

Stability and the Family in Central European Academic Philosophical Writings that Discuss the Family during the Early Modern Period¹

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Die Familie (*oeconomica*) wurde in Mitteleuropa während des 16./17. Jahrhunderts allgemein als philosophische Disziplin bzw. Unterdisziplin betrachtet. Wissenschaftliche Publikationen der Zeit handeln von Familienmitgliedern und Familienbesitz und betonen die Stabilität der Familie. Das änderte sich während der ersten sechs Jahrzehnte des 18. Jahrhunderts. In philosophischen Publikationen wird die Stabilität der Familie nun nicht mehr hervorgehoben und auch der Familienbesitz nicht mehr diskutiert. Faktoren für diesen Wandel waren zum einen die Einführung des Naturrechts (*jus naturale*) und der ökonomischen Wissenschaften (anstatt der Familie) als akademische Fächer, zum anderen die zunehmende Macht des Staates.

To what extent was stability² linked to the family during the early modern period? And to what extent did evolving perceptions of the family effect the stability of the family as well as the status of the family itself during this same period? Ventured answers to these questions will be mainly limited to the context of writings on academic (scholastic) philosophy that were published primarily in Central Europe during the 16th and 17th centuries and only in Central Europe between the years between 1701 and 1755.³

Family life was apparently discussed in arts (philosophy) faculties at Central European universities from their inception in late medieval period.⁴ At the beginning of the 16th century, academic philosophy generally

1 All writings published prior to the year 1800 that are not cited in the Bibliography are cited in full (with library locations and call numbers) in *Freedman, Writings*.

2 The Latin term for stability (*stabilitas*) is not used here because it is nowhere used in any of the primary source materials that have been used and are cited within this contribution.

3 My article on philosophical writings on the family in 16th and 17th-century Europe – which is frequently cited here – focuses in large part on Central European publications. An 18th-century focus beyond Central Europe would have required extensive research that could not be undertaken in the context of this contribution.

4 Family life was apparently taught at the University of Leipzig from its founding in 1409 and continuing for the remainder of the 15th century. Family life (*oeconomica*) is mentioned in the extant Statutes of the University of Leipzig Arts (Philosophy) Faculty for the years 1410, 1436/7, 1447, 1471, 1499, and 1507; refer to *Zarncke, Statutenbücher*, 311, 326, 352, 399, 411, 462, 465, 473, 490. With regard to the teaching of family life in other late medieval academic institutions in Central Europe refer to *Lorenz, Libri*,

was considered to include [1] metaphysics, physics, mathematics (theoretical philosophy), [2] ethics, family life (*oeconomica*), and politics (practical philosophy), and [3] logic, rhetoric, and grammar (rational philosophy).⁵ By 1700 (in Central Europe) grammar (and sometimes rhetoric and /or mathematics) were no longer considered to be part of philosophy; in addition family life had begun to be discussed within the context of natural law.⁶

I.

In comparison to the late medieval period, family life appears to have been less frequently taught during the 16th century.⁷ When accorded attention, family life was sometimes discussed within the context of ethics (as a sub-category of prudence); family life was sometimes also addressed within encyclopedic philosophical writings that included a segment on ethics.⁸ Academic philosophical publications on politics published in the 16th and the 17th centuries were often accorded some discussion to family life.⁹

Academic philosophical writings specifically on the family – rarely published during the 16th century – were published more frequently in the 17th century.¹⁰ Encyclopedic philosophical writings – also rarely published during the 16th century – were published more often in the 17th century,

209, 211, 229, 230, 232, 234. When the name change from arts faculty to philosophy faculty occurred varied from university to university; at the University of Vienna this happened by no later than the year 1642; refer to *Meister*, *Geschichte*, 34.

5 One such classification – by *Stobnicensis* (1507), fol. a2r – is presented and cited in *Freedman*, *Writings*, 293, 294 (including Table B), 312 (fn. 11), 339. Concerning these classifications published prior to the year 1701 also refer to *Freedman*, *Classifications*, reprinted in *Freedman*, *Philosophy*, VII.

6 For example, refer to the classification of philosophy by Johann Franz Buddeus (from the year 1703) in *Freedman*, *Emotion*, 15-21.

7 Refer to the discussion in *Freedman*, *Writings*, 294, 312 (fn. 14).

8 For example, *Reisch* (1503), *Wildenberg* (1553) and *Valerius* (1572) as cited in *Freedman*, *Writings*, 338, 340, 342.

9 For example, *Borrhaus* (1545), *Matthiae* (1611), *Wendelinus* (1638) and *Clasen* (1675) as cited in *Freedman*, *Writings*, 327f., 336.

10 See the following examples from the 16th and 17th centuries: Wellendorffer (1511), Hegendorphius (1535), Camerarius (1581), *Casus / Case* (1597), Richterius (1604), *Keckermann*, *Synopsis*, Timplerus (1610), Vernulaeus (1626), Avenarius (1629), Reyher (1632), Fabricius (1635-1637), Heinzelmannus (1657), Thomasius (1663/1673), Einert (1684) and Aicher (1690) as cited in *Freedman*, *Writings*, 325-342.

and some of them contained a chapter or a segment on the family.¹¹ But academic philosophical writings on the family appear to have been very rarely published in Central Europe after 1700¹², though the longest such treatise on the family known to date – authored by Christian Wolff – was published in two volumes (1754 and 1755).¹³

2.

As a subject-matter within the context of academic philosophy during the 16th and 17th centuries, family life (*oeconomica*) consists of two component parts: [1] the persons who belong to the family and [2] domestic possessions.¹⁴ The persons (members) of the family are normally placed within the framework of three „societies“: 1. husband and wife (*societas conjugal*)¹⁵ 2. parents and children (*societas paterna*), and 3. master(s)¹⁶ and servants (*societas herilis*). Normally each of these three societies is discussed separately, with a primary focus on the duties of the family members within each society.¹⁷

11 For example, refer to Reisch (1503), Wildenberg (1553), Copius (1588), Bilstenius (1596), Ebertus (1620), Laurembergius (1633), Calovius (1652), Meuderlinus (1653), Jaschius (1667), *Wagenseilius*, *Loculamentum* and Schwelingius (1700) as cited in *Freedman*, Writings, 327-342. Also refer to *Freedman*, *Encyclopedic*, reprinted in *Freedman*, *Philosophy*, VI.

12 For example: *Aepinus / Haberkorn*, *Societatis nuptialis* and *Bohn*, *Imperium*.

13 *Wolff*, *Oeconomica Pars prima* and *Wolff*, *Pars reliqua*. This two-volume treatise is briefly discussed in *Freedman*, *Wolff's Treatise*.

14 This basic distinction between persons and domestic possessions is normative. Also refer to the three quotations (which confirm the same) in the final footnote of this contribution.

15 *Societas conjugal* is sometimes referred to as *societas maritalis* or as *societas nuptialis*.

16 Most of these 16th- and 17th-century academic philosophers regard both the husband (*paterfamilias*) and the wife (*materfamilias*) to be the masters of servants, though some of these philosophers specifically refer to the wife's duties with regard to the supervision of female servants. Refer to *Freedman*, Writings, 317 (fn. 66).

17 Concerning discussion of these three societies – by Wendelinus (1638), Tollius (1681), *Keckermann*, *Synopsis* and *Wellendorffer* (1511) as well as by additional academic philosophers – see *Freedman*, Writings, 297, 298 (and Table E), 299 (and Table F), 300 (and Table G), 301 (Table H), and 314-317 (fn. 37-73).

In „imperfect“ societies one or more members normally found within these three domestic societies are missing.¹⁸ In an „accidental“ society (*societas accidentalis*) additional persons (e.g., orphans, wards, apprentices, relatives by blood or marriage, tenants, skilled workers) are included within the extended parameters of the family.¹⁹ Attention is also sometimes accorded to households where the head of the family is also a political authority (and /or where there are other special circumstances), whereby they consist of a large number of persons and domestic possessions.²⁰ However, the nuclear family – not: the extended family – is regarded as the norm.

Discussion of domestic possessions normally consists of the following components: 1. their sub-categories,²¹ 2. their acquisition, and 3. their administration. Domestic possessions are either animate (e.g., servants and beasts) or inanimate. The latter includes the house (*domus*) and all objects that are not attached thereto.

Domestic possessions are acquired using means that normally are referred to as natural and „non-natural“ (*artificialis*), but to which extraordinary (*extraordinarius*) is often added.²² Natural means include agriculture, fishing, hunting, mining, and wood cutting. *Artificialis* usually refers to (or: focuses to a large extent on) commerce. Extraordinary means include

18 Concerning imperfect societies – as well as celibate persons included therein – by Burgerdicius (1654) as well as by other academic philosophers refer to Freedman, Writings, 302 (and Table J), 318 (fn. 85-87).

19 See the discussion on accidental societies in Freedman, Writings, 300, 301 (and Table I), 318 (fn. 74-77).

20 Refer to the discussion of these exceptional (larger) households (and a list of authors who accord them attention) in Freedman, Writings, (fn. 1), 305, 306 (including Table P), 320 (fn. 105-109). These exceptional households can be regarded as the predecessors of Central European governments that replaced *oeconomica* of the 16th- and 17th-centuries with „economic sciences“ (Die ökonomischen Wissenschaften) during the 18th century. Among the (apparently relatively few extant) non-academic writings on (larger) household management published in Central Europe during the latter half of the 17th century is Wündsch, Memoriale.

21 Freedman, Writings, 296 (Table D), 302, 303 (Table G), 319 (fn. 88-90), Tables D and G present classifications of domestic possessions by Witzendorff (1642) and Reyher (1635) respectively; the classifications by Keckermann, Synopsis, 64-71, Pexenfelder, Apparatus, 707-709, and Aicher (1690), 86-98 are mentioned in Freedman, Writings, 319 (fn. 89) unusual (if not unique) is Pexenfelder's discussion (709-711) of household furnishings as well as how household items should be kept in order.

22 Freigius, Quaestiones, fol. a5 refers to *artificialis* as *praeter naturam*, while Wagenseilius, Loculamentum, 191 refers to *extraordinarius* as *neutra*. But the terms *naturalis*, *artificialis*, and *extraordinarius* are almost always used. Some authors add *mixta*, which normally refers to acquisition that combines *naturalis* and *artificialis*.

inheritance, dowry, and gifts.²³ Natural means of acquiring domestic possessions (and especially agriculture) are praised.²⁴ Commerce is generally regarded as acceptable, albeit often with reservations.²⁵ Some authors also mention additional non-natural means of acquiring domestic possessions.²⁶

With regard to the administration of domestic possessions²⁷, the distinction is made between domestic maintenance and the sale of domestic produce.²⁸ When discussed, there are three methods of domestic maintenance: 1. the Athenian (*Attica*) method, 2. the Persian (*Persica*) method, and 3. the Spartan (*Laconica*) method. In the first method, the father of the family directly manages and inspects all (incoming) domestic possessions. In the second method, the (incoming) domestic possessions are managed and inspected at various locations. And in the third method, the family is supported on the basis of its own domestic possessions only.

There are two methods to manage and sell domestic produce. In the Athenian method, all domestic produce is sold in exchange for money while in the Persian method, only that domestic produce which is not needed by the family is sold. These five uncomplicated methods of domestic administration appear to have been regarded as appropriate for use by a nuclear family.²⁹

23 These extraordinary means of acquiring domestic possessions were commonly mentioned: some authors – for example, *Pexenfelder*, Apparatus, 708-709 – mention these as well as additional such extraordinary means.

24 Refer here to the discussion in *Freedman*, Writings, 297, 314 (fn. 31-32).

25 See *Freedman*, Writings, 297, 314 (fn. 31-32).

26 For example, *Fabricius*, Thesaurus, 386, mentions individuals who have ecclesiastical duties, who are medical practitioners, lawyers, and counsellors to civil authorities, who serve in the military, who work as artisans, and who do hard labor. In this connection, painting (*pictura*) and architecture are mentioned by *Foxius Morcillus*, Ethices, 110. For *Pexenfelder*, Apparatus, 708 non-natural means of acquiring domestic possessions include the acquisition of a house (*aedificatio*).

27 While the term *oconomica* is generally used during the 16th and 17th centuries to refer to the discipline /sub-discipline of family life, the term *oconomia* is sometimes used to refer to the administration of the household; see *Freedman*, Writings, 304 (and Table M), 305.

28 This distinction is made by *Alstedius*, *Cursus*, cols. 2244-2246 and is presented in *Freedman*, Writings, 303, 304 (Table L). *Alstedius* also refers there to the use of domestic possessions in one's own household (*erogativa*) as well as elsewhere (*benefactiva*).

29 A list of some writings that mention these three methods of domestic maintenance and /or these two methods of produce sale is provided in *Freedman*, Writings, 314 (fn. 30), 319 (fn. 93).

3.

Within 16th- and 17th-century academic philosophical writings on the family, the small size of the nuclear family apparently is regarded as a source of domestic stability.³⁰ It is sometimes noted that 1. children are no longer members of their own (childhood) family once they marry³¹ and 2. one should avoid having a multitude of servants (in a nuclear family).³² And polygamy is apparently not regarded as permissible within discussions of the family in Central European academic philosophical writings prior to the late 1690s.³³

The husband and wife relationship discussed within these writings is also regarded as stable. The husband is the ruler of the family (*paterfamilias*).³⁴ Discussion is normally provided of the criteria by means of which the husband chooses his wife. On the other hand, criteria for how a wife should choose a husband are not provided in these academic philosophical writings.³⁵ The husband is responsible for the safety of his own wife. The wife needs to have constancy: she should tolerate her husband's excesses and should serve as his daily, life-long, and inseparable companion.³⁶

30 To give one example, refer to the following: „Quo quid magis accedit ad multitudinem, eo magis recedit a perfectione, & facile admittat confusionem; idcirco si plures sint societates, quam illae 3. essentiales, difficilior est administratio domestica, & confusionibus magis obnoxia.“ *Keckermann*, Synopsis, 62.

31 „Quamdiu durat Patria Potestas? Imperium patrum non est perpetuum, sed finem consequitur, quando liberi similes Parentum evadunt: quod tum fit, cum ipsi, & se, & familiam suam in legitimo conjugio, cum consensu parentum initio, regere possint, & e patria potestate dimissi sunt.“ *Wagenseilius*, Loculamentum, 187.

32 Refer here to Maresius (1642), 120 (no. 4) as well as to Ludenius / Schonbergius (1654), fol. B1v (45-46) as cited in *Freedman*, Writings, 335.

33 For example, see Maresius (1642), 116, Thuronius / Abraham (1653), 6, Laurbergius / Torstanus (1654) and Schumbergius (1667), 118 as cited in *Freedman*, Writings, Bibliography as well as to *Wagenseilius*, Loculamentum, 186. The earliest academic philosophical treatise found (by this author) to date in which polygamy is accepted (with reservations) is *Buddeus*. This does not apply to what was sometimes referred to as „successive polygamy“ (*polygamia successiva*), when, for example, a husband remarries after his wife has died.

34 This was apparently virtually always the case within these academic philosophical discussions of the family. Refer to *Freedman*, Writings, 297, 298 (and Table E, 4c), 315 (fn. 49).

35 One non-academic publication that does so is *The court of good counsell*.

36 „Uxor debet patienter tolerare mores mariti, etiam morosos; quia hac tolerantia nihil est accommodatius ad felicem administrationem rei domesticae.“ *Keckermann*, Synopsis, 28. „Prudens cohabitatio & fides, qua uxor mariti imperio subjecta ad

In these 16th- and 17th-century writings, the minimum family size is normally considered to be four persons (husband, wife, one child, and one servant) or only three persons.³⁷ Where the three-person minimum family size is mentioned, a servant (in addition to the husband and wife) is sometimes regarded to be more necessary than is a child.³⁸ While the rationale for such a preference for a servant is generally not discussed, one reason for it can be ventured here: a servant (who is not only a family member, but also is a domestic possession) may have been considered as more important than a child for the sake of the financial (and: for the overall) stability of the family.³⁹

The father of the family is responsible for the family finances. It is occasionally noted that excessive spending on celebrations should be avoided.⁴⁰ The marriage dowry is sometimes discussed.⁴¹ It is important that the wife should provide a dowry when she marries. However, it is also important that the dowry should not be so large that the wife's (childhood) family might then attempt to control the family of the husband; such an attempt could be regarded as creating instability within the family of the husband and his (new) wife. The attention given to domestic possessions (including the acquisition and administration thereof) within academic philosophical writings that discussed the family underscores the importance accorded to domestic possessions for the stability of the family.

The concept of moral virtue – which during the 16th and 17th centuries was a central (if not the most important) concept in academic philosophi-

ingenium & mores ejus sese unice accommodat, mores ejus quoscumq; tolerat, ipsumq; rebus secundis pariter & adversis constanter amat, & ne quid adversi accidat, precatur.“ *Fabricius*, Thesaurus, 379.

37 Concerning minimum family size refer to the publications mentioned in *Freedman*, Writings, 321 (fn. 110-111) that are also cited there in the bibliography.

38 See *Freedman*, Writings, 305 (including Table N) and the writings mentioned on 320 (fn. 100) which are also cited there in the bibliography.

39 In these writings it is also sometimes stated that (grown) children should help their parents who are in financial need. For example: „Liberorum vero erga parentes officia sunt ... 3. ... subsidium, in quibus adversis rebus, & necessitatibus erga parentes.“ *Vogelius*, *Aristoteles*, 357 (CLXXXI). „Quaenam sunt Liberorum erga Parentes Officia? ... 2. Ut eosdem juvent, & si necesse fuerit, illos sustentent.“ *Wagenseilius*, *Loculamentum*, 187. Also see *Tollius* (1681) as discussed in *Freedman*, Writings, 298, 299 (including Table F, 13).

40 For example, this is advocated by *Alstedius*, *Cursus*, col. 2245-2246 and by *Verhel* (1632), fol. V10r (No. 15-17). See *Freedman*, Writings, 304 (Table L, 4.) and 341.

41 See *Freedman*, Writings, 297, 298 (Table E, 1e.), 315 (fn. 43).

cal treatises on ethics⁴² – also has a strong presence within academic philosophical discussions of the family. Virtue was generally regarded during these two centuries as a medium (*mediocritas*) between two extremes. The presence of this medium between extremes is also evident within 16th and 17th century academic philosophical writings on the family.⁴³

Three examples of this presence can be mentioned here. First, the size of the family should neither be too small (as in imperfect families), nor should it be too large (that is – generally speaking – no larger than nuclear families). Second, the husband should have authority over his own wife; however, his rule should be moderate, not tyrannical or violent.⁴⁴ And third, in conversing with servants, a master should show neither too much familiarity nor too much aloofness from servants, who should neither be too timid nor too audacious.⁴⁵ The medium between extremes within family life is apparently regarded within these academic philosophical writings as supportive of domestic stability.

Discussions within these same writings of the differences between family life and politics sometimes appear to accord more stability to the former than to the latter. For example, in an encyclopedic philosophical treatise by Joannes Crassotius (1630) the following is noted:

Is domestic administration different from political administration? [Yes] First, there are very few varieties of domestic administration as opposed to many different varieties of political administration. [...] Fifth, the roles of ruler and ruled can hardly change within domestic administration but can easily change within political administration.⁴⁶

42 For example, refer to the sections on ethics contained within the encyclopedic philosophical writings by *Reisch* (1503), *Wildenberg* (1553), *Calvinus* (1595), *Alsted* (1620), *Reyher* (1635), *Seybothius* (1658), *Pexenfelder* (1670), and *Tollius* (1681) cited in *Freedman*, Writings, Bibliography.

43 For example: *Hegendorfinus* (1536), 6; *Gronbeccius* (1592) 3; *Verhel* (1632), 6 (no. 17) as cited in *Freedman*, Writings, Bibliography.

44 This moderation is evident in *Wendelinus* (1638), 12-24 as presented in *Freedman*, Writings, 298 (Table E).

45 For example, see *Wellendorffer* (1511), 19r-24v, as discussed and cited in *Freedman*, Writings, 300, 301 (Table H, 3, 7). Also see *Aicher* (1690), 6 as cited there in the Bibliography.

46 „Oeconomia differne a politia? Differt primo, qui una – oeconomia pauciores /politia plures – continet varietates ac differentias. ... Quinto quia – oeconomia vix /politiae facile – admittit vicissitudinem imperij & obsequij.“ *Crassotius* (1630), 1215. (An exact literal translation is deemed not to be possible here.) Also see *Freedman*, Writings, 307, 308 (Table Q), 321 (fn. 113), 329. Refer to the following additional example:

4.

There are some precursors – beginning mainly in the 1670s – of the demise of family life (*oeconomica*) as a self-contained academic discipline or sub-discipline of philosophy in Central Europe. Three such precursors can be mentioned here. First, within the realm of academic ethics, the centrality of moral virtue was challenged by the concept of morality (*honestas / moralitas*), which places that which is moral within specific social contexts.⁴⁷

Second, natural (secular) law emerged as an academic subject-matter within the context of practical philosophy. Natural law began to be taught at individual Central European universities within jurisprudence and philosophy faculties.⁴⁸ Linked to natural law was the emergence of the concept of sociality (*socialitas*).⁴⁹ And third, views towards commerce appear to have become more positive than previously within Central European academic philosophical publications during the course of the late 17th century.⁵⁰

5.

What appears to be a clear indicator of this demise of the family as an academic discipline /sub-field of philosophy (in Central Europe) is the discussion of the family within a treatise on practical philosophy that was first published by Johann Franz Buddeus in 1697. His treatise on Practical Philosophy (1697) is divided into four parts, which focus on ethics (Part 1) and on human actions (Parts 2, 3, and 4).⁵¹ Ethics focuses on the nature of

„Deinde in societate domestica qui imperant, semper imperat, neque cum alio alternos imperandi vices gerit, sed qui in societate civili imperant, non semper imperant, sed saepius vicissim, seu vices imperandi cum aliis permutant, ita ut modo imperant, modo pareant, pro ratione ejus ordinis, qui in societate servatur.“ *Thegen / Mollerus*, Disputatio, B4v (VIII., lines 8-14).

47 Refer to *Freedman*, Introduction, 24-26, 50-51 and *Mautner*, Virtue.

48 Refer here to *Döring*, Ausdifferenzierung, 108-109.

49 See *Carr / Seidler*, Pufendorf and *Haara*, Sociability.

50 For example: „Sine commerciis in republica commode non possumus. Sunt enim necessarium & utile quoddam humanae inopiae sublevandae subsidium.“ *Frommen*, 338; also see *Tribbechovius / Christierin*, De commerciis; *Bödiker*, De commerciis, and *Sahme / Gensischen*, De mercatorum.

51 *Buddeus*, Elementa, which was republished in 1703 together with the first editions of his treatises on rational philosophy and theoretical philosophy. Part 2 and Part 4 focus on Natural Jurisprudence and Politics, respectively. Part 3 (on *Jus Gentium*) of the 1697 edition is not included in the 1703 edition of this same work, though most of

humans, which includes discussion of the faculties of the human mind and the human body together with 2. what he refers to as the „sickness“ (*morbis*) of the human mind as well as remedies needed in order to cure that sickness.⁵²

As discussed within the context of Natural Jurisprudence (Part 2), human actions need to be in accordance with the law of nature and natural law.⁵³ Natural law (*lex naturalis*) requires that humans are obliged to accept subordination to a (civil) ruler.⁵⁴ All morality (*moralitas*) is made possible on account of law.⁵⁵ Individual virtues are accorded some attention but virtue itself is no longer considered as a central concept.⁵⁶

Human actions are referred to as obligations (*obligationes*) and also as duties (*officia*); duties are 1. duties to God, 2. duties to oneself, and 3. duties towards others.⁵⁷ The duties of humans towards others require that humans live „socially“ (*socialiter*).⁵⁸ Living socially is also mandated by natural law; a person who is outside of all society is miserable and is susceptible to much danger.⁵⁹

Family life is discussed by Buddeus in two separate segments. The first segment (in Part 2 of his Practical Philosophy) focuses on duties towards others, which includes the duties of 1. husband and wife, 2. parents and children, 3. master(s) and servants, and 4. rulers and citizens.⁶⁰ The following four topics are among those discussed in Part 2. First, marriage (conjugal status) is – in accordance with the laws of nature (*leges naturae*) – a pact

the content of Part 3 (1697) is included within Part 2 (Natural Jurisprudence) of the 1703 edition. Concerning the 1703 edition (and its use in the year 1728) see Freedman, Emotion, If.. A biography of Buddeus is provided by Aland, Buddeus.

52 Buddeus, Elementa, 1-220.

53 „Jurisprudentia naturalis [...] est pars philosophiae practicae, actiones hominum ad legem naturae componere docens. Dari autem Jurisprudentiam naturalem ex eo probatur, quia dantur leges naturales, ad quas actiones hominum sunt componendae.“ Buddeus, Elementa, 223 (§1-§2). It appears that *lex naturae* and *lex naturalis* are synonymous here. Concerning the evolution of the concept of natural law during the early modern period refer to Schröder, Concept.

54 Buddeus, 245 (§1), 321 (II.).

55 „Omnis enim moralitas a lege est.“ Buddeus, Elementa, 240 (§1).

56 Refer to discussions of selected individual virtues in Buddeus, Elementa, 319-320 (§45), 324 (§8).

57 Buddeus, Elementa, 263-376.

58 Buddeus, Elementa, 282 (§1).

59 Buddeus, Elementa, 255 (§14), 256-257 (§16).

60 Buddeus, Elementa, 325-344.

between a man and a woman for the purpose of having children.⁶¹ While polygamy is deemed to be inconsistent with *jus naturale*, the marriage pact – which is in accordance with *lex naturae* – requires the birth of children – even if this has to happen via a man together with more than one woman.⁶²

Second, a family can be considered as nuclear but also as an extended (non-nuclear) family.⁶³ Third, if children are not educated for their participation in social life (*vitam socialem*) the greatest misery for all of humanity will result therefrom.⁶⁴ And fourth, a marriage is not legitimate unless it is considered as such by civil authority.⁶⁵

In the second segment (in Part 4 of his Practical Philosophy), the family is discussed within the context of prudence (i.e., politics /civil society) and natural law. The following three topics are among those discussed in Part 4. First, the head of the family (*paterfamilias*) is responsible for the complex endeavor of managing the family.⁶⁶

Second, he should have a suitable natural disposition as well as a comprehensive understanding of the multiple tasks involved.⁶⁷ This includes the acquisition of domestic possessions via agriculture and commerce; Buddeus does not state that former is to be preferred over the latter.⁶⁸ The *paterfamilias* should work with others engaged in commerce but also should be on the alert against fraud and with regard to potential ventures that are not advantageous.⁶⁹ And third, while the *paterfamilias* should promote

61 Buddeus, Elementa, 326 (§3).

62 „Finis etiam huius pacti, sobolis procreatio, cum obtineri possit, etiamsi unus vir pluribus iungitur foeminis, quin lege naturae istud licitum sit, nullus dubito.“ Buddeus, Elementa, 327 (§8, lines 1-4). But Buddeus adds here – 328 (§8, lines 16-19) – that „[...] polygamia simultanea [...] juri naturae repugnant.“ It appears here that Buddeus tolerates polygamy – where needed for the birth of children – but does not approve of it. For Buddeus it appears that *lex naturae* pertains to the actual laws while *jus naturae* focuses on law considered more broadly.

63 Buddeus, Elementa, 343-344 (§9-§10).

64 Buddeus, Elementa, 332 (§1).

65 Buddeus, Elementa, 331 (§13); however (331-332), he appears to make exceptions here in the case of marriages by nobles (*coniugia ad morganaticum*).

66 Buddeus, Elementa, 500-501 (§4-§5), 502-504 (§7-§9).

67 Buddeus, Elementa, 500-501 (§5). In his discussion of disposition (*indoles*) Buddeus notes (501, lines 1-7) that a *paterfamilias* who has a melancholy and sanguine temperament (*temperamento melancholico, sed per sanguineum temperato*) is most suitable to administer a household. Concerning Buddeus's discussion of temperament refer to Freedman, Emotion, 23-24.

68 Buddeus, Elementa, 500-501 (§5), 503-504 (§10).

69 Buddeus, Elementa, 500 (§4), 503 (§8).

happiness within the family, the actions of the *paterfamilias* to this end should not negatively impact upon (what is referred to as) the happiness of the entire (civil) society.⁷⁰ In this connection, Buddeus also indicates that civil society is „preferable“ (*praeferendus*) to domestic society.⁷¹

6.

Buddeus's views concerning the family are similar in many respects to some such discussions within early 18th-century academic philosophical treatises published in Central Europe. Here the examples of four such philosophical treatises will be discussed.⁷² Three are authored by Protestants – Ludwig Phillip Thümmig (1726), Christoph Andreas Büttner (1734), and Johann Heinrich Winckler (1735) – and the fourth one is authored by a Benedictine monk, Andreas Gordon (1745).⁷³

Thümmig discusses the family in the context of natural law and also within the context of politics (and there indirectly within natural law). The acquisition and administration of domestic possessions are not discussed; possessions (generally considered) are discussed within the context of natural law. The purpose of conjugal society (husband and wife) is the birth and education of children; polygamy is acceptable if needed for this purpose. The well-being of the family (domestic society) as a whole takes priority over the well-being of individual family members. And the well-being of conjugal society is maintained when the bodies, minds, and virtues of

70 *Buddeus*, *Elementa*, 498-499 (§2).

71 „[...] sicut si etiam [paterfamilias] civis ist, status societatis civilis praeferendus est statui societatis domesticae &c.“ *Buddeus*, 504 (§10, lines 12-15).

72 Here I have utilized four encyclopedic philosophical treatises published in Central Europe between 1701 and 1750 (that have been located by this author) in which the family is discussed. The following tentative conclusion can be ventured here with regard to academic philosophical writings published in Central Europe between 1500 and 1750. It appears that the family was discussed in substantially more of these writings published prior to the year 1700 than in those writings published during the first half of the 18th century. But this apparently was not the case in Scandinavia; for example, refer to the following two disputations: *Kalm / Hollberg*, *Theses* and *Låstbom / Flygare*, *Dissertatio*.

73 Short biographies on Thümmig, Büttner, Winckler, and Gordon are provided by *Liebmann*, *Thümming*, *Häckermann*, *Büttner*, *Liebmann*, *Winckler* and *Lauchert*, *Gordon* respectively.

children prepare them well to become good citizens of the commonwealth (*respublica*).⁷⁴

In Büttner's treatise the family is discussed in the context of natural law and also within the context of politics (and also – indirectly – within the context of natural law).⁷⁵ Domestic possessions are discussed in general terms without attention to methods for their acquisition and administration. The purpose of conjugal society is the birth and education of children. Polygamy is discouraged but not rejected. Children born outside of marriage must be educated.

Büttner accords attention to tutors (*tutores*) who serve as surrogate parents. The well-being of the family as a whole is more important than the well-being of individual family members. And individuals who completely reject sociality need to be coerced into involuntary servitude.⁷⁶

The family is discussed by Winckler within the context of natural law, which sets – in accordance with morality (*honestas*) – the parameters for human actions. Human duty (*officium*) is action that is in harmony with natural law. These human duties are 1. to God, 2. to oneself, 3. to other humans considered generally (including: friendship), and 4. to other humans within the context of society, referred to as sociality (*socialitas*). The purpose of conjugal society (husband and wife) is to have and educate children; not to do so is not in accordance with natural law. Polygamy is acceptable if children will otherwise not be born.

Winckler's brief segment on domestic prudence (*prudencia oeconomica*) only discusses the abilities (or: lack thereof) of individual family members; possessions (generally considered) are discussed in the context of natural law. The well-being of the family as a whole is more important than the well-being of individual family members. Briefly discussed by Winckler are tutors (*tutores*) who serve as surrogate parents.⁷⁷

74 This paragraph is documented in *Thümmig*, Institutiones, 87-110, 115-139 (115-117, 139), 370-392 (370, §12) (388-389, §81), Hh5v (*Polygamia*).

75 *Buttnerus*, *Cursus*, 199-230, 379-383, 426-438.

76 The individual points mentioned within this paragraph and within the final four sentences of the previous paragraph are documented in *Buttnerus*, *Cursus*, 200 (§280), 204-205 (§288-289), 221 (§325), 227 (§341), 228 (§347), 426-438.

77 These two paragraphs are documented in *Wincklerus*, Institutiones, 643, 653-654, 705 (§2110-2111), 705-736, 748-774, 779-780 (§2395-2397), 787-789 (§2416-2418, 2423), 794-796 (§2430-2342), 811-812 (§2470-2474), 825 (§2501-2503), 1004-1006 (§2936-2951).

According to Gordon, the principal focus of moral philosophy is human actions. Eternal law, which also is natural law, is the source and regulator of all human actions. Divine and natural law serve as the basis for human duties (*officia*). These duties are to 1. God, 2. to oneself, 3. to one's family, and 4. to one's commonwealth (*respublica*) /civil authority. The purpose of conjugal society (husband and wife) is to have and educate children. Polygamy is only permitted if that purpose cannot otherwise be attained. Family life (*oeconomica*) is briefly mentioned in the preamble to Gordon's moral philosophy; it is noted there that commerce (*mercatura*) and agriculture are among the ways to acquire domestic possessions (*res familiares*).⁷⁸

With regard to discussions of the family within these treatises by Thümmig, Büttner, Winckler, and Gordon, the following summary comments can be made. All four authors discuss the family within the context of natural law. All four authors state that the purpose of marriage is the birth and education of children, and they all agree that polygamy must be allowed as needed towards this end. Thümmig and Winckler both discuss possessions in the context of natural law; neither of them accords attention to domestic possessions. Büttner and Winckler both accord attention to surrogate parents.

7.

Thümmig, Büttner, and Winkler all appear (generally speaking) to have been more critical with regard to the status of the family than were their 16th- and 17th-century predecessors.⁷⁹ In Thümmig's philosophy treatise, a chapter *On Promoting the Well Being of the Household* is devoted to a series of household problems, including [1] potential challenges to the household head (*paterfamilias*), [2] the consequences of continual discord between

78 These two paragraphs are documented in *Gordon*, *Philosophia*, 213-216, 218-219, 331-332 (10-II), 334 (13.), 341, 507, 511-515.

79 This is not to say that domestic problems were not discussed within 16th- and 17th-century academic philosophical writings that discussed the family. For example, issues pertaining to marriage dowries are mentioned on page 217 together with footnote 41. But the (normally brief) discussions of such problems did not distract from the general focus in these writings on domestic stability. Comments by *Thümmig*, *Büttner*, and *Winckler* pertaining to the family – as summarized in this and the following paragraph – all appear to have strongly emphasized the instability of the family.

the *paterfamilias* and his wife (*materfamilias*), and [3] attempts by children and servants to dominate each other.⁸⁰ And in his Chapter on marriage (*conjugium*), Winckler focuses to a large extent on discussion of sodomy, incest, adultery, malicious desertion, divorce, and concubines.⁸¹

Büttner's discussion of conjugal society includes attention given to abortion, adultery, incest, licentiousness, malicious desertion, and sodomy.⁸² When focusing on domestic possessions, adultery, avarice, deceit, misused domestic wealth, quarrels, and vanity are among the topics discussed.⁸³ And within any given (domestic) society there are problems with certain individuals; for this reason, civil authority is needed.⁸⁴

8.

Ludwig Philipp Thümmig was a student (and then a close colleague) of Christian Wolff.⁸⁵ Wolff's treatise on family life (*oeconomica*) was published in two volumes in 1754 and posthumously in 1755.⁸⁶ It has its foundation in Wolff's Eight-Volume treatise (1741-1748) on Natural Law (*jus naturae*); Volume 7 (1747) thereof focuses on the family.⁸⁷

Wolff's two-volume treatise on the family contains lengthy sections on the husband-wife, parents-children, and master(s)-servants societies, but does not discuss how domestic possessions should be acquired or administered.⁸⁸ Possessions (generally considered) are discussed in Volumes 4 (1744) and 5 (1745) of his treatise on Natural Law; in Volume 7 domestic

80 Thümmig, *Institutiones*, 388-392 (Cap. IV. De promovenda salute domus).

81 Wincklerus, *Institutiones*, 787-802 (789, 796-801).

82 Buttnerus, *Cursus*, 201, 206, 207, 209, 211, 212.

83 Buttnerus, *Cursus*, 432, 434, 437, 438.

84 Buttnerus, *Cursus*, 229-230 (§349-§350).

85 Refer to Liebmann, Thümmig.

86 Wolff, *Oeconomica pars prima* and Wolff, *Oeconomica pars reliqua*.

87 Wolff, *Jus naturae*, Volumes 1-8.

88 Wolff's *Oeconomica* contains two relative brief segments pertaining to domestic possessions: [1] in the context of conjugal society: *Oeconomica, pars prima* (1754), 199-216 (§126-§136) and [1] in the context of domestic prudence: *Oeconomica pars reliqua*, 608-618 (§771-§779). In the former [1] domestic possessions are discussed in the context of marital duties and ethics; in the latter [2] the principal focus is ethics. In neither of the two volumes is there discussion of how domestic possessions are to be acquired or administered.

possessions are discussed within the context of natural law.⁸⁹ In Volume 7, polygamy is considered acceptable if needed for the birth of children.⁹⁰ His treatise on the family contains lengthy sections 1. on proxy parents, who serve as surrogate parents and 2. on how the family should be integrated within a village.⁹¹ In his treatise on Natural Law it is noted that less complex (including: domestic) societies must defer (when necessary) to civil society (and to political authority).⁹²

9.

Academic philosophical writings in which both family members and domestic possessions were discussed – which were published prior to 1700 – apparently ceased to be published in 18th-century Central Europe. After 1700 the term *oeconomica* began to be used increasingly to refer to both domestic and civil (or: mainly /only to civil) possessions.⁹³ Academic teaching positions for *Kameralwissenschaften* (which included *Ökonomie*) were established at the Universities of Frankfurt an der Oder and Halle in 1727 – and thereafter at many other Central European universities during the course of the 18th century.⁹⁴

89 These Volumes 4 and 5 both focus on possessions – and not domestic possessions – within legal contexts. In Volume 7 domestic possessions (*res domesticae*) are briefly defined and the administration thereof is referred to as *oeconomia* (287, §422). However, thereafter (287-307, §422-§457) domestic possessions are discussed primarily in the context of natural law; not discussed is the various kinds of domestic possessions, nor how they should be acquired and administrated.

90 Wolff, *Jus naturae*, 209-211 (§300). Here Wolff is actually referring to *polygynia*, a sub-category of polygamy referring specifically to one man and more than one woman. But while it is said here that *polygynia* is not inconsistent with *lex naturae*, Wolff then adds – 213-214 (§302) – that *polygynia* is not in accordance with *jus naturae*. For Wolff (as for Buddeus: see fn. 62) it would appear that *lex naturae* pertains to actual laws within civil society while *jus naturae* focuses on law understood more broadly.

91 Wolff, *Oeconomica pars reliqua*, 205-301 (§417-§492: De vicariis parentum, tutoribus et curatoribus) and 688-726 (§857-§900: De prudentia domus augendi & in vicum consociandi).

92 Wolff, *Jus naturae*, Vol. 7, 129-130, 357-359, 833 and Wolff, *Jus naturae*, Vol. 8, 1-8.

93 This can be ascertained in part via the following publications: Rohr / Buchnerus, *Verbesserung*, Vanossi, *Tripartita*, Gasser, *Cameral=Wissenschaften* and Fürstenau, *Desideria*.

94 Refer to the discussion (and the literature cited) in Sandl, Viadrina and in Tribe, *Cameralism*.

10.

The following summary comments can be presented here. From the vantage point of academic philosophical discussions of the family in Central Europe, these discussions during the 16th and 17th centuries appear to have differed substantially from those same discussions during the first six decades in the 18th century. In the 16th and (primarily in) the 17th-century, family life (*oeconomica*) was a discipline /sub-discipline of academic philosophy. It discussed both family members and (the acquisition and administration of) domestic possessions. Virtue (a central concept in ethics) contributed to the stability of the family. The family was nuclear: polygamy was forbidden, and surrogate parents were not discussed. The (nuclear) family was regarded as more stable than civil authority (*politica*); civil authority frequently was not discussed in connection with family life.

By contrast, in Central European academic philosophical publications beginning no later than with Buddeus (1697) family life (*oeconomica*) apparently ceased to be a discipline /sub-discipline of philosophy and instead was discussed within the context of natural law, sociality, politics, and prudence. Individual virtues were discussed but virtue itself was no longer a general concept; it was generally replaced by morality (*honestas / moralitas*), which was linked to social norms.⁹⁵ Family members continued to be discussed, but how to acquire and administer domestic possessions generally was no longer accorded attention. The family was frequently no longer discussed as a unit, but rather was addressed within two or more separate segments in a given academic philosophical publication.

In addition, polygamy was accepted when sanctioned, permitted, or tolerated by natural law. Surrogate parents were sometimes discussed. Problems (possibly implying: instability) within domestic society (i.e., the family) received more attention than they generally did prior to the 18th-century.⁹⁶ The family was linked (and subordinated) to civil authority via natural law and sociality. As a consequence of these changes, the stability of the

95 One exception can be mentioned here. The concept of virtue is among the most central concepts used within a treatise on Ethics and Politics published by *Hackmann*.

96 While stability of the family (which includes the view that the husband has authority over the household) is given central importance within 16th- and 17th-century academic philosophical publications, this does not mean that the husband always had such authority beyond the realm of academic philosophy. For example, refer to *Sommer*, *Malus* and the following study on the Lennard family in late 17th-century England *Pollack*, *Patriarchy*.

family (in 16th- and 17th-century Central European academic philosophical publications) was replaced (in early 18th-century academic philosophical publications) by the „instability“ of its dependence on civil stability.

11.

Here the following three concluding comments can be ventured. First, the 18th-century is commonly associated with (what is referred to as) the Enlightenment. The term Enlightenment can be said to imply (or suggest) that the 18th century ushered in a period of progress vis-à-vis the 17th-century. Here it will only be mentioned – on the basis of the academic philosophical discussions of the family examined here – that in 18th-century Central Europe 1. the family (when considered as a whole) was no longer recognized as an academic philosophical subject-matter and 2. that the subordination of the family to civil authority apparently was commonly accepted within academic philosophical writings published in 18th-century Central Europe. From the vantage point of the family, this may or may not denote progress.

Second, the viability of the family as a discipline /sub-discipline of philosophy in Central Europe did not survive the separation of 1. discussion of family members from 2. discussion of the acquisition and administration of its (domestic) possessions.⁹⁷ Even from a theoretical standpoint, a family without possessions cannot be said to have an independent livelihood. And third, the increasing complexity of the economic needs of political entities necessitated the emergence of the „economic sciences“ (*Die ökonomischen Wissenschaften*) in lieu of the relatively elementary methods of domestic acquisition and administration found within 16th- and 17th-century publications on family life (*oeconomica*).

97 The perceived necessity of domestic possessions for the family is evident in the following: „Porro partes Oeconomiae sunt, ut Aristoteles vult, homo, ac res familiares: quoniam duobus his constare omnem familiam necesse est.“ *Foxius Morcillus*, *Ethices*, 107, lines 6-10. „Necessaria domesticae societatis principia ac requisita sunt Homines [...] & [...] opes & facultates, sine quibus diu conservari non potest.“ *Butelius*, 139, III., „Ad familiae constitutionem duo requiruntur, Personae et Res.“ *Donaldsonus*, *Synopsis*, 36.