Chapter 7: Patriarchy and Its Discontents

Father-Daughter Relations and the Emergence of Absolutism

In addition to the motif's literary tradition, the medical practice of adult breastfeeding, and the allegorical meaning of breastfeeding in visual culture, legal discourse constitutes yet another horizon of expectation that a contemporary viewer might have brought to bear on representations of Roman Charity. In depicting a father's – undue or at least unusual – consumption of his daughter's body fluids for his own survival, the motif of Pero and Cimon functions as a visual commentary on contemporary father-daughter relations. Even though Whitney Davis might accuse me of "high or extreme contextualism," I hope to not displace but, rather, enhance questions of "configuration and content" with the following essay on political and legal theory.[1] In former chapters, my analysis oscillated between what Erwin Panofsky has called pre-iconographic, iconographic, and iconological recognition – that is, between seeing how a young woman breastfeeds an old man, "recognizing" that they are father and daughter, and attributing, either seriously or in jest, the meaning of "charity" to the scene – but in this chapter, I pay attention exclusively to the gendered nature of filial relationships.[2] I aim to explain in greater detail the complexity of those "relays and recursions of recognition" that a contemporary viewer might have experienced when enjoying a painting of Pero and Cimon, even though the associations deriving from legal culture are admittedly non-visual and do not elucidate any artist's particular lactation scene.[3] My observations start from the premise that kinship relationships usually operate on the basis of reciprocity or the appearance thereof.[4] Maximus's story of Pero and Cimon, however, does not explain the daughter's sacrifice in terms of mutual obligations – in contrast to his twin story of the unnamed Roman daughter and her mother. The juxtaposition with a daughter who returned her mother's love and care makes Pero's act of filial piety seem all the more unmotivated, thus strange and extraordinary. In patrilineal family systems, what do daughters owe their fathers?

Father-daughter relations were at the heart of a complex system of exclusions and displacements governing early modern family law, with immediate repercussions for mothers, wives, and sisters. Unlike ancient Roman law, which gave ample disciplinary powers to the pater familias over his wife, children, and slaves but retained the concept (if not the practice) of equal inheritance for sons and daughters, medieval and Renaissance dowry systems introduced a heavily gender-inflected system of devolution. Especially in central and northern Italy, statutory laws severed any relationship between the "legitimate" part a male heir was supposed to receive from his father and the bridal portion his sister could expect. Daughters would get a dowry as compensation for their loss – if they agreed to an arranged marriage – but had no independent claims on their fathers' patrimonies. A strict distinction between male and female lineages was the result of this gendered exclusion. Widows lost their claims to one-third of their husbands' properties, which they enjoyed under Lombard law, and had to be content with a simple return of their dowries and the right to stay in their in-laws' house to raise their children. Mothers, likewise, had no inheritance rights if their children predeceased them, and they were pressured to funnel any independent properties they might hold into their daughters' dowry accounts, to supplement or substitute for their husbands' lack of commitment vis-à-vis female descendants. Sisters were supposed to receive marriage portions that were congruous with a brother's "legitima" [a fixed ratio of the father's patrimony], but no law specified what dotal "congruity" meant in practice. Dowries could vary in size even among sisters; only sons could look forward to a predictable and even distribution of their fathers' resources, unless they lived in regions where primogeniture prevailed.[5]

The dowry system as reinvented by medieval statutory law had a huge impact on structuring father-daughter relations and would have influenced the manner in which contemporary viewers approached representations of Pero and Cimon. Not only did the incestuously sexual implications enhance the shock value of the image but also Pero's milk-offer resonated powerfully in a culture in which the legal definition of patrilineal kinship was grounded in a fiction of paternal blood being passed down the generations. In medical terms, breast milk was just another permutation of blood, seen as analogous to sperm since Berengario's – erroneous – discovery of a vein connecting men's and women's genitalia to their nipples. The view of milk's origin in blood and its structural similarity to sperm was given up in the course of the seventeenth century, when breast milk came to be seen as derivative of chyle instead. Despite the efforts of sixteenth-century Galenic anatomists to view male and female reproductive organs as commensurate – if not identical – with each other, women's body fluids never attained any legal significance in early modern Europe. The sharing of female liquids was not viewed as constitutive of family relations according to the law. Legal kinship was defined as agnatic;

resting on the Aristotelian fiction of paternal blood, it codified ties between men who could inherit from each other, with compensations being made for daughters.[6]

Women found themselves in a somewhat paradoxical situation in that they shared their fathers' blood but could not pass it on to their offspring. According to Aristotle, they lacked the seed to shape their infants in the process of generation. In this medico-legal context, Pero's nursing of her father raises important questions of reciprocity. Did her "filial piety" consist of dutifully returning, in the form of milk, an essentially paternal substance? Or did it consist of the opposite, namely, the entirely gratuitous nature of her sacrifice, given the truncated and inactive nature of his gift of blood? What did a daughter owe her father? In a culture in which gift exchange was of prime significance for the structuring of social relationships, including family ties, representations of Roman Charity may have expressed a deep unease with the gendered asymmetry of early modern family relations. Perhaps they even inspired speculations about alternative – more inclusive, less hierarchical – ways of belonging. Early modern breast milk was never just baby food; it was a powerful rival to paternal blood on the level of phallocentric signification.

Contemporary notions of "consanguinity" had nothing to do with our understanding of bi-lateral or cognatic kinship, theorized by modern legal scholars on the basis of Justinian's *Body of Civil Law* (529–64).[7] The Renaissance notion of the term meant the exact opposite, in distinction to what contemporaries called "uterine" relationships. It denoted agnatic ties exclusively, that is, the legal relationship a father had with his children conceived in a legitimate marriage. For example, Giovanni Battista De Luca (1614–83), a famous legal scholar and judge at the Rota Romana, the papal Supreme Court, calls his claimants Olimpia and Anna Maria, whose last names are not mentioned, "uterine sisters" in distinction to their maternal half-brothers, the "consanguineous" sons of Giovanni Antonio de Constantini, their mother's second husband. Needless to say, Olimpia's and Anna Maria's claims to a portion of their mother's inheritance were denied.[8]

De Luca was an avid defender of women's exclusion from inheritance rights based on Italian statutory law, in contrast to what he called Justinian's Hellenistic – meaning Orientalizing – aberrations of ancient Roman principles. Applying polemical and racist terminology, he called those more woman-friendly revisions of the sixth century CE "Judaismi" on occasion.[9] He saw the properly masculine spirit of Roman law emerging at the time of the city's foundation, when the institutions of marriage, property, and the dowry system also emerged. Roman law's "masculinity" was thus intrinsically and causally connected to the arbitrary and gendered mechanisms of exclusion it codified. Aiming to revive Rome's original patriarchal spirit, he reviewed numerous cases of appeal brought to the Rota by disenfranchised women. He

rejected all of them, reconfirming women's losses in all intestate succession cases in which the preferred heirs were distant agnatic male relatives. Losing their suits were, among others, the mother and sister of Sebastiano de Muscoli, who hoped to inherit their son's and brother's estate at equal portions with his paternal cousins;[10] Elisabetha, niece of the deceased Octavio de Casatellis, who competed with Pietro Francesco, an agnatic relative of the sixth degree, for her uncle's inheritance;[11] and Philomena, who sued her brother Astorre Benincasa for failing to provide her with a dowry.[12]

De Luca explains how the strict medieval laws were by no means "hateful" but were evocative of the conservative spirit of Roman antiquity from "that time period, when civil law was invented."[13] The number of cases brought to his court of appeal suggests a mounting discontent with agnatic statutory law, but De Luca sternly defends Italian cities' medieval abrogations of Justinian's "ius novissimus." Chiding Justinian for his abolition of the differential treatment of heirs according to sex, agnation, and cognation in cases of intestate succession, he polemicizes against the "Greek customs" that inspired his reform and "the worship of the female sex, which was dominant at the time."[14] He emphasizes that, luckily, Justinian's laws were never applied in Italy, which at the time of their proclamation was invaded by Vandals and Goths, and that subsequent Lombard law adopted exclusions of women and cognates similar to those established by their Roman predecessors. He equates the rebirth of Roman law in Italy with the glossators' return to pre-Justinian laws and customs and the subsequent promulgation of statutory law codes.[15] Unable to wrap his head around the possibility of women's rights to equal inheritance, he speculates that either women would no longer receive dowries, "with great peril to society," or they would collect multiple dowries in the form of legacies from all of their ascendant and transverse relatives on both sides, thus potentially accumulating greater shares than their male counterparts.[16] In the former case, women would lose their honor or else remain celibate – because female honor resided in obeying a father's choice of partner in a dotal marriage – while in the latter case, men's properties would be squandered on women for the questionable purpose of rendering them independent.

To his credit, De Luca did entertain the question of whether the medieval dowry corresponded to the ancient Roman "legitima," i.e., an heir's fixed portion of his or her father's inheritance. Prior jurists sometimes avoided the question of whether the dowry constituted a legal right, or else they denied it altogether. The decision was of paramount important to women, because their legal right to a congruous dowry depended on it. De Luca's analysis of statutory law on the issue was hairsplitting: "If the statute says that a daughter does not succeed in the presence of a male, but has the right to a dowry, it follows the opinion of Bartolo, that she is not owed a legitima; if however it says … that a dowered daughter does not succeed with a male … she is not excluded according

to statute."[17] The distinction, which he artfully constructs based on the sequencing of the terms "succession" and "dowry," served to determine whether in any given medieval statute, a daughter's inheritance portion or dowry was legally assimilated to the notion of a legitima. Acknowledging that "there are lots of statutes that say that the dowry substitutes for the legitima, but nowhere does the exclusion precede the mandate to endowment," he concludes that in those former cases, women enjoy the right to a dowry and that "the privileges of the legitima need to follow."[18] Such privileges consisted, first and foremost, of the inalienability of a daughter's inheritance claims, but they could be more extensive depending on the legal situation. In the Realm of Naples, for example, where statutory law had never abolished basic tenets of Byzantine law, daughters received a "dos a paragio," i.e., a dowry that was fully equivalent to the legitima.[19]

Despite his acknowledgment of an explicit relationship between the ancient Roman legitima and the dowry as constituted by medieval statutory law, De Luca promotes a strict gender-based separation of properties. In particular, he strives to disinherit mothers who aim to succeed to their children and wives expecting to inherit from their husbands. One of his favorite terms to refer to such female legacies is "oblique," which he sees in direct opposition to the ideal, "straight" transfer of properties down the agnatic line. In a protracted case about the inheritance of Duke Stefano Bassarelli, De Luca declares that his wife Lucrezia Colonna, whom her predeceased husband appointed as universal heir, "does not deserve to be called straight heir, but supremely oblique, due to the testamentary codicil."[20] This highly unusual testament of Duke Bassarelli angered his remote agnatic heirs, who claimed that his patrimony was entailed in their favor – the couple did not have children – and that the entailment trumped the testament. The ensuing litigation was about determining the validity of Bassarelli's testamentary provision in favor of his wife. Complicating factors were Lucrezia's remarriage, which was to transform her full ownership of the Duke's estate into a life-long usufruct, and the death of Lucrezia's father, who, in the case of Lucrezia's remarriage, was to be appointed universal heir charged with redistributing the estate. The issue was whether Lucrezia could retain her first husband's inheritance entirely and pass it on to her heirs, or whether she needed to return three quarters of it in recognition of the entailment. In the latter case, the question surrounds the applicability of the so-called Trebellianica, or right to retain a fourth of an inheritance entailed in someone else's favor.[21]

De Luca's recurring use of the words "oblique" and "to obliquate" in referring to Lucrezia's inheritance bears an uncanny resemblance to modern notions of the term queer. Different etymological dictionaries of the Latin language explain the term "obliquus" both spatially, as a synonym of "transverse" and "crooked," and sexually, as in "having an illegitimate origin" or

"to bastardize."[22] The eighteenth-century *Dictionary of Latin in its Entirety* by Egidio Forcellini (1688–1768), finally, adds a third definition: "descending from a woman, because cognatic descent through women is transverse [or oblique]; the right one, however, is through men."[23] In Forcellini's definition of "obliquo," contemporary notions of non-normative sexuality, which focus on illegitimate reproduction and the violation of male lineages, are joined with a general sense of "crookedness." Such lack of straightness is explicitly and concretely linked to the practice of cognatic filiation and inheritance. In a remarkable case of circular reasoning, descent through women is called oblique, transverse, or crooked because descent through men is straight and "right." De Luca's campaign against "oblique" transfers of property to female and cognatic heirs thus illustrates beautifully Michel Foucault's distinction between present-day notions of heterosexuality and an earlier stress on – straight – alliances, concepts that organize discourses on normative sexuality in both modern and early modern times, respectively.[24] Calling Lucrezia Colonna's claims on her deceased husband's estate oblique – meaning: queer – has the advantage of identifying early modern "straightness" with a peculiar form of legal reproduction rather than the performance of heteronormativity or cross-gendered object choice. In this discursive context, images of Roman Charity may be seen to celebrate, dramatize, and eroticize "queer" kinship because of the exalted and at the same time abject position of the daughter. Pero's milk-exchange obliquates, subverts, and disintegrates contemporary notions of agnatic kinship not only because Cimon's suckling from her breast counts as an unusual, non-normative, and incestuous activity but also because she uses milk, a female substance, to tie her father in a bond of obligation, as if she possessed something that "mattered" in a mock performance of reverse filiation.

If De Luca – grudgingly – acknowledges the Roman principle of "legitimate" inheritance claims for daughters, Baldo Bartolini alias Baldo novello (1409/14–1490), a professor of jurisprudence at Perugia and Pisa, proposes to view the dowry in the context of religious endowments. In his frequently reprinted *Most Noteworthy, Singular, and Useful Treatise on Dowries* (1479), Bartolini does not give a conclusive answer to the question of whether the contemporary dowry substitutes for the ancient Roman legitima, thus establishing a legal right to inherit, or whether it simply refers to the father's obligation to pay alimonies. He does list the dowry's resemblance to the legitima as part of its fourth "privilege,"[25] but he insists on their difference a chapter later, speculating "that the dowry more often replaces the alimonies than the legitima, mostly because it is owed during the lifetime [of the father]."[26] He arrives at the question of the dowry's legal quality only at the very end of his treatise, where he finally, and seemingly reluctantly, states the father's obligation to pay for it.[27] The preceding two-thirds of his treatise are devoted to an alternative view of the dowry, equating it with a "pious cause" or act of charity. Playing on the medieval

allegorization of the church as Christ's "bride," he declares the endowment of religious institutions such as churches, chapels, and monasteries functionally related to the endowment of marriage.[28] Asking "whether the dowry or the reason for [giving] a dowry … [are] pious," he answers in the affirmative, referring to the many contemporary testamentary bequests in favor of poor girls' dowries.[29] He thus takes the rapidly developing industry of charitable dowries as evidence for their extra-legal quality, even though he implicitly acknowledges the importance of dotal marriages for the social reproduction of elites. He even declares the endowment of rich brides a pious act, as long as persons other than their fathers contribute to it, thus alleviating the difficulties many fathers experienced in responding to the call for dotal congruity, especially given the inflationary dynamic of the marriage market. Dowries assembled or enhanced by supplementary legacies – presumably from cognatic relatives, who were in no way obligated to contribute to them – served a pious cause, since high-ranking daughters would be doomed to celibacy in the absence of a competitive dowry, given the taboo on downwardly mobile marriages.[30]

In his anthropologico-historical analysis of the dowry's emergence in ancient Roman times, Bartolini, like De Luca, relates the invention of civil law to the creation of procedures for the payment and restitution of dowries.[31] In the state of nature [de iure gentium primaevo], he reasons, marriage did not exist, and all children born of a woman were legitimate. But after the invention of private property and marriage, dowries emerged to support the burden of matrimony.[32] Rather than relating the dowry to a daughter's right to inherit, he refers to the object status of all women in need of distribution by and among men and calls the dowry a reward to husbands for undertaking this charge. Civil law, in his account, facilitated women's expropriation and their right to control reproduction, while in man's uncivilized past, all children were legitimate. Bartolini's remarkable causal connection between men's control of female sexuality and the very notion of legal kinship may have inspired later utopian accounts of marriage-less societies such as Tommaso Campanella's *City of the Sun* (written 1602, first published 1623). Instead of free sex and the abolition of legitimacy of descent, however, Campanella envisions a state that assigns women to their mates for the purpose of eugenic breeding.[33]

Baldo Bartolini's treatise argues that dowry exchange does not just facilitate agnatic reproduction but, further, establishes the very concept of social order. The dowry's importance far exceeds legal culture, merging with the universal Catholic mandate for charitable giving. According to Bartolini, its origins coincide with mankind's rise from pre-history. It is hard to imagine a more urgent defense of a financial instrument or a more sweeping function attributed to it than the one formulated by Bartolini. In the late sixteenth century, when complaints about dowry inflation and the pressures of conspicuous consumption – in particular, coerced monachizations – reached a fever pitch, Bartolini's treatise

was reprinted several times. It was in this context that Gianmaria Cecchi Fiorentino's comedy about a marriage impostor scheming to collect a dowry without actually receiving the bride must have seemed hilariously funny.[34]

Marco Ferro's *Dictionary of Common and Venetian Law* (1778–81), by contrast, written at the cusp of the modern age, shows signs of relaxation vis-à-vis the strictures of patrilineal kinship and dowry exchange. In his entry under "agnation," for example, Ferro's historical overview suggests that patrilinearity was an aberration rather than a venerable principle of Roman law, in direct contradiction to De Luca. He points out how the Twelve Tables (440 BCE) established the principle of equal inheritance, which began to be abrogated in 169 BCE when the lex Voconia [Voconius's Law] prohibited daughters from inheriting estates over 100,000 sesterces, but was fully reinstated by Justinian's reform 700 years later.[35] In his definition of "cognation," he even introduces the curious category of "mixed" cognation, which "unites blood relations and family ties, such as when siblings derive from a legitimate marriage."[36] He thus calls cognatic what De Luca would have called agnatic, in an attempt to soften and eradicate the difference between the two concepts. Likewise, Ferro claims "natural" kinship exists through blood ties with both mother and father, while De Luca would have called only "uterine" ties "natural."[37] Ferro follows his theoretical and historical explanations of legal categories with detailed summaries of Venetian statutory law on the issue, but the discrepancies he points out between Roman law, especially in its Justinian variety, and Venetian law suggests he was critical of the latter.

In his entry on "dowry," for example, he does give a fairly accurate description of contemporary dowry exchange, with nods to Bartolini's view of charitable endowments that assimilated bridal dowries to a pious cause. But he also points out that dowries were not necessary for valid marriages to take place, and he emphasizes an open disagreement among various Roman scholars and lawmakers on the issue. While legal scholar Ulpian (170–228 CE) declared that non-dotal marriages were dishonorable, and Emperor Gratian (359–83 CE) even prohibited them, Justinian (482–565 CE) reversed the trend by declaring informal, de facto marriages to be the norm for commoners, and he legitimized their offspring (novella 74,4).[38] In his summary of contemporary legal practice, Justinian declares the father to be "the natural debtor" of the dowry and points out the dowry's relationship to the legitima. Fathers were only alleviated of this burden if their daughters eloped before the age of twenty-five.[39]

In his legal definition of "mother," Ferro contrasts the degree to which mothers could inherit according to Roman law with contemporary Venetian legal practice. He traces a gradual improvement of their situation starting with the Senatusconsultum Tertullianum under Emperor Hadrian (133 CE).[40] The trend to include mothers among their children's heirs culminated in Justinian's legal reform, according to which mothers were not only admitted as heirs

of single offspring but also were included among their children's heirs even if siblings survived.[41] Referring back to contemporary Venice, where mothers did not have this option, he states laconically: "On this issue we uphold the maxim that the uterus does not give succession rights."[42] In his entry on "succession," he even tackles the – from the point of view of Italian statutory law utterly unthinkable – question of inheritance rights among spouses. Giving an overview of intestate succession laws in both Roman and Venetian legal cultures, he mentions how in ancient Rome, an edict allowed for this possibility, even if only at the exclusion of the fiscus [state], i.e., if no blood relative of the deceased was alive. In Venice, by contrast, "we have no precise law ... with respect to ... intestate succession, that is that which takes place between husband and wife."[43] Nonetheless, a precedent seems to have occurred in court practice, because "it was established by the councils of the Quarantia [Venetian court of law] in a certain manner that husband and wife succeed to each other at the exclusion of the state."[44] Such acknowledgement of inheritance rights between spouses, even if referring only to cases of intestate succession in which no relative up to the seventh degree of kinship was alive, was surprising in the context of Venetian statutory law, which aimed at a strict separation between lineages and their properties. Ferro's repeated mentioning of the issue suggests that he did think the question worthwhile pursuing.

Toward the end of the eighteenth century, the notion of agnatic kinship and the need for dowry exchange gradually came to be dismantled in Italy. Already in the seventeenth century, the frequency with which women sought recourse to the papal Rota for help in inheritance suits suggests a widespread discomfort with medieval statutory law. These litigations also point to the importance of Justinian's *Body of Civil Law* in helping women make their claims against statutory exclusions, even though De Luca and other members of the Rota rejected them under reference to a more ancient and unadulterated version of Roman law. This prior legal tradition was identified with greater masculinity and authenticity. The legacy of Roman law served to justify a great variety of legal opinions, depending on whether scholars and judges approved or disapproved of Justinian's reforms in favor of bilateral kinship and women's greater inheritance rights.[45] But even the earliest versions of Roman law, such as the Twelve Tables, seemed in certain respects generous compared to medieval statutes because of their explicit acknowledgment of all legitimate children's rights to inherit from their father on equal terms. While in Northern and Central Italy, recourse to Roman law even in its pre-Justinian version served to buttress women's claims for greater property rights, the opposite occurred in other regions of Europe. In parts of France, Central Europe, and Iberia, where marriage by consent and bilateral versions of kinship prevailed until the sixteenth century and beyond, the reception of Roman law served to introduce patriarchal notions of household and family.[46]

Outside of Italy, notions of absolutist power began to be formulated under recourse to Roman law, especially in France, where lawmakers were about to launch what Sarah Hanley calls the "family-state compact" in order to strengthen and reinvent patrilineal reproduction and governmental legitimacy.[47] These legal reforms entailed, among others, the requirement of parental consent for marriage, the registration of pregnancies – especially those by single mothers – and a stricter separation of goods between spouses.[48] Jean Bodin's (1530–96) political theories seem to reflect on and anticipate these interventions, as he privileges the – pre-Justinian – pater familias as the basic institution from which the concepts of indivisible sovereignty and absolute royal power can be derived. In Bodin's view, a king's power is grounded in paternal power both concretely as well as metaphorically, because society is – or ought to be – composed of patriarchally organized families and because "domestic power represents in a certain manner [the concept of] sovereignty."[49] In order for French families to properly mirror his ideal version of absolute and indivisible royal power, incisive legal reforms for the purpose of reconstituting paternal power were of the utmost importance. In his *Summary of Bodin's Republic* (1576), Bodin calls for a thorough politicization of private life, hoping to fix problems of government by intervening in marriage and family.[50] He blames customary law for Italian legal scholars' conviction that French people have no concept of patriarchy.[51] In ancient Rome, by contrast, as well as in many other ancient empires, fathers enjoyed the power of life and death over their offspring.[52] Nonetheless, children were "obligated to love, serve, and nourish their father, obey him, and tolerate and hide his imperfections."[53] At the time of Rome's foundation, husbands were allowed to kill their wives as well – in cases of adultery, supposition of offspring, the forging of keys, and wine consumption[54] – but Emperor Augustus's Lex Julia (18–17 BCE) abolished this privilege.[55] Blaming Empress Theodora for her influence on lawmaking in a rhetorical move De Luca probably appreciated, Bodin regrets Justinian's abolition of capital punishment for female adultery.[56] Interspersing his patriarchal history lessons with comments about France's contemporary situation, he urges the abolition of customary law, especially of partible inheritance and emancipation after marriage. In his eyes, French customs were dangerous in the liberties they accorded to wives and children, to the point of reversing "the order of nature."[57]

Bodin formulated his call for strong centralized patriarchal powers in both family and kingdom at a time when the French government was particularly crisis-ridden. Most problematic was the endemic lack of a male heir to the throne. Between 1559 and 1589, France was ruled by a sequence of three kings, each one of whom failed to produce a legitimate son. Francis II (ruled 1559–60) died at age sixteen; Charles IX (ruled 1560–74) only had a daughter and an illegitimate son; and Henri III (ruled 1574–89) was notorious for his

alleged preference of male companions. For much of this time period, France was governed by Catherine de' Medici as regent and advisor for her younger sons. This produced biting criticism in a country that desperately tried to bar women from rule.[58] An anonymous Protestant pamphlet from 1576 entitled "La France Turquie" charged her with effeminizing the French government and transforming it into an oriental form of despotism, while Agrippa d'Aubigné (1552–1630) reviled members of the court of Henri III as "hermaphrodites and effeminate monsters."[59]

The increasing veneration for paternal power cut across confessional lines, as d'Aubigné's remarks reveal, and became ubiquitous in most of Europe. Jean de Coras (1515–72), for example – Huguenot, member of the Parliament of Toulouse, and Professor of Jurisprudence – was among the first French legal scholars to introduce Roman law, and with it a renewed respect for paternal power. He became famous as the judge who presided over the case of Arnauld du Tilh, Bertrande de Rols's lover who usurped her long-lost husband's legal rights and properties.[60] In the Netherlands, stadhouders [chief executive magistrates] assumed the honorary title of "Vader des Vaderlands" beginning with Willem van Oranje (1533–84). Like their Florentine and Venetian counterparts, Dutch Calvinist elites developed a distinctly patriarchal view of family and marriage, focusing on dowry exchange as a means of social reproduction.[61] In seventeenth-century England, "systematic patriarchalism" flourished among political theorists, even in the absence of Roman law.[62] In both Protestant and Catholic parts of Germany, "fathers ruled" despite – or because of – a weak central government.[63]

Despite the overall tendency to strengthen paternal power, the increasing focus on Roman law and emerging absolutist theories were heavily contested in sixteenth-century Europe. In contrast to Jean Bodin and his admiration for Roman law, legal scholars Etienne Pasquier (1529–1615) and Antoine Loisel (1536–1617) emphasized French legal customs and the popular roots of monarchical power in France, claiming "paternal power has no place among us."[64] Similar theories were still being formulated in the seventeenth century, despite the fact that absolutism finally won out in France.[65] But the greatest opponents of royal absolutism – and, ultimately, of Justinian's claim to indivisible secular imperial power – was Catholic political theorist Cardinal Bellarmine (1542–1621), who defended the supreme power and infallibility of his very own Über-father against all rivals. Bellarmine states, under reference to Thomas of Aquinas (1225–74), that temporal governments, whether republics or monarchies, are man-made and not instituted by divine power, as claimed by proponents of royal absolutism.[66] In his view, all forms of state were necessarily imperfect, thus subject to change and revolutions. In Aristotelian fashion, Bellarmine judges all temporal matters to be inferior to spiritual affairs. The pope has absolute power over all secular rulers because of his divine charge to guide

them towards "eternal happiness."[67] Concretely, Bellarmine defends the power of the pope to excommunicate secular governments and entire populations. Bellarmine's treatise is a stubborn defense of papal supremacy at a time when the interdict of Pope Paul V (ruled 1605–1621) against Venice had just ended in a humiliating defeat for the Church of Rome and when William Barclay's posthumous attack on the papacy had just been published.

William Barclay (1546–1608), a Scottish Catholic and Professor of Civil Law in France, supported what he perceived to be the divine right of kings to prosecute all contenders, be they Calvinist "monarchomachs," i.e., those who defended tyrannicide, or Roman Catholic supporters of the papacy. In his *On the Power of the Pope* (1609) he vehemently attacks the pope's practice of excommunication and intolerance towards dissenters. He polemicizes harshly against the papacy, calling all popes "parasites" and condemning them for their greed and personal ambitions in conducting foreign policy.[68] Denying their claim of absolute power over temporal governments worldwide, he points to the utter lack of evidence for this in Scripture.[69] Concretely, he criticizes the popes' recurring excommunications of German emperors and French kings – most recently, the threats issued by Clement VIII (ruled 1592–1605) against Henri IV (ruled 1589–1610). According to Barclay, the pope's pressure on him to convert was not motivated by spiritual reasons but by personal hatred.[70] Perhaps due to his anti-republican leanings, Barclay does not mention Paul V's more recent interdict against Venice in 1606, but it is clear that his treatise was written in the aftermath of this Europe-wide crisis. The fact that France supported Venice in its claim to territorial and jurisdictional sovereignty, forcing the papacy into retreat, suggests that the pope's notion of spiritual and temporal supremacy found few followers even among Catholic monarchs, with the exception of Philip III of Spain (1578–1621).

Paolo Sarpi (1552–1623), who counseled the Republic of Venice in its standoff against Pope Paul V, undertook an almost Protestant-style attack on the Church of Rome, criticizing the post-Tridentine papacy for reasons that went far beyond the immediate jurisdictional cause of the conflict. In his "Report on the State of Religion," he attacks the Church for "erecting the most powerful monarchy that ever existed … enriching itself without effort, leading wars without risk, and rewarding [loyal supporters] without incurring expenses."[71] Like Luther before him, he condemns the exaggerated worship of the Virgin Mary at the expense of Jesus Christ and the neglect of the Eucharist in favor of miracle-working relics and images. He also opposes the fad for allegorical interpretations of the Bible and the stress on good works at the expense of true faith. Finally, he dismantles the pope's claims to supremacy in temporal affairs step by step. He rejects the maxim that there cannot be salvation outside the Church of Rome; that the Church acquired this power through direct divine intervention; that the pope owns Saint Peter's keys to heaven and can deny entry to whomever he

pleases; that he enjoys authority over all secular rulers on the basis of Aristotle's metaphysical distinction between spiritual and material/temporal things; that the world is but a mere passage to heaven; and that the pope claims to have supreme power over all dissenters, crushing any form of internal opposition.[72] Needless to say, Sarpi would have been prosecuted as a heretic had he not enjoyed Venetian protection.

The papacy's intransigence was responsible for many of the divisions cutting through Europe, running along confessional as well as inter-Catholic lines of dissent. An exit out of this polarized political situation presented itself by recourse to Roman antiquity, this time in its philosophical and literary tradition. The work of Justus Lipsius (1547–1606), a neo-Stoic philosopher and royal historiographer of the Spanish Netherlands, is especially important in this context, as he, like Barclay and Sarpi, qualifies as a Catholic dissenter. Most importantly for our purposes, he relied heavily on the anecdotes of Valerius Maximus for historical examples of his moral precepts and influenced the work of Peter Paul Rubens.[73] Lipsius's neo-Stoic moral philosophy, which promotes emotional detachment, rationality, and tolerance of dissent, seems to clash at times with his veneration for the Virgin Mary, but modern scholars have rarely emphasized this tension.[74] Probably because of his love for Roman antiquity, Gerhard Oestreich sees his political views as analogous to those of Jean Bodin, even though Lipsius stresses the need for limitations on political power, has nothing to say on the topic of paternal authority, and displays a certain disdain for strong, explicit arguments by writing in the cento tradition.[75] Other scholars are of the opinion that Lipsius's *Admonishments* of 1597 were "written with an outspokenly pro-Catholic perspective in mind … conceived as an unconcealed defence and eulogy of (notably the Spanish) hereditary monarchy."[76] Nonetheless, George Hugo Tucker detects a space for irony in his text, given the *Monita's* format as a commonplace book, i.e., a book composed of quotes or well-known sayings by Roman authors, which included distancing devices in the form of implicit commentaries and subtle strategies for contextualization.[77]

In my view, instances of Lipsius's critical detachment from his sources are entirely lacking. All forms of ironic exaggerations and juxtapositions contained in Maximus's anecdotes seem to be eliminated in Lipsius's excerpts, who, burdened with grief and despair at the violence of religious hatred in Europe, quotes from ancient Roman authors with utter sobriety and seriousness. But he does cultivate a certain weakness in authorial style, due to the cento form of the commonplace book in which he is writing. In his introduction to *Politics* (1590), he explains: "I have instituted a new kind of genre, in which I could truly say that everything is mine, and nothing. For although the selection and the arrangement … are mine, the words and phrases I have gathered from various places in the ancient writers."[78] This peculiar form of delivering arguments and insights stands in contrast to the vigorous authorial voice of most of the ancient

writers he is quoting. It enacts such differentiated, cautious, and balanced thinking that Lipsius's main message seems to be contained in his very medium of expression. Pondering the question of whether elected or hereditary rulers are better, for example, he advocates for dynastic successions, but not for any fundamentalist reasons. He argues negatively, pointing out "that to *assume a prince is less dangerous than to search for one* (Tacitus)" and that "succession even provides an obstacle to disorder. For otherwise, *transfers of power are excellent occasions for coups and revolts* (Tacitus)." Right afterwards, he backs away from this position, stating that "others prefer another reasoning and say that *he who is to rule all, must be chosen from all* (Pliny)."[79] When thinking about the nature of power, he advocates for a strong military, claiming that *"fiercely maintained Discipline alone brought the Roman Empire the Mastery of the world* (Maximus)" and that *"military discipline requires a harsh and concise sort of punishment, because forces consist of armed men: which, once they have strayed from the straight path, will oppress if they are not oppressed themselves* (Maximus)."[80] At the same time, he prefers an anti-Machiavellian style of government, stating that "it is proper to a true and *benevolent prince, for the benefit of Clemency sometimes to jump over the boundaries of Justice, when only Compassion is left, to which none of the virtues can honorably refuse to give way* (Cassiodorus)."[81]

In a political climate in which argumentative intransigence prevailed, Lipsius is perhaps unique in cultivating empathy for one's enemies, but also detachment from the cult of power and a differentiated view of history. No theoretical positioning could have been further removed from the contemporary politics of the papacy, but also of the pope's passionate opponents such as Barclay and Sarpi. Lipsius's writings, which catered to the Spanish monarchy but advocated Stoic restraint, prove one more time that the form and essence of political power were heavily contested in early modern Europe. At the center of debate were theories of sovereignty and central authority, which in turn were based on legal definitions of paternal power in ancient Rome. It is perhaps no coincidence that visual representations of Pero and Cimon became popular at a time when patriarchal forms of rule in family and government became the lynchpin of political discourse. After all, the images refer to the story of a guilty old father, condemned by Roman authorities to die by starvation, and of his pious daughter who, through her gift of milk and charitable spirit, keeps him alive and earns him legal rehabilitation. The meaning of this motif in the context of early modern political culture is multifaceted and ambiguous. As a utopian view of "pious" father-daughter relations, it clashes with the harshness of contemporary paternal rule and the exclusion of daughters facilitating it. As an ideological expression of gendered hierarchies in family relations, it works more straightforwardly as a story about exploitation and a father's undue consumption of his daughter's substances. Mindful of Whitney Davis's

admonition to distinguish "what is visual about culture and cultural about vision," I would thus like to conclude my analysis of Roman Charity.[82] The motif renders visible what could not be uttered in early modern Europe – the perversity, weakness, and morally questionable nature of contemporary patriarchy. But the cultural framework within which this message became intelligible was to a large extent non-visual. It consisted of a kinship system whose "straightness" and patrilinearity was based on a fiction of reciprocity that Pero's "filial piety" performs, but also queers and subverts.

Notes

1 | Whitney Davis, *A General Theory of Visual Culture* (Princeton: Princeton University Press, 2011), 252.

2 | Davis, *A General Theory of Visual Culture*, 192.

3 | Davis, *A General Theory of Visual Culture*, 9.

4 | On the fiction of reciprocity maintained by dowry exchange, see Christiane Klapisch-Zuber, "Zacharias, or the Ousted Father: Nuptial Rites in Tuscany between Giotto and the Council of Trent," in: Christiane Klapisch-Zuber, *Women, Family, and Ritual in Renaissance Florence* (Chicago: University of Chicago Press, 1985), 178–212.

5 | For an overview of family law in Europe and the Mediterranean, see the introduction in *Across the Religious Divide: Women, Property, and Law in the Wider Mediterranean (1300–1800)*, ed. by Jutta Sperling and Shona K. Wray (New York: Routledge, 2010). Primogeniture was a feature of feudal law rather than Italian statutory law and was most widespread in medieval and early modern France.

6 | On the contested nature of medieval patrilineal genealogies, see Christiane Klapisch-Zuber, "Albero genealogico e costruzione della parentela nel Rinascimento," *Quaderni Storici* 86, annata XXIX, no. 2 (1994): 405–20.

7 | On ancient Roman law and its reception in the nineteenth century, see Gianna Pomata, "Legami di sangue, legami di seme. Consanguinità e agnazione nel diritto romano," *Quaderni Storici* 86, annata XXIX, no. 2 (1994): 299–334; English version: "Blood Ties and Semen Ties: Consanguinity and Agnation in Roman Law," in: *Gender, Kinship, Power: A Comparative and Interdisciplinary History,* ed. by Mary Jo Maynes, Ann Waltner, Birgitte Soland, and Ulrike Strasser (New York: Routledge, 1996), 43–64; on medieval notions of filiation, see Jane Fair Bestor, "Ideas about Procreation and Their Influence on Ancient and Medieval Views of Kinship," in: *The Family in Italy from Antiquity to the Present*, ed. by David I. Kertzer and Richard P. Saller (New Haven: Yale University Press, 1991), 150–67.

8 | Giovanni Battista de Luca, *Theatrum Veritatis et Justitiae, sive Decisivi discursus, ad veritatem editi in forensibus controversiis* (Coloniae Agrippinae: Sumptibus Haeredum Joannis Widenfeldt, & Goderfridi de Berges, 1690), vol. 2, 5, column 2–6, column 1. See other passages in his text where he distinguishes blood relatives from uterine relatives: "The succession [takes place] in accordance to the origin of the goods, such that the consanguineous heirs succeed to their father, and the uterine ones to their mother." De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 108, column 2.

9 | Defending the exclusion of sisters in favor of their brother's inheritance according to the statues of Faventino and Imola, he insists on the laws' literal adaptation against those "judaisms devoid of any probability and rationality, which are called the spirit of the law." De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 9, column 1.

10 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 2, paragraph 3.

11 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 37, column 1.

12 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 4, column 1.

13 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 3, paragraph 12.

14 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 110, column 2.

15 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 3, paragraph 12.

16 | De Luca, *Theatrum Veritatis*, "De successionibus ab intestato," vol. 2, part 3, II, 111, column 2.

17 | De Luca, *Theatrum Veritatis*, vol. 2, part 1, III, "Legitima, Trebellianica, & aliis Detractionibus," 2, column 1. His explanation of the difference is as follows: "[in the first case …] the dowry is not a substitute for the legitima, because a woman is excluded from all succession, and that's why she can't demand a legitima … [but in the second case] … the statute begins with the endowment, and follows with the exclusion from succession, and that means that the dowry substitutes for the legitima, because the dowry is viewed as the nearest and most intrinsic cause of the exclusion." De Luca, *Theatrum Veritatis*, vol. 2, part 1, III, "Legitima, Trebellianica, & aliis Detractionibus," 2, column 1.

18 | De Luca, *Theatrum Veritatis*, vol. 2, part 1, III, "Legitima, Trebellianica, & aliis Detractionibus," 3, column 1.

19 | De Luca, *Theatrum Veritatis*, vol. 2, part 1, II, "Legitima, Trebellianica, & aliis Detractionibus," 41, column 2. On the inheritance system in Naples and Sicily, see Igor Mineo, *Nobiltà di Stato: Famiglie e identità aristocratiche nel tardo medioevo: La Sicilia* (Rome: Donzelli, 2001). See also Kalliopi Papakonstantinou, *Die collatio dotis: Mitgift- und Miterben-Auseinandersetzung im römischen Recht* (Köln: Böhlau, 1998). Papakonstantinou explains how in Byzantine law, the "collatio dotis" provided even married daughters with the right to claim an increment on their dowries, if at the time of their father's death they found themselves to be disadvantaged. The reverse case could also occur, however, forcing them to redistribute their dowries in case they exceeded the legitimate share all siblings could expect at the time of the father's death.

20 | Giovanni Battista De Luca, *Sacrae Rotae Romanae Decisiones, et Summorum Pontificum Constitutiones Recentissimae, Theatrum Veritatis & Justitiae Cardinalis De Luca eiusque tractatus de officiis venal. et stat. successionibus amplectentes, confirmantes, & laudantes* (Venice: Typographia Balleoniana, 1726, first ed. 1699), vol. I, 489, column 2.

21 | De Luca, *Sacrae Rotae Romanae Decisiones,* 489, column 2–494, column 2.

22 | Francesco Arnaldi and Franz Blatt, *Novum glossarium mediae Latinitatis, ab anno DCCC usque ad annum MCC* (Hafniae: E. Munksgaard, 1957–2011); Jan Frederik Niermeyer, *Mediae Latinitatis Lexicon Minus* (Leiden: Brill, 2002; first ed. 1976); Salvatore

Battaglia and Giorgio Barberi Squarotti, *Grande dizionario della lingua italiana* (Turin: Unione Tipografico-Ed., 1999, first ed. 1981).

23 | *Totius latinitatis lexicon*, ed. by Egidio Forcellini, Jacobo Facciolati, Gaetano Cognolato, John Gerard, Johann Matthias Gesner, and James Bailey (London: Baldwin and Cradock, 1828; first ed. Padua: Seminario, 1771), entry: "obliquus/obliquo."

24 | Michel Foucault, *The History of Sexuality: An Introduction* (New York: Vintage Books, 1990, first English ed. 1978, first French ed. 1976), 106–07.

25 | "The dowry is more often said to replace the legitima than the [father's] alimonies." Baldo Bartolini, "Tractatus notabilis, singularis, et utilis De dotibus, & dotatis mulieribus, & earum iuribus & privilegijs, Editus, per Excellentiss. ac Celeberrimum Iuris Pontificij, & Caesarie Docto. Monarcham, & Advocatum Consistorialem, D. Baldum de Bartholinis, de Perusio," in: *Tractatus illustrium in utraque tum pontificii, tum Caesarei iuris facultate Iurisconsultorum, De Matrimonio, & Dote ex multis in hoc volumen congesti, additis plurimis, etiam nunquam editis, ac nota designatis* (Venice: Società dell'aquila che si rinnova, 1584), 193v.

26 | Baldus Novellus, "Tractatus Notabilis singularis et utilis, de dotibus, et dotatis mulieribus, & earum iuribus & privilegijs. Editus per excellentissimum ac celeberrimum Iuris Pontificij & Caesarei doctorem monarcham & advocatum consistorialem, D. Baldum de Bartholinis, de Perusio: Inchoatus in almo studio Pisano, & completus sub anno Domini 1479, in excelso Gymnasio Perusino, cum iussu summi Pontefici ad patriam esset revocatus," in: *De Dote Tractatus ex variis iuris civilis interpretibus decerpti. His, quae ad dotium pertinent iura, & privilegia enucleantur,* with contributions by Baldus Novellus et aliis (Venice: apud Mauritium Rubinum, 1579), 22, column 2.

27 | "The father is forced in his lifetime to assign to his daughter a part of his patrimony as her dowry as he is held to assign alimonies to a son during his lifetime." Baldus Novellus, "Tractatus Notabilis singularis et utilis," in: *De Dote Tractatus*, 32.

28 | Baldus Novellus, "Tractatus Notabilis singularis et utilis," 2.

29 | Baldus Novellus, "Tractatus Notabilis singularis et utilis," 15.

30 | Baldus Novellus, "Tractatus Notabilis singularis et utilis," 16, column 2.

31 | Baldus Novellus, "Tractatus Notabilis singularis et utilis," 9, column 1.

32 | "After the institution of the primordial ius gentium [tribal law], during which time the people lived without mores, marriage was unknown: and all people were called legitimate, born of any and every woman. Then came the secondary ius gentium, in which marriage was recognized and ordered, for the preservation of good mores in society, and for the avoidance of fornication and scandals. Also, other contracts were invented by the secondary ius gentium: among the people, buildings and women were divided, so that everybody had their own. At that time the dowry was invented, to support the burden of matrimony." Baldus Novellus, "Tractatus Notabilis singularis et utilis," 8, column 2.

33 | Tommaso Campanella, *La Città del Sole: Dialogo Poetico [The City of the Sun: A Poetical Dialogue],* transl. and ed. by Daniel John Donno (Berkeley; Los Angeles: University of California Press, 1981; first published 1623; written in 1602).

34 | "And he'll give you the trousseau, and he won't give you the wife before the first year is up, so that you can have a really good time, like somebody who takes a wife and doesn't lead her home ... how many are there anyways who need a dowry without a wife?" Gianmaria Cecchi Fiorentino, "La dote," in: *Comedie di M. Gianmaria Cecchi Fiorentino Libro primo nel quale si contengono La Dote, La Moglie, Il Corredo, La Stiana, Il Donzello, Gl'Incantesimi, Lo Spirito* (Venice, appresso Bernardo Giunti, 1585; first ed. 1550), prologue.

35 | Marco Ferro, *Dizionario del diritto comune e veneto* (Venice: presso Andrea Santini e Figlio, 1845, first ed. 1778–81), vol. 1, tomo 1, 72.

36 | Ferro, *Dizionario*, vol. 1, tomo 2, 411.

37 | "Natural cognation is formed by the sole bonds of blood; it is the kinship of those who have been procreated by an illegitimate union, in relation to both father and mother." Ferro, *Dizionario,* vol. 1, tomo 2, 410. Ferro contradicts himself in a later chapter on "succession," however, when he states: "Uterine brothers and sisters who are competing with blood brothers and sisters are indeed excluded from succession, and are only admitted at the exclusion of the fiscus." Ferro, *Dizionario,* vol. 2, tomo 2, 764.

38 | Ferro, *Dizionario*, vol. 1, tomo 2, 642. Karl Eduard Zachariä von Lingenthal, *Imp. Iustiniani pp.a. Novellae quae vocantur sive Constitutiones quae extra Codicem supersunt, ordine chronologico digestae* (Leipzig: In aedibus B.G. Teubneri, 1881); http://webu2.upmf-grenoble.fr/DroitRomain/Corpus/Nov74.htm [accessed 7/10/13].

39 | Ferro, *Dizionario*, vol. 1, tomo 2, 642–43.

40 | Ferro erroneously says the Senatusconsultum was issued under Emperor Claudius. Ferro, *Dizionario*, vol. 2, tomo 1, 213.

41 | Ferro, *Dizionario*, vol. 2, tomo 1, 213.

42 | Ferro, *Dizionario*, vol. 2, tomo 1, 214.

43 | Ferro, *Dizionario*, vol. 2, tomo 2, 763.

44 | Ferro, *Dizionario*, vol. 2, tomo 2, 764.

45 | JoAnn McNamara, "Women and Power through the Family Revisited," in: *Gendering the Master Narrative: Women and Power in the Middle Ages,* ed. by Mary C. Erler and Maryanne Kowaleski (Ithaca: Cornell University Press, 2003), 17–30.

46 | For an overview of the differences in family law in the Mediterranean and other regions of Europe, see Sperling and Wray, introduction to *Across the Religious Divide;* for the differences in marriage cultures, see Jutta Sperling, "The Economics and Politics of Marriage," in: *The Ashgate Research Companion to Women and Gender in Early Modern Europe,* ed. by Allyson Poska, Katherine McIver, and Jane Couchman (Farnham, Surrey; Burlington, Vermont: Ashgate Press, 2013), 213–33; and idem, "Marriage at the Time of the Council of Trent (1560–70): Clandestine Marriages, Kinship Prohibitions, and Dowry Exchange in European Comparison," *Journal of Early Modern History* 8, nos. 1–2 (2004): 67–108.

47 | Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France," *French Historical Studies* 16, no. 1 (1989): 4–27.

48 | Hanley, "Engendering the State," 9–14.

49 | Jean Bodin, *Abrégé de la République de Bodin* (London: chez Jean Nourse, 1775), vol. 1, 23. Despite his criticism of Justinian for being too women-friendly, Bodin nonetheless was inspired by this emperor's notion of absolute and indivisible sovereignty. Donald B. Kelley, "Law," in: *The Cambridge History of Political Thought 1450–1700*, ed. by J.H. Burns, with the assistance of Mark Goldie (Cambridge: Cambridge University Press, 1991), 66–94, especially 68.

50 | "If a republic consists of the connection between various families; if it cannot exist without them, they are its support. It is therefore important that they be the principal object of the government's attention. It is their strength that makes up ... the strength of the state." Bodin, *Abrégé*, vol. 1, 22.

51 | "These customs gave Accurtius and other Italian juridical scholars the impression that the French people did not have a concept of paternal power." Bodin, *Abrégé,* vol. 1, 57.

52 | "The right over life and death of fathers over their children was known in large parts of the universe. It was common among the Persians, all the peoples of upper Asia, the Celts, the Gauls, and practiced in all of the Indies before a part of them passed under the domination of the Spaniards; it was sacred among the Romans." Bodin, *Abrégé*, vol. 1, 51; on the father's power over life and death of his children in ancient Rome, see also the introduction to: *Padre e figlia*, ed. by Luisa Accati, Marina Cattaruzza, and Monika Verzar Brass (Turin: Rosenberg & Sellier, 1994), 7–14.

53 | "As nature obliges the father to nourish his children and to lead them to virtue through a good education; the children are obliged, but even more forcefully, to love, serve, and nourish their father, to obey him, and to tolerate and hide his imperfections." Bodin, *Abrégé,* vol. 1, 46–47.

54 | "By the law of Romulus the husband had an almost unlimited power over his wife; he could let her die without court order in four cases: adultery, supposition of fatherhood, making false keys, and drinking wine." Bodin, *Abrégé,* vol. 1, 33–34.

55 | "The law of Julia, granted by Augustus, prohibits this unlimited authority of husbands." Bodin, *Abrégé*, vol. 1, 35.

56 | "But in the following, Empress Theodora, mistress of Justinian's spirit ... let him make laws to the advantage of women, endangering the order of society as much as possible; she changed the capital punishment for adultery into a pronouncement of infamy." Bodin, *Abrégé,* vol. 1, 35–36.

57 | "To prohibit the father his usufruct, and to make laws which favor the equal partition of inheritance means to release children from their dependence, and, by consequence, to reverse the order of nature in a republic." Bodin, *Abrégé*, vol. 1, 60.

58 | Sarah Hanley, "The politics of identity and monarchic governance in France: The debate over female exclusion," in: *Women Writers and the Early Modern British Political Tradition*, ed. by Hilda L. Smith (Cambridge: Cambridge University Press, 1998), 289–304.

59 | Valentin Groebner, "Körpergeschichte politisch. Montaigne und die Ordnungen der Natur in den französischen Religionskriegen 1572–1592," *Historische Zeitschrift* 269, no. 2 (Oct. 1999): 281–304, especially 293–94.

60 | Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, Massachusetts: Harvard University Press, 1983); Kelley, "Law," 79.

61 | Julia Adams, "The Familial State: Elite Family Practices and State-Making in the Early Modern Netherlands," *Theory and Society* 23, no. 4 (1994): 505–39.

62 | J.P. Sommerville, "Absolutism and Royalism," in: *The Cambridge History of Political Thought 1450–1700*, ed. by J.H. Burns, with the assistance of Mark Goldie (Cambridge: Cambridge University Press, 1991), 347–72, especially 360.

63 | Stephen E. Ozment, *When Fathers Ruled: Family Life in Reformation Germany* (Cambridge, Massachusetts: Harvard University Press, 1983); Ulrike Strasser, *State of Virginity: Gender, Religion and Politics in an Early Modern Catholic State* (Ann Arbor: University of Michigan Press, 2004).

64 | Kelly, "Law," 81–83, especially 81.

65 | Sommerville, "Absolutism and Royalism," 362.

66 | "Saint Thomas … says two things against Barclay – one is, that dominion and preference have been introduced by human law, not by divine law, as Barclay frequently affirms." Robert Franciscus Romulus Cardinal Bellarmine, *Power of the Pope in Temporal Affairs against William Barclay*, transl. and ed. by George Albert Moore (Chevy Chase: The Country Dollar Press, 1949; first ed. Köln 1610), 3.

67 | "For the temporal end is subordinate to the spiritual end, as is plain because temporal happiness is not the absolutely final end; and therefore it ought to be referred to eternal felicity." Cardinal Bellarmine, *Power of the Pope*, 94.

68 | "And because of that, a most learned and noble Councilman, if such can be found among the Jesuits (according to Bozius's opinion on that matter), called the pope a parasite." William Barclay, *De potestate papae: An & quatenus in Reges & Principes seculares ius & imperium habeat: Giul. Barclaii I.C. Liber posthumus. Reddite Caesari quae sunt Caesaris, & quae Dei Deo* (Mussiponti: apud Franciscum du Bois, & Jacobum Garnich, 1609), 6. "Certainly, to the learned and Catholic men, this issue offers no mediocre cause to doubt this mutation of law, namely to believe indeed in such immense and absolute temporal power of the person of the pope, which does not have its origin in God Almighty, but in the impotent desire of men." Barclay, *De potestate*, 32.

69 | "If it is true that the pope possesses a temporal power to govern indirectly the temporal affairs of all Christians, then he either possesses this power by divine law or by human law. If he does so by divine law, one would need to establish it from Scripture or certainly from the apostolic tradition. From Scripture, we have nothing of the kind except that the keys of the kingdom of heaven were given to the Pope: of the keys of the kingdom of earth, no mention is made. And the apostolic tradition offers nothing contrary to this." Barclay, *De potestate*, 45–46.

70 | "For, in truth, these past popes could control them [the rulers] more easily and with less damage to the people. Not just Henry IV, because of whose fault such a long lasting schism emerged, but Otto IV, Frederick II, Philip the Fair, Louis XII or John of Navarre and others: To these, in the heated order of events, the popes brought forth the

sentence of excommunication and the deprivation of their royal authority. Not because of heresy or a perishing empire or the supplication of their subjects, but rather on their own impulse, due to personal, heated, inimical hatred." Barclay, *De potestate*, 89–90.

71 | Paolo Sarpi, "Dalla 'Relazione dello stato della religione, e con quali dissegni et arti ella è stata fabricata e mandeggiata in diversi stati di queste occidentali parti del mondo'," in: *Storici, Politici e moralisti del Seicento (La letteratura italiana. Storia e testi,* vol. 35, tomo 1), ed. by Raffaele Mattiolo, Pietro Pancrazi, and Alfredo Schiaffini (Milan; Naples: Riccardo Ricciardi Editore, 1969), vol. I, 295–330, especially 320.

72 | Sarpi, "Dalla 'Relazione dello stato della religione'," 296, 299, 301, 315, 319–20.

73 | Ulrich Heinen, "Rubens' Präsenz," in: *Peter Paul Rubens. Barocke Leidenschaften: Ausstellung im Herzog Anton Ulrich-Museum Braunschweig, 8. August bis 31. Oktober 2004*, ed. by Nils Büttner and Ulrich Heinen (München: Hirmer Verlag, 2004), 28–36, especially 32.

74 | Lipsius published two treatises on the Virgin Mary, which were translated into many vernacular languages. Justus Lipsius, *Miracles of the B. Virgin, or, an Historical Account of the Original, and Stupendous Performances of the Image entituled, Our Blessed Lady of Halle. Viz. Restoring the Dead to Life, Healing the Sick, Delivering of Captives, etc. Written Originally in Latin by Justus Lipsius; afterwards translated into French, then into Dutch, and now rendered into English* (London: 1688; first Latin ed. Antwerp 1604). Idem, *Ivsti Lipsi diva Sichemiensis siue Aspricollis: noua eius beneficia & admiranda* (Antwerp: ex officina Plantiniana, apud Ioannem Moretum, 1606).

75 | Gerhard Oestreich, *Antiker Geist und moderner Staat bei Justus Lipsius (1547–1606): der Neustoizismus als politische Bewegung,* ed. by Nicolette Mout (Göttingen: Vandenhoek und Ruprecht, 1989), 159. *"Only that power is safe, which restricts its own forces."* Justus Lipsius, *Politica: Six Books of Politics or Political Instruction,* ed. and transl. by Jan Waszink (Assen: Royal Van Gorcum, 2004, first publication 1589), 437; compare to Valerius Maximus, *Memorable Doings and Sayings,* ed. and transl. by D. R. Shackleton Bailey (Cambridge, Massachusetts: Harvard University Press, 2000), no. IV.1. ext. 8.

76 | *(Un)masking the Realities of Power: Justus Lipsius and the Dynamics of Political Writing in Early Modern Europe*, ed. by Erik De Bom, Marijke Janssens, Toon Van Houdt, and Jan Papy (Leiden: Brill, 2011), 16.

77 | "Focusing on one particular passage, the author [George Hugo Tucker] demonstrates that there is a curious and quite telling intertextual tension between Lipsius's explicit (and uncontroversial) statements and the counter-balancing (and somewhat more subversive) implications of his judiciously chosen examples, in their original context." *(Un)masking the Realities of Power,* 18.

78 | Lipsius, *Politica*, 231–33.

79 | Lipsius, *Politica*, 305. Italics in the original.

80 | Lipsius, *Politica*, 589. The quotes are from Maximus, *Memorable Doings and Sayings*, II.8. praef. and II.7.14.

81 | Lipsius, *Politica,* 331.

82 | Davis, *A General Theory of Visual Culture*.