the Nineteenth century.

39 Cf. Arlette Farge and Michel Foucault, Le désordre des familles, Paris 1982; Laura Gowing, Domestic Dangers. Women, Words and Sex in Early Modern London, Oxford 1996; Lawrence Stone, Road to Divorce, Oxford/London 1995; Silvana Seidel Menchi and Diego Quaglioni eds., Coniugi nemici. La separazione in Italia dal XII al XVIII secolo, Bologna 2000.

This is not a 'happy ending'. The process I have outlined is by no means part of a teleological interpretation of modern family roles or of the modernization of the family. Continuing research on women's property rights in 19th century Italy confirms this trend and points to a longue durée of the dowry system which entailed the exclusion of women from equal patrimonial rights well after the promulgation of Pisanelli's national code in 1865.[40] Moreover, major works such as Carol Pateman's "The Sexual Contract" argue that historical and political understanding of the Enlightenment and of the age of Liberalism has been flawed by a failure to understand that democratic constitutionalism continued to rest on unacknowledged assumptions about family hierarchy and patriarchal rights of husband over wife. Recent research on citizenship and on the construction of national loyalties points to the discursively constructed negative others – women and blacks – positioned against the independent white republican male citizen and to continuing resistance to absorb women into "universal" suffrage.

The task of deconstructing European patrilineage in its manifold implications and manifestations is still under way, suggesting new periodizations, engendering master narratives and bringing to light hidden structures of power, as well as neglected subjectivities.

40 Cf. Calvi/Chabot, Ricchezze, see note 17.