Nefarious Crimes, Contested Justice

Ferraro, Joanne M.

Published by Johns Hopkins University Press

Ferraro, Joanne M.


For additional information about this book
https://muse.jhu.edu/book/60321
Preface

1. I would like to thank Elyse Katz Flier for calling my attention to this painting. On Artemisia Gentileschi’s Susanna, see Garrard, Artemisia Gentileschi, 183–209; Cropper, “Life on the Edge,” 263–81. On the techniques of analyzing rape in history, see Elizabeth S. Cohen’s important “Trials of Artemisia Gentileschi,” 47–75. Further, my own analyses of early modern Italian legal rhetoric and litigation strategies in the present work provide additional context for the lawsuit Artemisia’s father, Orazio Gentileschi, brought against Agostino Tassi for the defloration of his daughter two years after she painted the Susanna. Rape, seduction, and consensual sex all had different social as well as legal consequences for the litigating parties, irrespective of their actual sexual experience, which remains unknown. Whether Artemisia was raped is a moot point with respect to a painting that preceded the alleged crime. However, it is plausible to argue that the young artist, like all young women of the age, was well aware of the dangers of sex outside of marriage, as well as of the vulnerability of women to unwanted advances.


Chapter One: Sex and Subjection in the Republic of Venice


NOTES

6. Ibid., 392–412.

7. Povolo, *Processo Guarnieri*, explores these differences. In 1644, the legalist Lorenzo Priori differentiated between voluntary and involuntary *stupro*. Essentially, the woman’s role in the sexual encounter defined the crime: if she allowed herself to be seduced, the act was voluntary (ibid., 34–35). The jurist began an inquiry assuming the woman was not a virgin and had already been deflowered. He wrote: “to justify rape the [jurist] may find the testimony of domestics admissible if there is no one else to call as a witness, and the crime was committed in hiding. However, one must always doubt that the virgin was a virgin if the rapist says so, unless he cannot prove that she sinned with others.” A century later, the Venetian lawyer Marco Ferro (1778–81) emphasized that in rape cases, the woman had to yell loudly and call on her neighbors for help (ibid., 33n60). This was not simply Venetian practice but rather the reality in most Italian regional states from the Middle Ages on. In essence, it was the community that determined a woman’s virtue. See also Cavallo and Cerutti, “Female Honor,” 73–110; Lombardi, *Matrimoni*, 397–412; Alessi, “L’onore riparato,” 129–42; Arrivo, “Raccontare lo stupro,” 69–86.


11. Kertzer, *Sacrificed for Honor*, 2; see also 3, 18–19, 26–32.


15. Gavitt, “Perchè non avea chi la ghovernasse,” 65, 74. See also Kuehn, *Illegitimacy in Renaissance Florence*.


17. Ibid., 181.


20. See Prosperi, *Dare l’anima*, 6, 13–15, 68.

21. Povolo, “Aspetti sociali e penali,” 425; Povolo, “L’imputata accusa,” 571. Povolo’s study of cases in Padua’s praetorian court for 1711–97 concludes that penalties for infanticide became lighter over the course of the eighteenth century. Whereas women were sentenced to death or life in prison prior to the
eighteenth century, they were either banished or released by the end of the century. These statistics are useful, but we cannot be certain that the sentences were ever applied to these women. My own study suggests that some women fled, thus escaping punishment. In Bologna, women were rarely given more than ten years in prison; see Casarini, “Maternità e infanticidio a Bologna,” 276. Prosperi consistently argues, instead, that infanticide was increasingly more severely punished. His examples, however, come from all over Europe rather than from Italy alone. Prosperi, Dare l’anima, 44, 54, 59–66. The discrepancies further underline the need for local studies rather than broad typologies, something Prosperi recognizes (ibid., 15). I thank Professor Claudio Povolo of the University of Venice for his invaluable assistance on the subject of infanticide and for his generosity in sharing both published work and archival references in the Avogaria di Comun.

22. Prosperi, Dare l’anima, 78.
23. Alessi, “Le gravidanze illegittime,” 230. The civil code of 1865 directly prohibited investigating paternity (ibid., 244). Infanticide symbolized a women’s attempt to control her sexuality and fertility. Italian judges opposed this over the long term. They held on to the more reassuring image of the mother as a segregated custodian of the fetus (ibid., 245).

27. Pestalozzi cited by Prosperi, Dare l’anima, 73.

29. In the Venetian territories after 1680, the judge of the local criminal tribunal (maleficio) directed the inquiries that the Council of Ten ordered. This judge then joined the tribunal of the podestà (praetorian court) in reaching a verdict. In Venice, on the other hand, one of the three state attorneys acted as public accuser and director of the inquiry. See Povolo, Processo Guarnieri, 25, 26, 26n44.

30. The procedures are fully explained in Povolo, Processo Guarnieri, 13–26.
32. Astarita, Village Justice, 146.

34. On the prosecution of moral crimes in Italy, see Brambilla, “I reati morali,” 521–76. On infanticide in England and New England, see Hoffer and Hull, Murdering Mothers; for the Netherlands, see Van der Heijden, “Women as Victims,” 623–44. Van der Heijden found seven cases of father-daughter incest for the seventeenth century in Rotterdam and Delft. The girls were not viewed as victims but rather as accessories to the crime (629–32).
35. Astarita, Village Justice, 152.
40. The governors of the Pietà reported in 1603 that four or five babies were placed in the hospital’s niche every day. Chambers and Pullan, eds., Venice, 313. Prosperi finds Bologna’s environment for foundlings more hostile to mothers. From 1613 on, agricultural estate managers in the countryside were obliged to denounce single pregnant women to the guardian of the Ospedale dei Bastardini (Hospital of the Little Bastards). Prosperi, Dare l’anima, 68.

Chapter Two: Family Secrets: Father-Daughter Incest

1. Herman and Hirschman, Father-Daughter Incest, 37.
2. For a full discussion of the incest theme in Shakespeare’s plays, see Ford, Patriarchy and Incest, 36–53.
3. Dundes, “‘To Love My Father All,’” 229–44. My thanks to Jerry Griswold for this reference.
5. On the importance, but also the limitations, of both literature and criminal records as historical sources of sexuality, see G. Ruggiero, Machiavelli in Love, 5–12.
6. Flandrin notes that in late eighteenth-century France, synodal statutes in all
regions repeatedly complained about both brothers and sisters and parents and children sleeping in the same beds, despite centuries-old clerical admonishments and prohibitions. Flandrin, *Families in Former Times*, 98.


9. Ibid., 124.


14. Arringa difensiva dell’Avvocato Prospero Farinacci: “Benchè Beatrice Cenci abbia ampiamente promosso la morte del suo padre Francesco, tuttavia è vero (come è creduto verissimo) che lo stesso Francesco, col tenere entro stanze oscure e chiuse a maniera di carcere la detta Beatrice, l’ha maltrattata e ha osato di violarne la pudicizia . . . Nè il Fisco opponga che se Beatrice fu tentata dal padre allo stupro, doveva non uccidere, ma accusarlo come pare insinuato dalle leggi romane. Non solo era le infatti tolta dal padre la libertà e potere di accusarlo, mentre che la teneva chiusa nelle sue stanze e sotto chiave; ma spesse volte la stessa Beatrice mandò a Roma gli avvisi a’ suoi parenti, e lettere nelle quali in genere si lagnava dei mali maltrattamenti del padre e chiedeva loro soccorso” (Grassi, *La bella Cenci*).


21. Ibid., 176–77n49, quoting Giovanni Boccadifero, *Discorso sopra il go-
verno delle monache, 171–72, Biblioteca comunale dell’Archiginnasio, Bologna, MS B 778. Medioli does not supply a date, but Boccadiferro’s work was published in 1550.


27. Ibid., October 18, 1557, fols. 1r–40v; quotation from ibid., October 17, 1557, fol. 19r.

28. Ibid., October 18, 1557, fols. 1r–40v; quotation from ibid., October 17, 1557, fol. 19r.

29. Ibid., October 23–28, fols. 1r–1v, 2r–8v.

30. Ibid., October 31, 1557, fol. 9r.

31. Ibid., October 23, 1557, fol. 2r.

32. Ibid., fols. 2v–4v.

33. Ibid., testimony of Samaritana Cerdonis, October 23, 1557, fol. 4v.

34. Ibid., fol. 5r.

35. Ibid., October 24, 1557, fol. 5v.

36. Ibid., October 27, 1557, fol. 7r.

37. Ibid., October 28, 1557, fols. 7v–8v.

38. Ibid., October 31, 1557, fols. 9v–10r.

39. Ibid., testimony of Andriana Zorzi, October 15, 1557, fols. 13r–15r.

40. Ibid., fol. 14r.

41. Ibid., testimonies of Marieta’s mother, Chiara Zorzi, October 15, 1557, fols. 15r–17v, October 19, 1557, fols. 23r–v.

42. Ibid., October 15, 1557, fols. 17v–18v.

43. Ibid., October 18, 1557, fols. 20r–21v.

44. Ibid., October 19, 1557, fols. 21v–22v.

45. Ibid., fol. 22v.

46. Ibid., November 2, 1557, fols. 26v–32v.

47. The object of the verb is gender-specific: *impazzarse con donne* in Venetian signified a man having permitted himself sexual liberties with a woman. Boerio, *Dizionario del dialetto veneziano*, 327.


49. Ibid., sentence of the Council of Forty, January 29, 1558, fol. 37r. The length of the prison term was not specified.
50. Ibid., sentence of the Council of Forty, January 29, 1558, fol. 36v.
51. Ibid., sentence of the Council of Forty, January 28, 1558, fol. 38r.
52. Parts of this case, found in ASV, Avogaria di Comun, Miscellanea Penale, busta 97, fascicolo 5, 1593, fols. 1r–64v, appear in my “One Community’s Secret,” 441–52. Quotation from ASV, Avogaria di Comun, Miscellanea Penale, busta 97, fascicolo 5, November 21, 1593, fols. 1r–3v.
53. For the history of Galliera Veneta, the Capello family, and the Villa Capello, see www.comuneweb.it / GallieraHome/ (accessed January 14, 2008).
54. Antonio Pertile’s history of Italian law categorizes incest under “crimes against public custom.” Since the Roman and Carolingian periods, it had been punished by death. However, punishment varied according to the various cities’ medieval and early modern statutes, depending on how close the kinship ties were. In 1587, Pope Sixtus V decreed the punishment for father-daughter incest to be death. Pertile, Storia del diritto italiano, 5: 537–38. The punishment for incest in the Republic of Venice was death. If the victim was a virgin, then rape (stupro) was an additional crime attached to the incest sentence. It was considered among the gravest of crimes. Priori, Pratica criminale, 214–16. See also Ferro, Dizionario del diritto comune e veneto, 2: 96–98. Homicide was also punishable by death in the Venetian Republic. Sebastian Stanghelin was technically accused of “parricide,” the killing of one’s ascendants or descendants. Priori, Pratica criminale, 173, describes the mode of execution: “Si tira a coda di cavallo, si tanganiglia, e si decapita, privando il delinuente, e li figliuoli suoi di ogni successione” (“the delinquent is dragged by the tail of a horse, pinched, and then decapitated, depriving him and his offspring of any inheritance”).
55. The judge, in this case the podestà, had to respect the local statutes, but principally the laws of the Venetian state. He would take into account whether civil, criminal, or canon law had been violated. If the crime had not been completely proven through testimony, the judge was permitted to use torture on the accused. In sentencing, the judge had to consider the quality of the facts, his own opinion and credulity, and whether or not the crime had been proven. Priori, Pratica criminale, 102–9, 119–20, 215.
56. ASV, Avogaria di Comun, Miscellanea Penale, busta 97, fascicolo 5, 1593, no date (hereafter, n.d.), fols. 3v–6r.
57. Ibid., n.d., fols. 6r–8r.
58. Ibid., n.d., fols. 8r–12v.
60. Ibid., November 22, 1593, fols. 15r–16v.
61. Ibid., November 22, 1593, fols. 16v–19r.
63. Ibid., testimony of Giuseppe Diala, November 22, 1593, fols. 22v–24v.
64. Ibid., testimony of Giovanni Donà, November 22, 1593, fols. 24v–26v.
65. Ibid., testimony of Gaspar Barbossa, November 23, 1593, fols. 28v–30v.
66. Ibid., fols. 30v–35r.
67. Ibid., November 23, 1593, fols. 35r–38v.
68. Ibid., November 24, 1593, fols. 39r–41r.
69. Ibid., November 24, 1593, fols. 41r–48v.
70. Ibid., November 26, 1593, fols. 49r–57r.
71. Ibid., November 28, 1593, fols. 57r–59v.
72. There were two sessions. Ibid., November 28, 1593, fols. 59v–60v; November 30, 1593, fols. 60r–64r.
73. Ibid., December 10, 1593, fol. 64r.
74. Ibid., February 10, 1594, fol. 49r; annotation added in margin.
75. Herman and Hirschman, *Father-Daughter Incest*, 63.
76. Ibid., 61.
77. Ford, *Patriarchy and Incest*, 13, 163.
79. When Italy compiled its law codes in the decades after Unification, there was a sharp debate over whether to include incest. Some legalists wanted to avoid investigating incest, so as not to intrude in family privacy. It was assumed that incest was rare in Italy, and officials wanted to avoid family scandal, prioritizing that over the issue of public morals. Pisadia, *Delitti contro la famiglia*, 503–602, esp. 577.
80. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Vicenza, *busta* 7 (1757), unnumbered *fascicolo*. Anna Maria appeared before the judge of the *maleficio* on June 18, 1757. Ibid., fols. 1r–3r.
81. Ibid., fols. 4r–6r.
82. Ibid., June 20, 1757, fols. 6r–9r.
83. Ibid., June 21, 1757, fols. 9r–12v.
84. Ibid., July 3, 1757, fols. 13r–14r.
85. Ibid., fol. 15v.
86. Ibid., fols. 15r–17v.
87. Ibid., testimonies of Antonio Bontempo and Iseppo Gasparino, July 14, 1757, fols. 18r–v.
88. Ibid., July 17, 1757, fols. 21r–v.
89. Ibid., July 17, 1757, fols. 21v–22v.
90. Ibid., July 17, 1757, fols. 22v–24r.
91. Ibid., October 20, 1757, fol. 25r.
92. Interrogating a priest required special permission, which the Venetian
governors Francesco Loredano and Jacobo Trevisano obtained from the Council of Ten. Ibid., fol. 17v. Don Pietro was deposed on October 24, 1757, fols. 25v–26v.

93. Ibid., October 24, 1757, fols. 27r–28r.
94. Ibid., fols. 28r–v.
95. Ibid., fols. 30v–31r.
96. Ibid., fols. 31r–32r.
97. Ibid., November 20, 1757, fols. 38v–39r.
98. Ibid., fols. 46r–51r.
99. Ibid., December 12, 1757, fols. 50r–v.
100. Ibid., fol. 50v.
101. Ibid., December 15, 1757, fols. 52r–54r.
102. Ibid., February 15, 1757, fol. 47r.
103. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Treviso, busta 47 (1788), unnumbered fascicolo, sworn deposition of Catterina de Vei, September 7, 1788, fols. 12r–15r.
104. Ibid., fols. 15v–17r.
105. Ibid., fols. 17r–18r.
106. Ibid., September 20, 1788, fols. 18r–21r.
107. Ibid., fols. 22r–v.
108. Ibid., fols. 22v–23v.
109. Ibid., fols. 24r–25r.
110. Ibid., September 25, 1788, fols. 25r–27v.
111. Ibid., October 6, 1788, fols. 27v–31r.
112. Ibid., fols. 31r–32v.
113. Ibid., fols. 32v–35r.
114. Ibid., December 2, 1788, fols. 35r–36v.
115. Ibid., December 3, 1788, fols. 36v–39r.
116. Ibid., December 4, 1788, fols. 39r–40v.
117. Ibid., fols. 40v–41v.
118. Ibid., fols. 43r–45r.
119. Ibid., fols. 46v–50v.
120. Ibid., fols. 53r–58r.
121. Ibid., fol. 19r. The podestà of Treviso handed down the sentence, dated April 11, 1789. The governor of Belluno transferred the case to the governor of Treviso. Ibid., fol. 5r.
Chapter Three: Hidden Crimes in a Noble Household

1. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Dogado, busta 29 (1778), August 26, 1778, fascicolo 1, fols. 2r–v, 4r–5r. Michela Dal Borgo, senior archivist in the Venetian State Archives, introduced me to this case.

2. Ibid., August 27, 1778, fols. 4v–13v.

3. Ibid., fols. 4v–5r.

4. Ibid., fols. 5r–6r.

5. Ibid., fols. 6r–v; fol. 32v.

6. Ibid., fols. 7r–8v.

7. On wives’ attempts to attack their husbands’ honor in marital litigation, see Ferraro, “Honor and the Marriage Wars,” 41–48; id., Marriage Wars, 70–103.

8. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Dogado, busta 29 (1778), fols. 8v–11v.

9. Ibid., fols. 12r–13r.

10. Ibid., August 31, 1778, fols. 13r–v.

11. Ibid., September 1, 1778, fols. 18r–19r.

12. Ibid., fols. 20r–v.

13. Ibid.

14. Ibid., fol. 21r.

15. Ibid., fols. 21r–22r.

16. Ibid., fol. 22r.

17. Ibid., fols. 22v–23r.

18. Ibid., fol. 23v.

19. Ibid., fol. 25r.

20. Ibid., fols. 26r–v.

21. Ibid., fols. 27r–28r.

22. Ibid., fols. 27r–29r.

23. Ibid., fols. 29v–30r.

24. Ibid., fol. 32r.

25. Ibid., fols. 31r–v.

26. Ibid., fol. 33r.

27. For an overview of this debate, see Astarita, Village Justice, 155.

28. ASV, Consiglio dei Dieci, Processi Criminali, Dogado, busta 29 (1778). The allegations against the defense are in three unnumbered fascicoli, all dated December 16, 1778.

29. Ibid., unnumbered fascicolo dated December 16, 1778, and labeled “Piero Capello the Third, called Domenico, son of Piero.” The accusations are in fols. 1r–11v. The defense is in a separate, unnumbered fascicolo entitled “Allegazione,” fols. 1r–25r.
30. Unnumbered fascicolo dated December 16, 1778, and labeled “Anna La-bia.” The accusations are dated February 6, fols. 1r–13v; the response, in a separate fascicolo entitled “Allegazione,” is dated May 15, 1779, fols. 1r–18r. The defense rested on June 28, 1779.

31. The reference is to the physician Herman Boerhaave (1668–1738), whose principal work was the Institutiones medicae (Leiden, 1708).

32. The accusations against Piero Capello are dated February 6–8, 1779, in several unfoliated pages. Within this is the response of the defense, in a bound fascicolo entitled “Allegazione of nobleman Piero Capello, son of Piero,” fols. 1r–18v. The defense rested on June 28, 1779.


35. Statistics strongly suggest that syphilis was common among married women during the seventeenth century but rare among infants. Only two cases are cited. McGough, “Demons, Nature, or God?” 219–46. In the nineteenth and twentieth centuries, congenital syphilis, “transmitted from the mother to the fetus through the placenta or through direct contact after birth,” was considered rare. Rather, syphilis was thought to be “inherited in the form of a constitutional weakness.” Pomata, “Unwed Mothers,” 176.


37. The sentences of the Capellos are noted on the front of each of their un-numbered fascicoli. They were each absolved on July 16, 1779.

Chapter Four: Infant Deaths and Community Secrets


2. Between 1451 and 1545, only fifteen cases of infanticide were recorded in the registers of the Venetian state attorneys (Povolo, “Note per uno studio,” 124), but there were many more tried in the Venetian empire.


4. Infanticide was ruled to be murder, and thus a capital offense, in France in 1556, in England in 1624, and in Scotland in 1690; twenty-five of thirty-one women tried for infanticide in Geneva between 1595 and 1712 were executed. Wiesner, Women and Gender, 51; id., Early Modern Europe, 276.

5. Prosperi offers partial statistics gathered from studies elsewhere in Europe.
In Essex, between 1580 and 1709, thirty-three women were hanged for infanticide; between 1650 and 1699, twenty of sixty-three were condemned to death at Chester; in Bourgogne, between 1582 and 1730, forty-seven of fifty-eight capital sentences were confirmed. Prosperi, *Dare l’anima*, 64–65.

6. Povolo’s survey of fifty-five infanticide cases in Padua between 1711 and 1797 shows that the majority of the women were banished; two received prison sentences of between three and thirty years; and seven were freed. Povolo also concludes that authorities had a difficult time proving infanticide: of ninety-one cases, only fifty revealed the perpetrator of the crime. It was more difficult to discover the mother of a dead infant in the cities than it was in the villages of the countryside. Povolo, “Aspetti sociali e penali,” 425, 428. Cf. Trexler, “Infanticide in Florence,” 98–116; K. Ruggiero, “Honor, Maternity, and the Disciplining of Women,” 353–73.


8. Ibid., fols. 7r–8v.

9. Ibid., fols. 2r–4r.


11. In Bologna and the surrounding countryside, midwives or estate managers were instructed to denounce all single women in the villages and hamlets to the guardian of the Ospedale dei Bastardini in the city. Both Tuscany and Switzerland mandated midwifery inspections in the seventeenth and eighteenth centuries. Prosperi, *Dare l’anima*, 62, 68. On childbirth, see Pancino, *Il bambino e l’acqua sporca*.

12. The Church regulated women’s sexual conduct though the city’s official midwives. In 1614, Pope Paul V mandated that bishops oversee the profession during their pastoral visits. The secular state also controlled the profession. In 1624, the public health magistracy obliged prospective midwives to take a state qualifying exam and register. Midwives were a primary source of knowledge about the sexual commerce of a community. They were often called to court to pronounce on virginity or expose defloration, thus wielding considerable influence. Some could be persuaded through gifts to testify in court on behalf of an interested party, but an unmarried pregnant woman nevertheless risked discovery, depending on her relationship with the midwife. Ferraro, *Marriage Wars*, 70–71, 75, 82–85, 91–93, 95, 103, 159.


14. Ibid., fols. 9r–v.
15. Ibid., fols. 10r–15r.
16. Ibid., fols. 16r–18r.
17. Ibid., fols. 19r–21v.
18. Ibid., fols. 21v–25v.
21. By the eighteenth century, seduction was no longer a crime. Forced rape was, however, and the perpetrator would be prosecuted.
22. Priests were shielded from accusations of rape and infanticide, according to Proserpini, Dare l’anima, 95–100, and abuse by priests was kept secret, so there is little documentation of it. For a priest to have sex was not a crime; it was a sin.
23. Giulio Claro, Opera omnia, sive practica civilis atque criminalis (Lyon, 1661), cited in Astarita, Village Justice, 251n50.
24. Women’s testimony counted less than men’s, as did that of clerics, wards, and the poor. Kin to the fourth degree could not testify against one another, nor wives against husbands. Jews could not testify against Christians, and domestics could testify only if of honest reputation, and for cases that took place in the house. These rules articulate social conflict and the game plan of jurists (e.g., village justice depended on kin and friends, and these could be ruled out for the defense). See Povolo, “Retoriche giudiziarie,” 2: 19–170.
25. ASV, Avogaria di Comun, Miscellanea Penale, busta 251, fascicolo 5, fols. 26r–30v.
26. Ibid., fols. 30v–34v.
27. This test did not become a systematic part of judicial inquiries until the end of the eighteenth century. See Povolo, “Aspetti sociali e penali,” 418, 419n3.
28. ASV, Avogaria di Comun, Miscellanea Penale, busta 251, fascicolo 5, fols. 35r–v.
29. Ibid., fols. 35v–36r.
30. Ibid., fols. 37r–41v.
31. Ibid., fols. 42v–43r.
32. Ibid., fols. 45v–48r.
33. Ibid., fols. 57v–60r.
34. Ibid., fols. 62v–65v.
35. Ibid., fols. 67r–71v.
36. Ibid., fols. 71r–75r.
37. Ibid., fols. 75r–77v.
38. Ibid., fols. 77v–80v.
39. Ibid., August 31, 1736, fol. 92r; September 17, 1736, fols. 95r–v.
43. ASV, Avogaria di Comun, Miscellanea Penale, *busta* 251, *fascicolo* 5, fol. 96r.
44. The formulaic sentence handed down in these cases took into account deliberateness (*sciente*) and fraud (*doloso*) and that it was the worst example of going against the laws of God, nature, and the Prince. Grecchi, *Formalità*, 90.
45. ASV, Avogaria di Comun, Miscellanea Penale, *busta* 251, *fascicolo* 5, fol. 100r.
46. Ibid., fols. 101r–v.
47. Ibid., fols. 103r–104r.
48. Ibid., fol. 105r.
49. Ibid., fol. 105v.
50. Ibid., fols. 106r–v.
51. Ibid., unfoliated document following fol. 106v.
52. ASV, Avogaria di Comun, Miscellanea Penale, *busta* 246, *fascicolo* 12 (all facts pertaining to this case come from this source, which is unfoliated), testimony of Andrea Marcello, August 6, 1587; testimony of Bortola de Campanis, August 6, 1585.
53. Ibid., testimony of Angelo Fior (Ottavio Negro’s boatman, who was sent to fetch the mason), August 7, 1585.
54. On master-servant relations in Venice, see Romano, *Housecraft and Statecraft*.
56. Ibid., testimony of Joanneta, daughter of Simon the shoemaker, August 16, 1585.
57. Pomata reveals evidence for the modern period of a structured network of brokers who procured wet nurses for private individuals, charging them for the service. When women did not find private clients, they sold their milk to foundling homes. Pomata, “Unwed Mothers,” 167–68.
59. Women could draw upon a variety of local knowledge about their bodies. There was a common malady known as *la madrazza*, the cessation of monthly menses (which was also a product of malnutrition) and swelling of the stomach. It was cured with herbs or yeasts. The woman thought she was ill. She might misinterpret her labor as expulsing accumulated blood, in a latrine. Casarini, “Maternità e infanticidio a Bologna,” 281.
60. ASV, Avogaria di Comun, Miscellanea Penale, busta 246, fascicolo 12, testimony of Pulisen Negro, August 16, 1585.

61. Ibid., testimony of Hieronima Doria, August 18, 1585.

62. Ibid., communications between State Attorney Pietro Lando and Deputy Zorzi, dated August 7 and 8, 1585.

63. Ibid., State Attorney Pietro Lando, sentence dated August 26, 1585.

64. Ibid. The vote by the thirty magistrates present was unanimous.

65. Ibid., sentence of the Council of Forty dated September 18, 1585. The sentence was posted on September 24.

66. ASV, Avogaria di Comun, Miscellanea Penale, busta 487, fascicolo 14, March–May 1751, fols. 31r–72r (from the folio numbers, it appears the first thirty pages of the inquiry are missing), March 20, 1751, fols. 32r–34r.

67. Ibid., fols. 34r–37r.

68. Ibid., fol. 38r. Francesca testifies further after the state attorney reads her the official charges on March 24, 1751, fols. 47r–49v.

69. Ibid., fols. 39r–45v.

70. Ibid., March 24, 1751, fol. 46r.

71. Ibid., sworn testimony of Bortola Adami, March 24, 1751, fols. 50r–51v.

72. Ibid., sworn testimony of Catterina Spidolina, fols. 52r–v.

73. Ibid., orders of State Attorney Querini on March 26, 1751, fol. 53r; testimony of Laura Aliotto, May 9, 1751, fols. 69r–70r.

74. Ibid., March 28, 1751, fols. 54r–59v.

75. Ibid., fols. 60r–61r.

76. Ibid., unfoliated document dated May 4, 1751.

77. ASV, Avogaria di Comun, Miscellanea Penale, busta 45, fascicolo 4, 1699. The local inquiry, administered in the reef community of Selve under Judge Mattio Sanonich and Judge Zorzi di Gasparo, began on March 26, 1699, and is in fols. 1r–55v.

78. Ibid., March 28, 1699, fols. 4r–v.

79. Ibid., unfoliated parchment dated May 22, 1699.

80. Ibid., May 23, 1699, fols. 16r–16v. Di Gasparo reported further on June 29, fols. 20v–21v.

81. Ibid., June 29, 1699, fols. 18r–v.

82. Ibid., June 29, 1699, fols. 21v–22r.

83. Ibid., July 5, 1699, fols. 23r–24r.

84. Ibid., July 11, 1699, fols. 26v–27v.

85. Ibid., July 12, 1699, fols. 28v–29r.

86. Ibid., fol. 29v.

87. Ibid., July 17, 1699, fols. 29v–31r.
88. Ibid., September 20, 1699, fols. 36r–37r; with a copy on fols. 30r–40v.
89. Ibid., March 28, 1702, fol. 36v.
90. Ibid., September 16, 1699, fol. 36r; September 20, fol. 42r.
91. Ibid., March 28, 1699, fols. 44r–47v.
92. Ibid., April 4, 1702, fols. 39v–50r.
93. Ibid., April 5, 1702, fols. 50r–v.
94. Ibid., defense addressed to the Provveditore Generale, April 7, 1702, fols. 52r–55r.
95. Ibid., unbound and unfoliated document dated June 30, 1714.
96. Ibid.
97. Ibid., unbound and unfoliated document dated June 11, 1714.
98. Ibid., unbound and unfoliated document dated June 30, 1714.
99. Wiesner, Women and Gender, 50.
101. Ibid., 94.

Chapter Five: Defying Scandal: Priests and Their Lovers

2. Ibid., 34–35.
3. Ferro, Dizionario del diritto comune e veneto, 2: 756–57. See also Povolo, Processo Guarnieri, 33.
4. Di Simplicio, Peccato, penitenza, perdono, 111–21, 183–241, demonstrates that it was common for priests in Tuscany to have sex with prostitutes and set up house with concubines.
7. Cowan, Marriage, Manners and Mobility in Early Modern Venice (forthcoming). My thanks to Professor Cowan for allowing me to read his manuscript prior to its publication.
9. For a discussion of Mercurio’s works, see Bell, How to Do It, 82–84, 300n24, 93–95.
10. Medieval canon law regarded abortion as worse than homicide, because it killed a soul. Both the mother and any accomplices were to undergo corporal punishment. Pertile, Storia del diritto italiano, 5: 591–92.


16. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Udine, *busta* 22 (1772–1773), unnumbered *fascicolo*, unfoliated parchment dated July 7, 1773. This case began in 1773 but was suspended for four years because the lieutenant assigned to it died. Nimis was eighteen kilometers from the city of Udine, in the eastern Friuli, near the Austrian and Istrian borders.

17. Ibid., testimony of Tommaso Gabrieli, governor of the Pious House of the Convertite, fols. 18v–21r; testimony of Michiel Rainij, lawyer and governor of the Pious House of the Convertite, fols. 21r–23r.

18. Ibid., fols. 1r–v.

19. Ibid., sworn testimony of Maddalena Micossi, April 21, 1777, fols. 12r–15v.

20. On the geopolitical structures of the Friuli, see Muir, *Mad Blood Stirring*, 16–30; on the roads to Austria, ibid., 25. Muir maintains that “the Friulian church abdicated its leadership role in the community” during the sixteenth century (ibid., 37).

21. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Udine, *busta* 22 (1772–1773), unnumbered *fascicolo*. Maddalena’s initial petition is in fols. 7r–9v. Then she deposed before the deputy of the *maleficio* of Udine in the parlatory of the Convertite on April 21, 1777, fols. 12r–15v. In constructing the historical narrative, I am quoting from both the written petition and the deposition.


23. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Udine, *busta* 22 (1772–1773), sworn testimony, April 21, 1777, fols. 15r–18v.

24. Ibid., sworn testimony, April 22, 1777, fols. 23v–25r.

25. Ibid.

26. Ibid., sworn testimony, April 27, 1777, fols. 33r–36r.

27. Ibid., sworn testimony, April 22, 1777, fols. 36r–38r.

28. Ibid., sworn testimony, April 24, 1777, fols. 43r–46r.

29. Ibid., sworn testimony, April 25, 1777, fols. 46r–52v.

30. Ibid., testimony of April 27, 1777, fols. 70v–73v.

31. Ibid., fols. 90r–97r.

32. Ibid., fols. 65r–66r.
33. The lieutenant summoned Bearzi to jail on August 4, 1777. Ibid., fol. 98r. Bearzi's sentence, dated August 30, is written in the margin of folio 98v.

34. Ibid. The Ten gave Bearzi permission to defend himself on August 25, 1780, fol. 104r. He presented his defense on September 1, 1780, fol. 107r–121v.

35. Ibid., fols. 129v–131v.

36. Ibid., fols. 131v–133r.

37. Ibid., fols. 133r–135r.

38. Ibid., sentence in the margin of fol. 107r.

39. Ibid., letter of Giorgio Micossi to Maddalena, dated August 19, 1772, fols. 86r–86v.

40. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Udine (1775), busta 27, unnumbered fascicolo.

41. Ibid., unfoliated parchment dated November 17, 1775.

42. Ibid., September 16 and December 1, 1775. Most of the upper edges of the folios are deteriorated or gone, making it impossible to provide numbers consistently. When possible, dates are provided instead.

43. In December 1775, the bishop of Concordia supplied Lieutenant Mocenigo with Giacomo Marchi’s long and troubled history both with the ecclesiastical hierarchy and with Venetian justice. Mocenigo in turn forwarded the bundle of documents to the Ten. Ibid., unfoliated parchment dated December 14, 1775. Lieutenant Mocenigo petitioned the Ten for permission to question several men of the cloth regarding Marchi’s poor standing in the religious community. Ibid., unfoliated parchment, dated September 28, 1776.

44. Ibid. The Ten received documentation from the bishop of Concordia regarding the Church’s disciplinary action against Marchi in 1740. On November 17, 1756, and January 4, 1762, Marchi was suspended. Document dated December 3, 1775. Ibid., fol. 8r. The Ten absolved Marchi for alleged misconduct prior to 1765, but he faced rape charges on September 26, 1770. Ibid., fol. 13r. Several priests had written complaints against Marchi for immoral conduct. Ibid., fols. 9r–11v; 15r–16r. The bishop of Concordia provided a history of the priest’s disorderly conduct. Ibid., fols. 18r–20r.

45. Ibid. Much of the peasantry in Fanna were interviewed between September 1775 and May 1776. Functionaries from the maleficio in Udine also took depositions in Spilimbergo, where Lucia had allegedly given birth. Ibid., fols. 38r–198v.

46. Ibid., May 1, 1776, fols. 143r–v; June 3, 1776, fols. 154r–v.

47. Ibid., January 21, 1780, fols. 236r–244r.

48. Ibid., testimony of a widow named Libera, a midwife in Spilimbergo, July 14, 1776, fols. 156r–v.
49. Ibid., unfoliated documents dated February 29 and September 16, 1775.
50. Marchi specifically rented a house for Lucia Topan on August 4, 1774. Ibid., fols. 198r–198v. Witnesses referred to the food shop as a *bettola*, a coarse word for tavern.
51. Ibid., September 4, 1775, fols. 22r–23v.
52. Ibid., August 3, 1780, fol. 234r.
53. His statement is in ibid., April 2, 1780, fols. 246r–253r; the witnesses for his defense are on fols. 262r–269r.
55. Ibid., unfoliated document preceding fol. 234r, in the bundle entitled “Allegazioni.”
56. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Brescia (1787–1788), *busta* 90, unnumbered *fascicolo*.
57. The problem was widespread. Prosperi, *Dare l’anima*, 93–99, argues that some priests enjoyed the protection of their superiors and their orders.
58. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Brescia (1787–1788), *busta* 90, unnumbered *fascicolo*, fols. 10r–14r; 19r.
59. Ibid., fols. 6r–7v.
60. Ibid., fol. 17r.
61. Ibid., fol. 153r.
62. Ibid., fol. 135r.
63. Ibid., fols. 36r–39r.
64. Ibid., fol. 47r.
65. Ibid., fols. 50r, 53r.
66. Ibid., fols. 82v–83r.
67. Ibid., fol. 261r.
68. Ibid., fols. 205v–206r.
69. ASV, Processi Criminali Delegati, Capodistria (1752), *busta* 2, unnumbered *fascicolo*.
70. Ibid., fols. 1r–v.
71. Ibid., September 25, 1753, fols. 37r–43r.
72. Ibid., July 18, 1753, fols. 3–6r.
73. Ibid., fol. 6r.
74. Ibid., fols. 6v–9v.
75. Ibid., fols. 247r–248r.
76. Ibid., fol. 252r.
77. Pasqual Bregogna, Podestà, absolved Pre Lius on March 19, 1756. Ibid., fol. 127v.
78. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Bergamo (1773), busta 22, unnumbered fascicolo.
79. Ibid., October 6, 1773, fols. 20v–23r.
80. Ibid., August 31, 1773, fols. 1r–2v; September 2, 1773, fols. 6r–7v.
81. Ibid., August 31, 1773, fols. 2v, 6r.
82. Ibid., fols. 7v–9r.
83. Ibid., fols. 9v–10r.
84. Ibid., October 3, 1773, fols. 10r–12r.
85. Ibid., October 5, 1773, fols. 12v–19r.
86. There were a number of remedies thought to bring the return of the menses, among them sage paste. Sage in concentrated form also induced abortion. G. Ruggiero, Binding Passions, 61.
87. ASV, Consiglio dei Dieci, Processi Criminali Delegati, Bergamo (1773), busta 22, unnumbered fascicolo, fol. 2or.
88. Ibid., fols. 24r–26v.
89. Ibid., fols. 27r–v
90. Ibid., fols. 29r–39r
91. Ibid., fols. 36r–39v.
92. Ibid., fols. 40r–43v.
93. Ibid., fols. 45v–49r.
94. Ibid., fols. 49v–54r.
95. Ibid., April 3, 1774, fols. 85r–88v.
96. Ibid., fols. 105r–109v.
97. Ibid., fols. 113v–121r.
98. Ibid., fols. 125–139r.
99. The Venetian governor consulted a physician in Bergamo about the effects of ingesting a mixture of white wine with iron shavings. Dr. Cesare Carcano explained that the cure was called vino calibrato and that it was prescribed for women whose menses had ceased. Doctors ordered this in cases of chronic diarrhea or when women needed fiber. The physician also explained that it was easiest to terminate a pregnancy in the first months, because the fetus was weak. Ibid., fol. 144v.
100. Ibid., fol. 113v.
101. Ibid., fols. 108r–109r.
102. Ibid., fol. 111v; August 11, 1774, fol. 155r.
Chapter Six: Conclusion

1. See, e.g., Weaver, Convent Theater in Early Modern Italy.
This page intentionally left blank