

## Renaissance and Reformation Renaissance et Réforme



Kuehn, Thomas. *Family and Gender in Renaissance Italy, 1300–1600*

Amanda G. Madden

Volume 42, Number 1, Winter 2019

URI: <https://id.erudit.org/iderudit/1064548ar>

DOI: <https://doi.org/10.7202/1064548ar>

[See table of contents](#)

Publisher(s)

Iter Press

ISSN

0034-429X (print)

2293-7374 (digital)

[Explore this journal](#)

Cite this review

Madden, A. G. (2019). Review of [Kuehn, Thomas. *Family and Gender in Renaissance Italy, 1300–1600*]. *Renaissance and Reformation / Renaissance et Réforme*, 42(1), 395–397. <https://doi.org/10.7202/1064548ar>

students of Renaissance studies and early modern political and cultural thought can greatly benefit from the collection of essays gathered here. The range of topics covered from poetry to apothecary, medicine, plants, fantastic beasts, and spectacular festivals can be a starting point for any new researcher in the field of Renaissance thought and the practical implication of ideas produced throughout this period.

ARAZOO FEROZAN  
McMaster University

**Kuehn, Thomas.**

***Family and Gender in Renaissance Italy, 1300–1600.***

Cambridge: Cambridge University Press, 2017. Pp. xvi, 387. ISBN 978-1-107-40132-7 (paperback) \$31.99.

Legal sources can be extremely difficult to tackle, especially for those who study medieval and early modern Italy. With so many different types of law, competing jurisdictions, and an almost infinite number of local variations, it is impressive to see such deft handling of these sources as Thomas Kuehn's over the course of his career. In *Family and Gender in Renaissance Italy, 1300–1600*, Kuehn produces another interesting and insightful work on family in the law with particular attention to the law's flexibility and how it gave agency to various actors.

The sources used for this study are *consilia*, or the commentaries of jurists. These were sometimes commissioned for civil cases by one of the parties in a lawsuit, or were simply exercises in legal thought. These *consilia*, as Kuehn points out, are incredibly difficult to read (the Latin is infuriatingly hard to decipher as are the abbreviations) but can be more revealing than other types of sources, particularly when it comes to issues of family, women, and gender. Communal statutes, for example, provide only a sense of prescriptive ideas such as the inability of women to inherit certain types of property. *Consilia*, because they are about adjudication, give us insight into practices. As Kuehn shows, the law “was not a centralized system of rules imposed from above by some higher political power. The law, rather, was a panoply of negotiable rules at work in a panoply of discursive fields” (26).

The first chapter provides a solid foundation in legal sources for those unfamiliar with the complexities of the law. In an impressive comparison of the many variations of *ius commune* (communal law) across Italy, Kuehn argues that family was a complex concept legally and could mean everything from a household to a nuclear family to an extended lineage. Because definitions of family could be so broad and fluid, this gave some actors agency when it came to issues concerning property. This point is particularly important when one considers chapter 2, which examines legal conceptions of gender. While gender is a relatively consistent concept in both the opinions of the jurists and in humanist thought, fixed concepts did not always proscribe behaviour. By reading the *consilia*, one can see that women circumvented legal restrictions and used the law for their own benefit as well as their families'. *Ius commune* could be generous to women and give them more freedom to inherit and dispose of property. Women could not assume the obligations of others, but they could obligate themselves in business and property.

Chapter 3 examines the *patria potestas* (legal authority of the father) and how this defined family, and not always as a lineage or household. Legal obligation, as could be assumed by a son for his father, for example, was one of the ways family was defined under *patria potestas*. Chapter 4 is a fascinating excursion into the complexities of marriage as well as women, the dowry, and inheritance. Marriage was the cornerstone of the household as separate lineages combined into one. While women were excluded from inheritance in statute law, their right to a dowry was concrete and women's property was mostly inviolable. A woman's property was also distinct from her husband's debts. These facts allowed women some legal agency, a conclusion that should shape future studies of women and gender in Italy.

Chapters 5 and 6 delve further into the mammoth topic of inheritance law. Quite justifiably, inheritance practices have dominated Italian historiography because they were so central to how family was defined and continued. Both chapters show how much more complex inheritance practices were than often assumed. Finally, Kuehn turns to the state and how governments sought to be particularly disciplinary, including trying to regulate morality and crime. Once again, despite prescriptions, there was some room to manoeuvre—even in venues the state provided, like the courtroom. Finally, Kuehn ends with changes in inheritance practices, including the use of the *fidecommissum* or

trust in favour of primogeniture and the sometimes-adverse effect of these practices on the family.

As Kuehn points out, and is very evident in this book, the neglect of legal sources, particularly for the study of women and gender, is, for lack of a better word, criminal. This book should be required reading for those who study women and gender in the medieval and early modern period, legal historians, social historians, historians of Italy, graduate students, and senior scholars; in short, everybody. It provides a nuanced, incredibly informative picture of a complex reality that should shape the way we examine these topics. As Kuehn succinctly says, “law was not a backdrop” (3).

AMANDA G. MADDEN

Georgia Institute of Technology

**Le Gall, Jean-Marie.**

*Défense et illustration de la Renaissance.*

Paris : Presses Universitaires de France, 2018. 336 p. ISBN 978-2-13-073038-5 (broché) 26€.

Historien des sociétés et religions, de l’humanisme, et spécialiste de la France et des mentalités, Jean-Marie Le Gall<sup>1</sup> propose un essai en sept chapitres sur la notion de Renaissance dont l’on ne peut que souhaiter qu’il soit rapidement et bien traduit afin d’ouvrir plus encore la discussion, puisqu’il a déjà suscité en France plusieurs débats en sessions et séminaires lors de sa parution en avril 2018. Au moment où les disciplines et la périodisation héritées de l’organisation universitaire du savoir du XIX<sup>e</sup> siècle sont remises en cause par la transversalité, l’interdisciplinarité, la décolonisation intellectuelle ainsi que par le refus de l’eurocentrisme et de l’anthropocentrisme, la réflexion fournie, rigoureuse et savante de Jean-Marie Le Gall vient à point pour énoncer, en de claires et solides définitions, les concepts qui permettent aux spécialistes de la première modernité — pour reprendre une expression anglo-saxonne — de situer leur

1. *Les moines au temps des réformes. France 1480–1560* (Seyssel : Champ Vallon, 2001), *Le mythe de saint Denis entre Renaissance et Révolution* (Seyssel : Champ Vallon, 2007), *Les humanistes en Europe, XV<sup>e</sup>–XVI<sup>e</sup> siècles* (Paris : Ellipse, 2008), *L’honneur perdu de François I<sup>er</sup>. Pavie 1525* (Paris : Payot, 2015), *Un idéal masculin ? barbes et moustaches, XVI<sup>e</sup>–XVIII<sup>e</sup> siècles* (Paris : Payot, 2011).