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978-0-521-17847-1 - Heirs, Kin, and Creditors in Renaissance Florence

Thomas Kuehn

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Introduction

Of Inheritance and Kinship

Haereditas est successio in universum ius quod defunctus habuit ('an inheritance is a succession to the entire legal position of the deceased man'). The notion was that, though the physical person of the deceased had perished, his legal personality survived, and descended unimpaired on his Heir or Co-heirs, in whom his identity (so far as the law was concerned) was continued.

It seems, in truth, that the prolongation of a man's legal existence in his heir, or in a group of co-heirs, is neither more nor less than a characteristic of the *family* transferred by a fiction to the *individual*.

– Henry Sumner Maine, *Ancient Law* (London, 1861; reprint ed., London: Oxford University Press, 1931), 151, 154

A Point of Departure

Immediately following his famous and still influential statement that “the movement of the progressive societies has hitherto been a movement *from Status to Contract*,” Henry Sumner Maine (1822–88), the English jurist and comparative historian, turned to a discussion of testaments and inheritance. For him, the Romans' development of the testament, a flexible instrument imposing the intentions of testators on their heirs, was the quintessential contract. Its intrusion into succession was the device that melted the rigid quality of ascribed status. It inserted what Maine took as “natural affection” against “the limitations of the family imposed by legal pedantry.” The visible Roman horror at intestacy was thus rooted in an early conflict between law and changing sentiment about the family.¹

Maine's treatment of inheritance remains emblematic. Inheritance is still taken as the process by which the dead live on, or at least influence the

¹ Maine, 184–85. Broadly on Maine's views, see Robin Fox, *Reproduction and Succession: Studies in Anthropology, Law, and Society* (New Brunswick: Transaction, 1993), 96–100, 129–33.

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living, with their intentions and their possessions. The distinction or even conflict between family and individual is still the pole around which analyses of inheritance rules and strategies gravitate. Legalistic notions of inheritance have even been extended to encompass genetics. A similar fiction of patrimony simplifies social time, inscribing continuity in the heir as custodian of a gene pool, a clear arrangement in which culture domesticates nature and persons own things. “Inheritance made sense,” according to anthropologist Alain Pottage, “in societies which imagined it was possible to conserve this form of geometry through time.”²

One powerful common mode of depiction of the historical progression from the medieval to the fully modern, in fact, is laid out in terms of inheritance. The nineteenth- and early twentieth-century social theoreticians, such as Maine or Alexis de Tocqueville or Émile Durkheim, depicted the historical shift to modernity as a passage from status by ascription (inherited) to status by achievement.³ Max Weber declared that “with the multiplication of life chances and opportunities [created by bureaucratic government and the capitalist economy], the individual becomes less and less content with being bound to rigid and undifferentiated forms of life prescribed by the group.”⁴ As an early example of such a “rational,” as opposed to “natural” household, Weber invoked the large capitalistic household of Florence, where individuals held separate accounts, in proof, as he saw it, of the solvent forces of a monetary economy.⁵ His sense of the Renaissance as a site of rising individualism derived, in turn, from Jakob Burckhardt, who had placed individualism, along with the state, at the center of the Renaissance Italian world.⁶

These theoretical underpinnings continue to inform our historical sense. To quote from one treatment of the history of families,

Inheritance provides one of the contrasts between our time and the centuries before industrialization. What used to be a pervasive principle has become a private one. It is still common for people to inherit property, and there are laws that protect the rights of heirs, but modern Western society does not entirely approve of inherited wealth, and it is not considered necessary to inherit something in order to get on in the world. Inherited wealth is regarded with some suspicion and is heavily taxed. By contrast, in the past *everything* tended to be inherited.⁷

² Alain Pottage, “Our Original Inheritance,” in *Law, Anthropology, and the Constitution of the Social: Making Persons and Things*, ed. Alain Pottage and Martha Mundy (Cambridge: Cambridge University Press, 2004), 249–85, at 251–52, and 278.

³ James Casey, *The History of the Family* (Oxford: Blackwell, 1989), 18.

⁴ Max Weber, *Economy and Society*, 2 vols., ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 1: 375.

⁵ *Ibid.*, 376–77.

⁶ Jakob Burckhardt, *The Civilization of the Renaissance in Italy*, trans. S. G. C. Middlemore 1860; reprint ed., (New York: Penguin, 1990).

⁷ Beatrice Gottlieb, *The Family in the Western World from the Black Death to the Industrial Age* (New York: Oxford University Press, 1993), 201 (emphasis in the original).

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Inheritance also figures as what one Italian legal historian, Antonio Pertile, came to term the cornerstone of the entire edifice of law.⁸ Building on that observation Andrea Romano has stated,

Defense of patrimonial integrity, the substantial guardian of the family's political-economic interests and social dignity, and attention to the means of transmission of family properties, particularly real estate, constituted in their multiple interconnections, central junctures in the history of law, of political institutions, and of European society in the Middle Ages and early modern era.⁹

So much of law was about inheritance. So many of the suits that came to court were about inheritance. So much of the attention of governments was about securing and taxing inheritance.

Inheritance was not only about the vital reproduction of the social system but, as the comparative anthropologist Jack Goody pointed out, it was and is about “the way in which interpersonal relationships are structured,” including household forms.¹⁰ A basic distinction is drawn between rules of impartible inheritance, which seek to keep property together in a bundle across time, often by designating a single heir in each generation, and rules of partible inheritance, which place some assets in the hands of each heir, at the cost of eventual morcelization and division of holdings. Ever since Frédéric Le Play posed a correlation between the multigenerational stem family and impartible inheritance, social historians have investigated the relationship between impartibility or partibility and household forms.¹¹ For legal historians, the correlation to be drawn is not to household structures so much but to related matters (also of interest to social historians), such as parental power, the timing and arrangement of marriages, the relative freedom of disposition of property by the ascending generation, and the availability of alternatives, such as pre-mortem gifts or dowries.¹² The size and coherence of households varied with these factors as well. The availability of

⁸ Cited in Andrea Romano, *Famiglia, successioni e patrimonio familiare nell'Italia medievale e moderna* (Turin: Giappichelli, 1994), 2.

⁹ Romano, 3.

¹⁰ Jack Goody, Introduction, in *Family and Inheritance: Rural Society in Western Europe, 1200–1800*, ed. Jack Goody, Joan Thirsk, E. P. Thompson (Cambridge: Cambridge University Press, 1976), 1–9, at 1.

¹¹ For a brief overview, see Michael Anderson, *Approaches to the History of the Western Family, 1500–1914* (London: Macmillan, 1980), 66–69. For examples, in addition to essays in Goody, Thirsk, and Thompson (previous note), see Jean-Louis Flandrin, *Families in Former Times*, trans. Richard Southern (Cambridge: Cambridge University Press, 1979); Peter Laslett, ed., *Household and Family in Past Time* (Cambridge: Cambridge University Press, 1972); Lutz K. Berkner and F. F. Mendels, “Inheritance Systems, Family Structure, and Demographic Patterns in Western Europe, 1700–1900,” in *Historical Studies of Changing Fertility*, ed. Charles Tilly (Princeton: Princeton University Press, 1978), 209–223.

¹² Here briefly, Lloyd Bonfield, “Developments in European Family Law,” in *Family Life in Early Modern Times, 1500–1789*, ed. David I. Kertzer and Marzio Barbagli (New Haven: Yale University Press, 2001), 87–124, esp. 113–20.

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alternative paths to property and/or livelihood, other than by inheritance of land or tools of the trade, was also an important factor.¹³ Where inheritance was less singularly important, as was seemingly the case with the advent of industrial capitalism, households too became smaller and weaker.

This book is about inheritance. Indeed, it is about inheritance in that very city that Weber saw as pivotal to historical development of individual economic opportunity, Florence. But it seeks to examine inheritance in a different manner. In particular, this study will examine repudiations of inheritance – heirs’ refusals to accept what was left them on the grounds that it was more burdened with debts than blessed with assets. This refusal was a legal act with economic and social consequences.

In light of the acknowledged importance of inheritance in the past, repudiation seems odd, to say the least. When so much rode on inheritance, how could an heir turn it down? Why? The premise behind this study is that examination of repudiation practices can reveal a great deal about how inheritance was supposed to function and what it meant, as well as to place it in contexts that both limited and enabled its operation.

Repudiation of inheritance requires us to consider two matters. First, we are compelled to move beyond the prevailing discourse concerning family and kinship in the past to seeing inheritance in a more financial or economic light. The economic and social life of Florence ran on credit and trust.¹⁴ Consequent problems of indebtedness and mistrust were also pervasive. All sorts of transactions, such as simple sales, in fact involved not just the principals but their heirs, pledged to honor and abide by the terms set forth. The trustworthiness of those with whom one dealt was crucial to the operation of credit. Kin and neighbors were preferred partners in consequence. Market relations were not impersonal; parties knew about each other, their networks and contexts.¹⁵

¹³ Cf. Wally Secombe, *A Millennium of Family Change: Feudalism to Capitalism in Northwestern Europe* (London: Verso, 1992); Ulrich Pfister, “Proto-Industrialization,” in *Family Life in Early Modern Times*, 63–84.

¹⁴ Cf. James G. Carrier, *Gifts and Commodities: Exchange and Western Capitalism since 1700* (London: Routledge, 1995), 69–74, 91–93. For the immediate area of Florence, see Richard K. Marshall, *The Local Merchants of Prato: Small Entrepreneurs in the Late Medieval Economy* (Baltimore: Johns Hopkins University Press, 1999), 71–100. For a legal perspective, Hélène Angiolini, “I *consilia* quale fonte per la vita economica: alcuni problemi,” in *Legal Consulting in the Civil Law Tradition*, ed. Mario Ascheri, Ingrid Baumgärtner, and Julius Kirshner (Berkeley: Robbins Collection, 1999), 293–315. The classic work is that of Fernand Braudel, *Civilization and Capitalism, 15th–18th Century*, trans. Sian Reynolds, 3 vols. (New York: Harper & Row, 1981–84), esp. vol. 2: *The Wheels of Commerce*, 385–95. Braudel unabashedly proclaimed that “from the artisan to the manufacturer, everyone lived on credit.”

¹⁵ Richard Goldthwaite, “The Medici Bank and the World of Florentine Capitalism,” *Past and Present* 114 (1987): 3–31; Paul D. McLean and John F. Padgett, “Was Florence a Perfectly Competitive Market? Transactional Evidence from the Renaissance,” *Theory and Society*

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It was not just a matter of credit and debt in the marketplace. There were also numerous instances of what Daniel Smail, for one, has called “circumstantial credit” – obligations rooted in relationships and their material concomitants, such as that to return a dowry on the dissolution of marriage.¹⁶ These credit relationships necessarily rested on affection at some level. They were built on recurring transactions of patronage and clientage; they arose between kin, neighbors, and friends. Recovery of debts rested on personal calculations and not just financial rationales. And recovery was difficult as a result, especially in instances in which fixed terms of repayment did not exist.¹⁷ As dependent as individuals were on others in their constant and shifting credit relations, they were also guarded and fearful of the consequences of failure to fulfill obligations, to falsify, and to deceive.¹⁸ All these debts and obligations facing heirs greatly complicated inheritance.

One does not have to spend much time with the uniquely valuable catasto of Florence to find examples of considerable debt load carried by families against their declared assets. Nor need one look too far in account books to find complaints about the difficulties of tracking down debtors and wringing payment from them. Whiny complaints to tax collectors were legion also.

An outstanding example of the precarious nature of fortunes in Florence is Giovanni Rucellai. Son-in-law to the wealthy Palla Strozzi (himself another example of economic as well as political misfortunes), father-in-law to Lorenzo de' Medici's sister, Rucellai was Florence's third wealthiest head of household according to the catasto of 1458. By 1474, he had suffered grave losses, mainly from mismanagement of his Pisan office by a trusted employee. He was forced to liquidate assets, seek a reassessment and reduction of his fiscal obligations, and by 1479 faced threat of excommunication and exile as a notorious bankrupt. His advice to his sons was to reduce their exposure to others – “bastivi il conservare” (it is enough to hold on to what you have).¹⁹

26 (1997): 209–44; id., “Obligation, Risk, and Opportunity in the Renaissance Economy: Beyond Social Embeddedness to Network Co-constitution,” in *The Sociology of the Economy*, ed. Frank Dobbin (New York: Russell Sage, 2004), 193–227.

¹⁶ Cf. Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca: Cornell University Press, 2003), 144.

¹⁷ In addition to Smail, 137, 145–46, see also William Chester Jordan, *Women and Credit in Pre-Industrial and Developing Societies* (Philadelphia: University of Pennsylvania Press, 1993); Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (New York: St. Martin's Press, 1998); David Sugarman and Ronnie Warrington, “Land Law, Citizenship, and the Invention of ‘Englishness’: The Strange World of the Equity of Redemption,” in *Early Modern Conceptions of Property*, ed. John Brewer and Susan Staves (London: Routledge, 1996), 111–43.

¹⁸ Ronald F. E. Weissman, *Ritual Brotherhood in Renaissance Florence* (New York: Academic Press, 1982), 35–36.

¹⁹ F. W. Kent, “The Making of a Renaissance Patron of the Arts,” and Alessandro Perosa, “Lo Zibaldone di Giovanni Rucellai,” in *Giovanni Rucellai e il suo Zibaldone*, vol. 2: A

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Repudiation of inheritance secondly impels us to approach inheritance as a process – something that necessarily unfolded over time (though the interval could be brief). It involved much more than the rules of intestacy or the modifications to those rules as worked out in testaments. Inheritance was a process because it involved not just the deceased but his or her heirs, and possibly others (as legatees, guardians, executors, notaries, attorneys, judges, witnesses). Death only opened a new phase in the process. The heirs took steps to enact or thwart the wishes of the deceased or the social and familial desiderata behind the rules of inheritance.

For Maine, there was no process in inheritance, largely because, as he saw ancient societies, there really was no difference between deceased and heir: “The rights and obligations which attached to the deceased head of the house would attach, without breach of continuity, to his successor; for in point of fact, they would be the rights and obligations of the family, and the family had the distinctive characteristic of a corporation – that it never died.”²⁰ Few historians, especially those studying families in Western societies, would accept so simply the reification of families in the past. Yet equally few would disagree with sentiments to the effect that “collectivities took precedence over individuals.”²¹ The almost singular concern in historical or sociological research has been with the ways in which inheritance mechanisms allowed for the perpetuation of family and property over the generations in the face of undeniable centrifugal forces, or in the face of present needs, versus long-term goals. European aristocracies and patriciates, from the central Middle Ages on, were notably intent on the sorts of material and symbolic solidarities and continuities framed in genealogies and inheritance rules. Italian patrician families especially have been said to exhibit an “extraordinary persistence of the family,” rooted at least in part in inheritance practices.²² Heirs were

Florentine Patrician and His Palace (London: Warburg Institute, 1981), 9–95 and 99–152 respectively.

²⁰ Maine, 153. His view of the indefinite corporate nature of the family and inheritance strategies in the Roman world, it can be safely said, no longer carries weight. See, for example, Richard P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge: Cambridge University Press, 1994), 162–63, who demonstrates that Roman inheritance strategies were household-bound and presentist.

²¹ Gottlieb, *The Family in the Western World*, 205. See also Casey, *History of the Family*; Michael Mitterauer and Reinhard Sieder, *The European Family: Patriarchy to Partnership from the Middle Ages to the Present*, trans. Karla Oosterveen and Manfred Hürzinger (Chicago: University of Chicago Press, 1982); Martine Segalen, *Historical Anthropology of the Family*, trans. J. C. Whitehouse and Sarah Matthews (Cambridge: Cambridge University Press, 1986); David Herlihy, *Medieval Households* (Cambridge: Harvard University Press, 1985); and Philippe Ariès and Georges Duby, eds, *A History of Private Life*, 5 vols. (Cambridge: Belknap Press of Harvard University Press, 1987–91).

²² The phrase is taken from Marino Berengo, *Nobili e mercanti nella Lucca del Cinquecento* (Turin: Einaudi, 1965), 46. See also the influential synthesis of Marzio Barbagli, *Sotto lo stesso tetto: Mutamenti della famiglia in Italia dal xv al xx secolo* (Bologna: Il Mulino,

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caught up in these family strategies, even those siblings disadvantaged by practices of single heirship.²³

Preservation of family property over the generations was rooted in an attitude that Beatrice Gottlieb dubs stewardship.

In this view of inheritance, the individual counts for little. The heir is a steward rather than an owner. Ideally, the estate passes through his hands untouched. Rather than use it or even add to it, his first duty is to preserve it.²⁴

This sort of heirship led, as she notes, to considerable ambivalence on the part of heirs or prospective heirs. The heir was and is not a passive recipient. In each generation, the obligation contained in an inheritance had to be actualized by its executor. The heir had to look in two directions – not only to the demands of the past but to those of the future, whose claims equally had to be allowed for.²⁵ A bulwark of laws was erected to maintain such stewardship in the face of heirs' ownership of property during their lives. Devices such as the Roman law form of trust, *fideicommissum*, linked with clauses of substitution of heirs into the future – the use of both of which undoubtedly increased over the course of the fifteenth and sixteenth centuries – show how hard some worked to impose stewardship on their heirs.²⁶

A device such as repudiation of inheritance or its opposite, acceptance of inheritance (*aditio*), necessarily raises our awareness of the role of the heir. Only a few have investigated this role. Perhaps most systematic in this regard were John Cole and Eric Wolf, who pursued a parallel study of Italian and German Alpine villages with contrasting inheritance rules. They found that impartible (single heir) inheritance customs did not prevent the division of some estates and that partible (multiple heir) customs did not result in total fragmentation of holdings from one generation to the next:²⁷ “Thus, while the inheritance ideology provides a cognitive framework within which the *de*

1984), but also compare it to Nino Tamassia, *La famiglia italiana nei secoli decimoquinto e decimosesto* (Milan: Sandron, 1910). Note also Cinzio Violante, “Quelques caractéristiques des structures familiales en Lombardie, Émilie, et Toscane aux xi^e et xii^e siècles,” in *Famille et parenté dans l'Occident médiéval*, ed. Georges Duby and Jacques Le Goff (Rome: École Française de Rome, 1977), 87–148, at 101.

²³ Raffaella Sarti, *Europe at Home: Family and Material Culture, 1500–1800*, trans. Allan Cameron (New Haven and London: Yale University Press, 2002), 59, where she cites Renata Ago, “Giochi di squadra: Uomini e donne nelle famiglie nobili del xvii secolo,” in *Signori, patrizi, cavalieri nell'Italia centro-meridionale nell'età moderna*, ed. Maria Antonietta Visceglia (Bari: Laterza, 1992), 256–64.

²⁴ Gottlieb, 204. Cf. Brian Pullan, “‘Three Orders of Inhabitants’: Social Hierarchies in the Republic of Venice,” in *Orders and Hierarchies in Late Medieval and Renaissance Venice*, ed. Jeffrey Denton (Toronto: University of Toronto Press, 1999), 147–68, esp. 148–49.

²⁵ Pottage, “Our Original Inheritance,” 279.

²⁶ Gottlieb, 205–7.

²⁷ John W. Cole and Eric R. Wolf, *The Hidden Frontier: Ecology and Ethnicity in an Alpine Valley* (New York: Academic Press, 1974), 176–95.

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facto process must operate, both the mechanics of the process and its results are in the last instance determined by the forces of environment and market, and in spite of ideologies.”²⁸

What makes each system work, in Cole and Wolf’s estimation, is the conduct of persons in each generation. How the heirs interact determines if there are cooperative transitions, smooth distinctions between management and ownership, or conflicts, disruptions, and divisions. Inheritance thus emerges as a process to which heirs vitally contribute their consent or rejection, and the “rules of inheritance are in the nature of ideology and are not guidelines for action.”²⁹

“Strategies of heirship” is a term one finds with some frequency; but the perspective behind such strategies is always entirely that of the passing generation, of those who were in position and had concern to arrange their affairs, write a will, and so forth.³⁰ “Yet,” cautions Lloyd Bonfield,

the considerable quantity of litigation over dispositions suggests that the designs of property holders were not always respected. Numerous suits were probably initiated and then settled, leaving the historian with some doubt as to the actual distribution of family property. Inheritance in early modern Europe was a complex and oftentimes uncertain process, with customary inheritance law, individual volition, litigation, and compromise all playing a role, and in large measure conspiring to obscure (at least from the historian) ‘how much went to whom.’³¹

But it is more than the uncertainty of the records that leaves this dimension of inheritance processes obscure to historians. In many regards, they have not thought to look for such records or even pose the questions that might spur a quest for them.

Emphasis on the use and manipulation of rules by heirs is central to this study. Creative use of legal instruments shaped family relationships, as they continue to do in the present. Although family self-conceptions may celebrate self-reliant founding figures and face-to-face relationships, in contrast to the formal, impersonal, externally grounded legal facade, legal arrangements

²⁸ *Ibid.*, 203.

²⁹ *Ibid.*, 264. Stephen Wilson, in a study of nineteenth-century Corsica, whose object was not inheritance *per se* but feud, finds that intrafamilial conflict related mainly to steps to preserve and transmit family property across generations, notably when testators’ wishes ran counter to those who stood to inherit. Inheritance was not a “transfer of property from one person to another, but rather a continuous cycle of endlessly matching family to resources,” and it was the actions of heirs or prospective heirs that determined real peace and solidarity in the family. Stephen Wilson, *Feuding, Conflict, and Banditry in Nineteenth-Century Corsica* (Cambridge: Cambridge University Press, 1988), 129–57.

³⁰ Under the heading of “strategies,” for example, Saller discusses the flexible use of trusts (*fideicommissa*) by Roman testators to bind their heirs (*Patriarchy, Property and Death*, 168–71). He never raises the legal right of heirs to refuse.

³¹ Bonfield, “Developments in European Family Law,” 120.

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allow families to adjust to political and economic environments.³² These arrangements vitally involve, but also transcend, testaments.

The Primacy of Testaments

Andrea Romano, in an important legal historical study, traces a shift from a medieval “constant preoccupation to preserve family unity, keeping its components linked together around the patrimony in an extended or even complex structure,” to a Renaissance adherence to aristocratic models that identified themselves “more properly in terms of the perpetual survival of the line.” The result was that “entire branches and lines of descent were sacrificed economically ‘to the honor of the family name,’ that was said to be perpetuated in the line of male primogeniture.”³³ Romano is not alone and not the first to trace such a shift. He is unique for bringing it to bear within the field of legal history. He places the crisis point in this shift around the end of the Trecento – when it was marked and formed by the continuing impact of plagues and famines that had struck forcefully through the century, by increasing forms of “individualistic” expression, by the growth of communal and signorial powers hostile to competing powerful family associations, and by legal developments that could only poorly mask extended family groups with the terms and rules of civil law. The result was a more dynastic sense of family as a line of descent and a patrimony enduring over generations. It was an image of a family whose prestige rested on its patrimony, preservation of which backed practices such as the testamentary substitutions tying property to a line of descent, even to a single heir.³⁴

The testament, imposing the “last wishes” of the deceased on those who follow, takes instrumental pride of place. For obvious reasons, surviving written testaments dominate studies of inheritance. Intestacy, after all, meant a decedent’s property passed by general existing rules, which mainly concerned eligibility to inherit, and order of succession (using degrees of relationship, gender, agnation and cognation, and so forth). There is no paper to mark an intestacy usually. There is no way to know the desires and sentiments of the deceased. Only if one had, say, private account books that were unusually complete and forthcoming, could one say how a person positioned himself and his property prior to his intestate death.

³² Cf. George E. Marcus with Peter Dobkin Hall, *Lives in Trust: The Fortunes of Dynastic Families in Late Twentieth-Century America* (Boulder: Westview Press, 1992), esp. 18, 27, 48, 170.

³³ Romano, *Famiglia, successioni e patrimonio familiare*, 18–19. See also J. P. Cooper, “Patterns of Inheritance and Settlement by Great Landowners from the Fifteenth to the Eighteenth Centuries,” in *Family and Inheritance*, 192–327.

³⁴ Romano, 42–46. In addition to works cited below, see Gianna Pomata, “Family and Gender,” in *Early Modern Italy, 1550–1796*, ed. John A. Marino (Oxford: Oxford University Press, 2002), 69–86, esp. 75–77.

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In contrast, testaments are so compelling. They can be used to examine and extract sentiments and strategies. They are expressive of family ideologies.³⁵ They have proven useful in tracking attitudes to death and charitable giving. They have provided the basis to some truly impressive and important historical work, most notably in the landmark studies of Michel Vovelle and Jacques Chiffolleau.³⁶

For early modern Italian history, the outstanding example of the use of testaments is the work of Samuel Cohn. First in a diachronic study of testaments from Siena, later in a comparative study of six Italian cities, including Florence, Cohn has studied testators' dispositions regarding charity, legacies to kin, and naming of heirs.³⁷ He has constructed powerful arguments about the impact of the Black Death on testamentary practices and a coherent scheme of variations in practices across different communities. Among other things, he has advanced the finding that the plague, more so after its second occurrence, raised a renewed concern with family name and continuity, traceable in a variety of testamentary clauses.

Testaments have powered other studies as well. Steven Epstein studied Genoese testaments across a century of the Middle Ages. His attention was broadly directed not only to the dispositions and strategies of heirship but to the processes of composition, roles of notaries, assembling of witnesses.³⁸ One entire line of approach to testaments has been largely concerned with the scribal dimensions of these texts.³⁹ Simona Ricci has assembled testaments from upper Valdarno, outside Florence, in the fourteenth century to determine what these texts were like, who the testators were, and how they

³⁵ Diane Owen Hughes, "Struttura familiare e sistemi di successione ereditaria nei testamenti dell'Europa medievale," *Quaderni storici* 33 (1976): 929–52.

³⁶ Michel Vovelle, *La mort et l'Occident: De 1300 à nos jours* (Paris: Gallimard, 1983), and Jacques Chiffolleau, *La comptabilité de l'au-delà: Les hommes, la mort et la religion dans le région d'Avignon à la fin du Moyen ge (vers 1320-vers 1480)* (Rome: École Française de Rome, 1980).

³⁷ Samuel K. Cohn, Jr., *Death and Property in Siena, 1205–1800: Strategies for the Afterlife* (Baltimore: Johns Hopkins University Press, 1988); id., *The Cult of Remembrance and the Black Death: Six Renaissance Cities in Central Italy* (Baltimore: Johns Hopkins University Press, 1992). Also concerned with charitable bequests is Richard Trexler, "Charity and the Defense of Urban Elites in the Italian Communes," in *The Rich, the Well-Born, and the Powerful*, ed. F. Jaher (Urbana: University of Illinois Press, 1973), 64–109.

³⁸ Steven Epstein, *Wills and Wealth in Medieval Genoa: 1150–1250* (Cambridge: Harvard University Press, 1984).

³⁹ See the essays in *Nolens intestatus decedere: Il testamento come fonte della storia religiosa e sociale*, ed. Attilio Bartoli Langeli (Perugia: Deputazione per la Storia Patria per l'Umbria, 1985); also Luca Condini, "Un sondaggio fra i testamenti milanesi del secondo Quattrocento," *Archivio storico lombardo* 117 (1991): 367–89. An example of the ways in which careful textual reading of testaments can raise problems is offered by Martin Bertram, "Renaissance Mentality? in Italian Testaments?" *Journal of Modern History* 67 (1995): 358–69, in conjunction with Cohn's work.