



Resisting Marriage, Reclaiming Right: An (Early) Modern Critique of Marriage

ABSTRACT: *Moderata Fonte's dialogue The Worth of Women (1600) contains stinging critiques of marriage and the dowry system as well as of women's inequality. I argue that Fonte's critique of male dominance, particularly in marriage, employs a modern method of argument, which anticipates the later contractarian critiques of political authority. Given that women are naturally men's equals, Fonte argues that men's de facto authority over women is illegitimate and based on force. Moreover, by treating marriage as an artificial institution rather than as a natural institution, Fonte anticipates later feminist arguments that criticize the modern contract tradition for its failure to extend its critique of other forms of authority to patriarchal marriage, instead positing a natural basis for women's subordination to men. In light of this history, Fonte's critique of patriarchy is especially interesting: it challenges the patriarchal family structure and the institutions that collude to diminish women's agency, and this challenge to male authority is similar to later (male) challenges to de facto political authority.*

KEYWORDS: Fonte, social contract, marriage, authority, equality, tyranny

Moderata Fonte's (Moderata Fonte was the pen name adopted by Modesto Pozzo, 1555–92) work *The Worth of Women* (1600) contains arguments for women's equality as well as stinging critiques of marriage. Interpreters agree that its radical elements depart from earlier critiques of women's inequality in Europe (Cox 1995, 1997; Kolsky 2001; Broad and Green 2009; King 1991; Deslauriers 2019). Earlier antis misogynist defenses of women's equality did not contest their inferior social position or the social conditions that limited them (Cox 1995: 518–19, 525). Yet, there is also agreement that Fonte's dialogue does not offer any straightforward feminist vision. The genre of the dialogue itself, as well as Fonte's use of the element of play, introduce significant ambiguities (Cox 1997: 16–19; Kolsky 1993, 2001; Price 1994). For many of its progressive claims, there are counterclaims and ostensible retractions, and neither does Fonte appear to offer any clear prescription for social redress (Broad and Green 2009: 122).

*This article is the eighth in a special series of commissioned articles on women in the history of philosophy. The seventh article 'Émilie Du Châtelet on Illusions', by Marcy P. Lascano, appeared in Volume 7, Issue 1, pp. 1–19.

I am grateful to Lisa Shapiro, Karen Detlefsen, and Marguerite Deslauriers for their helpful comments on an earlier draft of this paper. I am also much indebted to two anonymous reviewers for this journal for their very thoughtful feedback; the final version of this paper owes much to their contributions.

Margaret King (1991) suggests that because Renaissance society was ‘irreparably dominated by male concerns’, women like Fonte, who confronted their situation as oppressive, tended to propose ‘retreat’—taking refuge among women—rather than advocate for social change:

Within the structures [Fonte’s] critique left undisturbed there was no place for women: no role for women in cities where only men could be citizens or kings. Until those ancient structures fell to a male assault in the name of civil rights and natural law in the revolutions of the late eighteenth century, no truly modern feminist claim could be made. (King 1991: 237)

King’s analysis implies that retreat could not also be a concrete practical strategy adopted on the basis of truly modern feminist claims. Modern feminism is regarded as developing out of the eighteenth-century republican critiques, which paved the way for modern egalitarian social relations based on individual rights to liberty and property—and so presupposes political developments that were not yet in place at the end of the Renaissance.

In this paper, I question this view. Recently, Marguerite Deslauriers has emphasized the philosophical content of Fonte’s critique of male power (2019: 721). By framing her critique of male dominance in terms of ‘tyranny’, Fonte was able to represent women’s subjugation as unjust. Deslauriers suggests that Fonte’s employment of ‘tyranny’ as a philosophical concept was influenced by sixteenth-century Italian political theory, which had roots in Aristotle (2019: 719). Yet, in Fonte’s application of central elements of the contemporary republican critiques of tyranny to the case of women, Deslauriers flags a shift in philosophical content (2019: 733). I think this is right, and the significance of this shift deserves further elaboration. I argue that Fonte’s argument that male dominance is tyrannical, particularly in marriage, anticipates a distinctively modern development in the history of political philosophy and constitutes a ‘truly modern feminist claim’.

In section 1, I provide a brief overview of the dialogue and introduce some of its philosophically interesting passages. In section 2, I further develop and defend Deslauriers’s claim that the philosophical content of Fonte’s critique of male tyranny represents a shift in the concept’s meaning. I argue that Fonte’s arguments share a core structure with the later contractarian critiques of authority that have come to define the modern era in political philosophy. Fonte’s critique comes much earlier and targets the authority men exercise over women, particularly in and through marriage. In section 3, I elucidate the feminist dimension of Fonte’s argument. Through a reconstruction of the classic contractarian narratives regarding the natural foundation of patriarchal marriage, including their reception and philosophical legacy, I aim to throw the modern feminist content of Fonte’s argument and its radical implications for women’s emancipation into sharper relief. I conclude in section 4 with the suggestion that this interpretation provides an alternative way to view the dialogue’s ambiguities and Fonte’s prescription for social change.

I. The Dialogue

The dialogue begins with a description of the free and self-ruled city of Venice, in which live a group of women ‘who would often steal some time together for a quiet conversation . . . and . . . safe from any fear of being spied on by men or constrained by their presence, they would speak freely on whatever subject they pleased’ (Fonte 1997: 45). The group consists of seven women: young widow Leonora, who has vowed never to remarry, newly married Helena, unmarried Virginia, and Corinna—a sort of anomaly among them—who is also a young, unmarried girl, but who is intent on never marrying and pursuing a scholarly life instead. There is also Adriana, Virginia’s mother, who is bent on young Virginia marrying, and two other married women, Cornelia and Lucretia, both dissatisfied with their marriages, the former significantly more caustic.

The dialogue’s main themes are established quickly—whether men are universally bad, for example—and prominent among them are critiques of marriage, which are directed at Virginia for whom marriage is imminent. After a brief exchange about the falsity and abusiveness of men and the naiveté of young brides (who ‘have yet to learn how quickly a wedding cake can go stale’), the group retreats to the garden where they undertake a debate about the nature of men and the relation between the sexes (Fonte 1997: 55). Adriana, the ‘Queen’, assigns Corinna, Cornelia, and Leonora to argue the case against men, and they quickly proffer several biting criticisms. Virginia then returns an obvious, yet inconspicuous, question: ‘if men are as imperfect as you say they are, then why are they our superiors on every count?’ (Fonte 1997: 59). If men are so flawed, how have they come to subjugate women so thoroughly? This question sets the stage for one of the text’s most interesting philosophical arguments; for is not men’s superior status itself proof of their intrinsic superiority?

Corinna replies:

This pre-eminence is something they have unjustly arrogated to themselves. And when it’s said that women must be subject to men, the phrase should be understood in the same sense as when we say that we are subject to natural disaster, diseases, and all other accidents of this life: it’s not the case of being subject in the sense of obeying, but rather of suffering an imposition. . . . But they take the phrase in a contrary sense and set themselves up as tyrants over us, arrogantly usurping that dominion over women that they claim is their right, but which is more properly ours. (Fonte 1997: 59)

This is the main thesis of Corinna’s central argument (of which this passage is only the first part), namely, that men have unjustly usurped their positions of authority over women. Despite her wit, Corinna’s likening men’s rule to other natural calamities underscores its contingent and unlicensed basis. Women do not obey men in the sense of discharging legitimate obligations; rather, they suffer them in the same way one might be ‘subject’ to ‘all the other accidents of this life’, but men mistakenly claim their dominion over women as their right. Fonte draws the

reader's attention to the distinction between *de facto* and *de jure* authority; women are 'subject' to men *in fact*—and many men (as well as many women) might *believe* that this subjection is legitimate—but this is not the same thing as its *actually* being legitimate and thus grounding a corresponding obligation. Men fail to heed this distinction, and so they equivocate when they treat their *de facto* authority as *de jure*.

Corinna next takes aim at the Aristotelian argument that women's inferiority is rooted in their nature and that their social roles and the qualities and activities appropriate to them are rooted in biological differences (Fonte 1997: 59n).

For don't we see that men's rightful task is to go out to work and wear themselves out trying to accumulate wealth, as though they were our factors or stewards, so that we can remain at home like the lady of the house directing their work and enjoying the profit of their labors? That, if you like, is the reason that men are naturally stronger and more robust than us—they need to be, so they can put up with the hard labor they must endure in our service. (Fonte 1997: 59)

Deliberately 'paradoxical', Corinna accepts misogynist premises and draws the opposite conclusion (Fonte 1997: 59n). Since men are naturally the stronger and more active sex, they should labor in the service of women. Whatever natural differences might exist between men and women, they do not ground women's subservience to men any more than they could ground men's subservience to women.

Lucretia then reminds Corinna that men were created before women, so that women stand in need of their help, thus prompting the second step in Corinna's argument. Corinna agrees that men were created before women, but argues that this proves women's superiority since they are the most final of God's creations. Moreover, women are made of superior material—living flesh, rather than 'lifeless earth' (Fonte 1997: 60). Neither the temporal nor the material priority proves men's superiority. With these arguments, Corinna challenges any scriptural basis for women's inferiority.

Thus, in answer to Virginia's question, Corinna argues that men have unjustly usurped the power they wield over women. If the traditional justifications for women's inferiority are unsuccessful in grounding men's claims to *de jure* authority, then their *de facto* authority is without justification. Corinna crucially calls attention to a justificatory vacuum; neither scripture nor nature mandate men's dominance, so what else could carry the justificatory burden?

Helena suggests that Corinna speaks out of envy (Fonte 1997: 60). Leonora corrects her and spells out the full implication of Corinna's argument:

We are not speaking ill of them out of envy . . . but out of respect for truth. . . . For if a man steals . . . he must be called a thief. If men usurp our rights, should we not complain and declare that they have wronged us? For if we are their inferiors in status, but not in worth, this is an abuse that has been introduced into the world and that men have then, over time, gradually translated into law and custom; and it has become so entrenched that they claim (and actually believe) that

the status they have gained through their bullying is theirs by right. . . . Does this seem a matter of such little interest to us that we should be quiet and let things pass in silence? (Fonte 1997: 61)

With the traditional justifications defeated, it becomes clear that men have *stolen* their status and usurped women's natural rights. The only accounting for their de facto authority is force. This expropriation of authority, grounded only in bullying, gradually became the custom, and once institutionalized, secures the semblance of legitimacy. But force does not make right, and men's de facto authority does not make it de jure, no matter how much men believe that it does—dressing it up with erroneous justifications. Here, Leonora proffers a clear moral principle: status should track natural worth. If women are not inferior to men in their worth, but are found to have an inferior status, this is a human intervention, the result of force. This theft of status and of the recognition they are owed is a manifest injustice that women should not let 'pass in silence'.

The women then discuss the inequality of the sexes, sexual double standards (conventions introduced by men for their benefit), the merits of women and the demerits of men, the various abuses men make of their unlawful power, and the search, ultimately, for a cure (it is even jokingly suggested that perhaps balsam, which 'cures all infirmities' might help to 'cure men of their defects') for what can only be described as systematic misogyny (Fonte 1997: 169).

Marriage is front and center in these discussions. Corinna declares early in the dialogue that she would 'rather die than submit to a great rough man who would want to rule her life' (Cox 1997: 48). Leonora, in no uncertain terms, objects to remarrying: 'I'd rather drown than submit again to a man! I've just escaped from servitude and suffering and you're asking me to go back of my own free will and get tangled up in all that again?' (Fonte 1997: 53).

Throughout, marriage is represented as benefiting only men. Adriana, for example, likens an unmarried man to 'a fly without a head', and likens their 'filthy and messy' houses to 'workhouses' (Fonte 1997: 116). But the comedic accompanies a more serious criticism of patriarchy, the marriage transaction, and the inequitable distribution of its benefits and burdens. After extolling the virtues of daughters, the birth of whom men foolishly lament, Corinna claims that daughters, caring and devoted, simply require 'a dowry for them to buy themselves a husband' (Fonte 1997: 113). Helena disagrees, 'that's not true. . . dowries are paid to husbands because when a man marries, he is shouldering a great burden; and men who are not rich could not maintain a household without the subsidy of a dowry' (Fonte 1997: 113). Corinna corrects her:

You've got it all wrong. . . the woman when she marries has to take on the expense of children and other worries; she's more in need of acquiring money than giving it away. Because if she were alone, without a husband, she could live like a queen on her dowry (more or less so of course according to her social position). But when she takes a husband, especially if he is poor, as is often the case, what exactly does she gain from it, except that instead of being her own mistress

and the mistress of her own money, she becomes a slave, and loses her liberty and along with her liberty, her control over her own property, surrendering all she has to the man who has bought her. . . . Look what a good deal marriage is for women! They lose their property, lose themselves, and get nothing in return, except children to trouble them, and the rule of a man, who orders them about at his will. (Cox 1997: 113–14)

Corinna objects to the injustice of the dowry system, which treats women as an appendage to their own property and forces them to purchase their own slavery. The benefits of marriage accrue only to men, whereas women lose any semblance of autonomy, deprived of their liberty and property, they become ‘slaves’, subject to the arbitrary rule of their husbands. Marriage is a bad bargain for women, an ill-advised transaction. Leonora suggests that they might even ‘endure’ it if men treated women with some ‘parity’, but instead they ‘insist on exerting such absolute control over us and in such an arrogant manner, treating us like slaves who cannot take a step without asking their permission or say a word without their jumping down our throats’ (Fonte 1997: 61).

Concerned about her impending fate, the discussion troubles Virginia. Adriana offers advice on how she might weather her future tyrant (Fonte 1997: 238–39), but these aggrieved maternal attempts to alleviate Virginia’s misgivings are really intended to reconcile her to the inevitable. For when Virginia hints that if it were up to her, she might not marry, but that she has to obey her family’s wishes, Adriana says, ‘when it comes to that dear . . . I’d be quite happy to respect your opinion, but your uncles have decided that you must marry, because you’ve inherited such a fortune and it needs to be in safe hands, so I don’t really know what else I can do with you’ (Fonte 1997: 48). She has ‘no choice but to find her a husband’ (Fonte 1997: 238). This exchange illustrates that neither daughter nor mother really have a ‘choice’ in whether Virginia marries, underscoring the grim reality that the ‘sacrifice of the daughter’ is a hard fact of life (Kolsky 2001).

Lucretia proposes that marriage may actually protect women from the ill effects of patriarchy: since ‘women are constantly being assailed and abused and cheated of our money, our honor, our lives; so it seems better to have one man at least as a friend, to defend us from the others, than to live alone with every man against us’ (Fonte 1997: 240). This argument rests on a concession to the opposing side’s arguments, further indicating their persuasiveness. Given women’s limited options, Leonora concedes that if she can surely find one, a woman is advised to take a good husband, ‘but there are so few good ones around that to be on the safe side (remembering that once you’ve chosen there is no going back), I would *urge her in the strongest possible terms to shun marriage like the plague*’ (Fonte 1997: 240; emphasis mine).

Marriage is not the only patriarchal institution the women challenge. Leonora targets the ‘laws and customs’ that have incorporated men’s fallacious claims to authority and argues that the broader political and institutional context is complicit in women’s illegitimate oppression. After Lucretia praises the good government and wise leaders of the republican city, Leonora incredulously protests:

What on earth do magistrates, law courts, and all this other nonsense have to do with us women? Are not all these official functions exercised by men, against our interests? Do they not make claims on us whether we are obliged to them or not? Do they not act in their own interests and against ours? Do they not treat us as though we were aliens? Do they not usurp our property? (Fonte 1997: 204)

They agree that Leonora makes an ‘essential’ point (Fonte 1997: 204). Venice’s republican political structure has little to do with women or their interests except insofar as it is a further apparatus employed by men to subvert women’s interests to men. Here too, men, in these ‘official functions’, mistake their *de facto* authority for *de jure*, and claim entitlements to which women are not legitimately obligated. They treat women like ‘aliens’, and especially through marriage and the dowry system—relations of power secured by law—they usurp their liberty and property.

The dialogue presents a challenge to the contemporary social relations between the sexes and to the dowry system that is the lynch pin of the institution most fundamental to the women’s oppression. Though marriage is the primary institution through which women are enslaved, all other exercises of government, as far as the women are concerned, are further instruments of men’s power over them. Near the end of the dialogue, Cornelia proposes extracting themselves from men’s dominion:

Let’s wake up, and claim back our freedom, and the honor and dignity they have usurped from us for so long . . . we shan’t really care what the outcome is, just as long as we are no longer subjugated to them. (Fonte 1997: 237)

These exclamations to reclaim their freedom, honor, and dignity, coupled with Leonora’s and Corinna’s assertions that ‘drowning’ or even ‘dying’ would be better than subjecting oneself to male tyranny, suggest that such dispossession is the greatest possible deprivation.

2. A Modern Argument?

Some of the dialogue’s specific claims and the arguments for them are not altogether novel. Previous pro-woman writers, including Fonte herself, had maintained that women’s apparent inferiority was the consequence of custom and training (Kelly 1982; James 2011; Deslauriers 2019: 721; Kolsky: 1999). Boršič and Karasman (2015) argue that Isotta Nogarola (1418–66) paradoxically used the misogynist tradition against itself to imply a relative equality between the sexes (2015: 46–47). And Carolyn James notes that emphasizing the superiority of human flesh in order to counter scriptural support for women’s inferiority was a standard feature of medieval defenses of women (2011: 158; see also Fonte 1997: 60n).

But neither is Fonte simply rehashing customary arguments in defense of familiar claims. Deslauriers (2019) places Fonte, along with Lucretia Marinella (1999) and

Arcangela Tarabotti (2004), in a tradition of Venetian pro-woman writers who began to substantiate philosophically the increasingly prevalent claim that male rule is ‘tyrannical’. Influenced by sixteenth-century republican discussions of tyranny, which had roots in Aristotle’s political philosophy, these writers began to conceive of women’s condition as analogous to a slave’s and regarded male dominance as ‘tyrannical’ (Deslauriers 2019: 719). Especially influential in this context were works by Machiavelli and Castiglione, which associated tyranny with inequality and ‘a mistaken form of rule’, and defined the ‘tyrant’ as one who subverts the law, acting (excessively) in his own interests (Deslauriers 2019: 719). Likewise, the patriarch is ‘tyrannical’ insofar as ‘he acts in his own interest and fails to recognize the equality (or superiority) of those over whom he rules’ (Deslauriers 2019: 718). Rejecting Aristotle’s view that men naturally rule over women, these pro-woman writers nevertheless appeal to his critique of tyranny and rely on ‘his view that free women ought to be ruled on a basis of equality, and not despotically’ (Deslauriers 2019: 720).

Deslauriers points out that central features of these republican critiques of tyranny show up in Fonte’s arguments. Men act as ‘tyrants’ insofar as the dominion they exercise over women is neither justified by their own merits nor by women’s demerits (Deslauriers 2019: 723). On Deslauriers’s reading, Fonte holds that women’s equality is grounded in their having free will and the capacity to reason, such that ‘nothing destines them for subordination’ (Deslauriers 2019: 723, 731). Women are endowed with a ‘natural liberty’, which, driven by ‘venal and self-interested’ motives, men usurp ‘against all reason and justice’ (Deslauriers 2019: 723–24; Fonte 1997: 157). Thus, by showing that men exercise their power in ways that ‘conform to the motives and practices of tyranny’, Deslauriers suggests that Fonte was one of the first to conceptualize the unequal relationship between men and women as a form of political injustice (2019: 733). She concludes that Fonte’s critique of male tyranny belongs to the history of political philosophy, adding that her ‘focus on tyranny in domestic relations adds an important dimension to the history of feminist philosophy’ (Deslauriers 2019: 722).

This recognition, however, also constitutes an important ‘shift’ in the discussion (Deslauriers 2019: 733). For it is not simply that the despotic ruler governs excessively in his own interests and against the interests of those he may otherwise legitimately rule; rather, the tyrant, even the benevolent tyrant, is unjust insofar as he infringes on the natural liberty of an equal. This presents a challenge to the legitimacy of the underlying structure of patriarchal power relations, particularly the institution of patriarchal marriage: ‘If women as a sex are . . . equal, and if they have a free will . . . then the subjection of women in itself, and not only the cruelty of certain men, is wrong, arbitrary and illegitimate—an injustice, and a political injustice’ (Deslauriers 2019: 733).

Deslauriers analysis is compelling, and in what follows I want to develop this claim and give further philosophical shape to the arguments in Fonte that support it.

In the rest of this section, I want to characterize more precisely Fonte’s contributions to the history of political philosophy. I argue that Fonte employs a distinctively *modern* method of argument and that her discussion of male tyranny anticipates the prototypical arguments of the later social contract theorists,

arguments that become increasingly predominant in the subsequent centuries. In the following section, I aim to give further shape to the ‘dimension’ that Fonte’s focus on tyranny in domestic relations adds to the history of feminist political philosophy.

Contemporary political philosophers characterize the modern period in terms of a convergence on method and standard for political legitimacy that is closely associated with the theories of Hobbes, Locke, and Rousseau (Rawls 2007; Riley 1982; Bobbio 1993). In these seventeenth- and eighteenth-century contractarian critiques of authority, we find a break with the ancient and medieval Aristotelian view according to which social positions, and corresponding rights and obligations, are determined ascriptively in accordance with ‘natural’ categories (Bobbio 1993: 8–9). These theorists employ an argument by elimination, which rejects traditional justifications for authority and leaves force or consent as the only remaining explanations for *de facto* authority. Since force, cannot give rise to a legitimate obligation, the negative argument logically gives way to a positive defense of ‘consent’ as the only possible principle of legitimate authority.

For example, Hobbes rejects that earthly authority is grounded in divine command and argues that natural differences among individuals are not substantial enough to ground categorical distinctions or natural claims to authority (Hobbes 1994: 74–75). It is force alone that begins relationships of domination and subordination in the prepolitical condition. Locke rejects arguments that derive authority from ‘Adam’s private dominion and paternal jurisdiction’ (1993: 115) and further argues that all men are naturally without ‘subordination or subjection’, so that if we are not to conclude that all existing governments are ‘the product only of force and violence’, we must identify ‘another original of political power’ (Locke 1993: 115–16). And Rousseau argues against the Aristotelian view that ‘some are born for slavery and some for domination’ (Rousseau 2011: 158). Aristotle mistakes the ‘effect for the cause’ because if ‘there are slaves by nature, it is because there have been slaves contrary to nature, force has produced the first slaves’ (Rousseau 2011: 158). Rousseau further denies that descendancy from Adam can establish legitimate authority. This leaves force as the only remaining explanation for much *de facto* authority, submission to which is an ‘act of necessity, not of will’, and so can never give rise to a duty (2011: 159). ‘Let us then agree that force does not bring about right and that one is obliged to obey only legitimate powers’ (2011: 159).

These arguments share a core structure: they reject justifications for differentials in power and authority that appeal to nature or scripture, and they agree that force is all that is left to explain *de facto* authority unless some other ‘original of political power’ is identified. They thereby wrest from traditional hierarchical models a principle of natural equality that grounds a positive argument for the only possible standard of legitimate authority. ‘Since no man has a natural authority over his fellowman, and since force does not give rise to any right, agreements alone therefore remain the basis of all legitimate authority among men’ (Rousseau 2011: 159). Each of these classic theorists argues that obligations, therefore, begin only with ‘consent’ (though, for Hobbes, force sufficient to compel obedience necessarily begets consent (1994: 127). According to the standard narrative, this core belief that legitimate authority requires the consent of those to whom it applies is the ‘key

idea' that marks the modern period (Rawls 2007: 11; Riley 1982: 1). Henceforth, de jure authority is regarded as a product of convention rather than of nature, and its principle of legitimation is consent (Bobbio 1993: 2, 9). Correlatively, any de facto authority not grounded in 'consent' is revealed as the product of force and, at least for Locke and Rousseau, is therefore arbitrary and so 'despotic' (Rousseau 2011: 160–63; Locke 1993: 123–24). As Locke puts it, 'he who would get me into his power without my consent' can only desire 'to compel me by force to that which is against the right of my freedom, i.e. make me a slave' (Locke 1993: 123). Locke and Rousseau further argue that one cannot 'consent' to their own slavery or give themselves over to a despot rightfully; for Locke it is immoral (1993: 126), and for Rousseau it is 'absurd'—an agreement that is wholly at one's own expense and wholly to another's advantage is nonsensical (Rousseau 2011: 162).

Fonte's dialogue contains this same argument by elimination. Dismissing the Aristotelian view that women are naturally inferior and rebuking a scriptural foundation, she concludes that force, enshrined in both the laws and customs, is the only remaining explanation for men's de facto authority over women. She further distinguishes between compulsion and obligation and claims that the former cannot ground the latter (Fonte 1997: 59). If women must suffer male dominance, it is not because men are *entitled* to their obedience. Men's de facto authority is therefore illegitimate and thus arbitrary; men usurp women's natural rights to liberty (and property) through their bullying and thereby 'set themselves up as tyrants'. It is force, then, the true genesis of male power, that first produces women as inferior, but setting itself up as the law and custom, it feigns legitimacy and maintains them in this subordinate status. Men themselves 'forget' this real origin of their 'superior' position and misrepresent this usurpation as their *right* (Fonte 1997: 61).

Social contract theorists later make the argument challenging the rule of some men over others, an argument standardly thought to commence the modern period in political philosophy, but Fonte much earlier makes a similar argument challenging the rule of *all* men over women. She does not press the positive argument; she never explicitly says that legitimate relations between the sexes are therefore governed by voluntary agreement. It is, however, remarkable—and I think not coincidental—that we find the notions of choice, resistance, and women's lack of self-determination so thematized in her text.

First, consider that Fonte characterizes men's usurpation of women's liberty as a robbery that is 'against all reason and all justice' (Fonte 1997: 157). Men 'set themselves up as tyrants' by arrogantly usurping that dominion over women, which 'more properly' belongs to *women* (Fonte 1997: 59). Women have a natural right to their self-determination, a right that implies that any rightful association ensue from that authority that women dispose over themselves. Reason and justice 'demand women's liberty and autonomy' (Deslauriers 2019: 723).

Second, it is possible to extract from these arguments a critical moral principle that enables a more systematic critique of women's artificial inequality. If women are equal to men in their natural worth and yet we find them everywhere in inferior social positions, then this is an 'abuse', which, regardless of its many social guises, ultimately rests on force (Fonte 1997: 61). This implies that Fonte

thinks that women, given the opportunity, would not really agree to their general subordination to men or, what is perhaps the same thing, that insofar as they do 'agree' to it, such agreement is fraudulent, still resting on 'an abuse' (Fonte 1997: 61). Marriage, particularly, is represented as a domain of 'servitude and suffering'—in which a woman loses everything and gains nothing. It would be absurd for any woman who has escaped it and regained her freedom to use it only to resubmit to the tyranny of a husband (Fonte 1997: 53).

With this principle in mind, the ensuing discussions of the discrimination and mistreatment women endure from their male relatives take on a more politicized tenor, and the context is set for criticizing marriage and the dowry system as the institutional arrangement through which their subjection to men primarily occurs. The characters, for example, are 'defined by their official position vis-à-vis men; that is married, widowed, or single', underscoring 'the centrality of the institution of marriage for *all* women (even in their rejection of it)' (Kolsky 1993: 72). Through marriage, women are transferred from the paternal authority of their fathers (uncles, brothers) to their husbands of a piece with their dowries and thereby subjected to the 'tyranny' of a husband who further usurps their liberty and their property. It is through marriage and the dowry system that men expropriate women's natural freedom, treating them as property and vehicles for the transfer of property and subjecting them to the (nearly) absolute and arbitrary will of their husband, all while undermining their entitlement to property. The primary focus is on husbandly authority, but there is a general acknowledgement that male dominance operates through an extended patriarchal network of family relations, which testifies to the stark reality that women are for the most part powerless with respect to their male relatives who control the most crucial aspects of their lives. Fonte's critique implies that such an authority is unjust, and this implication is registered in the women's objections to the institutional arrangement that leaves them unduly at the mercy of their male relations.

And yet, this is an arrangement that women allegedly agree to; society treats them as having a 'choice' in the matter and so as subjecting themselves to male tyranny. But Fonte exposes the inequitable arrangement as a hoax, introduced into the world by force and maintained by fraud. For we come to realize that Virginia's 'choice' regarding her impending marriage is only apparent. In truth, she and her mother are powerless over her fate. Fonte calls the reader's attention to the false appearance of women's self-determination with respect to the institution most central to their lives and thereby highlights the normative impotence of their 'agreement' to it. This insight is underscored by a resounding call to resistance throughout the dialogue. Women are urged not to be silent about this gross usurpation of their rights, and insofar as they have the liberty to do so, they are encouraged to oppose it! Recall Leonora's admonishment to women who have not comprehended the implications of this life-long sentence: 'I would urge her in the strongest possible terms to shun marriage like the plague' (Fonte 1997: 240). In other words, women are urged, in the 'strongest possible terms' not to consent!

Finally, though the discussion is primarily focused on the patriarchal family, Fonte extends her critique to the social and legal scaffolding that sustains it. Indeed, she recognizes that women have no say in the 'official functions' that

make up public and political life, which only help to secure their subordination to the furtherance of men's interests. Far from simply exclusionary, they are positively opposed to women's interests, sanctioning the usurpation of their liberty and property against their will. In a republic in which men are active citizens, women are treated as outside of the law, undoubtedly heightening the contradictory nature of their experience.

Thus, Fonte rejects the traditional justification for women's subordination to men, and she concludes that it is grounded in force alone, even as it is perpetuated through the laws and customs. While she does not claim outright that patriarchal marriage is oppressive because it does not rest on women's 'consent', or that any just association between the sexes should require it, her arguments take us closer to this conclusion. She highlights women's contradictory experience with respect to their 'choice' in marriage, a contradiction that complicates the role of consent in an institution that women are, for the most part, powerless in and over, and that demonstrates that (often) this is really no choice at all. Indeed, it is interesting that 'choice' should come up as it does, as though to spotlight the operation of force in (and so the injustice of) the principal relations that structure women's lives. But Fonte explicitly expresses a correlative claim: women should speak up and resist this gross usurpation of their natural rights insofar as they can. Any fate is better than their arbitrary and unlawful subjection (Fonte 1997: 237).

This casts further light on the injustice of male tyranny. As Deslauriers points out, the significance of Fonte's critique of patriarchal rule is not simply that patriarchs take excessive license with the women in their dominion. Rather, the crux of her analyses is that male rule is tyrannical because it involves 'an exercise of power beyond right' (Locke 1993: 216). It forcibly violates women's natural rights to self-determination—because they do not and indeed they *could* not, agree to it.

3. A Modern Feminist Argument?

The implications of Fonte's arguments for the illegitimacy of male dominance in general, and husbandly authority in particular, are radical. They are certainly more radical than those the classic contractarians themselves were willing to embrace. The distinctive accomplishment of these contractarian arguments was their demystification of relations of power and the related insight that hierarchical relations not originating in the voluntary acts of the individuals' own will are the result of force. These theorists are celebrated for introducing a profound break in political thinking about relations of authority and domination; yet, their arguments were not reasonably extended to women and their subordination in the patriarchal family.

Consider the transformation the notion of the 'marriage contract' undergoes in seventeenth-century England where the newly emerging contractarian framework articulated a challenge to the source and limits of monarchical authority. This challenge precipitated a set of political debates about the nature and source of husbandly authority and the marriage/social contract analogue (Shanley 1979; the following two paragraphs are much indebted to Shanley's discussion).

Parliamentarian and republican writers in the Civil War era argued for limits to monarchical authority by appealing to ‘consent’ as the foundation of legitimate authority. Royalists responded by pressing the analogy between monarchical and husbandly authority, citing the ‘marriage contract’ as exemplary of a divinely ordained contract that each party entered by its free ‘consent’ but in which the husband has a permanent and natural right to rule over his wife (Shanley 1979: 80). In the marriage contract, each of the parties consents to a relationship that is essentially hierarchical and unalterable, and so, similarly, the people, having ceded their original rights to their sovereign, had to endure his tyranny; ‘once the agreement was struck, the sovereign’s powers were as fixed as those of the husband’ (1979: 80–81). Parliamentarians thus rejected the analogy; while advocating for the right to resist or separate from a king who oversteps his limits, they were unwilling to extend these limitations to husbandly authority due to firmly entrenched views about a woman’s lawful subjection to her husband in marriage. By the time of the Restoration, republican writers were committed to the view that women were naturally free and equal and that hierarchies were instituted by voluntary agreement and therefore also rejected the notion of any essential hierarchy in marriage (1979: 85). A woman therefore agreed to her subordinate position and in so doing, established the terms of the marriage contract (1979: 86). Eager to demonstrate the absurdity of patriarchal justifications for royal authority, James Tyrrell (a close associate of Locke), argued that a husband’s authority over his wife was established only by consent; a woman (rational enough to recognize her inferiority) agreed when she married to become ‘as a Slave’ (Tyrrell 1681; cited in Shanley 1979: 86). Thus, these later republicans embraced the analogy between monarchical and husbandly authority and explained the difference between the limited rule of the monarch and the absolute rule of the patriarch in terms of a woman’s agreement to her absolute subordination. Even as these writers recognized natural equality and the corresponding idea that legitimate distinctions in hierarchy and authority are grounded in a voluntary agreement, they had not come to grips with the implications of their arguments for the subordination of women in marriage.

It is Locke, Shanley argues, who most clearly ‘saw the implications of contractarian ideas for marriage’ (1979: 80). Crucially, however, Locke ‘emphatically’ rejects the analogy between husbandly and civil authority (Shanley 1979: 87). For Locke, marriage is based on a ‘voluntary compact’ (1993: 153), itself terminable and its terms negotiable, but only insofar as these are consistent with its ‘chief end’—procreation and the nurturing of children—which set the only ‘natural terms’ to marriage (Shanley 1979: 89; Locke 1993: 153–54, 156). The absolute authority of the husband being unnecessary to this end, Locke rejects it (1993: 156). He nevertheless thinks it is necessary in a marriage that ‘the rule should be placed somewhere’ and claims that ‘it naturally falls to the man’s share, as the abler and the stronger’ (1993: 155), and so he ‘does not question this aspect of the traditional patriarchal family’ (Schochet 1969: 85).

Locke emphasizes that husbandly authority reaches only ‘to the things of their common interest and property’ (including their children) and therefore leaves ‘the wife in full and free possession of what by contract is her peculiar right’ (1993: 155).

But notice that this would be predetermined in a marriage contract that a woman could only rarely find herself in a position to negotiate because she is a daughter before she is a wife. Consequently, although Locke acknowledges that a contract sets the terms of the marriage, these negotiations take place within a well-defined set of ‘natural’ limits that would subject a woman first to the rule of her father and then to the rule of her husband. Thus, the subjection of a woman in marriage is still based on a ‘natural qualification’ (Butler 1978: 145). The chief end of political society being the protection of the property of its members (Locke 1993: 178) and since a wife and daughter’s property are subsumed under the family patriarch’s, the basic unit of Locke’s political society is nevertheless the ‘naturally’ patriarchal family.

Thus, though Shanley argues that Locke is most modern in thinking through the implications of contractarian ideas for marriage, in fact Locke shares much in common with the early republican thinkers. He rejects the analogy between monarchical and husbandly authority because he sees the marriage contract as having certain non-negotiable terms set by its natural ends (procreation and the rearing of children), terms that are essentially hierarchical. While Locke jettisons any absolute patriarchal license not having to do with this end, he nevertheless conceives of the woman as a ‘natural’ subject of her patriarch and thus reinscribes the idea that in marriage a woman consents to a relationship that is essentially and naturally hierarchal.

Hobbes and Rousseau more readily confront the implications of their arguments for women’s subordination, though each still treats the ‘naturally’ patriarchal family as the primary unit of political society. Hobbes acknowledges that the natural equality of human beings entails that parental dominion does not automatically fall to the father (1994: 128), but he also explains that in commonwealths, where there are ‘matrimonial laws’, parental power goes to the father ‘because for the most part commonwealths have been erected by the fathers, not by the mothers of families’ (1994: 128). Though it is not essentially patriarchal, Hobbes treats marriage as an exclusively patriarchal association, later even claiming that ‘the Father of the Family by the Law of Nature was absolute Lord of his Wife and Children’ (cited in Okin 2013: 199).

Rousseau argues that men and women originally lead an identical and separate existence. Thus, contrary to the other natural law theorists, Rousseau opposes the idea that the family is ‘natural’, and he explicitly criticizes Locke’s ‘biological explanation’ of it (Horowitz 1987: 77; Rousseau 2011: 115). Instead, he sees the patriarchal family as a historical product, already mediated by the division of labor (2011: 73–74; Horowitz 1987: 97; Botting 2006: 35). Nevertheless, Rousseau later claims that the family is the ‘most ancient’ and the only ‘natural’ society (2011: 157) and defends gendered social practices, including women’s confinement to the home and their subordination to their husbands, on the grounds that they are ‘closer to nature’ (Botting 2006: 35; Rousseau 1979: 357–480, esp. 478).

Each of these classic theorists then, at some point, posits a natural basis for the patriarchal family and for women’s confinement to the domestic sphere even as they acknowledge women’s natural equality and the origin of all hierarchies in consent. Thus, the authority that husbands exercise over wives is largely exempted from their ‘modern’ critiques of other forms of authority. While contemporary feminist rereadings of these canonical texts suggest a more complicated and nuanced reading

of these philosophers' views on women is possible (see, for example, Hirschmann and McClure 2007), nevertheless, these are the arguments (and omissions) that have shaped the historical legacy with both intellectual and social costs.

To illustrate, consider a passage from Allen Wood's introduction to Hegel's *Elements of the Philosophy of Right*, in which he writes that in the conception of social institutions Hegel inherits from his contractarian predecessors, the 'family', a 'private society', can 'only refer to the patriarchal bourgeois nuclear family' since the extended 'feudal family' no longer has legitimacy in a world structured around 'modern individuals [who] are persons with rights of property' (1991: xviii, xxii–iii, emphasis mine). The nuclear patriarchal family is, 'naturally', omitted from the modern contractarian critiques (based on the equality of persons with natural liberty and property) that reshaped narratives about institutional legitimacy. The family is then quintessentially premodern: in it, property is communal, 'administered by the husband and father', who 'alone exercises the rights of personality in the sphere of civil society', while the wife and mother remain 'naturally confined to' its sphere (Wood 1991: xviii). Wood accurately depicts the reception of this intellectual history in the canonical texts: the patriarchal family and, with it, women, are mired in premodern, natural, and sentimental ties that even Hegel accepts uncritically.

Thus, when Noberto Bobbio characterizes the modern break with the ancient/medieval model of political society in terms its critical contrast between 'political society' and 'natural societies' like the 'family', the characterization is true to its history: political societies are based on contract, their principle of legitimation is consent, but this is explicitly and 'specifically not true of domestic society, that is of the family/household' (1993: 2). In this tradition, the family (whose common purpose is set by nature) and the state rest 'altogether on different moral bases' (Schochet 1969: 93; Locke 1993: 115); the justification of authority in one realm is *not* the same as the justification of authority in the other (Shanley 1979: 90). The principle of legitimation for the patriarchal family, if one were to ask for one, would be 'necessity or nature (*natura rerum*)' (Bobbio 1993: 2, 9).

This legacy must be born in mind in order to fully appreciate the modern content in Fonte's feminist critique of marriage. Feminist critics of contract theory have long noticed its ambivalence with respect to women and the family (Okin 2013; Pateman 1988). This ambivalence expresses women's historically subordinate position while also playing an important ideological role in justifying that position by excluding women as political subjects and banishing them and intrafamilial relations as not appropriate subject matter for political philosophy. Since the 'naturally' patriarchal family is considered the primary constituent of modern political society, women, along with the institution that confines them, are excluded from the 'political' or 'public' sphere and its ideological history, and the relations between men and women are placed out of reach of mainstream political analysis or discussions about justice (Okin 2013; Pateman 1988; see also Jagger 1983: 21).

And, at least until relatively recently, many liberal theorists have not questioned this aspect of the contractarian tradition, taking for granted that justice exclusively refers to the 'public realm' where relations *between* families are governed by consent and ignoring 'relations within the family, which is assumed to be an

essentially natural realm' of 'private' relationships (Kymlicka 2002: 386–87; Okin 2013: 49). The persistence of this idea has had lasting consequences for women's equality, shaping even relatively recent legal policy (Hampton 1997: 198–200; Okin 2013: 247; Kymlicka 2002: 378) and effectively guaranteeing that the state would not meddle in these 'little family kingdoms' (Hampton 1997: 199) to ensure that domestic life is governed by 'principles of equality and consent' (Kymlicka 2002: 389). Theorists and practitioners of law could therefore assert women's equality while sanctioning substantial inequalities, which, dictated 'by nature', are in theory and practice beyond the scope of justice (Hampton 1997: 197–201).

This background was necessary in order to substantiate the following points. First, the contractarian critique of authority and its submission of hierarchical institutions to a principle of consent is lauded as launching the modern era in political philosophy and initiating the transformation social and political life into a realm of civil freedom based on voluntary agreement, and yet this critique was not sincerely extended to women and the patriarchal family. While other forms of authority previously thought natural were delegitimized as resting merely on force, women's subordination to men and to the authority of their husbands in marriage was still justified on the grounds that it was natural. In this respect, Fonte's critique of patriarchal marriage is radical, more radical than the contractarians' own views on marriage and more radical than those writing well into the contemporary period who accept its 'natural' basis.

Fonte's critique of male dominance, which contains a model of argument similar to that of later contractarian critiques of authority, shows that it is neither essential nor natural, but based in force. She therefore drives a wedge between male power and its legitimacy, revealing a justificatory vacuum. While Fonte does not explicitly theorize marriage as resting on a contractual basis, she clearly highlights a natural right of self-determination, and she problematizes the notion of a woman's 'choice' in the marriage decision given the lack of genuine alternatives. Moreover, and contrary to Locke and the early republicans, her arguments imply that there is nothing essential in the marriage relation that requires or justifies a woman's subordination to the authority of her husband. And in direct contradiction to later republican explanations for women's subordination in marriage, such as Tyrrell's, far from consenting to make herself 'as a Slave', insofar as a woman's particular circumstances might allow her the liberty to do so, Fonte encourages her to resist marriage like the plague. For what does a woman gain from marriage? 'Except that instead of being her own mistress . . . she becomes a slave, and loses her liberty and along with her liberty, her control over her own property . . . and gets nothing in return' (Fonte 1997: 113–14). A woman is discouraged from using her 'freedom' to make an agreement that is wholly at one's own expense and wholly to another's advantage. Fonte agrees with Rousseau on this point; the absurdity exposes any such decision as fraudulent. Men's domination over women, even in a marriage a woman has ostensibly 'chosen', is nevertheless a consequence of force, and, to borrow from Locke, insofar as one is compelled by force to that which is against the right of their freedom, they are made into slaves (Locke 1993: 123).

This background reveals a richer texture to Fonte's discussion of tyranny and slavery. Fonte, too, criticizes the use of force to subvert the natural freedom of an

equal and thereby make her like a 'slave'. It thus constitutes a paradigmatic shift in political philosophy and anticipates modern critiques of domination and authority. But since her critique of authority is couched in terms of a critique of patriarchy and patriarchal marriage, in an intellectual tradition that has largely omitted this institution from its critical purview, it is more likely that the intellectual significance of this shift may be missed.

3. The "Palinode" and Other Conclusions

I do not want to overstate the case. Though Fonte calls attention to women's constricted set of choices, laying groundwork for the argument that the 'single life' must be a real possibility in order for a woman's 'choice' to be, even ostensibly, a free one, she never explicitly claims that just relations between women and men ought to originate in a voluntary agreement. Instead, focusing on the relations that most obviously undermine women's self-determination, her concern to recover women's freedom manifests primarily, as King suggests, in withdrawal and retreat from their male relations. This strategy of extraction is itself interesting and worthy of further attention. Indeed, Fonte does indicate how society might be reorganized to secure a more just relationship between the sexes, namely, by reorganizing marriage and the dowry system and by providing women with a genuine option of opting out (Cox 1995). When the kind of 'carefree single life that the speakers propose as an ideal was an impossible fantasy for the vast majority of women' (Cox 1997: 17), this would have been, though perhaps radical, a concrete and even urgent proposal at a time when dowries were decreasing and with them, upper-class Venetian women's marriage prospects (Cox 1997: 17; 1995).

It is possible that I have overstated the case in another way. Many of Fonte's interpreters think the dialogue is too ambiguous to draw any straightforward conclusions (see Constance 2005 for an exception). The genre itself, well suited for confronting the controversial, introduces ambiguities (Cox 1997: 16; Kolsky 2001, 1993: 69; Price 1994: 212). Fonte's shift between playfulness and seriousness draws on a tradition that used 'intellectual gamesmanship' to neutralize subversive claims and confront sensitive topics (Cox 1997: 16; Kolsky 1993: 70). Some passages are thought to present especially significant interpretative problems for any straightforward critique of marriage, for example, Adriana's admission that she has 'no choice' but to see Virginia married (Fonte 1997: 238). And Leonora appears to capitulate to Adriana's appeals that she should remarry while she is still young: 'Well let's see Virginia married first . . . since it's her first time', indicating that she really expects Virginia to marry after all, 'Perhaps eventually I will come round to accepting your counsel' (Fonte 1997: 259). Cox points out that some interpreters think Fonte intended Leonora's change of heart as a palinode, 'inserted to neutralize the subversive charge' of the earlier diatribes against marriage (Cox 1997: 19).

I have already argued that the exchanges between Adriana and Virginia call into question the authenticity of Virginia's 'choice' to marry (and even her mother's 'choice' in the matter). I want to conclude by suggesting that these ambiguities

express genuine contradictions in these women's lives. Fonte consistently, perhaps even deliberately, depicts what Marilyn Frye calls the 'double bind': situations in which one's options are reduced to very few and all of which 'expose one to penalty, censure, or deprivation' (1983: 2). These sorts of situations are 'characteristically and ubiquitously experienced by oppressed people' (Frye 1983: 2).

Consider Virginia's hesitation to marry. Adriana warns her that she will 'have to stay within four walls all day and dress soberly, without any of the fineries and fripperies you're allowed now, because that's what happens to young girls who don't want to get married' (Fonte 1997: 239). On the other hand, the women have made a compelling case that women who marry are subject to the arbitrary inclinations of their husbands and often deprived of their liberty. There are many husbands

who keep their wives on so tight a leash that they almost object to the air itself coming near them; so that the poor things, thinking that by marrying, they are winning for themselves a certain womanly freedom to enjoy some respectable pastimes, find themselves more constricted than ever before, kept like animals within four walls and subjected to a hateful guardian. (Fonte 1997: 68)

The dialogue opens with Helena reporting that she is 'dismayed' to find that her new husband is 'quite insistent' that she not leave the house, not even to attend weddings and banquets (Fonte 1997: 47). As a young noble woman was generally kept more secluded before marriage than after (Fonte 1997: 47), that Helena finds herself forbidden to partake in activities typically allowed to married women underscores the fact that women are subject to the arbitrary will of their husbands. Women face a double-bind; they are deprived of their liberty whether they marry or not.

Even Leonora's apparent capitulation to remarry, the supposed 'palinode', comes in response to Adriana's observation that marriage would be preferable to the 'malicious gossip and slander' to which the single life gives occasion (Fonte 1997: 259). These contradictions demonstrate women's constricted set of options and the penalties, censures, and deprivation that accompanies each of them, thus giving tangible expression to a prominent feature of their oppression. One of the dialogue's central themes, whether to marry or resist marriage, given the bad deal it presents for women, is, in the end, revealed to be no choice at all or one fraught with censure and social and material penalty. Throughout, it is consistently shown that women have little liberty before, during, or after marriage.

If this is right, the supposed 'palinode' is troubling. For Leonora to recant her earlier position appears to say more about the practical impossibility of a woman's resistance rather than point to a casual change of heart; one need only recall her opening: 'I'd rather drown than submit again to a man! I've just escaped from servitude and suffering and you're asking me to go back of my own free will and get tangled up in all that again? God preserve *me!*' (Fonte 1997: 53, emphasis mine).

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