Introduction

In the summer of 1785 a Venetian tribunal initiated the criminal investigation of a sixty-year-old man who had been accused of having sexual contact with an eight-year-old girl. In the eighteenth century there was no clear clinical or sociological concept of "child sexual abuse," as we understand it today, and the judicial investigation of this particular case kept growing in scope as the court attempted to determine what exactly had happened to the child, Paolina Lozaro, during a single night in the apartment, and the bed, of Gaetano Franceschini. She was the daughter of a poor laundress from the immigrant Friulian community in Venice; he came from a wealthy family of silk manufacturers in Vicenza. The details of the case were difficult to discover, and even more difficult to prove, for the child herself barely understood what had happened to her, but even the contested facts of the case were complicated by controversial cultural questions. The tribunal had to decide whether, and in what sense, the girl had actually been harmed; whether, and in what sense, the man's actions were criminal; and, if so, how he should be punished. There were no simple and straightforward answers to these questions in the eighteenth century. The case began with a single-page secret denunciation to the law, composed by a neighborhood priest

who had heard that Franceschini slept with the girl "scandalously in his own bed."[1] The judicial dossier then accumulated testimonies of witnesses and documents of indictment and defense to the eventual length of some three hundred handwritten pages.

While it seems plausible to suppose that the mistreatment of children—what we call child abuse—was at least as common in earlier centuries as it is today, the absence of the modern concept of abuse meant that such mistreatment left relatively little documentary trace in the archival records. The three hundred–page dossier concerning the case of Gaetano Franceschini and Paolina Lozaro in 1785 may be, very possibly, the most detailed investigation of child abuse ever carried out and recorded in the world of the ancien régime. The dossier may be found in the records of the tribunal of the Esecutori contro la Bestemmia (Executors against Blasphemy), and that peculiar jurisdiction already suggests some of the difficulty in specifying and classifying the crime under consideration. Consistent with the denunciation that Franceschini kept the girl "scandalously in his own bed," the principal charge against him was the very generally conceived crime of causing scandal. Paradoxically, the case did not cause scandal because it was clearly criminal but rather was deemed judicially criminal because it was the cause of neighborhood scandal. Cultural and social perspectives on childhood thus partly conditioned the legal course of the prosecution.

The first part of the book focuses on the judicial aspects of the case and examines the mandate and procedure of the Bestemmia, dealing here with a case that was entirely unrelated to issues of blasphemy. Created in the sixteenth century to appease the wrath of God, the Bestemmia by the eighteenth century, from the perspective of the European Enlightenment, already appeared as an archaic relic. Yet in this case its conventions proved unexpectedly suited to confronting incipiently modern issues of law and society.

The early modern Venetian relation to sex and the law has been explored in the pioneering research of Guido Ruggiero, especially in *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice* (1985). More recently Ruggiero, together with Edward Muir, edited a collection of articles from *Quaderni storici* entitled *History from Crime* (1994), illustrating the methodological problem of studying society through criminal cases. Essential for understanding the implications of Venetian law is the work of Gaetano Cozzi; Claudio Povolo has further elaborated the historical implications of criminal and legal issues for understanding Venetian society, and Renzo Derosas has written specifically about the Bestemmia tribunal. The purposes

of the tribunal can also be comprehended in the cultural context described by Alain Cabantous in his book on the history of blasphemy in Europe (1998). Most recently, in books on early modern Venice, Joanne Ferraro has broken new ground with her work on illicit sex and infanticide (2008), and Elizabeth Horodowich has published a very relevant study on the politics of language, including blasphemy (2008).[2] All these works offer important insights toward understanding the prosecution of Franceschini in 1785.

The second part of the book focuses on the institution of the Venetian coffeehouse, *bottega da caffè*, which turned out to be central to the judicial investigation. The apartment of Franceschini, where Paolina Lozaro spent that one night in his bed, was just upstairs from a coffeehouse, which helped to make the entire building into a center of community life and neighborhood discussion. What was most characteristic of an eighteenth-century European coffeehouse, and just as stimulating as the coffee for the customers, was the level of conversational buzz and exchange of news in a public forum. Ever since the appearance in 1962 of Jürgen Habermas's *The Structural Transformation of the Public Sphere*, the coffeehouse has been considered one of the fundamental institutions for the creation of a public sphere in eighteenth-century Europe. Coffee itself was a relatively new stimulant in Europe in the eighteenth century, and public discussion over cups of coffee seemed similarly new and equally addictive. One of the most celebrated Venetian dramas of the eighteenth century was Carlo Goldoni's *La bottega del caffè* (The Coffeehouse) of 1750, in which the proprietor, or *caffettiere*, Ridolfo, served coffee to the neighborhood gossip Don Marzio:

> DON MARZIO. Coffee.
> RIDOLFO. Immediately, at your service.
> DON MARZIO. What's new, Ridolfo?[3]

The coffeehouse itself was something new in Venice, but the conventional query "What's new?" became the prompt to public discussion of neighborhood news over cups of coffee. The Venetian tribunal of 1785, by soliciting the coffeehouse perspective on what was "new" in the neighborhood—including the testimony of the real-life *caffettiere*—was able to learn a great deal about what happened upstairs in the apartment of Gaetano Franceschini.

Danilo Reato has written a history of coffeehouses in Venice (1991), and Brian Cowan, writing about England, has explored the implications of the coffeehouse for society and community in *The Social Life of Coffee* (2005).

James Johnson, in *Venice Incognito* (2011), has analyzed the meanings of Venetian masking, including the wearing of masks in coffeehouses. Because of Habermas, the historical discussion of public life in the eighteenth century has invariably made reference to coffee. The public sphere of critical discussion, theorized by Habermas, however, was certainly not identical to the culture of coffeehouse gossip dramatized by Goldoni in the eighteenth century. The case of Franceschini suggests some of the ways that coffee and gossip were related to scandal and public life, and in this regard the work of Sarah Maza on the dynamics of scandal in the causes célèbres of eighteenth-century France is also illuminating.[4]

The third part of the book confronts the figure of the man accused, the man who resided upstairs from the coffeehouse. Gaetano Franceschini lived the life of an eighteenth-century libertine, pursuing a sex life without regard to conventional moral prejudices. Libertinism was both a celebrated and excoriated way of life in the eighteenth century, and Franceschini may be considered in relation to the most famous libertine of the century, the Venetian Casanova. The litany of seductions narrated in Casanova's memoirs suggests a question that has, perhaps, not yet been posed in the scholarly literature: How young was too young for Casanova? The answer to that question provides some clues to the meaning of Franceschini's conduct, for Casanova and Franceschini were exact contemporaries; Casanova was born in 1725 and turned sixty in 1785, the year of Franceschini's trial. The character of eighteenth-century libertinism may also be considered in relation to the iconic figure of Don Juan, or Don Giovanni, whose operatic incarnation was created by Mozart together with his Venetian librettist Lorenzo Da Ponte in the 1780s. The premiere of the opera in Prague took place in 1787, two years after Franceschini's trial. With reference to Franceschini, one may pose the question of how the eighteenth-century model of libertinism encompassed what the modern world would regard as sexual psychopathology. In 1886, a century after Franceschini's trial, the German psychiatrist Richard von Krafft-Ebing introduced the clinical category of "paedophilia erotica" in his *Psychopathia Sexualis*. The eighteenth-century world had some sense that Franceschini, with an eight-year-old girl in his bed, had done something exceptionally scandalous, but his contemporaries could not clearly articulate the exceptional deviation from the sexual norm.

The critical literature on libertinism includes major edited collections, such as *Eros philosophe: Discours libertins des lumières* (1984) and *Libertine*

Enlightenment: Sex, Liberty, and License in the Eighteenth Century (2004), exploring the diverse social, philosophical, and literary aspects of the subject. Pierre Saint-Amand's literary study of seduction in the Enlightenment appeared in Paris in 1987, translated into English as *The Libertine's Progress* in 1994. More recent monographs include *Le libertinage et l'histoire* by Stéphanie Genand (2005) and *Histoire du libertinage* by Didier Foucault (2007). The extensive scholarly literature on Casanova and Sade, and also on the opera *Don Giovanni*, further informs the discussion of libertinism in the 1780s. On the history of sexual predation important historical work has been done by Ruggiero, writing about sex crime in Venice, but also by Georges Vigarello in his history of rape, published in French in 1998 and in English translation in 2001.[5]

The final section of the book considers the girl herself, Paolina Lozaro, eight years old in 1785, the victim of Franceschini's sexual attentions. The testimony of witnesses offers evidence of how she fit into the context of contemporary perspectives on children and childhood's innocence. By considering Jean-Jacques Rousseau, his ideas about children, and even his own biographical experience in Venice in the 1740s, it is possible to see how the articulation of innocence in the case of Paolina Lozaro intersected with the Enlightenment's new conception of childhood. The entire field of the history of childhood received an enormous impetus with the publication in 1960 of the work of Philippe Ariès on family and childhood in the ancien régime; the research of the subsequent generation has been comprehensively consolidated within the *Encyclopedia of Children and Childhood in History and Society*, edited by Paula Fass (2004). Historical studies of individual children have pointed toward increasingly subtle understandings of childhood in historical context, such as Margaret King's book about Renaissance Venice, *The Death of the Child Valerio Marcello* (1994), and David Kertzer's book about Risorgimento Italy, *The Kidnapping of Edgardo Mortara* (1997).[6] The case of Paolina Lozaro may serve as a point of entry for analyzing the historical complexities of childhood in the context of the European Enlightenment.

The early modern structures of Venetian law and justice and the rise of the Venetian coffeehouse as a forum for gossip and public discussion conditioned a notable cultural combustibility in the prosecution of Gaetano Franceschini in 1785. Particularly explosive was the ideological encounter between the values of enlightened libertinism and the new Rousseauist per-

spective on childhood's innocence. In the case of Paolina Lozaro, this intersection of institutions and values—modern and early modern, enlightened and traditional—produced a historically unprecedented, intellectually confused, but retrospectively recognizable confrontation with the issues of child sexual abuse on the threshold of modern European history.