Nefarious Crimes, Contested Justice
Ferraro, Joanne M.

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A few microhistories do not amount to a master narrative. Still, even seemingly trivial details are more than mere suggestions; they hold the potential to deflate myths, leaving trails for other detectives of history to follow. One such myth is that in Italy, and Europe as a whole, in the early modern era, abortion and infanticide were women’s crimes. It was indeed mostly unmarried women who were prosecuted for these crimes, either because they miscarried, gave birth prematurely, had stillbirths, or were desperate enough to strangle or smother their babies. Practicing midwives were also prime suspects. Nevertheless, the Venetian investigations described above expose unmarried mothers’ invisible partners in crime, clerics and laymen who claimed societal exemptions from marriage but ignored the Church’s demands for celibacy. Shunning fatherhood, these invisible agents, whom the law protected, urged, when they did not coerce, the women they impregnated to rid themselves of the tiny new lives publicly denied any social currency. Priests and laymen alike visited apothecaries and mixed the abortion potions they urged their women to drink, and when that failed, they rid themselves of their newborns in various ways to avoid scandal. If a dead infant was discovered, the authorities searched for the culturally constructed criminal, an unmarried woman, both in urban settings and rural villages. Unless the gossip networks indicated that the father was an accomplice to the crime, his identity was legally irrelevant.

Another myth is that the domestic hearth was a safe haven for daughters, sisters, nieces, and cousins, and that the threats to their virginity that codes of honor identified were largely external. Closed, domestic space provided sexual stimulation to fathers, brothers, uncles, cousins, in-laws, step-relations, servants, and spiritual confessors, much of which escaped suspicion and remained unreported. No one accepted incest, a crime the state termed “wicked,” or “nefarious,” in harmony with the deep reli-
gious anxieties over sin and the devil that regulated early modern people. Yet incest was rarely reported because the troubled family would be expending both its social and financial capital by sacrificing abusive fathers to the authorities. In the five incest cases analyzed in this work, two were exposed by outsiders—the fugitive passing through Venice who hoped to win his freedom by denouncing the incestuous silk merchant, and the bounty hunter taking advantage of the local gossip circulating through Galliera Veneta’s fields and hostelry. Insiders around the family hearth, on the other hand, had a lot more to lose. Who would feed the Stanghelin family if Sebastian were beheaded and burned? Marriage or domestic servitude for the de Vei sisters, and the convent for Bianca Capello, avoided such tragic risks. These were not options for the 13-year-old Anna Maria Bonon, who, with her mother and grandmother, contributed to the family income by spinning while her father fished and did seasonal labor. The girl, her mother, and her grandmother needed the income of the wayward father.

A third myth is that charitable impulses alone fueled the Catholic Reformation building program that gave asylum to women and foundlings. Catholic piety was incontestably an important factor motivating rich benefactors to contribute to urban welfare in this way, but more emphasis could be given to male anxieties over both unmarried women’s sexuality and their own desires to cross the prescribed boundaries of intimacy. More could be said about male authorities’ own fears for their souls and eternal damnation. The widespread movement to enclose women signified something besides offering “asylum.” It signaled a change in the attitudes of the governing elites who wrote laws, rendered justice, and donated funds to pay for foundling homes and convents for repentant prostitutes. Authorities feared disease and family disorder. They also feared threats to the inheritance system of entail and primogeniture. Even though historians have now provided much evidence to demonstrate that nuns enjoyed rich intellectual and cultural lives,¹ and that remaining single spared them the dangers of multiple pregnancies, enclosure nevertheless signified confinement, and it was largely involuntary. The age of female enclosure, also that of the great witch craze, was in part a response to men’s projections about their own unruly sexual behavior. Moreover, welfare institutions, originally advocated in the name of Christian charity, offered practical solutions for problems that were largely the result of

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men refusing to accept responsibility for the consequences of their sexual relationships. Confinement was an expedient solution for an unwanted expectant mother, while the rotating cradle took care of inconvenient and unwanted babies. The culture of honor exculpated men and stigmatized women, with culturally constructed rhetoric that justified enclosure. Asylums “rehabilitated whores” and sheltered “little bastards.” There were no equivalent rhetorical tools for sexually active unmarried men.

The eighteenth-century Venetian state was much harsher to unmarried women of the lower classes than its sixteenth-century predecessor. Both the laws defining legal sex and reproduction and codes of honor made women the weaker sex by enabling men to escape responsibility for their sexual escapades and paternity. The Friulian priest Giovanni Bearzi refused to support Maddalena Micossi in a women’s asylum because she had abandoned him, a blow to his sense of self-worth, and although it was evident that they had cohabited for five years and reproduced together, he could pay a few peasants to paint a picture of promiscuity that would leave the woman without any financial help. Nor would the asylum continue to protect Maddalena unless she could generate the income to pay for her maintenance.

Venetian justice went to great lengths to explore crimes of sex and reproduction, and in the process exhibited both class bias and gender discrimination. The Friulian peasant Daniele Topan’s attempt to reclaim his family’s lost honor by denouncing his sister’s lover was courageous but unrealistic. It ignored the fact that the aristocratic state honored rank as much as it did the male sex. The Marchi priest was under the protection of a Friulian count in one of the most intractable areas of the Venetian state, and the local lieutenant had no interest or benefit in favoring the peasant. Moreover, the uncelibate priest could offer Daniele’s sister more than he could: honor did not nurture her; the priest did. Antonio Locatelli’s case against Giacomo Sala presents an identical situation in a similar political context. On the westernmost border of the Venetian State, practically adjacent to Milan, the Bergamasco, like the Bresciano and the Friuli, enjoyed a certain autonomy that was not characteristic of the Veneto dominions nearest Venice. Sala, a well-off priest, had far more leverage than the disgruntled peasant. He could pass his crimes off to the man with lesser status who had enabled the sexual tryst. Only for the most egregious crimes, like father-daughter incest, and then only if
the authorities could force a confession, were men punished. The father of the eighteenth-century de Vei sisters from Belluno won his freedom because he refused to confess to the incest, and the testimony of his wife and daughters carried no judicial weight in the theory of evidence.

My study of marriage disputes in sixteenth- and seventeenth-century Venice finds the ecclesiastical court, under a lay patrician, sympathetic to women in failed marriages. Moreover, the Venetian state protected the property of women with misbehaving husbands. The difference between that study and the cases I present here is that the women portrayed in the former were married and their husbands had violated community expectations that they would take care of their wives. That is a different context than the one that figures in this work, where unmarried women risked having relationships outside marriage, ostensibly in hopes of securing financial stability or perhaps because they had nowhere else to turn. Women’s honor clearly depended on their protection from men by other men.

Despite the rhetoric about nefarious crime and the strenuous efforts Venetian state attorneys and governors made to investigate cases of incest and infant death, the authorities completely disregarded the unbalanced power relationship between men and women, requiring the latter to go to great lengths to demonstrate that they had been forced to have sex. There was no moral campaign in the early modern state to ensure the safety of either the external environment or the domestic hearth for women. Church and state placed the responsibility on women to stay out of harm’s way, if they could not afford the asylum of a Catholic institution. Other groups of people took up the slack where institutional assistance was lacking. In particular, our stories identify a group that has been given little credit in solving the problems of illegitimate pregnancy, “free” women, whose invisible networks of assistance—renting rooms, aiding in childbirth and postpartum care, summoning priests to confess women in trouble, and counseling them to remove themselves from abusive circumstances—were an important part of neighborhood and village communities, along with the official midwives and wise women historians have told us about.

One of the Catholic Reformation’s legacies to the eighteenth century was its denial of any sexuality outside of marriage to women, with transgressors punished as whores, murderers, or witches. Lola Valverde’s study...
of illegitimacy in the Basque Country, where it took two centuries for the Tridentine decrees to arrive, is instructive. Prior to the eighteenth century, there was little abandonment, for households needed farm labor, and fathers were required to support their illegitimate children. Moreover, there was no foundling hospital nearby. As a result, mothers kept their infants, and illegitimacy carried little or no stigma.  

Historians of the Roman Inquisition studying magic, heresy, and popular culture have demonstrated the limited reach of Catholic orthodoxy in early modern Italy’s villages and communities, where centuries-old traditions helped ordinary people with the travails of bad harvests, famine, malnutrition, epidemic disease, catastrophic mortality, the afflictions of syphilis and other diseases. To compensate for its failings, the Church not only confined wayward women and the infants it defined as illegitimate, but authorized repressive tribunals to incarcerate and exterminate deviants. The Enlightenment philosopher Cesare Beccaria, for one, recognized the unbalanced power relationships involved and repudiated both the moral exhortations of the Church and secular law, but his voice reached only a handful of intellectuals.

The widespread practices of restricted marriage and arranged marriage, patriarchal strategies designed to preserve the privileged status of those social groups able to manage the legacies of their lineages, contributed heavily to the problems of illicit sex and illegitimate births. Perhaps one of the groups most recalcitrant to Catholic injunctions of celibacy were priests themselves. Destined by their families from an early age for the cloth rather than marriage, some priests ignored their vows and took housekeepers who were also their mistresses, some of whom were their first cousins. If relations went awry, they relied on Catholic asylums to resolve them. The problem itself was most notably identified by those priests and bishops who took their pastoral duties seriously, like the ones we find helping the troubled women in the stories from Venice’s criminal courts recounted in this book.

Communities tended to be insular, and the views of the common people frequently differed from those of the Church and the state. Neighborhood and village folk quietly assessed extenuating circumstances among themselves, rather than blindly following prescriptive advice or laws. An adulteress might be forgiven if her husband was abusive, but not if he was perceived to be doing his duty by her. So, too, with the woman whose
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infant died while she was undergoing the frightening pains of labor alone. The death might be outwardly condemned, but she was generously allowed to redeem herself. There was no community forgiveness, however, in the case of an obvious strangulation or suffocation. Abortion was officially frowned upon, but most ordinary people understood the financial burden of continual births and the moral burden of illegitimacy, and they might themselves have tried to avoid pregnancy with herbs from their cupboards and fields. They also understood the burdens of unemployment and underemployment. No one argued that murder was excusable, but the people who testified in Venice’s criminal courts knew more about the circumstances than the postmodern detective can glean from the archival records. Neither workers in Venice nor peasants in the countryside were docile. They made choices. They did not go after priests and their concubines unless the illicit couple blatantly offended them by misbehaving before their eyes and creating a public scandal. Illicit couples were acquainted with the rules of their neighborhood communities and moved to places where they would not be recognized to have their illicit children. Nor did neighbors or villagers interfere with what went on behind closed doors, as in the case of incest. Public behavior and scandal were what impelled them to confront transgressors like the adulteress woman on the Dalmatian reef who left a trail of blood where she knelt in the church. Margarita Ventura had publicly humiliated her husband, making him a cuckold. Marieta Trieste outraged the Venetian neighbors who watched the priest baptize the tiny new soul retrieved from the sewer as it drew its last breaths. On the other hand, Maria Franceschina had been more discreet, and for reasons the archival records never disclose, neighbors sought to hide her, while condemning the priest they claimed was her lover.

Family attitudes were insular as well. It is not difficult to understand why mothers like Giulia Bonon denied that their husbands had violated their daughters, or why Mattia Stanghelin’s aunt and Marieta Negro’s mother remained silent about the incest to which their female kin were made to submit: they depended financially on the men involved. Moreover, they were mortified with shame and fear of scandal. Male witnesses, on the other hand, did not want to interfere in another man’s household.

It was easier for outsiders to alert the authorities than insiders. In the examples offered in this study, only one woman was willing to come
forward and denounce her husband, Catterina de Vei, the wife of the Bellunese river raftsman, who had the town notary at her side, if not, allegedly, in her love life. Why did she wait so long to report her misbehaving husband? The detective can only conjecture. Was it because she had depended on him for income, but her circumstances had changed? Had his behavior become increasingly intolerable? Was there no place to send the younger daughter? Or were the incest accusations a form of retaliation? That may have been the case with Orsetta Tron Capello and her maid. There is also reason to believe, however, that the sexual transgressions at Ca’ Capello had occurred. When Orsetta and her maid both irrevocably lost their hierarchical places in their household, they spilled the family’s secrets because they had lost their value as a means of extortion.

Writing history through the study of crime has much in common with detective work. It begins with an understanding of the laws, including their gender and class biases. Only then do the questions of the Venetian state attorneys and governors and the relative weight they gave to testimony make sense. The moral and social values of Church and society are also an important key to reading criminal investigations. But the depositions of neighborhood and community folk present greater challenges. Sleuthing Venetian neighborhoods and the regional state’s villages, hamlets, and island reefs with the patrician investigators of the past leaves as many questions as it answers, mainly because it is not possible to gather all the evidence. Was the Venier priest the father of Maria Franceschini’s baby? Did Marieta Trieste have sex with Livio the servant or her noble employer? Who deflowered Francesca Preteggiani, and who impregnated her a second time? Were the multiple pregnancies of these last two women the fruit of relations with strangers or friends? Kin or priests? Did they earn their living selling milk? Was pregnancy really that invisible? Did people sleep through sex or disassociate? Was Bianca Capello the victim of incest or did she suffer, like her mother, from the delusions of late-stage syphilis? Why did her mother and her maid disclose the family secrets so late in her life? How easy was it to obtain an abortion potion? How did one go about contacting a discreet procurress to help with a clandestine birth and lying-in? Was the sexual commerce in these troubling cases by mutual consent, seduction, coercion, or rape? This last question goes beyond the historian’s detective work. It is timeless.