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EXTRAVAGANT PRETENSIONS: ARISTOCRATIC FAMILY CONFLICTS, EMOTION, AND THE 'PUBLIC SPHERE' IN EARLY EIGHTEENTH-CENTURY ROME

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During a frustrating custody battle for his niece, a cardinal in the Roman Catholic Church (Francesco Barberini Junior [1662–1738]) successfully plotted her kidnapping, nearly lost custody of her because of his dramatic tirades before the pope, and in calmer but no less bitter moments, lamented what he saw as the dangerous link between public sympathy for the child's mother and the legal choices of papal magistrates in the 1720s. His writings on the subject range from resigned despair to outraged disbelief. At times Cardinal Francesco sounded like a hyperventilating Montesquieu, his French contemporary who likewise regretted the way women's use of the courts had shaped family life and challenged the authority of its rule by men.¹ The Cardinal Francesco-Montesquieu parallels are noteworthy since they suggest that even an individual lacking the talent or inclination to participate as writer or consumer of such expanding literary critiques of women, was nonetheless articulating the same regrettable situation in an early eighteenth-century urban setting where such issues have been little explored by scholars.²

Unlike Montesquieu, however, Cardinal Francesco knew the nature of such conflicts from his own family experience. He had battled his petition-writing mother in the 1710s; he took on his legally savvy sister-in-law in the 1720s. In both struggles, he raged against the deleterious effects of what he called the "world" on judicial affairs in his hometown of Rome. He maligned the great extent to which he believed the emotions of the public shaped the decisions of the law courts. Francesco's "public sphere" thus forms an important feature of his analysis for understanding the dynamics of a custody crisis within his aristocratic family and in the wider perspective of the "world" that he perceived as so damaging to his niece's destiny.

Francesco's public sphere lacked the rigid separation delineated by Habermas between the reason of the public domain and the emotion of the private sphere.³ The recent explosion of interest in early modern law courts suggest that Francesco's view of their overlap was common in the judicial realm, where the two spheres intersected and influenced each other. Sarah Hanley, for instance, has pursued the development of a French public sphere to the proliferation of legal and literary publications related to court cases involving women suing for separation or divorce.⁴ This emphasis on a judicial public sphere has particularly powerful implications in the Italian context, since a consensus has emerged in recent years, which locates Italian political culture in its flourishing legal culture, the result of Italian state building that relied heavily on the expansion of judicial avenues for subjects of the Italian states.⁵ Early modern Italian women seem to have been as determined as their French peers to take advantage of such possibilities, to Francesco's great regret.⁶

This article analyzes the contest for Francesco's niece, Cornelia Costanza Barberini, from the point of view of her beleaguered uncle, who put his sanity in jeopardy (he claimed) to wrest control of her from her mother. Many potential culprits emerge in Francesco's narratives, letters, and petitions related to the case, but it was contemporary opinion or the "world" that constituted the greatest obstacle to his success. Francesco's various gambles to win his niece and his pattern of snatching defeat from the jaws of victory suggest that while he could recognize the values of the public sphere he could not successfully navigate them. They were, for him, too far from his historical and legal ideas about women and children in the family, which he thought should have operated (but did not) in early eighteenth-century Rome. This distance can be best explained for Rome by focusing first on what was at stake in child custody in an aristocratic family system where roles were rather strictly defined by gender, and where women had come to be crucial players in the future of their marital dynasties. Such activities shaped the aristocratic family, especially the rapport between mothers and children, but they had little validation in legal precedents. An analysis of the struggle for Cornelia will underscore the gap between the cardinal's and contemporaries' understanding of what was to be done when contemporary human sentiments appeared to be in contradiction with legal precedents. The origins of this fundamentally important eighteenth-century dilemma may rest in the proliferation of judicial contests involving mothers, wives, and daughters, which like Cornelia's custody battle, vexed Francesco and his more literary contemporaries in the 1720s.

Seizing Cornelia: How to Plan an Acceptable Kidnapping

Cornelia Costanza Barberini (1716–1797) was the last remaining legitimate heir of a Roman aristocratic family in dynastic disarray during the 1720s. The death of Cornelia's father in 1722 left her, initially, in the care of her mother, Teresa Boncompagni. Her father's brother, Cardinal Francesco, later disputed the ability of her mother to supervise his niece, "a poor Innocent" whom he surmised her mother would marry off to the first available knight. In his view, her mother was deluded by the "extravagant pretension" of wanting to keep her daughter with her, always.⁷

Teresa's determination to fight for her daughter was part of a larger pattern of advocacy by Italian women and it was hardly new in the early eighteenth century. Such challenges had increased in frequency and across the variety of political systems that comprised the Italian peninsula during the seventeenth century. Widows sought custody of their children from Florentine magistrates or Medici princes, female servants tried to use wills to redress financial delinquencies on the part of their Tuscan masters, unhappily married women sought exits from their marriage through Venice's Patriarchal Court, and women orchestrated complex dynastic alliances for aristocratic Roman families. This survey of women's activities refers to the recent work by Giulia Calvi, Giovanna Benadusi, Joanne Ferraro, Renata Ago and Marina D'Amelia to name only a few of the scholars working in this area.⁸ Their work suggests that Teresa Boncompagni's "extravagant pretensions," or desire to shape personal and familial circumstances was a familiar practice among early modern Italian women. Why

did a Roman cardinal perceive Teresa's activities, common ones for a woman of her caste, as threatening, and a sign of how out of bounds the "public sphere" of Rome had become?

Cardinal Francesco found much to say on this topic, especially on how women had become dangerously influential in the "world" of eighteenth-century Rome. He wrote a lengthy account of his struggle in 1727 and collected hundreds of pages of documents probably to persuade the pope to keep the mother away from the girl. His narrative and the large number of letters and other sources highlight how important Francesco thought the "world" or the "public sphere" of Rome was to the outcome of the case. The lamentable public sphere for Francesco existed in the perennial "conversations" in the theaters and on the streets of the city. Its reach extended into the papal law courts and the papal court, where women and other (for him) unscrupulous petition-writers thwarted the Cardinal's familial ambitions.⁹ The rights of women in this sphere seem less clearly defined in Rome than they are in France, as analyzed in recent work by Sarah Hanley.¹⁰ Nonetheless, even the vaguely defined rights of Roman motherhood pressed upon Francesco and limited his actions, to his own personal horror.

Francesco saw the custody of Cornelia Costanza from the perspective of his politically powerful and male position in the family. As a cardinal in the Roman Catholic Church, according to the historian Renata Ago, Francesco would have been considered the head of the family, rather than his brother, who married and carried on the lineage.¹¹ This debatable view of the Roman aristocratic family was certainly Francesco's ideal, but he recognized he could not live it in the realities of Rome. In 1722, at the death of his brother Urbano, who had fathered the only two remaining direct Barberini heirs, Cardinal Francesco was obviously the only male figurehead of the family. By the time of the custody battle he had been a cardinal for over thirty years, was generally well regarded among his peers, although his reputation for being a cheapskate was a significant barrier to his election as pope.¹² It created obstacles, within his family, too, where it probably originated in his decades-long struggle against his brother's determination to bleed the family dry. Taking his hard-won financial lessons too seriously caused considerable family acrimony during the 1710s, however, even with his mother, normally a willing, if latitudinarian supporter of Barberini solvency.¹³ Like other noble families in Rome and elsewhere in Europe, the Barberini survived their seventeenth-century crisis, albeit with perhaps a bit more difficulty than others, due to Urbano's incorrigible spendthrift ways, defeated finally by death as much as by Francesco's endless counter efforts.

The custody battle of the 1720s happened at a time when Francesco had barely emerged from the struggle with his brother. By Francesco's own account, his fervent belief that he was (again) witnessing the "extermination of his Casa," drove him out of his mind.¹⁴ A letter to his sister in Milan outlined his eschatological insights on what he viewed as the end of his family. He personally passed from the purgatorial torments caused by the "bestialities" of his bastard nephew (whom he disinherited) to the hell created by his diabolical sister-in-law, whose allies were capable of "fooling and seducing" the pope on her behalf. Paranoia combined with delusions of grandeur that drove his assessments of his allies in a letter to his sister in Milan: "I am now the master of 291; I am also sure of 269 69 60 32 30 . . ." The epistolary code continues incomprehensibly.¹⁵

Easier to decipher are the clues he has left us about the distance between his historically clear vision of the Roman aristocratic family, and the more nuanced contemporary vision of women and children held at that same level of his society. His diatribes concede that the perspective of his sister-in-law found sympathy in Rome, both in the "court" of popular opinion, the law courts, and with the pope himself, Benedict XIII (Pietro Francesco Orsini, r. 1724–1730). Francesco grudgingly acknowledges those interpretations. A narrative of the struggle for Cornelia Costanza's custody reveals that he didn't like them, but that he couldn't ignore them either. They constrained him at every turn.

At the time of his brother Urbano's death, Francesco was already empowered to settle issues of succession to the Barberini primogeniture.¹⁶ Francesco had been in charge of the management of some Barberini properties since the first years of the eighteenth century, because Urbano proved himself incapable of doing anything but wrecking family finances and running through wives.¹⁷ Spanish mediators provided by Philip V handled the negotiations between Cardinal Francesco and his sister-in-law, Teresa, who was designated the Tutrice, or guardian of the six-year old Cornelia Costanza. Francesco insisted at the mediation that he would "maintain his sister-in-law and his niece as she required, provided that by the Holy Year (1725) Cornelia Costanza be placed in the Convent of the Incarnation [a convent long associated with the Barberini family, in which some Barberini daughters had resided]."¹⁸

About midway through 1725, however, the transfer of Cornelia Costanza to the convent had yet to occur. From Cardinal Fabrizio Paolucci, the cardinal Vicar, Francesco secured papal permission to place his niece in the convent. As cardinal Vicar, Paolucci tended to issues related to morality and familial disputes in and around Rome.¹⁹ He authorized taking the girl to the convent but insisted, however, that this had to be accomplished "without uproar (*strepito*) and without violence."²⁰ Paolucci was known in Rome for his compassion for the poor and for his expertise and moderation in the affairs of Rome's secular government.²¹ His view of how the "kidnapping" should be handled was therefore probably in keeping with mainstream views on the family within its urban aristocratic context.

By Francesco's own account, however, this was going to be difficult. So he attempted to bribe one of his niece's servants, one Anna Maria, (sometimes also called Angela). Angela was to provide peaceful or non-violent entry for Francesco to the niece's apartments in the Barberini palace. A small monthly stipend for life was to be the servant's reward.²² Alas for Francesco, the plan was spoiled, perhaps by Angela, who confided the bargain she'd made to her lover, a priest, who then spilled the plan to Teresa. [This is a classic Francesco detail, portraying Teresa as the successful manipulator of Roman men.] By whatever means she learned of the plans, Teresa alerted the servants, and double locked the doors of her apartments in the Barberini palace to prevent the cardinal from seizing her daughter.²³

Barely slowed by these setbacks, Francesco turned to international channels to achieve his aims. Through his brother-in-law in Milan, Carlo Borromeo, Francesco pursued connections to the Counselor and Secretary of State of the Austrian monarchy.²⁴ Francesco pinned his hopes on what he called the "heroic piety that reigned in the hearts of the Austrians," who could bring pressure on

the pope to issue a stronger mandate for his niece's custody.²⁵ A mandate of "greater vigor," in other words, would allow Francesco to take her to the convent with violence if necessary. Francesco's account emphasized that he arrived at this goal in negotiation with his sister and brother-in-law in Milan, underscoring the "consortium of interest" model that I think best describes the actual governing of the Roman aristocratic family, a system of governance in which women played critical roles.²⁶

Francesco found sympathy at the court of the Austrian monarch, Charles VI, who faced his own succession dilemma, also centered on a female offspring, Maria Teresa, born in 1717, one year after Cornelia Costanza.²⁷ While the Austrians stepped up their pressure on the pope, Francesco pursued the issue through a papal court, the Rota, in April 1726.²⁸ Courts, of course, took a great deal of time, so in the interim, with the support of his sister and brother-in-law, Francesco began negotiations with Teresa, hoping to avoid "the scandal that would have occurred if he had used violence in placing his niece in a convent."²⁹ Francesco felt constrained against using force both by the terms of the papal decree and by popular opinion. Mother and daughter had to willingly agree to the separation, or it wouldn't occur.

Negotiations with Teresa stalled.³⁰ Francesco was losing time, and since Paolucci the cardinal vicar had died, he had to begin anew with his successor to press the Pope for a firmer declaration.³¹ Pope Benedict XIII proved to be a problematic ally for Francesco. The Domenican prelate had reluctantly accepted the papal tiara in 1724, leaving with great regret his bishopric in Benevento. He had a reputation for saintliness and stubbornness, a devotion to all matters of religious practice, but an indifference to the issues of the secular governing of his state, which he placed in the hands of his ministers. He had relied heavily on the more experienced Paolucci.³² Pope Benedict XIII demurred from ruling on the Barberini matter, hiding under the cover of the court's jurisdiction, noting that it would be "disrespectful of his Tribunal," to issue any such order until the Rota made a decision regarding her guardianship. The pope even suspended the previous ordinance that had allowed Francesco to take her, provided he did not use violence.³³ Francesco was losing, rather than gaining time.

In the waning months of 1726, when the cardinal insisted that he cared only about "the good education of his niece," he found his plans "violated by the arts used by her mother . . . to engage Signore Borghese in the affair," hinting that Teresa was also well connected, and sustained by a web of prestigious aristocratic allies. He conceded that he could do nothing to stop what he called "the frequent and continual conversation . . . the supplicating letters written to the Pope, including letters written by his own mother."³⁴ Now in her mid-eighties, his mother was a veteran petitioner of the pope. She suggested that a compromise might be struck if the girl were moved to a different convent than the one long associated with the Barberini, a convent perhaps more acceptable to the child's mother. Teresa, however, evidently, declined such overtures.

1727 should have been the year of Francesco's triumph over the scheming and the negotiating women. In February, the Rota ruled in his favor, declaring that the guardianship and the education of Cornelia Costanza belonged to Francesco.³⁵ But there was a hitch. An official of the court counseled him to get the order to seize the girl from the pope, because what Francesco had won by

law, he had lost in fact. This “enigma” was explained by the particularities of the Rota’s judgment. The Rota left open the possibility that the mother could contest the judgment, and in the interim (until the court ruled on the appeal), the girl could not be removed from the mother by the court. Since Cornelia was already eleven years old, she was likely to be past twelve years old by the time the court made the final decision, at which point, she could already have been married “ad placitum della Madre,” and so the question of her guardianship would be rendered moot.³⁶

This enigmatic triumph spurred Francesco to frenetic begging of his allies for assistance.³⁷ Francesco eventually succeeded in getting the order to seize her and hatched several plans for doing so during the week of carnival February 15 through February 22. He was still constrained to take her without violence (he had not won the release from that clause).³⁸ He planned to meet her on the street, and if she was in the company of only her ladies in waiting, he would “exchange courtesies with her, offer her money, and if these allurements weren’t enough he would embrace her, throw her in his carriage and take her directly to the convent.”³⁹ Francesco had an accurate sense of the limits of his charms, but it was rain or the presence of her mother that thwarted him every day. Finally, accompanied by Cornelia’s confessor (whom he hoped would win the girl’s confidence and “exhort her to obedience,”) two other priests, and six servants, Francesco accosted Cornelia with two ladies-in-waiting while their carriage was stopped before the Barberini palace.⁴⁰ He attempted to

caress his Niece, telling her to come with him, but she started screaming along with the two other women [accompanying her], resisting as best she could. The Cardinal attempted to take her with the greatest pleasantries possible, but seeing that he wasn’t obeyed, he started to raise his voice and to grab the other two women and throw them out of the carriage. Then embracing his niece, he removed her from the carriage and placed her on the ground. He gave her a purse of money, that she took voluntarily, although showing disgust, while calling that she wanted her lady-in-waiting Marianna with her . . . and asking that her father confessor not leave her.⁴¹

For the day, it seemed that Francesco’s connections at the papal court had trumped those of Teresa, but she also had some support from “counselors, friends, and relatives” who raised their voices against the seizure of the girl. Cardinal Niccolò Coscia, whom Francesco pronounced the pope’s “Favorite,” was sympathetic to Teresa’s plight and he managed to secure in a few days a papal order that would allow Teresa, accompanied by three ladies-in-waiting to enter the convent.⁴² Horrified, Francesco appealed to the pope, using allies to accompany him all the way to the pontiff’s bedchambers, where he tried without success to win him over to his side. In fact, the pope’s solution was simply to propose moving Cornelia to another convent altogether (this had been her grandmother’s idea, some months before).⁴³ Francesco confided to his sister that he was sure that Teresa would succeed in spirited her daughter away from the other convent.⁴⁴ Finally, Francesco returned a second time to the pope’s chambers. He carried with him a clarification from the Rota, that if the court’s decision withstood appeal, it allowed Francesco to place Cornelia in a convent of his choosing. Along with this new detail from the enigmatic legal victory, Francesco

brought Cardinal Alessandro Albani, an ally who delivered a reasoned and calm presentation of the case as a great injustice, emphasizing the evidence of the Rota's new clarification.⁴⁵ The pope was still inclined to have the girl removed from the Barberini convent.⁴⁶ Hearing this, Francesco, was "overwhelmed by passion and driven to the edge by his desperation." How could the pope make such a decision, given "the seventeenth-century dispensation of Pope Urban VIII (a decree by the pope Maffeo Barberini [r. 1623–1644] that "definitively" established patrilineal control of Barberini children) and despite the decision of the law court"?⁴⁷ The Barberini cardinal envisioned (as he frequently did) the "extermination of his own house," and so carelessly spoke in "terms that were hardly proper of a servant toward his Prince."⁴⁸ The pope's response was a loud command to his servants: "Mi volete fare perdere la Deputazione." ("Get the delegation out of here!")⁴⁹

Francesco described himself at this point as "furious" and "out of his senses": "Holy Father, I don't ask for anything from your Holiness but justice, I don't want anything but a true vigorous justice."⁵⁰ Turning to those in the antechamber who were supposed to be seeing him to the door, he exclaimed, "I know the reason that His Holiness won't give me justice, it's because the knave Cardinal Coscia has been corrupted by my sister-in-law. He spent the entire carnival in her box at the theater, but I tell you that if I don't get justice from the pope I will get it by my own hands."⁵¹ Francesco's outburst cleverly drew on two critiques circulating in Rome during the 1720s. He aligned himself with popular criticism of Coscia himself, the Pope's protégé from Benevento, upon whom the pontiff had bestowed much responsibility, with which, it was rumored, Coscia had behaved venally and irresponsibly.⁵² Francesco combined his insult of Coscia with an issue he doubtless knew to be of great concern to Benedict XIII, in keeping with his religious piety—the blurring distinction between clerics and laity. Benedict was known, for instance, to become emotional to the point of insomnia over the persistence of wig-wearing among his cardinals and prelates.⁵³ The two-pronged outburst, doubtless delivered with intensity worthy of the Roman stage convinced the beleaguered Benedict XIII, who in his "innate clemency" issued the order that allowed Cornelia to remain in the Convent of the Incarnation.⁵⁴ So the Barberini Cardinal had won at last, and the pope likely spent another evening in his modestly furnished apartments in the Vatican regretting that he had ever left Benevento.⁵⁵

Transcending Gender Roles, the Child's Will, and the Charge of Tyranny

The battle for Cornelia certainly cannot be understood in terms of Teresa's maternal tenderness versus Francesco's avuncular domination of the family, although Francesco would certainly have preferred a world of avuncular domination. One obvious potential interpretation of their struggle is that for each combatant, Cornelia was no more than a financial pawn. Reading between the lines of some of Francesco's narrative, it does seem that he squeezed Teresa of some of her support in 1725, probably to encourage her to give up her daughter. In retaliation, Teresa tried to lay claim to the Barberini fiefs in the Kingdom of Naples, but she did not pursue this very far.⁵⁶ Immediately after Francesco seized Cornelia, Teresa's allies secured a declaration from the papal auditors that

her mother would continue to have the “enjoyment” of her apartment in the Barberini palace.⁵⁷ Later Teresa also evidently insisted that Cornelia write Francesco about the whereabouts of a cross of diamonds that the noble mother insisted was her own.⁵⁸ Attention to one’s rooms and personal articles were familiar concerns for a woman of Teresa’s station, they were markers of status to which her mother-in-law Olimpia and other noblewomen also paid close attention (as did Venetian women of the artisan class, for that matter).⁵⁹ Francesco may have saved the child’s letter to illustrate her mother’s selfishness, but there is remarkably little of this kind of attack made on Teresa by Francesco. He was certainly not above using such tactics, as was clear from his conflict with his mother in the 1710s.⁶⁰ Teresa evidently gave him little evidence for the charge of gold-digging, and this doesn’t seem to have been the source of their disagreement.

Teresa’s and Francesco’s disagreement is certainly a battle between competing aristocratic networks. They are actually overlapping networks, since brother-in-law and sister-in-law were in contact with clerics in the same alliances. Cardinal Lercari, for instance, attempted to be of assistance to Francesco in his role as Secretary of State, but Lercari was closely allied with Cardinal Coscia, who was identified by Francesco as a supporter of Teresa.⁶¹ Teresa is clearly in the company of well connected and well born women and men, clerical and otherwise. It is true that she can’t go to the pope’s private chambers (a privilege reserved for high ranking clerics like Francesco) but she knows clerics who can. We can’t say whether she shared with men like Coscia more than a taste for theater, but some conviviality with him at the theater was not outside the norms of women of her station.⁶² In a letter to his sister in Milan, Francesco claimed that after he spirited Cornelia away her mother went to the house of a friend (Duchessa di Fiano) and “from there was off to the banquets.”⁶³ The detail is probably intended to underscore that Teresa is a social gadfly, but in fact, it was probably at those same banquets that she was rallying her allies to her side (it takes her about 48 hours to overturn Francesco’s total control of Cornelia at the convent). Numerous details in Francesco’s account reinforce the impression that Teresa is a typical Roman aristocratic woman—she knows her servants and her servant’s lovers, she takes her daughter to carnival, she writes petitions, she socializes in Rome and furthers her interests at the same time. Considering how well connected and active Teresa is in aristocratic society, Francesco’s charge that she would marry off her daughter to any old “cavalier” is absurd. As a Roman aristocratic woman, she would have felt obliged to fulfill one of her most important functions—to arrange her daughter’s marriage—and she wouldn’t betroth her to just anyone.

More than any other issue, the contest for Cornelia was a battle for the arrangement of her marriage, as can be seen in the few details of Cornelia’s life after Francesco’s successful negotiations in the pope’s bedchambers. That night Francesco actually won only a compromise, because her mother was still allowed to visit her every day in that convent, and whenever the nuns attempted to interfere with that, they were ordered to allow the mother to see the daughter as much as she liked, and in private. A letter from the Prioress of the convent claimed that their talk centered on whom Cornelia Costanza should marry, long the critical topic for Francesco, which not even enclosing his niece in the convent of his choosing had been able to prevent.⁶⁴

To understand this latter point about her role in marriage making, it is important to consider the variety of activities of Roman aristocratic women since at least the seventeenth century. Recent scholarship suggests that those women arranged marriages for their offspring. They also received male visitors to their family palaces, and furthered familial alliances through an exchange of visits with female members of other aristocratic families. The origin of so much female activity was the fragility of male honor in seventeenth-century Rome. The rules of decorum surrounding male encounters had become so complex that it was nearly impossible for males to encounter each other without some damage to their honor. Since women, according to this theory, lacked the characteristics of male honor, they could therefore carry on these activities with less risk.⁶⁵ This pattern is evident in the Barberini family—Francesco's mother had clearly arranged the marriage of her daughters. One of these matches (the sister and brother-in-law in Milan) inspired considerable complaining on Francesco's part about the size of his sister's dowry (Olimpia evidently threw in some extra cash during the negotiations), but it was worth the price, apparently, since this relationship proved to be invaluable to Francesco during the custody battle.⁶⁶ Thus in the struggle between Francesco and Teresa, it is Francesco, according to conventional Roman practice, who would be seen as usurping the role assigned to Teresa by reasons of her caste and her gender. Many aristocrats, apparently, were married, "ad placitum della madre," as the court put it.

Francesco's excessively controlling behavior and his insistence that he could simultaneously fulfill the roles of cardinal and Roman aristocratic woman, finds some explanation in the peculiarities of Cornelia's circumstances. He refers to her frequently as "the total subsistence" of his aristocratic Casa because in Roman dynastic terms, his Cornelia is a girl and a boy.⁶⁷ Reading backwards from what Francesco insisted upon in her eventual marriage, he was looking for a man to marry Cornelia who would take the Barberini name or at least combine it with his, and who would give at least one of his sons to the Barberini dynasty, by giving that son the Barberini name as well as the inheritance that belonged originally to the Barberini dynasty. Francesco needed an aristocratic man who would act like an aristocratic woman, at least in some aspects of his life. Such a scenario was not outside Roman practice, but it was not an everyday event. If Francesco could successfully act the part of a woman, and find a man willing to engage briefly in the same "transgression," then the curtain need not fall on the Barberini family drama, to put it in theatrical terms.

The question of Cornelia's residence, her co-residents, and her visitors, takes on obsessive importance for the cardinal because if the cardinal can find such a hybrid, Cornelia has to agree to the match. According to canon law, Cornelia could not be forced into a marriage against her will, or such a marriage could potentially be declared invalid. Francesco apparently believed that he was contesting his sister-in-law for the will of the girl. He stated it most clearly in a letter to the Counselor and Secretary of State at the court of Vienna, that the extravagant pretensions of the mother were "to never separate the daughter from her, indicating that she wants to remain the arbiter of the will of that poor Innocent."⁶⁸ Given the aristocratic woman's role in arranging marriages, a mother would have been (under ordinary circumstances) close to the intersection of dynastic interests and individual will. By placing her in the convent,

Francesco hoped to end this potential influence as well as a second potential foil to his plans. Cornelia, outside the convent, lived part of her day on the street. She apparently went about at times accompanied only by her ladies-in-waiting. Cornelia's potential displeasure with a particular match would be more likely to become public knowledge than if she were confined to a convent, especially one patronized by the Barberini.

As a cardinal in the church Francesco was obviously familiar with canon law, hence his scrupulous attention to the clause that he must take his niece "without violence." Aside from issues of decorum, given her age (11) and her inevitable approaching marriage, taking her by violence could be seen as prelude to forcing her into a marital choice. As underscored by Joanne Ferraro in her recent book on marriage separations in Venice, "reverential fear" of one's parents was acceptable but "grave fear" was not.⁶⁹ Francesco risked crossing this line if he took Cornelia away by violence. He emphasized his own unwillingness to do so in hopes of winning favor with the pope (even as he was simultaneously pursuing a strategy to get the clause lifted). In a letter to the pope in September 1726, Francesco noted that while he had been granted papal permission to remove his niece, he hesitated to do so in order not to create "the opportunity for even minimal criticism." He hoped instead for praise for his "moderation" in respecting the opinion so counter to his own.⁷⁰ When he did seize Cornelia Costanza in February 1727, he wanted witnesses to attest that "there was no violence," (although by his own account he threw two women out of a carriage, this did not count since he didn't use violence against the niece). Cornelia Costanza's willingness to go with the cardinal (demonstrating what might be termed only "reverential disgust" for him) was crucial, since whatever legal and familial precedents Francesco had in his favor it was apparently not socially acceptable to take a child against her will from her mother.⁷¹

Francesco bristles at such constraints. From his letters, petitions, and lengthy narratives, it is clear that he idealizes a world in which his total control of the matter would not be an issue. His admiration for what he calls the "heroic piety of the Austrians" probably derived from what he perceived as their willingness to privilege dynastic interests as defined by men above all other interests, a clear set of priorities that in Rome could encounter resistance.⁷² Francesco occasionally confessed the "absolute Padrone," side of his character. He wrote in code to his sister about the men of whom he was "master," he declared himself the "absolute Padrone" of the Convent of the Incarnation (something that might have come as a shock to its prioress); he preferred secret late night meetings in his private garden near Saint John Lateran and he thought he would get more from a late night rendez-vous in the pope's chambers, where he would benefit from the pope's unwillingness to be an absolute Padrone, indeed, from the pope's unwillingness to engage in the secular aspects of governing at all.⁷³

Mostly, however, Francesco had to avoid the appearance of absolutist inclinations. In the same letter in which he claimed to his sister that he was the "absolute Padrone" of the convent, he admitted that he would never be able to prohibit Teresa from seeing her daughter, now resident in that Francesco-controlled convent. If he did, "people would be moved by compassion for her, and say 'what Tyranny, that the mother can't see her,' and with this persuade the will of the magistrates."⁷⁴ By the late seventeenth century, the charge of tyranny

was probably the worst insult one could throw at either a family member or an enemy or a person who happened to be both. It had become what insults to honor were for males in the early seventeenth century. Even Francesco tried to use the insult, complaining that the Cardinals Corsini and Coscia used “injustice, barbarity, and tyranny,” against him and his Casa, meaning in this case that they prevented him from enjoying the rights the papal tribunal declared belonged to him. This would be a conventional political charge against a tyrant (he usurps rights).⁷⁵ His mother, however, had also used the term in the 1690s to describe his brother’s unacceptable way of governing the household, i.e. acting like an absolute *Padrone*, which for her was a mistaken way to view his authority in the family.⁷⁶ Francesco was anxious to avoid this charge, hence his emphasis in his narrative on working in consort with his sister-in-law. He also collected letters from his mother to illustrate that she supported his seizure of the girl.⁷⁷

While the charge of tyranny is clear, what he violated *vis-à-vis* his sister-in-law was harder for her allies to define. The day after Cornelia was seized, Cardinal Corsini intervened with the Pope to convince the pontiff that “a grave offense was done to such a great Lady, to take from her her only daughter, and with such impropriety.”⁷⁸ While Francesco clearly found frustrating the idea that “justice” could be thwarted in service to such outrageous concepts, he fully acknowledged their power in his society. If he kept Teresa from Cornelia, then he would be accused of tyranny, and this perception by the public would persuade the court against him. It is an interesting chain of causality on Francesco’s part, that public opinion and not legal precedent moved the magistrates of the Rota (it’s public compassion for her that will move the magistrates, this is his exact analysis). Francesco had learned well the lessons of his enigmatic victory with that court. The court had acknowledged the considerable legal evidence for Francesco’s custody, including the seventeenth-century papal chirograph by the Barberini pope Urban VIII that denied women the right to custody of Barberini children unless there was no male relative capable of doing so or their deceased husbands had designated them in this role.⁷⁹ Yet the eighteenth-century court still affirmed that the mother was likely to protest the decision and that the magistrates were inclined to leave this option open. They hadn’t definitively ruled until she had spoken and not surprisingly, she did.⁸⁰ Francesco dared not push them too far as long as the matter was pending, and evidently dependent in part on public opinion about Francesco’s behavior toward the mother’s “right” to be with her daughter. The power of public opinion is clear, even if the terms in which it is inclined in favor of the mother are not.

The Political Hydra or the Perils of Tenacious Losers

Francesco’s dismay alerts us to how much Roman aristocratic gender roles shaped public opinion, which, while without the clarity of legal terms, constrained the cardinal’s behavior. In his conflict with his mother a decade before, Francesco had identified a similarly troubling context—he referred derisively to the scrutiny of his actions by the “world.” His mother’s transgression was bringing what he thought of as the private business of the family into the public sphere, by writing petitions to the pope.⁸¹ Francesco’s idealization of the Austrians symbolized how alien he felt in the Roman scene, especially to its compar-

actively out of control public sphere. The rather unusual pontificate of Benedict XIII, who failed to tend to temporal affairs, frustrated Francesco, but the cardinal also profited from the pontiff's maladroit handling of his secular realm.

Francesco despised the Roman "world" as insufficiently Catholic. Emphasizing the moral laxity of Teresa and her supporters suggests that Francesco was aligning himself with the more austere faith and the call for the reform of the clergy associated in Rome with Jansenism. His late night call to the pope framed the struggle in terms that suggested that support of Teresa by the pope gave sanction to an overly intimate interaction between the laity and the clergy, something that Roman Jansenists believed to be in need of reform. While the split between Francesco's allies and Teresa's allies doesn't quite support this interpretation (Teresa received support from Cardinal Corsini, and the Corsini family was closely identified with Jansenism) Francesco's presentation of what was at stake echoed Jansenist critiques of Rome, and the apparently sincere desire on the part of Benedict XIII to reform the clergy.⁸²

Francesco's public sphere was clearly associated with law courts, institutions that many historians of Italy have suggested were the critical vehicles for cultivating allegiance between rulers and subjects, the site for politics and political change to the extent that they allowed marginal members of society to bargain for their rights.⁸³ The historian Raymond Grew has argued that Italy produced a large number of lawyers in the eighteenth century who helped to sustain a legal and public culture he links to Italy's eighteenth-century public culture.⁸⁴ It is estimated that there was one lawyer for every 140 persons in eighteenth-century Rome, a city with a population of approximately 160,000.⁸⁵ Roman aristocratic women were savvy about using courts as well as petition-writing to challenge their legal status vis-à-vis aristocratic men. Francesco's lamented world is this legal milieu that Grew argued created the "cultural capital" of Italy's Old Regime. With its overlapping tribunals and the myriad of means of protest, Rome was, as Hanns Gross has called it, "a many-headed hydra," where power, to Francesco's great regret, was dispersed in too many places, where one might slay a judicial adversary, only to see her rise to fight again.⁸⁶ The pope did not challenge this contemporary profusion of sites of power, he acknowledged and relied on it occasionally as an excuse to get Francesco to leave him alone.

In Teresa's case, a court guarded her interests, positioning itself as a mediator between conflicting parties, rather than as a defender of legal precedents. That's why the magistrates left open the possibility of her appeal. Since litigants could also seek alternate decisions by other courts, this further reinforced the impression that courts served as sites for airing grievances, but did not begin by offering definitive answers on them. Francesco was foolish to wander into the realm that he claimed he so despised—where details of the cases were printed, and therefore found their way into wider circulation, and where (in contrast to the secret and epistolary code he used with his sister) the case was therefore under the scrutiny of many more individuals than the members of the aristocratic dynasty.

Furthermore, when women and other marginalized members of society like peasants took up their grievances in the Roman judiciary or by petition writing, they were frequently unwilling to give up the fight. Francesco's nephew-in-law, Giulio Cesare Colonna di Sciarra, would later loathe the villagers of

Monte Flavio for just this reason—they were “insolent . . . the most rebellious . . . crassly ignorant people” (diatribes equal in intensity to Francesco’s for his sister-in-law).⁸⁷ Aristocratic rage was the typical response to persistence by inferiors. Such adversaries also created difficult dilemmas for magistrates, who would sometimes have to ignore legal precedents if they wanted to side with those inferiors. According to Giulia Calvi, seventeenth-century Tuscan magistrates faced a similar conceptual problem in trying to sort out what to do with fatherless children—maternal love, Calvi argues, was invented in the interactions between women and magistrates as an ideal to counterbalance the legal rights the father’s family held to the custody of the child.⁸⁸ In Francesco’s conflict with his mother a decade before, an exasperated Pope Clement XI accused Francesco of being “overly legalistic” and too obsessed with legal and financial particulars rather than behaving in the caring way a son should toward his mother.⁸⁹ In the 1720s, Francesco argued that compassion moved the public, who moved the court. These examples suggest that sentiments could overturn historical precedents, imbalances in account books, and laws that violated human feelings.

By the mid-eighteenth century, there is a now well known explosion of accolades for such emotions among reading and theater-going Europeans. In Italy, Carlo Goldoni’s domestic dramas encouraged this view, but the idea that laws that violate human sentiment should be changed was also advanced by Cesare Beccaria in *On Crimes and Punishments* (1764), and was later used by freed slaves and abolitionists in their arguments against slavery, to cite only a few of the best known examples from the European context.⁹⁰ Some of the origins of its acceptance began decades before in the public sphere that emerged around law courts, where litigation and petition writing by women who argued for their interests within the family contributed to a growing discomfort with how much historical and legal precedents should shape contemporary lives. While it is Francesco, rather than Teresa, who was out of step with the values of eighteenth-century Rome, his critique of women also had a long eighteenth-century future, where women’s perceived and real legal successes placed them in a dangerous position, especially after a revolutionary movement defined itself as the adversary of those who had benefited from the Old Regime.⁹¹

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ENDNOTES

1. Sarah Hanley suggests the link between women’s litigation and Montesquieu’s writings, especially *The Persian Letters*. See “Social Sites of Political Practice in France: Law-suits, Civil Rights, and the Separation of Powers in Domestic and State Government, 1500–1800,” *American Historical Review* 102 (1997): 40–43.
2. Family and women’s history in Rome are most thoroughly examined for the sixteenth and seventeenth centuries. See especially the work by Renata Ago and Marina D’Amelia in note 8.

3. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger with Frederick Lawrence (Cambridge, Mass., 1991). One helpful recent survey of historians and Habermas, with an emphasis on the problem of his separation of reason and emotion, is John L. Brooke, "Reason and Passion in the Public Sphere: Habermas and the Cultural Historians," *Journal of Interdisciplinary History* XXXIX (Summer 1998): 43–67. For a recent synthesis of the works related to the public sphere in England, France, and Germany, see James Van Horn Melton, *The Rise of the Public in Enlightenment Europe* (New York, 2001).

4. Hanley, "Social Sites of Political Practice," 27–52.

5. Raymond Grew has said this most explicitly for eighteenth-century Italy, "Finding Social Capital: The French Revolution in Italy." *Journal of Interdisciplinary History* XXIX (1999): 407–433. For the origins and political significance of judicial expansion prior to the eighteenth century, see Edward Muir, "The Sources of Civil Society in Italy," *Journal of Interdisciplinary History* XXIX (1999): 379–406. I have shown the importance of the possibilities offered by the papal courts to the political culture of villagers near Rome in *Patrons and Adversaries: Nobles and Villagers in Italian Politics, 1640–1760*, forthcoming Oxford University Press; "Political Culture in Seventeenth-Century Italian Villages," *Journal of Interdisciplinary History* XXXI (2001): 523–552.

6. A survey of some of this literature is in note 8. Probably the most important work on the invention of the proper emotions of the "moral mother" as a juridical antidote to the rights of the father is that of Giulia Calvi, *Il Contratto morale: Madri e figli nella Toscana moderna* (Bari, 1994). Women's emotions were of course also tightly proscribed in many contexts, as shown recently by Martha Tomhave Blauvelt "The Work of the Heart: Emotion in the 1805–35 Diary of Sarah Connell Ayer," *Journal of Social History* 35 (2002): 577–592.

7. The primary sources for most of this paper are in the Vatican Library, Archivio Barberini, Indice II, 1329, which is a collection of about 300 folios related to the case. Unless otherwise noted, all the folio numbers below refer to that collection. Folio numbers appear to have been added by a twentieth-century hand. Especially important in this collection of documents is Francesco's narrative of the events, "Istanza fatta dal Signore Cardinal Francesco Barberini a P—(name left blank)." in *Ibid.*, 7r–30r. "Poor innocent," and "extravagant pretension" are in Francesco's letter to the Counselor and Secretary of State, Marchese di Rials, in Vienna, December 29, 1726, 118r–118v.

8. Calvi, *Il Contratto morale*; Giovanna Benadusi, "Investing the Riches of the Poor: Servant Women and Their Last Wills," *American Historical Review*, 109 (2004): 805–826; Joanne M. Ferraro, *Marriage Wars in Late Renaissance Venice* (Oxford, 2001); Renata Ago, *Carriere e clientele nella Roma barocca* (Bari, 1990); "Giochi di squadra: Uomini e donne nelle famiglie nobili del xvii secolo," in *Signori, patrizi, cavalieri in Italia centro-meridionale nell'età moderna*, ed. Maria Antonietta Visceglia (Bari, 1992); "Maria Spada Veralli, la buona moglie," in *Barocco al femminile*, ed. Giulia Calvi (Bari, 1992), 51–70; Marina d'Amelia, "Becoming a Mother in the Seventeenth Century: The Experience of a Roman Noblewoman," in *Time, Space, and Women's Lives in Early Modern Europe*, ed. Anne Jacobson Schutte, Thomas Kuehn, and Silvana Seidel Menchi (Kirksville, Mo, 2001), 223–244.

9. Francesco describes the public sphere in Rome approximately the way Raymond Grew does in his article on eighteenth-century political culture in Italy. Grew notes, for instance, that "Italy's old regime was full of talk" both in the theaters and in the piazza

and that “the interest in law and in talk sustained a lively civic sense that, starting with local pride and familiar ritual, could be extended to a vision of civic education and a transformed civil society.” See his “Finding Social Capital,” 413, 415, 417.

10. Sarah Hanley, “Social Sites,” especially, 33–40.
11. Ago stresses the role of the clerical brother in *Carriere e clientele*, 71. In “Ecclesiastical Careers and the Destiny of Cadets,” she stressed the contributions of men and women to the family. See *Continuity and Change* 7 (1992): 271–82.
12. Ludwig Von Pastor, *The History of the Popes*, transl. Dom Ernest Graf, O.S.B., (London, 1957), vol. 34: 11.
13. Caroline Castiglione, “Accounting for Affection: Battles Between Aristocratic Mothers and Sons in Eighteenth-Century Rome,” *Journal of Family History* 25 (2000): esp. 415–420.
14. One combination of the “extermination”/insanity defense of the Cardinal is in his account of the second nearly unsuccessful encounter with the Pope in his private chambers. See, “Istanza dal . . . Cardinal Francesco,” 29r.
15. Letter to the Contessa Barberini Borromeo of Milan, March 1, 1727, 230r–231r.
16. Because of a previous papal brief promulgated by Clement XI [Gian Francesco Albani, ruled 1700–1721]. See “Istanza dal . . . Cardinal Francesco,” 7r.
17. Francesco had himself appointed the administrator of the extensive territory of Monte Libretti. See The Vatican Library, Archivio Barberini, Ind II, 2256.
18. “Istanza dal . . . Cardinal Francesco,” 7r–7v. See also the copy of the settlement of the living arrangements for Cornelia and her mother on 34r–35v [18 November 1722, dal Palazzo di Spagna].
19. On the cardinal vicar in the eighteenth-century, see Hanns Gross, *Rome in the Age of Enlightenment* (Cambridge, 1990), 54; “Istanza dal . . . Cardinal Francesco,” 8r.
20. “Istanza dal . . . Cardinal Francesco,” 8v.
21. Pastor, *History of the Popes*, vol. 34: 12, 101, 118, 129.
22. “Istanza dal . . . Cardinal Francesco,” 9r; see the draft of the proposal in Francesco’s hand, dated September 6, 1725 (signed at the Palazzo alle Quattro fontane), 92r.
23. “Istanza dal . . . Cardinal Francesco,” 9v.
24. “Istanza dal . . . Cardinal Francesco,” 10r.
25. Francesco’s letter to the Counselor and Secretary of State, Marchese di Rials, in Vienna, December 29, 1726, 119r. The Austrian Habsburgs ruled the Kingdom of Naples between 1714 and 1735, where Charles VI referred to himself as the “King of Spain.” See Ernst Wangemann, *The Austrian Achievement 1700–1800* (London, 1973), 12.
26. “Istanza dal . . . Cardinal Francesco,” 10r.

27. "Istanza dal . . . Cardinal Francesco," 10v. On the succession of Maria Theresa to the realm, see Wangermann, *Austrian Achievement*, 21.
28. "Istanza dal . . . Cardinal Francesco," 10v; Romana Tutelae de Barberinis, *Restrictus Facti, & Juris, Pro . . . Cardinali Francisco Barberino*, 138r–143v.
29. "Istanza dal . . . Cardinal Francesco," 11v–12r.
30. "Istanza dal . . . Cardinal Francesco," 11r–12v.
31. "Istanza dal . . . Cardinal Francesco," 12v.
32. Pastor, *History of the Popes*, 34: 106–107; 109–110; 113; 117–118; 122. Pastor argues that at certain times Benedict XIII removed himself completely from participation in the governing of his secular realm, in order to attend exclusively to spiritual matters, as occurred for instance, during the Provincial Council held in Rome in 1725. Pastor, 34: 162–163.
33. "Istanza dal . . . Cardinal Francesco," 13r.
34. "Istanza dal . . . Cardinal Francesco," 13v. Francesco seems to have in mind the conventional sense of conversation, but it may be that he used the term to describe the gatherings to discuss formally (and informally) the latest achievements in science, religious history, and archeology. See Gross, *Rome in the Age of Enlightenment*, 247; 267–269.
35. "Istanza dal . . . Cardinal Francesco," 13v–14r.
36. "Istanza dal . . . Cardinal Francesco," 15r.
37. "Istanza dal . . . Cardinal Francesco," 15v–16r. The new Secretary of State, Cardinal Niccolò Maria Lercari, was on his side. Lercari conveyed to the pope how intently the Austrian monarch Charles VI wanted her confined to a convent.
38. "Istanza dal . . . Cardinal Francesco," 17r.
39. "Istanza dal . . . Cardinal Francesco," 18r.
40. "Istanza dal . . . Cardinal Francesco," 18r.
41. "Istanza dal . . . Cardinal Francesco," 19v–20r.
42. "Istanza dal . . . Cardinal Francesco," 21r–22r.
43. "Istanza dal . . . Cardinal Francesco," 22v–24v.
44. Letter to the Contessa Barberini Borromeo of Milan, March 1, 1727, 230r–231r.
45. "Istanza dal . . . Cardinal Francesco," 26v–28r. One must assume he meant Cardinal Alessandro Albani, with whom Francesco corresponded in this period. See letters of February 24, 1727, 191r–191v, and March 3, 1727, 232r–233r.
46. "Istanza dal . . . Cardinal Francesco," 27r–28r.
47. "Istanza dal . . . Cardinal Francesco," 28v.
48. "Istanza dal . . . Cardinal Francesco," 28v.

49. "Istanza dal . . . Cardinal Francesco," 29r.
50. "Istanza dal . . . Cardinal Francesco," 29r.
51. "Istanza dal . . . Cardinal Francesco," 29v.
52. Pastor, *History of the Popes*, 34: 124–125; 127–128; 131–134. For how seriously Coscia damaged Benedict XIII's efforts at reform, see Pastor, 34: 297–299.
53. Pastor, *History of the Popes*, 34: 116; 159–160. Benedict could not abide beards or neckties either, but perruques were the primary enemy of clerical decorum for him in early eighteenth-century Rome. On his attempt to reform the clergy in other ways, see Pastor, 34: 158. On the wig-inspired papal insomnia in 1727, see Pastor, 34: 174.
54. "Istanza dal . . . Cardinal Francesco," 29v.
55. Pastor claims he refused the usual papal apartments for more modest rooms and that he built a simple structure in the papal gardens where he could pray and sleep in the monastic peace to which he had become accustomed. He doesn't state whether nightly visits from cardinals like Francesco inspired the creation of such a "hermitage." Pastor, *History of the Popes*, 34: 114–115; on his love for Benevento, Pastor, 34: 169–174.
56. Notarized statement by Procurator Domenico Correale, on behalf of Teresa Boncompagni, November 22, 1725, 1r.
57. Decree from papal auditor, 23 February 1727, 180r.
58. Undated letter, in a child's hand, to "my Excellent Uncle," signed "your most humble servant, Cornelia Costanza Barberini," 284r–285v.
59. Federica Ambrosini sees a similar source of pride among Venetian women in their wills, especially in their "declaring everything they owned or everything . . . [that] was the fruit of their own work and that they were not in the least obliged to account for it." "Toward a Social History of Women in Venice," in *Venice Reconsidered*, eds. John Martin and Dennis Romano (Baltimore, 2000), esp. 435–436.
60. Francesco accused his mother of "spend[ing] without keep[ing] an account book," among other financial sins, Castiglione, "Accounting for Affection," 419–420.
61. On Lercari's assistance to Francesco, see note 37. Pastor claims Lercari was "a man of moderate ability, but utterly dependent on Coscia." Pastor, 34: 130.
62. This was the problem, for those who wished to reform the clergy. See Gross, *Rome in the Age of Enlightenment*, especially, pp. 271–272, for the failure of reform.
63. Letter to Camilla Barberini Borromeo, February 22, 1726, 174r.
64. Letter of May 18, 1728, 288r–289r.
65. Renata Ago, *Carriere e clientele nella Roma barocca* (Bari, 1990); "Giochi di squadra: Uomini e donne nelle famiglie nobili del xvii secolo," in *Signori, patrizi, cavalieri in Italia centro-meridionale nell'età moderna*, ed. Maria Antonietta Visceglia (Bari, 1992); "Maria Spada Veralli, la buona moglie," in *Barocco al femminile*, ed. Giulia Calvi (Bari, 1992), 51–70. Marina d'Amelia underscores that both the cardinal brother and the women were

important in marriage negotiations. See her recent article, see "Becoming a Mother," 225–226. D'Amelia writes, "The real counterparts of the cardinal in the marriage negotiations were Olimpia Pamhili Maidalchini, who was the bride-groom's aunt and also the highly influential sister-in-law of the late Pope Innocent X, and Maria Veralli Spada, the bride's mother."

66. On Olimpia's adding a "bonus" to the dowry to be paid at her death to her daughter, see Castiglione, "Accounting for Affection," 418.

67. Letter of December 29, 1726, from Francesco to Marchese di Rials, Counselor and Secretary of State in Vienna, 115v.

68. Letter of December 29, 1726, from Francesco to Marchese di Rials, Counselor and Secretary of State in Vienna, 118r–118v.

69. On the catalog of fear expected in the family, see Ferraro, *Marriage Wars*, pp. 41–42.

70. Letter of September 18, 1726, 110r.

71. Statement of February 23, 1727, 178r.

72. Letter of December 29, 1726, from Francesco to Marchese di Rials, Counselor and Secretary of State in Vienna, 117v.

73. Letter of March 1, 1727 to Contessa Barberini Borromeo of Milan, 230r–231r; Letter of February 10, 1727, 131r–131v.

74. Letter of March 1, 1727 to Contessa Barberini Borromeo of Milan, 231r.

75. "Istanza dal . . . Cardinal Francesco," 26r–26v.

76. Castiglione, "Accounting for Affection." 413–414; on the language of absolutism and France in the eighteenth century, see Jeffrey Merrick, "Fathers and Kings: Patriarchalism and Absolutism in Eighteenth-century French Politics," *Studies on Voltaire and the Eighteenth Century* 308 (1993): 281–303.

77. Letter of 23 February 1727, 176r–177v, from Olimpia Giustiniani to Benedict XIII, arguing that she hasn't been able to see her granddaughter since the death of her son four years before, something that seems improbable, but may have been possible, given the size of the palace.

78. "Istanza dal . . . Cardinal Francesco," 21v.

79. *Romana Tutelae de Barberinis, Restrictus Facti, & Juris, Pro . . . Cardinali Francisco Barberino*, item number 7, 139v.

80. Petition of Teresa Boncompagni, March 2, 1727, 239. This is probably not the earliest one, but it is the one collected by Francesco).

81. Castiglione, "Accounting for Affection," 419.

82. For a summary of the literature related to these points on Jansenism made by Hanns Gross, see his *Rome in the Age of Enlightenment*, 271–272; 276; 280.

83. Here I am following Wayne Te Brake's definition of early modern politics, "an ongoing bargaining process between those who claim governmental authority . . . and those over whom that authority is said to extend." See *Shaping History: Ordinary People in European Politics, 1500–1700* (Berkeley, 1998), 6.
84. Raymond Grew, "Finding Social Capital," 413–414.
85. Gross, *Rome in the Age of Enlightenment*, 48. His precise numbers are 1,200 lawyers in a city of 166,000.
86. Gross, *Rome in the Age of Enlightenment*, 345.
87. A brief summary of Giulio Cesare's attitudes are in Caroline Castiglione, "Adversarial Literacy: How Peasant Politics Influenced Noble Governing of the Roman Countryside during the Early Modern Period," *American Historical Review*, 109 (2004): 783–804. and chapter 6 of *Patrons and Adversaries: Nobles and Villagers in Italian Politics, 1640–1760*, forthcoming Oxford University Press.
88. Calvi, *Il Contratto Morale*, especially x; 29–32; 70; 82; 112–118; 158–161 (on the "moral mother").
89. Castiglione, "Accounting for Affection," 422.
90. Lynn Hunt, "The Paradoxical Origins of Human Rights," in Jeffrey N. Wasserstrom, Lynn Hunt, and Marilyn B. Young (editors), *Human Rights and Revolutions* (Lanham, Maryland, 2000), 3–17. António Manuel Hespanha has recently argued that emotions were certainly acknowledged and regulated in their expression by the law in medieval and early modern Europe. However, the apparent need to improvise on the part of magistrates suggests that the law no longer encompassed the challenges they faced within the courts. For Hespanha's insights, see "Law and the Anthropological Imagination," in *Early Modern History and the Social Sciences*, ed. John Marino (Kirksville, Mo., 2002), esp. 191–204, esp. 195–197.
91. On the broader implications of this shift for the period 1750–1850, see Joan Landes, *Women and the Public Sphere in the Age of the French Revolution* (Ithaca, N.Y., 1988).