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Lineage strategies and the control of widows in Renaissance Florence

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'God send her a hundred years of misery to repay her for her madness!' ¹: this was how Francesco Davizzi cursed his sister - whom he also referred to as a 'beast' and 'ungracious female' - when he came to know what sort of life she had chosen. After her husband's death, Lena 'decided to live in poverty with the nuns of Foligno', and even if those around her tried to discourage her, arguing that 'she would have better served God taking care of her family', she still 'wanted to follow her own way' ².

The biography of this Florentine widow who, in 1422, decided, against the will of her family, to dedicate herself to God, has come to us through three letters sent from London to Florence between June and October 1422. Lena's three brothers were international Florentine bankers and merchants who lived and practiced their trade in London. In the course of the winter and spring of 1422, Simone Strozzi wrote to them from Florence to announce the 'foolish' intentions of Lena, who had recently been widowed. In the first remaining letter, dated the 16th of June 1422, Francesco Davizzi answered a letter from Simone which informed him of his sister's immovable resolution to enter a convent ³. Pinaccio Strozzi, who also lived in London, had certainly had the opportunity to comment on these events with the Davizzi brothers. The letter he wrote to his brother Simone in July indirectly echoes their London conversations ⁴; conversations between men who, because of the distance from their sister, were powerless to act, and for whom invective was the only recourse. The last letter that Francesco Davizzi addressed again to Simone Strozzi in the autumn of 1422 ends this extraordinary documentation on a note of anger ⁵. This brief correspondence echoes with rare intensity how a patrician family could react when faced with a choice like Lena's and casts light on the way in which men of this time conceived the property and devolution of female patrimony.

We know very little of Lena Davizzi's life as wife and mother. We don't know who her husband was, but she certainly made a good marriage: her brothers strongly regretted having had to spend so much for her dowry, valued at 700 florins, in order to give her a comfortable and honorable future. As Francesco Davizzi remembered, they had even had to go into debt to raise this sum ⁶. In order to follow her vocation, Lena 'abandoned' her young children. From her brothers' and her in-law's point of view, the fact that she was a mother made her decision even more reprehensible: 'They would have liked - wrote Pinaccio Strozzi - her to have taken care of her children who, because of their age, needed her' ⁷.

But still, in spite of all the silences which shadow Lena's biography, her actions bespeak for herself and her very strong personality emerges from the stream of recriminations that Francesco Davizzi poured out in his letters. As a result of her determination to answer the call of God against everyone's wishes, she found herself up against both families who, as usual, tried every means possible to discourage this sort of vocation. In a certain way, she also found herself coming up against the Church which, even if it exalted the superiority of widowhood, did not really encourage mothers to forbear their children to the service of God. Lena Davizzi also showed great acumen

¹ *'Che Dio le dia cie[n]to mali anni alle sue pazzie'* (*Carte strozziane*, III serie, 32, f. 66r, 16th of June 1422); all the documents quoted in this article come from the *Archivio di Stato di Firenze*.

² *'Rimangho avisato come la Lena à pure voluto seghuire le sue voglie e mi dispiace asai, non per amore di lei ma per amore della sua famiglia, e sono ancora in questa openione facieva meglio e più servizio a Dio ad alevare la sua famiglia che fare quello à fatto'* (*Ibid.*).

³ *Ibid.*

⁴ *Ibid.*, f. 67r, 14th of July 1422.

⁵ *Ibid.*, f. 68r, 5th of November 1422.

⁶ See, *infra*, footnote n. 12.

⁷ *'E lloro arebono voluto fusi istata al ghoverno de' suoi figlioli, che pareva n'avesino bisongnio dell'età gli lascia'* (*Carte strozziane*, III serie, 32, f. 67r)

because, while her religious vocation obliged her to strip herself of all her wealth, she did not renounce the rights over her patrimony which she had recovered on her husband's death. 'She has asked for her dowry and mainly distributed it to God' wrote Francesco Davizzi, extremely upset. In fact, before entering the convent, Lena organized her succession herself with the help of a notary and her testamentary dispositions, even more complex than her brother allows, show how she acted with an almost subversive determination.

First of all, she left her young children 600 florins, which was the main part of her dowry. But in order to prevent her in-laws from wasting this inheritance before the children would be legally able to come into it, she wanted this money to be immediately invested in a farm. She further stipulated that if her children died before reaching adulthood or before having founded their own family, Lena's three brothers would have the usufruct of the farm and, after their death, the property would pass on to the Church⁸. Then, she divided the usufruct of her last hundred florins between an old woman and one of her brothers, Gherardo; but, again, after each of their deaths, 'some monks' and more generally 'God' would inherit this sum. Lena's testament actually placed a man from her own patrician family and a poor woman on the same level. But worse was to come: In order to obtain what was little more than a pittance, Gherardo Davizzi would have to write to his sister and justify his needs. This humiliation was even more intolerable because, as luck would have it, at this time Gherardo was in a London jail for debts and his family was living off the generosity of Pinaccio Strozzi⁹. Gherardo saw this clause of the will as another sign of God's punishment, but his brother Francesco, in a more trivial fashion, judged that it would be better to die of hunger rather than demean himself by accepting these extraordinary conditions. 'Let Gherardo and Lena know - he wrote to Simone Strozzi - 'that I would like to melt down all this money and force it down some monk's throat'¹⁰.

[The Davizzi] are really upset about the way Lena has distributed her dowry, seen how little she has remembered her brothers and how she has preferred monks and other strangers, to whom she has given what she should have left to her own family, if she didn't want to leave it to her children. Because she must have known that she had been given a dowry which was greater than was due to her (...) and that her brothers had done their best, even going into debt, to give her comfort and honor¹¹.

Commenting on the Davizzi reaction to Lena's last wills, the letter Pinaccio Strozzi wrote to his brother Simone explained that for reasons strictly linked to social strategies of her own family, at her marriage Lena had received more than was to be expected from her father's inheritance. So her brothers demanded gratitude from her which had to be expressed through unconditional adhesion to the strictly agnatic scheme of inheritance. According to Francesco Davizzi, if for some reason the woman's dowry didn't pass to her children, her legitimate and unquestionable heirs, it must automatically revert to the estate from which it came; but in no case could the dowry go to fulfilling the woman's personal aspirations. 'If she had left her goods to her children, I wouldn't have said anything - asserted Francesco - but actually 'she has preferred to give everything to some good for

⁸ *'Vegho à rivoluto la sua dota e datone gran parte per Dio, e a' figlioli à lasciato f. 600 se ne compri uno podere che sia loro e de' loro figlioli; e dove morisono senza rede, vuole pervenghino a Gherardo e Antonio e a me a nostra vita e dopo per Dio. Piaccia a Dio dare buona e lunga vita a questi fanciulli aciò loro se lli abino a ghodere'* (Ibid., f. 66r).

⁹ *'E poi, mi pare uno grandissimo errore ch'ella vogli che Gherardo s'aumili a lei e che lle domandi per Dio e vogline avere lettera di sua mano: che Dio le dia cie<n>to mali anni alle sue pazzie e questo e quello che Gherardo à fatto per lei. Ora, io most<r>erò la lettera mi scrivete a lui e poi s'avisi lui. Ma s'io fussi in su piè, starei innanzi, a' patti di morire di fame. E lla perfezione si dimostra bene in e' suoi fatti a dare piuttosto a' frati o a non so chi <ch>e a' suoi medesimi, esendo ne' bisogni sono'* (Ibid.)

¹⁰ *'Quanto dite di f. 50 lascia a Gherardo, avisi lui e noi e lei che vorei volentieri fusino fonduti e averli a gitare in ghola, e ne fare' a gitali in ghola a qualche fratazo'* (Ibid., f. 68r).

¹¹ *'àno preso dispiacere asai nella dispensazione à fatta di sua dota, veduto di quanto s'è richordato di loro e chome à lasciati loro per frati ed altri istranieri a chui à lasciato quello a lei era debito di lasciare piuttosto a loro ch'ad altri non volendo fusi de' figliuoli, in però dovea bene sapere che quello le fu dato non era quello le tocchava e quello dava (?) dallo stato loro, ma tuto fero per metterla in più onore e più agio poterono, chon disagiando e 'npengniando loro chome de' sapere'* (Ibid., f. 67r).

nothing monk instead of us'¹². On the contrary, willing that 'God should benefit from everything' if her children were to die without legitimate heirs, Lena Davizzi organized her own succession according to a scale of familial and spiritual values which subordinated the implacable logic of patrilineal lineage to her maternal and religious subjectivity.

The experience of this widow is exemplary, but it remains an exception in the Florentine society of the late Middle Ages. There is no doubt that Lena was free to act because her brothers were living far away and could not cross any of her projects. Indeed, the husband's death freed the widow's goods from all familial control and, theoretically, opened the way for her to fully exercise her patrimonial rights. Yet, Florentine families did not easily accept this legal emancipation of female patrimonies which could give to a widow the economic means of autonomous life choices. She could, in fact, ask her dowry back and give it either to a new husband, if she remarried, or to a convent if she wished to become a nun; if instead she decided to remain a widow, she could freely dispose of her patrimony, either investing it to secure a life annuity for herself or even wasting it as she liked; and last but not least, she could leave it as a donation or else in her last will. Therefore it was of the utmost importance to reestablish the previous links of dependence and in order to do so, the insertion of these single women in a family group was an essential demand which did not only meet a concern for protection for female and family honor: by settling a widow into in their own house, the men controlled and absorbed her assets into their patrimony.

Male wills set themselves to establishing the place of residence of future widows, daughters and wives, which could not be taken for granted. As Christiane Klapisch-Zuber aptly pointed out, women did not have a fixed position in houses made by and for male members of the lineage: as 'passing guests'¹³, they had to be *invited* to stay, or to come back to one or the other of the houses where they had lived until their widowhood. This duty of hospitality, which befell the group of origin as well as the husband's family, theoretically let the widow choose where to live. If they could not, or would not find housing and protection with their husband's heirs, they would willingly be welcomed at their father's home. Yet, particularly when widowhood came too soon, Florentine women still of an age to be remarried were the object of the contradictory claims of the two groups to which they belonged and they practically lost any freedom to choose their family surroundings: this duty of hospitality that their father and husband shared thus became a right of ownership on both the person and the assets of the young widow, a right which her family contended with that of the deceased.

In the following pages, I would like to address the way both families carried out their protective duties toward widows but above all how they exercised their rights over the person and the property of these women. I will argue that the Florentine inheritance system which was deeply patrilinear imposed both families a particularly strict control over their widows; as for the patrimonial stakes around the women who had been widowed, they shared too many of the same goals not to be irreconcilable in the long run.

1. The power of fathers

First of all, the way Florentine statutes ruled the wives' and mothers' succession *ab intestato* must be pointed out¹⁴. These norms, formulated between 1325 and 1415, revolve around two privileges - that of the *last* lineage to which a woman had belonged by marriage and that of her male heirs - which therefore entail many exclusions.

¹² 'E s'ella avesse lasciati i suoi beni a' suoi figliuoli, mai n'arei detto parola; perch'ela voleva pure fare quello à fatto, mandarli ad altri fuori de' suoi figliuoli e lasciarne noi, vi dico, Simone, à 'ùto pochi chocienza (...). Ed ella à piuttosto voluto dare il suo a qualche frate ghagliofo che a noi' (Ibid., f. 68r).

¹³ Ch. Klapisch-Zuber, Christiane, 'La "mère cruelle". Maternité, veuvage et dot dans la Florence des XIV^e et XV^e siècles', in Ead., *La maison et le nom. Stratégies et rituels dans l'Italie de la Renaissance* (Paris, Editions de l'EHESS), 1990, pp. 249-261

¹⁴ I. Chabot, 'La loi du lignage. Notes sur le système successoral florentin', *Clio. Femmes, histoire, sociétés*, (1998), forthcoming. See also Th. Kuehn, 'Some Ambiguities on Female Inheritance Ideology in the Renaissance', *Continuity and Change*, 2, n. 1 (1987), pp. 11-36 [now in ID., *Law, family and Women. Toward a Anthropology of Renaissance Italy*, Chicago, Chicago U.P., 1991, pp. 238-257].

Without children, the widower conserved all the dowry and a third of the non dotal goods of the dead wife even if she had children from a previous marriage¹⁵. If a remarried woman had given children to her second husband, they did not divide the maternal inheritance with their uterine brothers; finally, daughters could not inherit from their mother if brothers or even nephews were alive. Thus, the Florentine inheritance system sharply contrasted with most of the legislations of Italian communes because, on the one hand, the maternal inheritance was not divided between *all* her children but actually reserved to her sons born in the last marriage and, on the other hand, the family of birth of a woman who died childless before her husband lost all the successorial rights; the roman law, instead, allowed a father to recover the dowry¹⁶.

Whenever they could, Florentine attempted to recover at least part of these rights, by taking direct measures over their widowed daughters or sisters. During the summer 1400, Mattea, widow of Matteo da Panzano had taken refuge in San Gimignano with one of her brothers, Goro di Andrea del Benino, to escape the plague. In such troubled times, Goro decided to 'make her write her last will'. Yet, Mattea had three young sons who, according the law, would inherit her large dowry, valued at 1200 florins; but 'if they died without legitimate heirs', a testament would prove indispensable to make this money 'revert to Goro, Nanni, Bartolomeo e Niccolò, sons to Andrea del Benino, or to their heirs'. So the Del Benino brothers applied the same successorial logic that Francesco Davizzi would have liked to impose on his sister Lena. But actually, in 1401 they had rather give Mattea to a second husband; and when, six years later, Luca da Panzano mentioned in his diary a conversation he had had with his mother about this will, he asserted that, 'according to the lawyers who had considered this case, her remarriage had nullified the will dictated a year before. Neither the da Panzano, nor the Del Benino families could inherit Mattea's dowry anymore, which was transferred into a new lineage: 'the statutes say it clearly'¹⁷.

In Renaissance Florence, the fate of widows and their dowries was decided right after the church ceremony: in fact, 'tradition' demanded that, on the evening of the husband's funeral, widows should return immediately under the paternal roof, if that was what had been decided. The *tornata*, the 'return', was an important step in the ritual of mourning, which significantly was a reverse of the ceremony once enacted by the newly married woman who entered her husband's house. The widow, in fact, left her husband's home together with a procession of men and women from her own family and was followed by the trunk or *cassone* containing her trousseau¹⁸.

The *tornata* was also a right of daughters, established by the city statutes¹⁹, and usually confirmed in the father's or brothers' wills. In the male testaments I have analysed²⁰, 73 per cent of daughters, 40 per cent of sisters and 35 per cent of nieces were given definite shelter in the family house in case of widowhood or extreme hardship. This right was sometimes accompanied by alimony or usufruct of moveable or immoveable assets, dispositions which some testators explicitly foresaw in case the women would 'lose' their dowry²¹ or else because the latter should not meet

¹⁵ J. Kirshner, 'Maritus lucretur dotem uxoris sue premortue in Late Medieval Florence', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 108 bd., Kanonistische Abteilung, LXXVII (1991), pp. 111-155.

¹⁶ For a comparative overview on different inheritance systems in late medieval Italy, see F. Niccolai, *La formazione del diritto successorio negli statuti comunali del territorio lombardo-tosco* (Milan, Giuffrè, 1940); I. Chabot, *Risorse e diritti patrimoniali*, in A. Groppi (a cura di), *Il lavoro delle donne, Parte I: l'età medievale* (Roma-Bari, Laterza, 1996), pp. 47-70.

¹⁷ 'A dì detto [2nd of february 1407], senti dire a monna Mattea mia madre chome, insino per lla moria del 1400, ritrovandosi esser fuggita la moria ella ed io a San Gimignano chon Ghoro d'Andrea del Benino, ella fecie testamento, il quale il detto Ghoro a llei fè fare. E funne el tenore in questo efetto, sechondo ella dicie, che posto che lla dota fusse ff. 1200 e, morendo ella, lasciava reda Lucha, Tomaxo, Matteo suoi figliuoli; e, manchando eglino senza figliuoli legittimi e naturali, in quel chaso la detta dota si ritorni a Goro, Nanni, Bartolomeo e Nicholò, figliuoli d'Andrea del Benino, o loro rede, chon cierti patti e chonvenzioni etc. (...). Fu vero detto testamento, e perché llei si rimaritò di poi ebbe fatto testamento, dissono i dottori che non valea nulla ed era casso come n'andò a marito; è così per gli statuti chiaro' (Carte strozziane, II serie, 9, f. 2v).

¹⁸ I. Chabot, "La sposa in nero". La ritualizzazione del lutto delle vedove fiorentine (secoli XIV-XV)', *Quaderni storici* XXIX, 86 (1994), pp. 421-462, pp. 443-445.

¹⁹ *Statuta populi et comunis Florentiae... anno salutis MCCCCV*, Fribourg, 1778-1781, 4 vol., t. 1, pp. 224.

²⁰ My investigations dealt with 292 male and 158 female testaments written between 1350 and 1440.

²¹ See the testament of Priore di Mariotto Banchi, 21st of June 1411 (*Notarile antecosimiano*, 10519, ff. 71v-72r).

the demands of their upkeep²². Obviously, the *tornata*, pensions and other life annuities, which constituted the majority of bequests to women, were above all designed as complementary measures, if not compensations required for the rule of *exclusio propter dotem*. It was precisely because they did not share the inheritance with their sisters or other close female relatives that male heirs had responsibilities toward them - or even legal duties - which they were reminded of in the will. Even if these bequests gave ample evidence of the attention paid to the material lot of daughters and sisters, they also underlined how ephemeral and passing their belonging to the *casa*, their family of origin really was, for a lifetime only.

But the florentine practice shows the ambiguity the *tornata*. For widows who could not or did not wish to go on living with their husband's heirs - who not always were their own children - the *tornata* was certainly an important right of asylum in the paternal house. In fifteenth century fiscal census, many heads of household acknowledged the presence of a widowed daughter, a sister or an old aunt under their roof. It is also to be noticed that the *tornata* was not always a self evident right. It is a fact that the wish of some testators might turn a house into an asylum for the women of the family for generations. In his tax return to the *Catasto* of 1427, Giovanni Corbinelli reminded that his brother Antonio had bequeathed the use of his house 'to all the widows descending in male line from our father Tommaso', before enumerating his eight daughters and nieces already born who, one day, could claim this right²³. Yet, such dispositions imposed on the men who inherited the family house an unwanted cohabitation with more or less close relatives, or even prevented them from renting or selling the house with profit. In order to free the estate of these obligations which diminished its worth and availability, arrangements took place between women enjoying a usufruct and men who had the ownership of these immoveable goods. Thus Giovanni and Lodovico di Adovardo de' Riccardi had asked their sister Bionda to simply renounce the *tornata* her father had bequeathed to her, apparently without any compensation²⁴. But whenever they demanded their right, in some cases the widows were eventually given a financial compensation.

In 1451, according to the paternal will, Lena, daughter to Vanni di Stefano Castellani and widow of Guidetto Monaldi, claimed her right to settle in the family palace. To crush the resistance of Francesco di Matteo Castellani who was the owner and clearly did not intend to be bothered with his cousin in his house, she turned to private arbitration. A few month later, the case was solved by a sort of compromise which forced Francesco to pay Lena a yearly rent of twenty florins during all her life²⁵. Thus, instead of opening the family house to their sisters or close relatives, the heirs paid them, more or less willingly, a rent so that they went and lived elsewhere. I would not claim for sure that this way of bypassing the right of *tornata* was a common practice, but it significantly partakes of a more general tendency to give financial compensation for female usufruct. We will see that this tendency was corroborated by statutory law.

²² Matteo Castellani wanted his heirs to give every year to one of his two sisters a certain amount of wheat, wine, porc meat and wood because '*altrimente non potrebbe vivere della dota sua*' (quoted in G. Brucker, *Firenze nel Rinascimento* (Firenze, La Nuova Italia, 1980), p. 267).

²³ '*Antonio lasciò la detta chasa libera con ongni suo appartenenza e uso a tutte le donne vedove disciese o che disciendossono di Tommaso nostro padre per linea masculina, che ne sono, per insino a oggi: di quelle di Bartolomeo di Tommaso nostro fratello, maritate tre; e una di quelle rimasono d'Angniolo nostro fratello; e una di quelle di Parigi nostro fratello; e una di quelle di Tomaso nostro nipote*' (*Catasto*, 17, f. 750r).

²⁴ See the testament of Giovanni di Adovardo de' Riccardi, 6th of October 1414: '*Item, dixit et asseruit dictus testator quod Adverardus condam pater dicti testatoris in suo testamento reliquid redditam et habitationem quibuscumque filiabus suis feminis in casu viduitatis in quadam domo sita Florentie in populo Sancti Martini Episcopi (...); et quod, postea domina Bonda, soror dicti testatoris et uxor ad presens Nicholi Gianis de Bardis, ad instantiam dicti testatoris et Lodovici condam eius germani dicto legato renumpsiavit (...); unde dictus testator, pro parte sibi contingente, voluit dictam dominam Bondam esse et remanere in eo statu in quo erat ante dictam renumpsiationem et consensum prefatum et ac si non renumpsiasset et consensum non prestisset et illud tale jus eidem reliquid, legavit*' (*Notarile antecosimiano*, 11877, f. 31v).

²⁵ '*E detti danari lodarono gli dia di pigione di certa rata e parte del palagio dove gli lasciò Vanni la tornata (...)*' (Francesco di Matteo Castellani, *Ricordanze*, I, *Ricordanze A (1436-1459)*, G. Ciappelli (ed.) (Firenze, Olschki, 1992), p. 143).

The *tornata* was also a right for the father to take his daughter back, reasserting his *patria potestas* and his control over her dowry. Young widows were seldom free to 'return' spontaneously to their family, they were led back. The widow's age was the major criterium for this decision: Florentine fathers took back their daughter only if they could reasonably give her to a new husband as soon as possible. The story of Tancia Bandini shows that young Florentine women were seldom able to oppose paternal authority.

In February 1448, two years after her wedding, Tancia the eldest daughter of the notary Giovanni Bandini lost her husband. As he wrote in his diary²⁶, her father took her back immediately and hurried to claim her dowry - worth 300 florins - from the dead man's brothers because he wanted to remarry her as soon as possible: Tancia was only twenty and childless. But, as it often occurred, the heirs delayed in paying their debt. In the meantime, Tancia decided to enter a nunnery and showed great determination in her attempts to oppose her father's matrimonial projects. In July 1450, while her dowry was about to be recovered, she went to a notary and, having reserved a hundred florins for her monastic dowry, she divested herself of all her other goods giving them to her mother by a *donatio inter vivos*. Extremely upset by the fact that his daughter had acted against his will, Giovanni Bandini asserted that he would be ready to give her another dowry worth the same amount of money if he could find a new husband in time²⁷. And actually no more than a month later, Tancia was remarried to a silk merchant. In Florence, the right of *tornata* was often a denial of rights.

For many young widows, the return to dependence on their family of origin also meant a denial of their role and their real existence as a mother. In Florence, the orphans did not follow their mother when she left the marital house because they strongly belonged to their father's lineage. The women's powerlessness faced with the antagonistic rights of both lineages appears clearly in the extreme case of a young florentine widow of the late fifteenth century who was taken back by her relatives after the burial - even though she was pregnant -, but immediately given back to her husband's family until the birth of the child since it would belong to that lineage, and then taken back again and soon remarried²⁸. Being immediately separated from their children, they were as quickly discharged of their legal responsibilities. When, in 1389, the Sasseti brothers took one of their sisters back, they obliged her to renounce the tutorship of her three children granted to her by her husband's testament, because - as they said - 'we had to get her to be remarried'²⁹.

A mother's remarriage also had serious patrimonial consequences because, as we have seen, the orphans lost almost all their rights over her future maternal inheritance. But still, in fourteenth-century Florence, a man didn't willingly marry a woman who already had children: because if he died before his wife without a direct descendant, his heirs -brothers, nephews etc. - would have to give the dowry back to her children born from the previous marriage. This was the only case in which, according to Florentine law, the children of a remarried woman recovered their rights over the maternal inheritance. In 1415, a reform of the Florentine statutes cut definitely this weak successorial link between a remarried woman and her children born in her first marriage. According to one of the jurists involved in it, this reform answered a popular demand, because 'widows couldn't find a husband if they had children'³⁰. Before this date, the father and the future husband of a widow could turn to a contractual loophole which abolished the legal effects of the blood link between mother and children. Let's look at an example. When in 1385, Valorino

²⁶ *Corporazioni religiose soppresse*, 102, 82, ff. 13v-14r.

²⁷ 'Ricordo come, perché la Tancia non si volendo rimaritare, ma volendo entrare in munistero, ella disse: "Io voglio mettere in munistero f. c e il resto della mia dota voglio lasciare a voi, che voi ne compriate un podere di f. 200 col quale possiate aiutare a vivere voi e io". E però, a dì x di luglio detto, ella donò alla Pantassale[a] el resto della sua dota e donatione, cioè f. 220, l. 50, come appare carta per mano di ser Guaspere di Simone notaio fiorentino (...). Questo si fè, s'ella pure vi volesse entrare, contro a mio volere però che io desideravo e volevo e voglio darle marito se potrò; se non, Iddio faccia quel che debbe essere el meglio a pace e salvatione dell'anima sua e nostra. E non obstante ch'ella abbia fatta questa donatione, niente di meno s'ella vorà marito, io le voglio darle tutta la soprascripta sua dota' (Ibid., f. 15r).

²⁸ Ch. Klapisch-Zuber, "La "mère cruelle", p. 295.

²⁹ Ibid., p. 254.

³⁰ J. Kirshner, 'Maritus lucretur dotem uxori premortue, p. 134.

Ciurianni remarried Caterina degli Alberti, he claimed his father-in-law should pay the dowry himself. He asserted that he didn't want 'to receive the dowry from the said Caterina because she had a daughter from her first husband Lippo Soldani'³¹. In so doing, Caterina, a widow and a mother, returned to her former status of *daughter*, dowried for the first time by her father, because Valorino would consent to marry her only if she ceased to exist for her little daughter. The social practices as well as the norms which ruled the remarriage and the inheritance of Florentine widows reveal the extent to which the negation of maternity *and* of maternal transmission of wealth was at the core of the lineage strategies.

How could Florentine husbands oppose the tradition of the *tornata*, which gave fathers all the rights over their daughter's person and goods, and keep the young widow near her children, as well as her dowry in the familial estate? Persuasion, through all sorts of material advantages bequeathed in their last wills, was their only weapon. But the practice shows that the testament was still a weak tool.

In 1380, Valorino Ciurianni assisted, powerless, to the departure of his stepmother, Lisa Frescobaldi, who immediately 'returned to her brother's house' after the burial of his father³²; and he remembered with anger that she had even 'promised' her dying husband that she wouldn't abandon their young son and had received, in exchange, numerous advantages in Barna's will³³. But what Valorino forgot was that this epilogue had actually been planned fifteen years before, at the time of his father's remarriage. In fact, in January 1365, Lisa had not brought any money as a dowry, but a farm instead situated in Valdelsa. Yet, before stipulating the dowry contract, she had had to submit to a private arbitration with her brother who, according to the sentence, would have retained the ownership of this farm. The severe financial hardships of the Frescobaldi family not only vouch for the very unusual presence of an *inaestimata* dowry, but also this agreement which deprived Lisa of the ownership of her dotal goods. But if the young woman had had to meet the demand of her brother, Barna Ciurianni had actually agreed to a very unusual dowry contract which, in fact, allowed Berto Frescobaldi to take his sister back once she was a widow in order to reclaim his property³⁴.

2. Husbands' wishes

The husband's testament could hardly oppose such a familial power. And besides, 20 per cent of the married testators of my sample immediately renounced their use of it and limited themselves to reminding their heirs of their obligation to give the dowry back to the widow³⁵. More than the absence of children, it was their young age that explained this kind of indifference which actually hid a deep resignation: 80 per cent of these heads of household who did not bequeath anything to the surviving wife had underage children. Thus, they probably considered that it was useless to

³¹ 'Questo usai, di non voler ricevere la dote dalla detta Chaterina, perché aveva una fanciulla di Lippo Soldani di chui fu prima donna' (Manoscritti, 77, f. 27r). See also I. Chabot, "La sposa in nero", pp. 451-453.

³² 'Monna Lisa, donna che fu di Barna, portato il corpo, uscì della casa e tornossi con Berto suo fratello; e perché sua dote (...) era uno podere per non istimato posto in Valdelsa, essa così per istimato se'l riebbe subito' (Manoscritti, 77, f. XXIIr).

³³ '(Barna) volle e lasciò e preghò che monna Lisa sua don[n]a, che così diceva avergli promesso, stia a abiti cho' Borghognione suo figliolo comunichando ongni sua rendita e spesa nella casa, e di quindi non poterlo partire essendo in tutte cose onorata come si conviene e siccome tutrice cho' Valorino insieme senza rendere ragione' (Manoscritti, 77, f. XXr).

³⁴ 'Ricordanza che a dì V di gennaio 364, io Barna diè l'anello e sposai la Lisa, figlia che fu di messer Simone di messer Berto Frescobaldi (...); e a dì XV di gennaio detto, la menai a chasa. E dièmi in dote, per non stimato, uno podere scritto qui a piè. Prima, fece uno compromesso ella e Berto suo fratello in Guido di messer Francesco della Foresta, di XXVII di gennaio (...); e sentenzio il detto Guido che llo infrascritto podere e terre e chase fossono e appartenessoni al detto Berto con ogni ragione (...) e prese la tenuta Berto (...). Poi, di XXIII di marzo 364, confesai, io Barna, in dote da Berto detto, dante per la detta Lisa, il detto podere non stimato (...). Paghai la ghabella per fior. d'oro CCC, che fu stimato per gli maestri della ghabella, fior. VII 1/2 d'oro (...). Entrai in tenuta nel detto podere di XVIII di giungno 365' (Manoscritti, 77, f. XIIIv).

³⁵ The following observations are based on 194 testaments of married men. 39 of them didn't leave anything else than the dowry; the other 155 testators who, instead, make provisions for the surviving spouse have been divided in the following four groups: 1. childless (42); 2. with underage children (41); 3. with underage and of age children (28); 4. with of age children (44).

give the management of the family and its patrimony to their widow who, because of her youth, would almost certainly be obliged to renounce it to remarry.

Among the testators who did not immediately forbear to hold back their widow to be, it is to be noted that the gifts and the extent of the powers granted to her varied considerably according to the presence of children and mainly in relation to their age. All in all, roughly a third of the testators who had children named their wife '*domina et usufructuaria omnium bonorum*'. However, a closer analysis clearly shows that this grant of management and usufruct of the estate occurred particularly in the most delicate phases of the domestic cycle. Seventy per cent of the surviving wives who were called to rule the family and its goods were, in fact, young mothers who would have to take care of small children, almost all underage. I should add that they were mainly the mothers to the sons who, alone, would inherit the paternal, but also the maternal goods. Usually, the *domina* was also named tutor. There was no doubt that, if the mother agreed to stay with her young children, she had to be legally empowered to do so. Two thirds of the fathers did not hesitate to leave to their widow, together with other relatives, the responsibility for their young children; few of them even decided not to put this authority under any familial control. To prevent their young widow from remarrying and taking her dowry into another lineage, Florentine husbands seemed to be ready to give her full powers over the family.

However, I have already argued that the power of these widows should not be too emphasised, not only because it was a conditional power which prevented them from remarrying and managing freely their own patrimony³⁶, but above all on the ground of the legal interpretation that late medieval jurists and legislators gave of the female usufruct. By the second half of the fourteenth-century, in fact, statutory laws tended to convert the women's usufruct rights into simple alimony (*alimenta*)³⁷ so that, in practice, the widow should be '*domina et usufructuaria omnium bonorum*', but only '*pro sui victo et vestito*'³⁸. In early modern Siena, legislators significantly distinguished the rights of a wife named *domina usufructuaria* in the husband's will according to the familial situation: If the deceased had male descendents, undowried daughters or male relatives in the collateral line and their own descendents, his widow could only demand alimony; childless widows, instead, could enjoy a real usufruct, not before having written an inventory of all the estate and given a guarantee³⁹. This amounts to saying that widows living with their father or brother-in-laws did not yield any patrimonial power over the inheritance of their children.

The handing over of tutorship was also seen as the best way to guarantee the orphans both an affective and patrimonial protection. They would be educated and cared for by their mother who would lose her legal authority on remarrying; and the maternal goods would be kept within the father's estate which the orphans would inherit later. To be more secure, Iacopo di Zanobi Schiattesi entrusted his wife with the tutorship of their young son on the sole condition, always the same, 'that she remained widow and did not ask for her dowry'⁴⁰. To the same end, Tommaso di messer Uberto de' Gianfigliuzzi had to be even more coercive.

In his will written on the 28th of May 1411, he entrusted his son Andrea and his daughter Leonarda to his second wife Evangelista Bellandi and, if she should die, to the *Ufficiali dei Pupilli*⁴¹. But in a codicil he added later on the same day, Tommaso precised that she would be able to exercise her

³⁶ The *domina* must live 'chastely and honestly' and, above all, leave her dowry incorporated to the estate. These stipulations mark the great difference between this type of provision and the dower a widow in London could expect even if she remarried. See B. Hanawalt, 'The Widow's Mite: Provisions for Medieval London Widows', in Louise Mirrer (ed.), *Upon my Husband's Death. Widows in the Literature and Histories of Medieval Europe*, (Ann Arbor, The University of Michigan Press, 1992), pp. 21-45.

³⁷ See F. Niccolai, *La formazione del diritto successorio*, pp. 186-7, 190; On the transformation of female usufructs into alimony in the Florentine statutes of 1415, see Th. Kuehn, 'Some ambiguities on Female Inheritance Ideology', pp. 242-243.

³⁸ This precision is to be found in the testament of Antonio Schiattesi written in 1413 (*Notarile antecosimiano*, 10519, f. 81r).

³⁹ M. Ascheri (ed.), *L'ultimo statuto della repubblica di Siena (1545)* (Siena, 1993), p. 258. See also G. Lumia, 'Mariti e mogli nei testamenti senesi di età moderna', in G. Calvi, I. Chabot (eds), *Le ricchezze delle donne. Diritti patrimoniali e poteri familiari (XIII-XIX sec.)* (Torino, Rosenberg, 1997), forthcoming.

⁴⁰ *Notarile antecosimiano*, 10519, f. 30r-31v, 27.X.1410.

⁴¹ On these important communal magistrates who care for orphans, see the article of Giulia Calvi in this book.

tutorship only if, within the two months following her husband's death, she would donate to her son Andrea, the farm she had brought with her dowry, reserving the usufruct for herself. Only if she should survive her son, would this *donatio* be nullified, and she could freely dispose of her goods. In practice, Tommaso wanted to secure for his son, and for him only, what the great majority of the testators took for granted if their widow didn't leave the house, that is the transmission of the whole maternal inheritance. But unlike the great majority of Florentine men who received money from their wife, Tommaso needed precise guarantees because Evangelista had given him lands, the ownership of which she could recover any time and without special procedures. With this *donatio* Tommaso avoided two major risks: Evangelista would not be able either to alienate her farm during her life, nor to divide her inheritance between her son and her daughter.

When time had strengthened the family, Florentines did not need to try their utmost anymore to hold their widow back: once in her thirties, the opportunities she would have to remarry got slighter and slighter and eventually nil⁴², therefore her remaining in the husband's home could generally be taken for granted. Significantly, the more children grew up, the less likely their mother was to be deemed '*domina et usufructuaria omnium bonorum*': of course, the husband established the right of his widow to live with her children on the goods of the household, but he had rather free the estate his sons would inherit from the legal bindings linked to this female usufruct. Yet some widows got the rent of a farm⁴³ or the gains from bonds of the public debt⁴⁴. But more often than not, the will was limited to granting them the use of the house, or even the sole use of the bedroom, and the furniture; it also corroborated the bridal gifts, clothes and jewels, a symbolic gesture which branded the definite aggregation of the spouse to her husband's lineage⁴⁵.

Nevertheless, some testators foresaw that conflicts might arise from this cohabitation of the now retired widow and her sons enjoying the status of head of family. The usufruct of a house in town⁴⁶ or a farm in the country⁴⁷, some pieces of furniture or a life annuity were the income they granted their widow should she wish to separate from her children or even eventually enter a convent; on condition, of course, that she wouldn't take her dowry with her⁴⁸.

Keeping the dowry within the family patrimony actually conditioned all the gifts, great and small, granted to the widow to be. A first sight, the husband's bequests would seem to be designed as a compensation due to the surviving wife as long as she couldn't manage her dowry goods. Yet, it seems that widows who accepted to stay with the heirs and let them control their dowry did not actually benefit from this reward. In 1427, Niccolao, Francesco and Iacopo, sons to messer Torello di messer Niccolao Torelli, acknowledged that they did not give their widowed mother the yearly instalment of twenty five florins that her husband bequeathed to her; yet they claimed they would do so 'if she asked for it, that is to say if she left us'⁴⁹.

This statement casts light on what can be read between the lines in the male last wills: these gifts are not designed to grant a widow a modicum of financial autonomy. Husbands thought of them rather as a sort of insurance against the risks of a lonely old age: they were supposed to become effective only when the wife could not live with her children anymore, if she ever ceased to get along with them or if they died before her. Thus, Francesco di Andrea Quaratesi bequeathed 400

⁴² Ch. Klapisch-Zuber, 'La "mère cruelle"', pp. 251-252.

⁴³ *Notarile antecosimiano*, 13948, ff. 11r-13v; *Notarile antecosimiano*, 205, ff. 118r-v; *Notarile antecosimiano*, 10519, ff. 190v-192r; 287r-v.

⁴⁴ *Notarile antecosimiano*, 2546, ff. 194r-195v; 298r-291r.

⁴⁵ I. Chabot, "La sposa in nero", pp. 438-440.

⁴⁶ *Notarile antecosimiano*, 11877, ff. 42r-45r, 28 novembre 1416.

⁴⁷ *Notarile antecosimiano*, 13948, ff. 89r-90v, 17th of January 1395; cf. also *Notarile antecosimiano*, 11877, ff. 6r-8r.

⁴⁸ Giovanni di Gherardino de' Gherardini '*reliquit dicte domine Lette uxori sue in quantum velit se comictere in suprascripto monasterio [Santa Lucia de Avanelle] cum suprascriptis suis filiabus [who are already nuns] et ibi vidualiter et honestam vitam servare, quolibet anno toto tempore sue vite, non recipiendo dotes suas, florenos sedecem auri*' (*Notarile antecosimiano*, 205 ff. 107r-108r, 5th august 1383).

⁴⁹ '*Aprresso ci lasciò messer Torello nostro padre d'incharicho per suo testamento che noi dovessimo dare a nostra madre ogni anno fiorini venti cinque, de' quali ne tocha a noi 3/4 e l'altro 1/4 a Piero nostro fratello. I detti denari aremo a paghare ogni volta che la detta nostra madre volesse, overo ch'ella si partisse da noi; tochane a noi tre fiorini 18, soldi 10, avisandovi che da noi non à mai avuto nulla*' (*Catasto*, 37, ff. 979-982).

florins to his widow if she kept on living with her children, but she would get them only if she survived both her sons or if the latter happened to behave badly with her⁵⁰. Indeed, as long as women lived within the family, the marital bequests, as well as the heirloom they could have got from other relatives, added up to their dotal credit.

The testament of family men was seeking above all to protect the superiors rights of the sons over the maternal inheritance, by preventing their widows from remarrying, then by making sure nothing changed: the widow who settled with her children was precluded from the use of her dowry, living off the goods of the household, and remained in the same condition as when her husband was alive.

Yet, if the sons died before their mother, the husband's will sometimes rewarded the faithfulness of his wife and, in a way, took charge of her future. When he wrote his last wills, Giovanni di Filippo de' Carducci had five sons, all grown up who where about to inherit. It was very likely that his wife, Piera Biliotti, would go on living with them and be properly kept ad the expense of the inheritance; but Giovanni nevertheless foresaw to bequeath to her the income of a shop 'because her dowry was meagre' and couldn't meet her upkeep if ever she couldn't rely on the support of her children⁵¹.

Testamentary practice shows that the Florentines who didn't have direct male descendents shed quite another light on the gifts they granted their widow. These men didn't have to talk the wife out of demanding her dowry, it was quite the contrary. They were about the only one to leave their heirs precise instructions concerning the way the dotal credit should be recovered. Napoleone de' Franzesi even ordered his heirs to paid the dowry back within the year after he died, or else they should grant his widow two hundred extra florins⁵².

But for the great majority of these men, the payment of the dowry didn't preclude a few extra gifts. Many of these husbands cared about securing at least a home for their widow and left to them the ownership⁵³ or, more often, the use of a house for life⁵⁴. Some added up to this logging small pensions⁵⁵, the income of an estate⁵⁶ or a few tens or hundreds of florins *ultra dotem*⁵⁷. About one testator without children out of three left to his widow the usufruct of all his goods which eventually his relatives or some religious or charitable institution would inherit. Given their family situation, what we have here is a disinterested gesture of marital solidarity which secured the widow from material hardship and guaranteed her rights against heirs who were not related to her. This usufruct is obviously not subordinated to keeping within the estate the dowry which the testators heirs could not anyway claim: The widow of Bartolomeo di Giovanni de' Carducci was left '*dominam usufructuariam omnium bonorum (...), tam repetendo quam non repetendo dotes suas*'⁵⁸; only by remarrying, should the widow loose this advantage.

We even encounter some husbands who not only did not suppress the dispositions in favor of their wife should she marry again, but who actually increased her dowry to make her remarriage easier.

⁵⁰ 'Item reliquid et legavit quod, si (...) dicta domina Iohanna vidua steterit et non nuxerit et dictos suos filios gubernaverit (...), dictos florenos quadringentos (...) quos (...) voluit dictam dominam Iohanam habere post mortem et secuta morte filiorum masculorum (...) videlicet si male tractaretur dictis suis filiis' (Notarile antecosimiano, 10518, ff. 242r-247r, 9th of May 1423).

⁵¹ 'Ancora, considerando che la dote di detta monna Piera è pur picchola [400 florins], lascia per ragione di legato alla detta monna Piera sua donna mentre ch'ella vive l'usufrutto e la pigione d'una bottega (...) posta sotto la casa del testatore' (Notarile antecosimiano, 2546, ff. 17r-19v, 22 juin 1427).

⁵² Notarile antecosimiano, 2546, ff. 169r-172r, 1st of July 1430.

⁵³ Notarile antecosimiano, 13948, ff. 107r-108v; Notarile antecosimiano, 6361, ff. 129r-v, 19th of march 1417.

⁵⁴ Diplomatico, Santa Maria Novella, 16.XII.1362; *ibid.*, 16.V.1393.

⁵⁵ The notary Piero di ser Lorenzo asked the hospital of the Innocents, which would inherit his estate, to pay every year a twelve florins pension to his widow 'per convertire in pigione di casa o altro come piaccia a llei' (Notarile antecosimiano, 2546, ff. 2r-14r, 2nd of May 1427).

⁵⁶ Notarile antecosimiano, 13948, f. 117r, 27th of March 1399; Notarile antecosimiano, 205, ff. 8r-10v; ff. 46r-47v; Notarile antecosimiano, 11877, ff. 39r-40r

⁵⁷ Notarile antecosimiano, 205, ff. 11r-12r, 6th of June 1363; ff. 44r-46r; Notarile antecosimiano, 11877, f. 6r; Notarile antecosimiano, 10519, ff. 88r-90r.

⁵⁸ Notarile antecosimiano, 2546, f. 272r, 4th of March 1435. Andreolo di Niccolò di Franco de' Sacchetti left his 'beloved wife' be free to ask her dowry (1500 florins) 'when she would like'; yet, she would still enjoy the usufruct of all his goods (*ibid.*, f. 245v, 13th of August 1433).

Matteo di Morello Morelli thus left his wife the income of a farm “*donec vixerit in quocumque gradu vel statu*” in case his only son and heir would die; yet he excluded the potential second husband from the use of this advantage⁵⁹. Santi di Niccolai left his future widow, Bartolomea, the usufruct of all the estate that his nephews would inherit. But if she wished to remarry, he granted her a hundred florins to add up to her dowry valued at seventy florins⁶⁰. The same “paternalistic” care is to be found with the scarce testators with children who openly encouraged their future widow to leave the house and even gave her a certain amount of money over and above her dowry ‘*pro ea nubenda*’⁶¹. This apparently paradoxical behavior, confirms *a contrario* the very precise successorial calculation that underpins the advantages granted to the surviving wives.

Writing their wills in the first decades of the fifteenth century, Stefano di Salvi di Filippo and Paliano di Falco, submitted to their wife a double offer. Both foresaw of course that they could stay with their children and in that case they sheltered them from material cares. Niccolosa, the wife of Stefano, would get the usufruct of the house and the furniture and receive a suitable pension for her upkeep and the salary of a servant. As for Paliano, he left Gianna the usufruct of all his goods and put their children under her tutorship⁶². Yet, both of these men would just as well understand that their wives who were still young would rather remarry, or would be forced to do so by their family. In that case, Niccolosa would get three hundred florins ‘*ultra suam dotem*’⁶³; as for Paliano, he increased by 50 per cent Gianna’s dowry, his “beloved wife”, ‘in order to remarry easily and with more honor’⁶⁴. How can such an exceptional and somehow curious generosity be explained? Neither Stefano nor Paliano had *male* heirs who could inherit from their mother: So, if their wife remarried or left her dowry to her daughters in her will, these goods would, in any case, go out of the estate of the lineage.

In Renaissance Florence, the manipulation of women’s patrimonial rights was at the core of the strategies used by both fathers and husbands in order to lay claim over young widows and their property. As we have seen, fathers could decide to separate their daughter from her children to make her remarry, men could marry a woman who was already a mother, and husbands, for their part, tried to discourage or, instead, encourage the remarriage of their wife. In all these cases, Florentine men were manipulating maternity - with all the affective and successorial links that it implied - according to their own social and patrimonial strategies. All in all, maternal links were, on the one hand, depreciated by physical separation and the legal effects of such links were even abolished by the means of contractual tricks. On the other hand, maternity was overvalued, but in a selective way and according to a hierarchy of heirs dictated by the Florentine laws of the patrilineage which asserted the priority of sons over daughters, and of the offspring born from the second marriage over the first one. To impose the superiority of the patrilineal filiation and the male monopoly over the transmission of wealth, Florentines of the Renaissance toyed with maternity.

⁵⁹ *Notarile antecosimiano*, 2546, ff. 194r-195v, 7th of september 1430.

⁶⁰ *Notarile antecosimiano*, 6361, ff. 169r-170r (25th of July 1421).

⁶¹ See the testament of Baruccino di Neri Barucci who gave his unique daughter, Bella, a dowry valued at 1000 lire ‘*pro ea nubenda*’ and bequeathed a hundred lire ‘*ultra dotem*’ to his wife Mingardesca also ‘*pro ea nubenda*’ (*Diplomatico, Coperte di libri*, 27.X.1295).

⁶² ‘*Ancora il detto testatore lasciò a la detta monna Gianna, sua donna diletta, donna e usufruttaria di tutti e’ suoi beni, salvi i leghati che nel presente testamento si contengono, e questo si et in quanto ella sia vedova e vita viduile serverà co’ figliuoli d’esso testatore, così maschi come femine legittimi e naturali*’ (*Carte strozziane*, IV serie, 364, f. xvijr). In that case, she would share the tutorship of her daughters with eight men: ‘*E lle due parti di loro posano fare il tutto sì veramente che sempre monna Giana vi sia, vivendo ella e stando vedova*’ (*Ibid.*, f. 118v) This testament was written on the 31st of December 1406.

⁶³ ‘*Item reliquit et legavit dicte domine Niccolose uxori sue quando nuxerit, ultra suam dotem, florenos trecentos aur*’ (*Notarile antecosimiano*, 10518, ff. 386r-387v, 22nd of July 1425).

⁶⁴ ‘*Ancora lascio a monna Gianna mia donna la dota sua [600 florins], per adietro per me confessata per mano di ser Guido di messere Tomaso notaio fiorentino, e acciò ch’ella possa meglio e più onorevolmente maritare, le lascio fior. trecento*’ (*Carte strozziane*, IV serie, 364, f. 117v).