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“So that they are not killed and robbed every day”: The construction and use of
popular identity in Florentine Tuscany, ca. 1250-1350

A dissertation submitted in partial satisfaction of the requirements for the degree

Doctor of Philosophy in History

by

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by

Joseph Knox Figliulo-Rosswurm

For my parents, Susan O. Figliulo and Steven J. Rosswurm

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ABSTRACT

“So that they are not killed and robbed every day”: The construction and use of popular

discourse in Florentine Tuscany, c. 1250-1350

by

Joseph Knox Figliulo-Rosswurm

My project is a social history of the emergence and use of popular identity and popular discourse in late medieval Florence and its territory. Its central theme is the role that the Florentine *popolo*'s discursive identity—a set of norms and associational models based on the core values of social peace and the rule of law—played in the commune's consolidation of its institutional power in city and countryside. My main sources are the voluminous records of medieval Florence's foreign-staffed courts: the Executor of the Ordinances of Justice, the Capitano del Popolo, and the Podestà, in addition to the *Notarile Antecosimiano*, tax records (*estimi*), and the commune's legislative *corpus*. The Italian Renaissance state is a venerable topic in medieval and early modern historiography, yet rarely has the question been asked: how did rural non-elites, the majority of the population, use, in Michel de Certeau's sense, the discourse of popular identity and solidarity that successive popular regimes elaborated over the period 1250-1350? Recent scholarship on the topic has incorporated mountaineers and rural elites into the narrative, without moving beyond a conceptual binary of acceptance-resistance: later medieval states either deployed enough coercion and enticements to achieve their ends, or non-elites responded to these states in the most dramatic way possible, open rebellion. This schema does not reflect the complexity of mundane reality: case studies of urban non-elites' and rural peoples' interactions with Florentine popular institutions and their discursive imaginary reveal their provisional and tactical quality. Florentine public courts

played an important role in legitimizing public power in city and countryside, and residents of Florence's countryside used these courts in large numbers, deploying the language of the commune's popular regime to initiate legal action and impugn their enemies. Non-elites' assent to public power did not exclude a calculating, instrumentalist view of the Florentine courts as an ambiguous source of authority, able to improve or damage one's standing in the community. The density and variety of the Florentine archives allows me to study the contradictions and evasions at the heart of the Florentine state's relationship with rural society in some detail. I thus move beyond a binary in which premodern non-elites are either docile victims of hegemony, or are always already resisting their landlords and public officials. The project bridges Florentine historiography with wider questions surrounding the emergence of the Italian communes, rural life, and the intersection between society and the law in the late Middle Ages. More broadly, the project offers a socio-cultural approach to understanding premodern state formation, non-elite self-organization, and rural life and society in an exceptionally well-documented corner of Mediterranean Europe.

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Abbreviations:

Archival Series:

Atti dell'Esecutore degli Ordinamenti di Giustizia [EOG]

Atti del Podestà [AdP]

Atti del Capitano del Popolo [AdC]

Camera del Comune [CdC]

Estimo [Est.]

Giudice degli Appelli e Nullità [GdA]

Miscellanea repubblicana [MR]

Missive [MI]

Notarile Antecosimiano [NA]

Provvisioni e Registri [PR]

Statuti del Comune di Firenze [SC]

Other Sources:

Compagni, *Cronica*: Dino Compagni, *Cronica delle cose occorrenti ne'tempi suoi*.

G. Villani, *Cronica*: Giovanni Villani, *Nuova cronica*.

Legislazione antimagnatizia: La legislazione antimagnatizia a Firenze

M. Stefani, *Cronaca*: Marchionne di Coppo Stefani, *Cronaca Fiorentina*.

Journals:

AHR: American Historical Review

ASI: Archivio Storico Italiano

A Note on Names, Dates, Measurements, and Money

Names:¹

Following standard practice, I use modern Italian equivalents of the Latin that appears in the documents. Thus, “Anthonius/Antonius” is given as “Antonio”, “Franciscus” as “Francesco.” Popes and emperors are an exception, as are historical figures well-known in English, such as Matilda of Canossa or Gregory VII. Elite Florentine lineages such as the Bardi or Frescobaldi went by their surnames during the fourteenth century, but their patronymic within the lineage is often denoted in the documents. If a person’s father was deceased, this was also noted: “Andrea olim Filipozzo de Bardis,” for example, was Andrea, son of the deceased Filipozzo, of the Bardi lineage. I render this as “Andrea di Filipozzo dei Bardi” or “Andrea dei Bardi” in text to avoid such an awkward construction, quoting the full Latin or Tuscan name in footnotes.

Non-elite Florentines’ names usually denoted their father and geographical origin: for example, “Smeralda di Guido da Latera” was Smeralda, daughter of Guido, from the parish of Latera. As with elite names, if a person’s father was deceased, this was noted, in Latin or Tuscan: for example, “Giovanna che fu/fu di Giovanni da Rabiacaninna” was Giovanna, daughter of the deceased Giovanni, from Rabiacanina.

Dates:

The Florentines began their new year on March 25, the Feast of the Assumption. In-text dates are given in the new or common style, with the new year beginning January 1; archival citations are given in the Florentine style.

Measurements:

Dry measurement for grain in Florentine Tuscany was the *staiio/staia*. Each *staia* was 24.7 liters, seven-tenths of a bushel. A *moggio* (pl. *moggia*) was equivalent to 24 *staia*. Sicilian grain was measured in *salmae*; one *salma* equaled 2.75 or 3.3 hectoliters. A *libbra* of weight was equivalent to twelve *once*, equal to 339.5 grams or seven-tenths of a pound.

Land measurements: A *staioro* was equivalent to twelve *panora*, or 512 sq. meters (5655 sq. feet, or one-eighth of an acre).

Liquid measurements: The basic unit was the *cogno*, each of which consisted of 407 liters.

A *braccio* was 58.36 centimeters or roughly two feet. A *piede* was 55 centimeters.²

¹ On Tuscan naming practices, see Olaf Brattö, *Nuovi studi di antroponomia fiorentina. Il libro di Montaperti (an. MCCLX)* (Florence, 1953) and David Herlihy, “Tuscan Names, 1200-1530,” *Renaissance Quarterly* 41:4 (Winter, 1988): 561-582.

² See C.M. De La Roncière, *Prix et salaires à Florence au XIVe siècle (1280-1380)* (Rome, 1982), 30-32.

Money:³

Florence's gold coin, the *florin*, appeared in 1252 and quickly became a crucial element in international trade. For local transactions, Florentines used petty silver and copper coins, *monete di piccioli*. The *denaro* (*denari*) was the basic unit of daily transactions. The standard money of account was the *lira di piccioli* (*lire di piccioli*). This was subdivided into twenty *soldi* and 240 *denari* each; one *soldo* was the equivalent of twelve *denari*.

³ On Florence's medieval monetary system, see: Richard A. Goldthwaite, *The economy of renaissance Florence*. Baltimore, 2009), with appendix on the florin's fluctuating value (at 609), and Goldthwaite, *Building of Renaissance Florence* (Baltimore, 1980), at 301-02 and 429-30. On Florence's premodern money supply, see W.R. Day, Jr., "Fiorentini e altri italiani appaltatori di zecche straniere (1200-1600): un progetto di ricerca," *ASF V* (2010): 9-29. This entry also draws on Dameron, *Florence and its church*, 249-50.

“Yes, structure is human, it is the monumentalisation of congealed sweat, sweat squeezed from old exploitation and represented as nature, the world we inhabit, the objective ground. We do not, in our insect-like comings and goings, make the immediate world in which we live, we do not make a contribution, on the contrary we are set in motion by it; a generation will pass before what we have done, as an exploited class, will seep through as an effect of objectivity.”-[Monsieur Dupont], “This is the definition of class hatred,” *Nihilist Communism*

Introduction

Scope of the study

The role of non-elite people in late medieval state formation provides the broad topic of this dissertation, which analyzes the creation and transformation of a heterogeneous sociopolitical and discursive community, the Florentine people (*il popolo Fiorentino; populus Florentie*), across the period 1250-1350. This study arises from a preoccupation with three problems facing scholars of premodern Italy: the composition of the thirteenth-century popular communes and their struggle against an older elite, the magnates; the city/countryside relationship, and the emergence of territorial or regional states in the fourteenth and fifteenth centuries.¹ Far from an exhaustive treatment of such vast subjects, this work addresses three questions: What role did non-elites play in the mundane operations and consolidation of the later medieval Florentine commune, especially under popular regimes (*governo al popolo*)? How did the popular commune’s discourses and practices, or popular identity, impact rural people? And what role did rural

¹ The best single-volume, English-language introduction to the medieval Italian city-states remains Daniel Waley, *The Italian city-republic*, recently updated by Trevor Dean (London, 2010 [1968]). Philip Jones, *The Italian city-state: from commune to signoria* (Oxford, 1997) is an exhaustive history of the medieval city-states. John M. Najemy, *A history of Florence (1200-1575)* (Oxford, 2006), is the best recent synthetic study of Florence, emphasizing the post-1350 period.

people play in Florence's rise from a second-rate town in the middle of nowhere to one of western Eurasia's greatest economic and cultural hubs by 1300?²

This study argues that the non-elite population of Florence and its subject rural territory (*contado*) played an important role in the development and consolidation of public power via their struggle to pacify urban space and tame a destructive elite, along with their active, ongoing use of the popular courts devised by the thirteenth-century *popolo*. During the early fourteenth century, the discursive categories of popular identity seeped into mundane forms of communication between state and society, shaping rural non-elites' interactions with the magnates and their rural cousins. My analysis of rural society and the Florentine commune emphasizes quotidian interaction rather than singular and extraordinary events, such as revolts (in particular the Ciompi, 1378), which have usually preoccupied scholars of premodern Florence's popular politics.³

I argue that Florence's military elite (*milites*⁴) and working population (*popolani*) cannot be discussed separately and therefore examine the two groups as mutually

² Richard A. Goldthwaite, *The economy of renaissance Florence* (Baltimore, 2009), reconstructs the Florentine economy *in toto*, 1200-1600; for the city's earliest economic development, see W.R. Day, Jr., "The early development of the Florentine economy, c. 1100-1275," PhD dissertation, London School of Economics and Political Science, 2000.

³ Out of the large literature on the Ciompi, the best recent work is: Ernesto Screpanti, *L'angelo della liberazione nel tumulto dei Ciompi: Firenze, giugno-agosto 1378* (Siena, 2008); Patrick Lantschner, "The 'Ciompi Revolution' constructed: Modern historians and the nineteenth-century paradigm of revolution." *Annali di Storia di Firenze* 4 (2009): 277-97; Alessandro Stella, *La Révolte des Ciompi: Les hommes, les lieux, le travail*. Paris, 1993); the conference volume *Il tumulto dei Ciompi. Un momento di storia fiorentina ed europea* (Florence, 1981); and Samuel Cohn, Jr., *The laboring classes of renaissance Florence*. (New York, 1980) at 129-77.

⁴ This group consisted of families who furnished the urban militia's cavalry (*milites pro comuni*). On the composition and function of the urban *milites*, see Jean-Claude Maire Vigueur in Jean-Claude Maire Vigueur and Enrico Faini, *Il sistema politico*

antagonistic yet inseparable competitors for political power, discursive space in public ideology, and public resources, among them the commune's institutions. Empirical evidence suggests analyzing the magnates and *popolo* as a conflictual community. The thirteenth- and fourteenth-century public documents informing this study demonstrate that the antagonism between magnates and their enemies arose from proximity: living in the same streets, the same parishes, the same rural communities. Yet this elbow-rubbing familiarity did not in and of itself determine the character of this relationship. Here, I expand on recent scholarship characterizing pre-modern cities as operating around systems of conflict.⁵ Rejecting an order-disorder binary, this approach sees urban politics as inherently conflictual, this conflict itself a feature of pre-modern urban life.⁶ One of the major benefits of such an approach to my subject is that it avoids a moralizing assessment of the communes. Much previous scholarship has seen the communes' failure to tame factionalism and internal conflict as proof of their inferiority to the Italian peninsula's early-modern lordships (*signorie*). Viewed another way, the endurance of internal struggles over political, judicial, and fiscal resources is in fact evidence for the city-states' vitality. The incessant factional and class struggles over communal institutions and resources are evidence, in this approach, for the communes' success in

dei comuni italiani (secoli XII-XIV) (Milan, 2010) [hereafter "Maire Vigueur in *Il sistema*"], 20-22.

⁵ See Patrick Lantschner, "Revolts and the political order of cities in the late Middle Ages." *Past and Present* 225 (Nov. 2014): 4-46, and *The logic of political conflict: Cities in Italy and the southern Low Countries, c. 1370-1440* (Oxford, 2015) [hereafter "Lantschner, *Logic*"], at 1-15. The classic on medieval communities of conflict is David Nirenberg, *Communities of Violence* (Princeton, 1993).

⁶ Lantschner, "Fragmented cities in the later Middle Ages: Italy and the Near East compared," *EHR* 130: 544 (2015): 547-582, expands this argument to near eastern cities, using Damascus as a case study.

supplanting other power centers-such as elite patronage networks, or the bishop's entourage-as they established themselves as the hegemonic power in the Italian cities.⁷

The *popolo* was a diverse coalition of urban Italians organized by neighborhood, profession and parish that arose during the thirteenth and fourteenth centuries to challenge an older, military elite for access to political power; to contain elite violence in the cities, and to develop public power extensively and intensively.⁸ Whether or not this coalition explicitly included rural non-elites, these people certainly considered themselves members of the *popolo*, representing themselves as such in the complaints (*denuncie*) and accusations they submitted to the Florentine courts. This study therefore also argues for characterization of rural non-elites as part of the *popolo*.

More broadly, I try to understand how social groups and the discourses of identity through which they define and legitimize themselves transform in content and meaning over time, from collective agency to a structural element in social reality. I do so through the lens of non-elite legal maneuvering. The institutional and discursive results of the magnate-*popolo* struggle, initially the response by collective human imagination

⁷ I paraphrase here Alma Poloni, *Potere al popolo. Conflitti sociali e lotte politiche nell'Italia comunale del Duecento*. Milan, 2010) [hereafter "Poloni, *Potere al popolo*"], at 125: "Questa perenne fibrillazione è stata letta da molti storici come un segno della crisi del Comune come forma politica, della sua incapacità di pacificare la società e di garantire stabilità. Essa può però essere interpretata anche come una prova della vitalità dei regimi popolari, della grandi passioni che la politica continuava a suscitare, della vivacità di una dialettica politica che le ambizioni di potere di un piccolo gruppo di famiglie non riuscivano davvero a impoverire."

⁸ Poloni, *Potere al popolo*, is a superb and succinct guide to the popular regimes. See also the historiography reviews by Giuliano Milani, "Contro il comune dei *militēs*: Trent'anni di dibattiti sui regimi di Popolo" in *I comuni di Jean-Claude Maire Vigueuer*, eds. S. Diacciati & L. Tanzini (Rome, 2014), 235-58; and Massimo Giansante, "Ancora magnati e popolani: Riflessioni in margine a *Politics and Justice* di Sarah R. Blanshei," *ASI* 637: III (2013): 543-70; and Alma Poloni, "Il comune di popolo e le sue istituzioni tra Due e Trecento. Alcune riflessioni a partire dalla storiografia dell'ultimo quindicennio," *Reti Medievali Rivista* 13, 1 (2012): 3-25.

and struggle to a felt need for collective security and collective identity around which to rally, accrued to become structuring factors in later peoples' lived social experience, for better and worse.⁹

Recent scholarship has decentered the history of medieval urban Italy: Florence no longer stands as an archetype or model for developments elsewhere, as it once did.¹⁰ This expanded scholarly gaze allows comparison between Florence and its rivals, allies, and business partners: cities such as Siena, Pisa, Lucca and Bologna. The present study focuses on Florentine Tuscany, but draws on work for other cities wherever possible in order to frame its conclusions comparatively. I hope to avoid the single-city myopia that is medieval Italian history's traditional stumbling block: the professional, often unintentional version of that venerable Italian pastime, *campanilismo*,¹¹ or parochialism.

Within Florentine historiography, a reconsideration of the relationship between state and society is also due. The last fifteen years have seen a real watershed in the study of medieval Florence.¹² Recent digs in the city's historical center have increased the archeological evidence, shedding new light on the medieval city's built environment.¹³ This study contends that the period 1250-1350, usually segmented in Florentine

⁹ My approach is broadly influenced by the arguments set forth in [Monsieur Dupont], *Nihilist Communism: A critique of optimism in the far left* ([np]: Ardent, 2009).

¹⁰ See the conference volume *Beyond Florence*, ed. Paula A. Findlen, et. al. (Stanford, 2003), in particular the contributions of Gene Brucker (5-12); Paula A. Findlen (13-28); and Randolph Starn (233-42).

¹¹ See the remarks of Richard A. Goldthwaite in *Economy*, xii-xiv.

¹² See G. Pinto, P. Cammarosano and A. Zorzi, "I primi secoli della storia di Firenze," *Annali di Storia di Firenze* VI (2011): 221-42, and Silvia Diacciati, "A proposito di *A History of Florence* di John Najemy," *Annali di Storia di Firenze* V (2010): <http://www.dssg.unifi.it/SDF/annali/annali2010.htm>.

¹³ See Jacopo Bruttini, "Enclavi urbane a Firenze: Il caso della famiglia Uberti," *Annali di Storia di Firenze* VI (2011): 5-35, which discusses recent archeological work and provides wonderful maps and hypothetical sketches of the twelfth-century urban core.

historiography, should be treated as a continuum during which Florence's *popolo* crystallized as an entity capable of shaping and manipulating the commune's discursive and institutional practices.

The relationship between the peninsula's medieval city-states and their subject rural hinterland (*contado*) is an important theme throughout Italian history.¹⁴ Cities and countryside were more interconnected in medieval Italy than elsewhere in the medieval West; Italian cities can scarcely be discussed without reference to the *contado*.¹⁵ This study argues that the city-country relationship cannot be characterized as uniformly exploitative or beneficial. Rather, it asks how the practices and demands of Florence fit into the local concerns and power structures of rural communities. Understanding how rural people used, avoided, and tried to game Florence's institutions demonstrates the tacit negotiation at the heart of state officials' interactions with rural people. Rural compliance in any degree with the state's demands did not mean that the commune did as it wished in the countryside, nor that it controlled or even understood rural conditions.

I approach the relationship between rural people and urban public power through the prism of Florentine public justice. The execution of justice was a basic activity for premodern European states, especially the Italian urban communes, and reliable public courts of arbitration and decision were an essential element in their public life from the beginning.¹⁶ The appeal of public justice to rural Tuscans is evident as soon as

¹⁴ The best survey of the subject's origins is Pierre Toubert, "'Città' e 'contado' dans l'Italie médiévale: L'émergence d'un thème historiographique entre Renaissance et Romantisme," *La Cultura* 22 (1984): 219-48.

¹⁵ On the city & countryside, see the article collections of Giovanni Cherubini, *Signori, contadini, borghesi* (Florence, 1974), and *Scritti Toscani* (Florence, 1994).

¹⁶ Maire Vigueur in *Il sistema*, 13: "...la giustizia [publica] è sicuramente il terreno sul quale i cittadini hanno dato prova di maggiore ingegnosità e creatività

continuous public documentation begins (1343).¹⁷ Tuscans used the Florentine courts eagerly, cannily and often, producing thousands of complaints in the form of written, anonymous denunciations (It. *tamburagione*, Lat. *cedula*) to communal officials. The allegations embraced crimes ranging from petty theft to high treason, with furious denunciation of perpetrators from every social stratum, be they impoverished sharecroppers or members of the region's old feudal elite, the Counts Guidi and Alberti.

While public justice clearly was a commodity in high demand among Florence's rural subjects, the motivations behind this demand are less evident. Thus, the study incorporates an array of other archival material to reconstruct how residents of Florence's *contado* perceived and interacted with the Florentine commune as the late-medieval crisis descended upon Tuscany. Reconstructing rural peoples' stories, plots, claims and counter-claims in the commune's courts demonstrates the widespread appeal of public judicial institutions while illuminating the complex motivations behind this appeal.

Like its subjects, this study views the state not as a single, monolithic entity but rather as a tangle of institutions and resources, possibilities and perils, that non-elites could manipulate deftly or not, depending on their knowledge of institutions, the categories and rhetoric of popular discourse, and their own social standing in their

istituzionale nel periodo di formazione del comune.” On medieval justice, see the conference volumes *La giustizia nell'alto medioevo (secoli IX-XI)*, 179-250. Spoleto, 1997) and *Crime, society and the law in renaissance Italy*, eds. Trevor Dean and K.J.P. Lowe (Cambridge, 1995); Sarah Rubin Blanshei, *Politics and justice in late medieval Bologna*. Leiden, 2010); and, for Marseilles, Daniel Lord Smail, *The Consumption of Justice* (Ithaca, 2003).

¹⁷ On documentary losses and Florence's high-medieval legal history, see Lorenzo Tanzini's editorial introduction, “Il più antico ordinamento della Camera del Comune di Firenze: le ‘Provvisioni Canonizzate’ del 1289,” *Annali di Storia di Firenze* I (2006): 139-179, at 139-55.

communities.¹⁸ I also argue for greater nuance in examining the conflicts and compromises surrounding premodern public life and state formation. The stark contrasts of hegemony/contestation or domination/resistance do not necessarily account for the complexity of this process.¹⁹ These paradigms are a legacy of the international revolutionary tradition birthed by the French Revolution, of which Marxism is only the most famous strand. Analysis of the dialectic between historical elites and subalterns in these terms thus implicitly or explicitly takes this event and its cognates or would-be cognates (Paris 1871, Petrograd 1917) as a template for understanding premodern social conflict.²⁰ Such conceptual schematism hinders a deeper understanding of the factors conditioning medieval non-elites' compliance with, accommodation to, or evasion of state power, its institutions and discursive identities, as well as the power of magnates and other elite landowners and merchants. Resistance, hidden or otherwise, was only one option for non-elites, and not the one most commonly taken. My focus on this jumble of

¹⁸ My approach to the state as a cluster of tactical possibilities is broadly influenced by Byzantinist John Haldon's arguments on state institutions' relative autonomy and sociologist Bob Jessop "strategical-relational approach" (SRA) to the sociology of the state. See Haldon, *The state and the tributary mode of production* (London, 1993), 188-94, and Jessop, *State power* (London, 2008), at 1-18 and 225-46. I thank Kristoffer Smemo for the Jessop reference.

¹⁹ The classic studies of subaltern resistance to state and landlord power are James C. Scott, *Weapons of the Weak* (New Haven, 1987); *Domination and the arts of resistance* (New Haven, 1992); and (New Haven, 2010). On medieval state formation and its historiography, see in particular Chris Wickham, *Framing the early Middle Ages* (Oxford, 2005), 56-153, with definitions at 56-58, and Rees Davies, "The medieval state: the tyranny of a concept?" *Journal of historical sociology* 16 (2003): 280-300.

²⁰ The most interesting recent essay in this field is James C. Scott's *The art of not being governed An Anarchist history of upland southeast Asia* (New Haven, 2010). For a nuanced defense of Marxist categories' utility for medievalists, see the conference volume *Marxist history-writing for the twenty-first century*, ed. Chris Wickham (Oxford, 2007). See also S.H. Rigby, *Marxism and history: A critical introduction* (Manchester, 1987); *English society in the later Middle Ages* (New York, 1995); and *Engels and the formation of Marxism* (New York, 1992).

possible non-elite maneuvering is appropriate for a social reality in which non-elites in Florence and its rural territories were enmeshed in overlapping and conflicting structures and relations of oppression-which could also, at times, benefit them.²¹

Rural peoples' frequent appeals to one sector of the Florentine state did not imply a similar investment in other state structures. Nor did it signify assent to the entirety of the commune's exactions or self-image: for example, resentment against fiscal exactions did not necessarily imply a similar opposition to Florentine public justice, still less open rebellion. The rural reception of and response to state institutions and officials depended on local conditions: rural lords, the Florentine commune, parishes, rural communes, and above all family laid claim to the overlapping and intersecting allegiances of rural people.²² Just as different sectors of the city contained different aggregations of elite and non-elite residents and thus different factional or social allegiances, Florentine Tuscany's communities differed in the frequency and intensity of their contacts with state institutions and in their compliance with state demands.

Central to this study is the argument that social identities such as magnate or popular status should be viewed in terms of use: how did non-elites adopt and redeploy to

²¹ On medieval peasant action in the face of rapacious elites, see Paul Freedman, *The origins of servitude in medieval Catalonia* (Cambridge, 1991); R.H. Hilton, *Bond Men Made Free* (London, 1975); Wickham, "Peasant society and its problems" in *Framing*, especially section 4, "The return of feudal dominance in the West," at 570-588; Wickham, "Gossip and resistance among the medieval peasantry," *Past & Present* 160 (1998): 3-24. On peasants and the state in later medieval Egypt, see Yossef Rapoport, "Invisible peasants, marauding nomads: Taxation, tribalism, and rebellion in Mamluk Egypt," *Mamluk Studies Review* VIII (2): 2004, 1-22. On how some societies have avoided state power, see Pierre Clastres, *Society against the state*, trans. Robert Hurly and Abe Stein (New York, 1989), and Scott, *Art of not being governed*.

²² Luis M. Pozo, "The mechanisms of class accommodation in precapitalist Europe: A study in hegemony," *Review (Fernand Braudel Center)* 29:3 (2006): 227-269, explores how intersecting and overlapping loyalties blunted and channeled class struggle in preindustrial Europe.

their own ends the rhetoric and discursive identities of the Florentine state? My focus on tactical use, and the refraction of public power through mundane social relations, explains the absence in this study of stand-alone chapters dedicated to the magnates or *popolo* as such. The social relationship between the two – or, rather, the surviving textual representations of this relationship – forms the subject of this study more than the individual groups or (still less) than individual elite or *popolare* families.²³

This approach to non-elite action derives from empirical and theoretical concerns: close reading of denunciations paired with notarial evidence reveals the fascinating complexity behind apparently inconsequential rural crime. Eschewing quantitative scope and the search for a monocausal explanation of the magnate-*popolo* conflict or the appeal of state institutions, I hope this study instead gains through depth of attention to the communities and themes analyzed. Theoretically, my attention to use and daily practice draws on the work of Michel de Certeau and Pierre Bourdieu. Their attention to the everyday construction and reconstruction of power provides a productive framework for studying medieval subalterns' tactical reception of and responses to elite actions and the commune's discourse of good government.²⁴

In denunciation after denunciation to Florence's foreign-staffed courts, rural people appealed to Florentine justice based on their popular identity. This consisted of

²³ On medieval Italian family structure, resources and strategy, see the important new studies by Giuliano Milani's research team on the Alighieri family, above all the following pieces: "Ruolo sociale e memoria degli Alighieri prima di Dante", 1-40, and Silvia Diacciati, "Dante: relazioni sociali e vita pubblica", 243-270, both in *Dante attraverso i documenti. I. Famiglia e patrimonio (secolo XII-1300 circa)*, eds. Giuliano Milani, Antonio Montefusco, *Reti medievali* 15, 2 (2014).

²⁴ Pierre Bourdieu, *Outline of a theory of practice*, trans. Richard Nice (Cambridge, 1977), particularly 72-95 and 159-97; Michel de Certeau, *The practice of everyday life*, trans. Steven Rendall (Berkeley, 1984), 29-42.

their membership-- genuine, feigned or imagined -- in the multifaceted community of the *populus civitatis Florentie et sue comitatis et districti*, “the people of the city of Florence and its *contado* and *distretto*,” as denunciations usually described it. This community of the *popolo* was a discursive as well as social entity, that shaped the language through which non-elites situated themselves in their tactical appeals to Florentine public power. The residents of Florence’s rural parishes, communes and mountains were nobody’s fools. They understood how the mechanisms of Florentine public power operated, and were perfectly capable of manipulating them to serve family or factional strategies, just as their betters among the Florentine oligarchy manipulated the city’s constitutional system.²⁵

Sources and methodologies

Arguing for continuity in Florentine popular identity across 1250-1350 is possible because the thirteenth-century popular regimes thoroughly documented their activities, and much of this documentation survives.²⁶ The record is significant in itself, being an important part of the historical process it records. Recent scholarship has emphasized the importance of documentary practices, especially the compilation of normative statutes and lists, for the later thirteenth-century communes.²⁷ This is unsurprising, given the central, long-acknowledged role of professionals and merchants in communal affairs,

²⁵ For the post-1382 oligarchy’s use of constitutional mechanisms as a channel for containing and controlling political conflict, see Lantschner, *Logic*, 139-145.

²⁶ See Maire-Vigueur, *Il sistema*, 19-20, for a comparison of consular- and popular-era documentary production and survival.

²⁷ See Enrico Faini’s recent and exhaustive study of early statutory practices: “Le tradizioni normative delle città toscane. Le origini (secoli XII-metà XIII),” *ASI* (2013): 419-81.

especially during the thirteenth century.²⁸ Their writings, and the sense of civic identity they developed, will be discussed below. Bologna, the so-called “republic of notaries,” epitomizes the dense connections among legal professionals, documentary practices, and forms of social and political exclusion under a popular regime.²⁹

Florence possesses an incredible, perhaps unrivaled, collection of sources for the pre-modern period: documentary, narrative, private and public.³⁰ Scholars of all kinds, from art historians to political economists, have been mining Florence’s archival wealth since the nineteenth century. This circumstance, together with the city’s immense cultural patrimony, has undeservedly made Florence the “model and myth” of a popular commune and, more broadly, the Florentine experience representative of those elsewhere in the peninsula.³¹ Although broadly comparable to other urban communes, especially its neighbors Bologna and Siena, Florence was exceptional if not unique in many ways, including its relatively late institutional development as a commune; the degree to which the twelfth-century city was economically and socially distinct from its *contado*; the artificially late beginning of continuous communal documentation; its large population;

²⁸ Edward Coleman, “The Italian communes: recent work and current trends.” *Journal of Medieval History* 254 (1999), 373-397, at 381-82.

²⁹ For a lucid and thorough analysis of recent scholarship on Bologna in relation to other cities, see Massimo Giansante, “Ancora magnati e popolani: Riflessioni in margine a *Politics and Justice* di Sarah R. Blanshei,” *ASI* 637: III (2013): 543-70.

³⁰ The best discussions of the Florentine archives’ judicial material is Andrea Zorzi, “Pluralismo giudiziario e documentazione: il caso di Firenze in età comunale,” in *Pratiques sociales et politiques judiciaires dans les villes de l’Occident à la fin du Moyen Âge*, ed. Jacques Chiffolleau, Claude Gauvard, Andrea Zorzi (Rome, 2007), 174-81, and “The judicial system in Florence in the fourteenth and fifteenth centuries,” in *Crime, society and the law in renaissance Italy*, eds. Trevor Dean & K.J.P. Lowe (Cambridge, 1994) [hereafter “Zorzi, “Judicial system”], 40-58.

³¹ On the Florence-centric tradition, see Maire Vigueur, “Il problema storiografica”.

and Florence's economic importance in Italy and far beyond as a hub of the Mediterranean and European economy.³²

This Florence-centric bias has largely been corrected in the past twenty years as other cities -- especially Bologna and Rome -- have decentered Florence as an archetype for developments elsewhere. Yet the city's medieval and Renaissance documentary patrimony is far from exhausted. In addition to the State Archive and that of the Archbishop, numerous private and religious orders' archives remain understudied or generally off limits to scholars. As this dissertation was nearing completion, a new documentary trove was revealed when Florence's oldest confraternity, the Misericordia (f. 1244) announced that its archives would soon be inventoried and open to the public.³³

The vicissitudes of documentary preservation and destruction have created a paradoxical situation in discussing the Florentine *popolo*. Consistent if damaged public documentation does not begin until 1343, late in the commune's history. Yet the ordinance- and statute-based judicial and executive offices, so characteristic of the *popolo* here as elsewhere in Italy, had been functioning for decades -- in the Podestà's case, functioning in some form since 1207.³⁴ Florentines would have been quite familiar with

³² The scope of the Florentine merchants' network by the early fourteenth century is highlighted in Yves Renouard, "Una spedizione di cereali dalla Puglia in Armenia sequita dai Bardi per conto di Benedetto XII." *Studi Salentini* 18 (Dec., 1964): 242-78.

³³ Maria Cristina Carratù, "Misericordia di Firenze, la vera scoperta è quell'archivio sconosciuto," *La Repubblica*, 18 January 2016 (online version: http://firenze.repubblica.it/cronaca/2016/01/18/news/misericordia_di_firenze_la_vera_scoperta_e_quell_archivio_sconosciuto-131546193/).

³⁴ The authoritative study of the Florentine Podestà and other popular offices is Andrea Zorzi, "I rettori di Firenze: Reclutamento, flussi, scambi (1193-1313)," in *I podestà dell'Italia comunale*, ed. Jean Claude Maire-Vigueuer. Rome, 2000) [hereafter "Zorzi, *I rettori*"], 453-594.

the operation and structure of the foreign-staffed courts by the time documentation begins, as I discuss in Chapter 3.

My main archival sources are the acts of the Executor of the Ordinances of Justice; the Podestà; the Capitano del Popolo; notarial registers (*Notarile Antecosimiano*); and the commune's fragmentary fiscal records, from the treasury (*Camera del Comune*) and its fragmentary tax records (*Estimi*).³⁵ The sections on rural society and its discontents draw mainly on the records of the Executor of the Ordinances of Justice, an office unique to Florence. Established in 1306 and abolished by the Medici in 1435, it was the last court created by a Florentine popular regime and was a direct response to civil war between magnate factions, the Black and White Guelfs. The Executor was entrusted with upholding the Ordinances, although enforcement of these depended on political regime. The registers consist of criminal and civil procedures against female and male magnates, as well as communal officials accused of incompetence, corruption or treason.

The Executor's records are remarkable for many reasons. Most of the Executor's criminal procedures originated from anonymous, written denunciations (*cedulae*; *tamburagioni*). These were lodged in dropboxes (*tamburi*) placed outside the Palazzo del Podestà, today's Bargello. Very few of these denunciations survive in the original; the commune's scribes copied them out and probably then discarded them as procedural ephemera. Yet they preserved the original denunciations' structure, language, and

³⁵ These sources are entitled: Atti dell'Esecutore degli Ordinamenti di Giustizia [EOG]; Atti del Podestà [AdP]; Atti del Capitano del Popolo [AdC]; Camera del Comune [CdC]; Estimo [Est.]; Notarile antecosimiano [NA]. The Archivio di Stato's Sistema Informatico (<http://www.archiviodistato.firenze.it/siasfi/index2.html>) is an excellent guide to the archive's medieval and early modern series.

content. Denunciations were written in a mixture of Latin and Tuscan *volgare*, although their anonymity usually hampers definitive discussion of authorship and motivations-but not always, as chapter 4 demonstrates. They are a fascinating and idiosyncratic, if not unique, source for mundane textual practices in a premodern society.³⁶

Several scholars have preceded me in examining the Executor's registers. Gene Brucker drew on the court's denunciations anecdotally in his history of Florence between 1343-1378.³⁷ Andrea Zorzi and Christiane Klapisch-Zuber reconstructed the origins of the Executor's court and the latter systematically quantified samplings of the court's records in relation to the magnates. Samuel Cohn, Jr., drew on samples from the Executor's acts for his *Laboring classes of Florence*. Claudia Caduff and Carol Lansing reconstructed the normative operations of the court in the 1340s, identifying some patterns in complaints to the court.³⁸ Most previous scholarship based on the Executor's records used them for evidence regarding administrative history, or to reconstruct patterns of magnate criminality and family identity across the later Trecento.³⁹ I expand

³⁶ On the historical practice of petition and denunciation, see Luke Roberts, "The petition box in eighteenth-century Tosa," *Journal of Japanese Studies* 20:2 (1994): 423-458 and the special issue on denunciation of *The Journal of Modern History*, 68:4, *Practices of denunciation in modern European history, 1789-1989* (1996), especially Sheila Fitzpatrick, "Signals from below: Soviet letters of denunciation of the 1930s," at 831-66.

³⁷ Gene A. Brucker, *Florentine politics and society, 1343-1378* (Princeton, NJ., 1962).

³⁸ See Andrea Zorzi, "I rettori" and "the judicial system"; Christiane Klapisch-Zuber, "Vrais et faux magnats: L'application des Ordonnances de Justice au XIV siècle," in *Magnati e popolani nell'italia comunale*, 273-91; "Nobles or pariahs? The exclusion of Florentine magnates from the thirteenth to the fifteenth centuries," *Comparative Studies in Society and History* 39:2 (1997): 215-30; and, above all, her *Retour à la cité: Les magnates de Florence, 1340-1440* (Paris, 2006); Cohn, *The laboring classes*, ch. 3 and statistical appendices (179-204, 211-80); Caduff, "Magnati,"; Lansing, "Magnate violence revisited".

³⁹ See Zorzi, "I rettori", and Cohn, *Laboring classes*.

on this scholarship in my focus on rural communities' reception of the court, approaching the denunciation system as a state technology open to a variety of uses and as an important product of the popular movement and popular identity, which subsequently structured both.

This study's approach to archival material has been shaped by recent work on medieval public justice.⁴⁰ Scholars such as Sarah Rubin Blanshei, Sarah Menzinger, Massimo Vallerani and Giuliano Milani have pioneered the systematic study of medieval judicial material, primarily for Bologna and Perugia, which preserve thirteenth-century documentation lost for Florence.⁴¹ For the fourteenth and fifteenth centuries, Thomas Kuehn and Christiane Klapisch-Zuber have drawn productively on anthropology and ethnography in their reconstruction of the manifold and overlapping solidarities and interstices of Florence's pre-modern families and their interactions with the state.⁴² Recent work on medieval law and society has often used the processual model of legal anthropology, and has supplanted an evolutionary, statist view of medieval justice that

⁴⁰ The best general introduction to medieval Italian law is Mario Ascheri, *The laws of late medieval Italy (1000-1500)*, trans. Anabel Thomas and Sara Elin Roberts (Leiden, 2013).

⁴¹ S. Blanshei, *Perugia, 1260-1340* (Philadelphia, 1980) and *Politics*; S. Menzinger, *Giuristi e politica nei comuni di popolo* (Rome, 2006); G. Milani, *L'esclusione dal comune* (Rome, 2003); M. Vallerani, *Il sistema giudiziario del comune di Perugia* (Perugia, 1991); "Pace et processo nel sistema giudiziario del comune di Perugia," *Quaderni Storici* 101 (1999): 315-53; *Medieval public justice*, trans. Sarah Rubin Blanshei. Washington, D.C., 2012).

⁴² Thomas Kuehn, *Law, family, and women: toward a legal anthropology of renaissance Italy* (Chicago, 1991); *Illegitimacy in Renaissance Florence* (Ann Arbor, 2002); and *Heirs, kin, and creditors in renaissance Florence* (Cambridge, 2004), which collects previous articles; out of Klapisch-Zuber's massive corpus, see the studies collected in *Women, family and ritual in renaissance Italy*, trans. Lydia G. Cochrane (Chicago, 1985), with David Herlihy's valuable historiographical introduction.

prevailed during much of the twentieth century.⁴³ This school approaches disputes and legal proceedings as individual elements in relationships and histories preceding and following a trial.⁴⁴ Medieval states' judicial apparatuses are now seen as deeply enmeshed in the societies they presided over, and a variety of dispute settlement practices were recognized as legitimate by medieval states. I expand on this in my attention to rural non-elites as well as the criminal courts: previous scholars have generally focused on urban populations' use of public justice, usually based on records of civil proceedings.

The unusual richness of Florence's archives provides judicial records that, considered in combination with notarial material, allow reconstruction of the social context of events and rural communities appearing in the Executor's material. Notaries were required to deposit copies of their transactions with the commune, ensuring the legitimacy of the actions recorded. These registers provide invaluable information on every facet of public life, from peace-making to dowries and agricultural contracts. Because registers are limited to a single notary's transactions, however, they are useful primarily for reconstructing that notary's clientele, and by extension social network-not, necessarily, the entire family or community of that notary's clients. This organization also makes it difficult to be sure that one is reading all the relevant material for a given urban neighborhood or rural community. Paolo Pirillo's remarkable encyclopedia of the Florentine and Fiesolano dioceses does, however, allow construction of limited case

⁴³ On processual legal anthropology, see Simon Roberts, *Order and conflict: An introduction to legal anthropology* (New York, 1979); Max Gluckman, "Limitations of the case-method in the study of tribal law," *Law and Society Review* 7 (1973): 611-14;.

⁴⁴ See Sarah Rubin Blanshei's foreword to Vallerani, *Medieval public justice*.

studies of rural communities covered by surviving notarial registers, especially for the first half of the fourteenth century.⁴⁵

I address the complex and problematic authorship, structure, and content of anonymous denunciations at length in Chapter 3. One important point concerns types of crime denounced to the Executor. Assaults, usually non-lethal, are by far the most common magnate crimes appearing in the Executor's *atti*. This does not mean that assaults were the crimes elites most often committed against *popolani*, only that assaults were the type of crime denouncers considered most likely to elicit court action. Thus, the criminal records of the Executor and the commune's other foreign-staffed courts cannot and should not be read as indices of rising, falling or static crime rates.⁴⁶

Scholarship on the medieval communes, rural society, and the state

a. The Italian urban communes: Origins and early developments

The Italian communes have long fascinated European historians.⁴⁷ Ludovico Muratori laid the groundwork for serious study of the Italian Middle Ages with his 27-volume series *Rerum Italicarum Scriptores* (1723-1738).⁴⁸ Two Swiss scholars, J.C.L. de Sismondi and Jacob Burckhardt, pioneered the study of Italian communes' history in the

⁴⁵ Paolo Pirillo, *Forme e strutture del popolamento nel contado fiorentino. I*/II* Gli insediamenti nell'organizzazione dei popoli (prima metà del XIV secolo)* (Florence, 2005); *Forme e strutture del popolamento nel contado fiorentino II: Gli insediamenti fortificati (1280-1380)* (Florence, 2005). See also Pirillo, *Costruzione di un contado* (Florence, 2001) and "La Romagna fiorentina" in *Castelli medievali e neomedievali in Emilia-Romagna*, eds. M. Muzzarelli and A. Campanini (Bologna, 2006), 191-96.

⁴⁶ See Andrea Zorzi's discussion in "The judicial system."

⁴⁷ The best recent surveys of the medieval urban communes as an Italian phenomenon: Chris Wickham, *Sleepwalking into a new world: The emergence of Italian city communes in the twelfth century* (Princeton, NJ, 2015); Vigueur and Faini, *Il sistema*; François Menant, *L'Italie des communes (1100-1350)* (Paris & Berlin, 2005); and Elisa Occhipinti, *L'Italia dei comuni. Secoli XI-XIII* (Rome, 2000).

⁴⁸ *Rerum italicarum scriptores[...]*, ed. Ludovico Muratori; new, corrected edition ed. Giosue Carducci (Città di Castello, 1900).

early nineteenth century. Sismondi lauded the Italian communes as cradles of democracy, while Burckhardt famously praised the Renaissance state as a work of art and Renaissance Italy as the birthplace of individualism.⁴⁹ Study of the communes' origins and popular period flourished in the later nineteenth century as Risorgimento-era historians searched their cities' past for analogues and antecedents to the political earthquake of unification and its aftermath.⁵⁰ This was accompanied by German scholars' ongoing interest in medieval Italian history; between 1896 and 1927, Danziger Robert Davidsohn published what still remains the definitive synthetic history of medieval Florence to 1338.⁵¹

Scholarship on the communes in the later nineteenth and early twentieth centuries mainly concerned itself with legal and political documentary history.⁵² Many studies from this period, such as those of Robert Davidsohn for Florence and Gioacchino Volpe for Pisa, were the definitive studies of the institutional and political evolution of these

⁴⁹ J.C.L. Simonde de Sismondi, *Histoire des Républiques italiennes du Moyen Âge*, 8 vols. (Brussels, 1838-1839).

⁵⁰ Jean-Claude Maire Vigueur, in Maire Vigueur & Enrico Faini, *Il sistema politico dei comuni italiani (secoli XII-XIV)* (Milan, 2010), 2. Among Risorgimento-era historians, see above all Carlo Cattaneo, "La città considerata come principio ideale delle istorie italiane [1858]", in Cattaneo, *Scritti storici e geografici*, ed. Gaetano Salvemini & Ernesto Sestan, vol. 1, 383-437 (Florence, 1957).

⁵¹ Robert Davidsohn, *Geschichte von Florenz* (Berlin, 1896-1927); Italian ed.: *Storia di Firenze*, 8 vols., trans. (Florence, 1956-1968). Davidsohn's house and work are commemorated in a plaque on his former residence in Via della Robbia, 68.

⁵² See, for example, the early works of Robert Davidsohn and Piero Santini on Florence: Davidsohn, "Origine del Consolato, con speciale riguardo al contado di Firenze-Fiesole," *ASI V*: IX (1892), 225-49, and Santini, *Documenti sull'antica costituzione del comune di Firenze* (Florence, 1895); ed., "Nuovi documenti sull'antica costituzione del comune di Firenze" in *ASI V*: XIX (1897), 276-325; and *Studi sull'antica costituzione del comune di Firenze: Ricerche di storiografia fiorentina* (Rome, 1972 [1908]).

cities until recently, and remain important references.⁵³ Volpe's 1904 study "Fundamental questions on the origins and early development of the Italian communes" would in particular have an impact entirely out of proportion to its brevity, as it introduced socioeconomic factors into the discussion of communal origins.⁵⁴

These *fin-de-siècle* studies were firmly grounded in the constitutional and formal political preoccupations of most nineteenth-century history.⁵⁵ This partially explains their long-term value: Gaetano Salvemini's edition of the 1295 Ordinances of Justice remained a standard reference until quite recently.⁵⁶ Yet their conception of the commune, urban and rural, now looks schematic and overly concerned with formal political structures as the sole indicators of sociopolitical development. For example, the first mention of the consulate, the most important office of the early communes, was usually taken as synonymous with the existence of the commune as a self-governing entity autonomous from bishop, emperor, and feudal lord.⁵⁷ This formalistic and constitutional approach to the communes' history was not superseded until the late twentieth century.⁵⁸

⁵³ Robert Davidsohn, [German ed.]; G. Volpe, *Studi sulle istituzioni comunali a Pisa*, 2nd ed. (Florence, 1970). On Volpe's work, see Ovidio Capitani, "Giacchino Volpe, storico del medioevo" in Capitani, *Medioevo passato prossimo. Appunti storiografici tra due guerre e molte crisi* (Bologna, 1979), 191-210.

⁵⁴ Giacchino Volpe, "Questioni fondamentali sull'origini e primo svolgimento dei comuni Italiani" in Volpe, *Medio evo Italiano* (Bari, 1961), 85-118.

⁵⁵ See Chris Wickham's useful discussion of the issue in regard to the historiography on rural communes, in *Community and clientele in twelfth-century Tuscany* (Oxford, 1994), 1-6.

⁵⁶ Salvemini reproduced the 1295 Ordinances as an appendix to his 1899 work *Magnati e popolani in Firenze dal 1280 al 1295*. This was not included in the 1966 reprint (Ernesto Sestan, ed. (Milano, 1966 [1899])). The standard edition is now that of Silvia Diacchiati and Andrea Zorzi: *La legislazione antimagnatizia a Firenze* (Rome, 2013). All references in this study are to this edition unless otherwise noted.

⁵⁷ Maire Vigueur, *Il sistema*, 8-9.

⁵⁸ Maire Vigueur, *Il sistema*, 8.

The last twenty years have seen a remarkable revival of historiography on the Italian communes' political history.⁵⁹ Recent scholarship emphasizes the communes' slow, fitful, and above all unconscious emergence over the later eleventh and twelfth centuries.⁶⁰ Communes are now seen as the product of compromise, rather than heroic revolts against episcopal power.⁶¹ Different sectors of urban society's ruling group, such as the bishops and the military men and professionals who comprised the urban elite, typically were unable to fully dominate cities and thus were forced to compromise among themselves and, to a certain extent, with non-elite citizens.⁶² This elite, which would become more heterogeneous in the thirteenth century, had to improvise measures of basic urban government, from hearing justice to maintaining the walls and gates and, in a river town such as Florence, building and repairing bridges.⁶³ Urban elites took over running the cities because there was no one else to do so.

During the early twelfth century, political power gradually slid, if it did not quite fall, into the streets of the Italian cities.⁶⁴ This resulted in large part from the damage done by the Investiture Controversy, from 1076 onward.⁶⁵ This, the most famous episode in the Roman Church's eleventh-century reform movement, progressively undermined

⁵⁹ Edward Coleman, "The Italian communes: recent work and current trends." *Journal of Medieval History* 254 (1999), 373-397, is a survey of scholarship to 1999.

⁶⁰ Wickham, *Sleep walking*, 66.

⁶¹ Cremona was an exception; the Cremonesi had been fighting their bishop off and on since the mid-eleventh century: Wickham, *Sleep walking*, 175-76.

⁶² See Maire Vigueur, *Il sistema*, 20-24, for the bounds of political participation in the consular period.

⁶³ Lansing, *Florentine magnates*, 9.

⁶⁴ Chris Wickham, "The 'feudal revolution' and the origins of Italian city communes," *Transactions of the RHS* 24 (2014): 29-55, compares the Italian situation to an earlier but analogous situation in early Capetian France.

⁶⁵ See Wickham's usefully schematic discussion of the collapse of the kingdom, *Sleep walking*, 198-202.

traditional sources of authority in the cities and eroded the ability of central powers north of Rome to control local developments. The controversy was deeply divisive. The civil war of the 1080s-1090s, the most famous episode of which is the 1084 sack of Rome, fractured the Italian Kingdom (*Regnum Italicum*; *Regnum Italiae*). The kingdom's titled elites usurped public offices, sometimes carving private lordships (*signorie*) out of royal or ecclesiastical land. Some cities hosted rival bishops, appointees of pope and emperor. This undermined the authority of the bishop's office, although as usual in Italy, no single experience is entirely representative of developments elsewhere. Lucca, Florence, and Arezzo are close geographically, yet developed in different directions during the early communal period, in part because the bishops of these towns held different positions vis-à-vis their flock and local elites. Arezzo's count-bishops already had power in the *contado*, and Lucca's bishops had ample holdings in the Lucchese.⁶⁶ In contrast, the Florentine bishops possessed no public powers, and consequently had to build up a rural patrimony in the twelfth and thirteenth centuries. They did so slowly and with great effort, as George W. Dameron has shown,⁶⁷ working as allies -- initially senior, progressively more junior -- of the Florentine commune, in the most famous of the

⁶⁶ Chris Wickham in Maria Elena Cortese, *Signori, castelli, città. L'aristocrazia del territorio fiorentino tra X e XII secolo*. Florence: Leo S. Olschki Editors, 2007) [hereafter "Cortese, *Signori*"], x.

⁶⁷ See George W. Dameron, *Episcopal Power and Florentine Society, 1000-1320* (Cambridge, MA: Harvard UP 1991) [hereafter Dameron, *Episcopal power*], 68-92, for the twelfth-century situation and "Episcopal lordship in the diocese of Florence and the origins of the commune of San Casciano Val di Pesa, 1230-1247," *Journal of Medieval History* 12 (1986): 135-54, for thirteenth-century developments in the Val di Pesa.

conquests of the *contado* that appear in older textbooks on the twelfth- and thirteenth-century communes.⁶⁸

Recent scholarship now recognizes the improvised, often intermittent, nature of early urban communes.⁶⁹ The communes had to establish themselves as the hegemonic power within the cities; this was not a given, especially in the early twelfth century. Communal office-holding in the formal sense of consuls and their personnel, usually including legal experts (*iudices; iurisperiti*), were only one among many avenues of action for ambitious men and their families.⁷⁰ Usurpation and privatization of old comital titles and their privileges, membership in the bishop's entourage, landholding, and castle-holding were other means of building up socioeconomic capital and access to political resources.⁷¹ Until the mid-twelfth century, some consulates were evanescent, *ad hoc* offices used for specific purposes, such as the famous Genoese trading and maritime *Compagna*.⁷²

The communes were local elites' piecemeal, emergency response to a deteriorating situation. This ruling elite was, however, usually one level below the

⁶⁸ On the break between city and countryside lying behind this, see Cortese, *Signori*, 209-48.

⁶⁹ On "evanescent" or "latent" communes in the Romagna and Veneto, see Wickham, *Sleep walking*, 177-84. Enrico Faini, *Firenze nell'età romanica (1000-1211)* (Florence, 2010), at 223-48, analyzes the early Florentine commune and its relationship with the city's bishops, stressing the twelfth-century commune's informal and "latent" nature.

⁷⁰ On the variety of activities within Florence's consular-era elite, see Enrico Faini, "Il gruppo dirigente fiorentino dell'età consolare," in *ASI CLXII* (2004), 199-231.

⁷¹ See Maire-Vigueur, *Il sistema politico*, 5-8, for a lucid discussion of urban powers within the late eleventh century, and Faini, *Firenze*, 230-48, reconstructs the vicissitudes of the Florentine elite and the episcopate between eleventh and twelfth centuries.

⁷² On the emergence of the Genoese commune and its early maritime activities, see Steven A. Epstein, *Genoa & the Genoese, 958-1528* (Chapel Hill & London, 1996), 33-53.

greatest noble families of the late *Regnum Italicum* and adjoining areas.⁷³ The kingdom's old first-level elite, such as the Counts Guidi and Alberti (Tuscany) or the Obertenghi (Piedmont, Liguria), had a more ambiguous relationship to the communes. Northeast Tuscany's first-tier families abandoned Florence in the early twelfth century, and subsequently became one of the commune's many local nemeses.⁷⁴ In the Lombard cities, the feudal nobility played a much more important role in the early commune; Milan is the historiographical archetype of an "aristocratic commune."⁷⁵

Recent scholarship on the communes has broadened the ambit of "communal Italy" to include regions and experiences previously ignored, or treated as atypical. Little-studied regions such as Le Marche or small centers such as Asti have supplemented a traditional focus on the Tuscan cities.⁷⁶ Paralleling the Mezzogiorno's tormented place within the modern Italian nation-state, the South (traditionally understood as the islands and mainland south of Rome) traditionally has been excluded from discussion of the

⁷³ A good study of early medieval territorial organization is Tiziana Lazzari, "Campagne senza città, territori senza centro. Per un riesame dell'organizzazione del territorio della penisola italiana fra tardo-antico e alto medioevo (secoli VI-X)" in *Città e campagna nei secoli altomedievali* (Spoleto, 2009), 621-58.

⁷⁴ On the early Florentine commune's relationship with its territory, see Faini, *Firenze*, 320-32.

⁷⁵ Abandonment of the city: Cortese, *Signori*, 231-36; on Milan, see most recently Wickham, *Sleep walking*, 137-42; on the exceptionality of the Lombard cities, Maire Vigueur, *Il sistema*, 22.

⁷⁶ On the east-central regions, see Maire-Vigueur, *Comuni e signorie in Umbria, Marche, e Lazio*. Turin, 1987); see also *Magnati e popolani nell'Italia comunale* (Pistoia, 1997), with articles on Liguria, Asti, and Piacenza. Tiziana Lazzari, "Milites a Imola: La lista dei cavalli (1319) e la struttura sociale urbana" in *Studi sul Medioevo per Andrea Castagnetti*, eds. M. Bassetti, A. Ciaralli, M. Montanari, G. M. Varanini (Bologna, 2011. 219-40, is a fine study of the *milites* in a small, perhaps typical Romagnole city.

communes.⁷⁷ Recent work argues, however, that some cities in the high-medieval Mezzogiorno, such as Gaeta and Amalfi, were developing in the eleventh century toward “proto-communes,” a process usually seen as stifled by the Normans.⁷⁸ This effort to normalize the southern experience in traditional terms is, perhaps, less interesting than efforts to understand the points of real divergence and contrast between the South and the northern city-states.⁷⁹ David Abulafia’s work has shown how the northern communes of the later Middle Ages, especially Florence, exploited southern agricultural surpluses and royal privileges to enrich themselves and ensure grain supplies.⁸⁰ Recent work by Sandro Carocci on rural southern lordships between the twelfth and thirteenth centuries and Eleni Sakellariou on Angevin-era justice demonstrates how compelling the medieval Mezzogiorno is in its own right, and how much remains to be done on southern topics, across the full medieval period.⁸¹

⁷⁷ The traditional view of the South is discussed in Patricia Skinner, “Politics and piracy: the duchy of Gaeta in the twelfth century,” *Journal of Medieval History* 21 (1995): 307-319. Other important work on the South includes: Barbara M. Kreutz, *Before the Normans. Southern Italy in the ninth and tenth centuries* (College Park, PA, 1996); Joanna Drell, *Kinship and conquest. Family strategies in the principality of Salerno, 1077-1194* (Ithaca, 2002); and Valerie Ramseyer, *The Transformation of a religious landscape. Medieval southern Italy, 800-1100*. Ithaca, 2006).

⁷⁸ The best work on political developments under the Normans is Paul Oldfield, *City and community in Norman Italy* (Cambridge: Cambridge UP, 2011). See also the same author’s “Rural settlement and economic development in southern Italy: Troia and its *contado*, c. 1020-c. 1230,” *Journal of Medieval History* 31 (2005): 327-345.

⁷⁹ See David Abulafia, *The two Italies. Economic relations between the Norman kingdom of Sicily and the northern communes*. Cambridge, 2005) and, for a much later period, Eleni Sakellariou, *Southern Italy in the late Middle Ages* (Leiden, 2012).

⁸⁰ See David Abulafia, “Southern Italy and the Florentine Economy, 1265-1370,” *Economic History Review* 33 (1981): 377-88 and “Grain Traffic out of the Apulian Ports on Behalf of Lorenzo de Medici, 1486-7,” in *Mediterranean Encounters, Economic, Religious, Political, 1100-1550* (Aldershot, 2000), and the monograph *The two Italies*.

⁸¹ See Sandro Carocci, *Signorie dei Mezzogiorno. Società rurali, poteri aristocratici e monarchia (XII-XIII secolo)* (Rome, 2014), the authoritative study of the subject, especially, for the problem of southern historiography, 17-32; and the same

Study of the later thirteenth-century popular communes has focused on two major themes, oligarchy and the magnate-*popolo* struggle, as well as civic identity. “Civic identity” refers here to the urban communes’ collective sense of membership in a bounded community, constructed around religious practice; a sense of a shared past (albeit often mythologized or fictitious), and cultural production, above all in the form of the communes’ crowning glories -- public palaces and religious monuments. Communal society relied as much on exclusion as inclusion, and a large body of scholarship exists on the most famous of the excluded, political exiles and proscribed magnates. Yet the communes excluded many other groups; most obviously, women typically were barred from public life.⁸²

Other categories of the excluded varied with period and regime, but partial or total exclusion from political life, not to mention confiscation of goods and exile, were the fate of those whom a commune deemed damaging to the public good. Massimo Vallerani has demonstrated how political exigencies combined with developments in juridical practice and theory to create an identifiable “ideology of the penalty” applicable to those whose negative public reputation (*mala fama*) denoted their inability to live according to the

author’s study of Lazio’s elite, *Baroni di Roma. Dominazioni signorili e lignaggi aristocratici nel Duecento e nel primo Trecento* (Rome, 1993). Among Eleni Sakellariou’s many works, see in particular “Il principato di Taranto e l’oriente latino nel tardo Medioevo,” in *Il principato di Taranto (secc. XII-XV): atti del Convegno Internazionale di Studi, Napoli, 1-3 Dec. 2011* (Rome, 2013) [forthcoming]; “I centri minori del Regno di Napoli nel tardo medioevo. Problemi e prospettive,” *Incontri Mediterranei* 5.1 (9) (2004): 194-207; and “Royal justice in the Aragonese kingdom of Naples: Theory and the realities of power,” *Mediterranean Historical Review* 26:01 (2011), 31-50.

⁸² The early Milanese general assembly (*concio*) appears to have included some element of the city’s female population in 1117: Wickham, *Sleep walking*, 62-63.

popolo's "legalistic orthodoxy."⁸³ The frequency with which communal courts temporized, through amnesties and the use of peace settlements, should not conceal the deeply conflictual character of the communes; rather, this temporizing should be seen as a strategy to defuse potentially destructive disputes.

Until the late twentieth century, studies of the commune emphasized the supposedly secular aspects of the urban communes' culture and self-perception. This was attributable to the anti-clerical bent of much Risorgimento- and Liberal-era Italian-language scholarship, which ignored the role of the church in the communes' history when not regarding it as an active impediment to the city-states' development.⁸⁴ In the past two decades this has changed, as a series of studies demonstrated the centrality of the church to every aspect of communal life, from ritual processions to urban landowning.⁸⁵ The continuing importance of bishops in public life after the eleventh century is now clear.⁸⁶ Augustine Thompson's revisionist *Cities of God* (2005) reconstructed every aspect of the cities' orthodox Catholic religious life, from baptism in the Duomo to death and burial. Thompson demonstrated the communes' concern for religious orthodoxy in every facet of life, although he possibly overstated the zealousness with which Italians assented to external interference in urban life, such as the mendicant-staffed inquisitions of the late thirteenth century. Recent scholars have also focused on the contested politics

⁸³ *Medieval public justice*, trans. Sara Rubin Blanshei (Washington, D.C., 2012) [hereafter Vallerani, *public justice*], 67. See Vallerani, *public justice*, 65-72, for the thirteenth-century communes' punitive language and system of amnesties and exceptions.

⁸⁴ See George W. Dameron's discussion in *Episcopal power*, 3-8, with the scholarship cited in footnotes.

⁸⁵ See Mary Doyno, "Urban religious life in the Italian communes: the state of the field," *History Compass* 9:9 (September 2011), 720-30, for a clear discussion of recent historiography on the subject.

⁸⁶ See Maureen C. Miller, *The formation of a medieval church* (Ithaca, NY, 1993) and *The bishop's palace* (Ithaca, NY, 2000).

of sainthood: the civic role holy patrons such as the Virgin Mary and purported holy people, living or dead, played in family strategies and public affairs.⁸⁷

The question of oligarchy is deeply intertwined with historiography on the struggle between the Italian cities' *popolani e magnati*.⁸⁸ Italian medieval history here parallels a major preoccupation of twentieth- and early twenty-first-century political philosophy and sociology: oligarchy, its historical forms, and its supposed inevitability.⁸⁹ Twentieth-century theorists of oligarchy, such as Italian sociologist Vilfredo Pareto and the American James Burnham, held that government, whatever its nominal form, was oligarchical in essence.⁹⁰ This fixation on the gap between political form and content was also a theme of Anglophone pre-modern historians, especially Roman historian Ronald Syme and medievalist Philip Jones.⁹¹ Skepticism or cynicism towards the century's various quasi-religious ideologies explains some of these academics' oligarchic essentialism. In some cases, this cynicism arose in reaction to previous faith in these ideologies.⁹² Theories of oligarchic closure played the role of a theodicy for some embittered ex-Communists, following the erosion of faith in the millenarian prospects

⁸⁷ See in particular: Carol Lansing, *Power and purity: Cathar heresy in medieval Italy* (Oxford, 1996); F.T. Luongo, *The saintly politics of Catherine of Siena* (Ithaca, 2006); Brad Franco, *The legend of Montaperti* (Siena, 2012); and, for fourteenth-century Rome, Bianca Lopez, "Between court and cloister: the life and lives of Margherita Colonna," *Church History* 82: 3 (2013), 554-75.

⁸⁸ Silvia Diacchiati, *Popolani e magnati. Società e politica nella Firenze del Duecento* (Spoleto, 2011).

⁸⁹ A good study of oligarchy, with useful case studies of specific regimes, is Jeffrey A. Winters, *Oligarchy* (Cambridge, 2011).

⁹⁰ Vilfredo Pareto, *Borghesia, élites, fascismo*, ed. Marcalio Veneziani (Rome, 1981); James Burnham, *The managerial revolution* (New York, 1941).

⁹¹ See Ronald Syme, *The Roman Revolution* (Oxford, 2002 [1939]), especially 149-161, and, by Jones, "Communes and despots. The city-state in late-medieval Italy." Reprinted in *Communes and despots in medieval and renaissance Italy*, eds. John E. Law and Bernadette Paton, 3-26. London: Ashgate, 2010 [1965].

⁹² See Hannah Arendt's 1953 piece, "The ex-Communists," in *Essays in understanding, 1930-1954* (New York, 1994), 391-400.

that the Bolshevik Revolution and the early years of Soviet power had aroused worldwide.⁹³

The European civil war of 1914-1945⁹⁴ and its opposing ideologies deeply influenced scholarship on the Italian cities. Historians of pre-modern Europe, no less than anyone else, were profoundly affected by the collapse of nineteenth-century liberal values in the face of total war, economic crisis, and social revolution.⁹⁵ The globalized ideological polarization of the Cold War era also profoundly shaped historians' interpretations of the nature and ideological stakes of economic development and social conflict in the pre-modern past. American scholars in particular have as a rule avoided serious engagement with historical materialism in any form.⁹⁶

Perhaps it is more accurate to say that since its inception, the study of Italian history has been shot through with the language, expectations and preconceptions of the

⁹³ This seems to have been the case with Burnham. See Orwell, "James Burnham and the managerial revolution" [1946] and "Burnham's view of the contemporary world struggle" [1947], both in *Essays* (New York, 2002), at 1052-72 and 1215-18, respectively. The classic account of the initial enthusiasm October aroused is John Reed, *Ten days that shook the world* (New York, 1977 [1919]; see also E.J. Hobsbawm, *The age of extremes* (New York, 1994), 54-84.

⁹⁴ Enzo Traverso fully articulates this idea in *Fire and blood: The European civil war, 1914-1945*, trans. David Fernbach (New York, 2016). Eric Hobsbawm, *Age of extremes*, 144, succinctly argued for the period as one of civil war: "Indeed, the politics of the West [in the 1930s]...can best be understood, not through the context of states, but as an international ideological civil war...."

⁹⁵ On the interwar intellectual climate at Cambridge University and among interwar Communists, see Hobsbawm, *Interesting times* (New York, 2002), 100-51. On "the fall of liberalism," see Hobsbawm, *Age of extremes*, 109-41.

⁹⁶ The best example of this is Frederick C. Lane's classic "At the roots of republicanism," *AHR* 71 (1966): 403-274, a eulogy to the communes' nominal "republicanism". The piece is as valuable for the study of Cold War ideology as it is for medievalist historiography.

European long nineteenth century.⁹⁷ Popular legislation and popular movements, such as the Florentine Ciompi rebels of 1378, have often been evaluated according to ideological or moral preference, rather than the sources. How “bourgeois” were the *popolo grasso*, and how “proletarian” were the *popolo minuto*? How “revolutionary” was a revolt? Was it a social or “merely” political revolution? Radical, liberal, or (proto-) Communist? Even after the Cold War, social scientist Robert Putnam appropriated the communes -- or perhaps the version of the communes as they exist in the Anglophone imagination -- to explain the comparative strength of postwar northern Italian “civil society.”⁹⁸ Northern economic prosperity had medieval roots, as did southern “backwardness” and Edward Banfield’s “amoral familism”, a concept that at least wore its moralizing, developmentalist colors on its sleeve.⁹⁹

I reject this lexicon of the long nineteenth century as inadequate for explaining the polycentric nature of medieval social conflict.¹⁰⁰ In a series of recent studies, Patrick Lantschner has demonstrated this conflictual aspect of urban politics. I expand upon his work, to argue that-in some cases, at least-rural communities also featured polycentric

⁹⁷ The best discussion of this problem, regarding Florentine history, is Patrick Lantschner, “The ‘Ciompi Revolution’ constructed: Modern historians and the nineteenth-century paradigm of revolution.” *Annali di Storia di Firenze* 4 (2009): 277-97.

⁹⁸ Robert D. Putnam with Robert Leonardi and Raffaella Y. Nanetti, *Making democracy work* (Princeton, 1993). The book provoked a flurry of criticism and condemnation from all quarters. See Paul Ginsborg, *Italy and its discontents* (London, 2003), 106-07, the special issue of *Journal of Interdisciplinary History* 29 (1999), in Edward Muir, “The sources of civil society in Italy,” at 370-406, and the conference volume *Sociability and its discontents*, eds. Nicholas A. Eckstein and Nicholas Terpstra (Turnhout, 2009).

⁹⁹ Edward C. Banfield with Laura Fasano Banfield, *The moral basis of a backward society* (New York, 1958). On the issue of “backwardness” see Sandro Carocci’s justifiably exasperated “L’ossessione dell’arretratezza” in *Signorie di Mezzogiorno*, 26-28, and more broadly, Carlo Tullio-Altan, *La nostra Italia: Arretratezza socioculturale, clientelismo, trasformismo e ribellismo dall’Unità ad oggi* (Turin, 1986).

¹⁰⁰ See Patrick Lantschner, “Revolts,” and *Logic*.

conflict as an element in their normative social life. I furthermore follow Alma Poloni in arguing that the real question is not what the *popolo* means to modern scholars or ideologists (or scholar-ideologists), but rather what it meant to those who constituted it, in the medieval past.¹⁰¹ In this spirit, I focus on the logic of non-elite behavior within the institutions and discursive identities created by Florence's popular regimes, while emphasizing the popular coalition's fissiparous nature even at its height, and of the society that produced it. I try to avoid interpreting certain events or texts as emblematic of future developments, whether these are Renaissance civic humanism, the rise of the early modern principalities (*signorie*), or the communes' supposed modernity.¹⁰²

b. Class and social conflict in the medieval communes

The debate over the communes' ruling class (*ceto dirigente*) originates with Gaetano Salvemini's 1899 classic, *Magnati e popolani in Firenze dal 1280 al 1295*.¹⁰³ The young socialist historian argued that the exclusion of some sectors of Florence's elite (the magnates) from political office and their exclusion from some political and legal rights represented a medieval antecedent to the Marxist narrative of 1789. A rising

¹⁰¹ Poloni, *Potere al popolo*, 6-7: "Ciò che dobbiamo domandarci, forse, non è che cosa significa il popolo per noi, che cosa ci ha lasciato, ma che cosa ha significato per quelle persone, per coloro che hanno fondato quel movimento politico, sociale e culturale e vi hanno investito risorse ed energie."

¹⁰² On civic humanism see above all Hans Baron, *The crisis of the early Italian renaissance* (Princeton, NJ, 1966 [1955]), and James Hankins, "The 'Baron Thesis' after forty years and some recent studies of Leonardo Bruni," *Journal of the History of Ideas* 56 (1995): 309-38; Ronald G. Witt, *In the footsteps of the ancients. The origins of humanism from Lovato to Bruni* (Boston, Cologne, Leiden, 2000). On "republicanism" and the Renaissance, see: Frederick C. Lane, "At the roots of republicanism," *AHR* 71 (1966): 403-274; Anthony Molho, "The Italian renaissance, made in the U.S.A.," in *Imagined histories*, eds. A. Molho & G. Wood (Princeton, NJ, 1998), 263-94; "Edward Muir, "Was there republicanism in the renaissance republics? Venice after Agnadello," in *Venice reconsidered*, eds. J. Martin & D. Romano (Baltimore, 2000), 137-67.

¹⁰³ Gaetano Salvemini, *Magnati e popolani in Firenze dal 1280 al 1295* (Florence, 1899). The 1966 reprint did not reproduce the extremely valuable documentary appendices.

bourgeois, confident in its cultural no less than economic supremacy, overcame and excluded from power an older “feudal” nobility through the popular leadership’s effective mobilization of the *popolo* against the nobility. Salvemini’s work retained much of value even after his main argument -- that the late medieval city’s social conflicts were in fact a class struggle in the classic Marxist sense -- had been disproven.¹⁰⁴

Nicola Ottokar passionately assailed Salvemini in his *Il Comune di Firenze alla fine del Duecento* (1926).¹⁰⁵ Ottokar, a Baltic German aristocrat and intellectual of the old regime, became an exile in Fascist Italy after the Bolshevik Revolution and Russian Civil War (1917-1921).¹⁰⁶ Although this was never explicit, it is hard not to see his view of these traumatic events behind his interpretation of Florentine history as one of oligarchy and oligarchic factionalism, in all periods. Ottokar rejected Salvemini’s class struggle thesis, based on a prosopographical study of the communes’ public records for 1280-1294. Rejecting economic factors, Ottokar portrayed the social conflicts of the late Duecento as simple power struggles between effectively identical segments of Florence’s ruling class. In Ottokar’s view, the leaders of the second popular regime of 1293 reacted to their lack of political power by mobilizing the *popolo minuto* to break the magnates and increase their share of power in the commune’s institutions.¹⁰⁷

Ottokar evaluated this period in starkly constitutional terms: because the “factual dictatorship of the popular masses” of the 1290s did not restructure the Commune’s

¹⁰⁴ See Sarah Rubin Blanshei’s discussion of the Salvemini and Ottokar “schools” in *Politics*, 1-6.

¹⁰⁵ Nicola Ottokar, *Il Comune di Firenze alla fine del Duecento* (Turin: Einaudi, 1962 [1926]) [hereafter Ottokar, *Il comune*].

¹⁰⁶ See Ernesto Sestan’s critical introduction to Ottokar, *Il comune*, x-xii, for a sketch of his life.

¹⁰⁷ Ottokar, *Il comune*, 199-200.

constitution, no revolution or social change of any significance took place in medieval Florence.¹⁰⁸ The *popolo minuto* is reduced here to a singularly mindless entity, incapable of acting for itself, let alone contributing anything to elite political culture. The “dictatorship of the popular masses” does not, and is not intended to, raise them above their current condition; rather, they were mobilized only to supply the “force and energy” for the popular elite’s machinations.¹⁰⁹ Reading this in conjunction with Ottokar’s cryptic allusions to contemporary events, it is hard not to conclude that the exiled White medievalist was using the events of 1917 as a thinking device in his analysis of the 1290s.¹¹⁰

Ottokar did not provide a new explanatory model to replace Salvemini’s historical materialism, but his work was of fundamental importance in Italian medieval studies.¹¹¹

Ottokar’s assessment became the standard explanation for political change in the thirteenth-century commune: the magnates and *popolo* were simply competing factions of an oligarchy.¹¹² The struggle between magnates and *popolo* was for political power, in

¹⁰⁸ Ottokar, *Il comune*, 199: “Da un altro, la dittatura di fatto delle masse popolari, non segnò nessun mutamento nella struttura costituzionale del Comune.”

¹⁰⁹ Ottokar, *Il comune*, 200: “È naturale che un movimento, rivolto contro lo spadroneggiare di una ristretta oligarchia dirigente, dovesse appoggiarsi su larghi strati popolari e da essi attingere la sua energia e la sua forza. Da qui l’importanza delle masse del popolo minuto (direi quasi della piazza) nella situazione politica degli anni 1293-94. » Compare this with George Orwell’s summary of “realism,” in ‘James Burnham,’ 1053 : “In each great revolutionary struggle [according to Burnham.] the masses are led on by vague dreams of human brotherhood and then, when the new ruling class is well established in power, they are thrust back into servitude. This is practically the whole of political history, as Burnham sees it.”

¹¹⁰ See in particular Ernesto Sestan’s discussion in *Il comune*, xiv-xv, at xv.

¹¹¹ See Sestan in *Il comune*, xvii-xviii.

¹¹² Desiderio Cavalca, “Il ceto magnatizio a Firenze dopo gli ordinamenti di giustizia,” *Rivista di storia del diritto italiano* 40-41 (1967-68): 85-132, and Andrea Zorzi, “Politica e giustizia a Firenze al tempo degli ordinamenti antimagnatizi” in *Ordinamenti di giustizia fiorentini*, ed. Vanna Arrighi (Florence, 1995), 105-47.

which the *popolo*'s leading group of legal professionals and elite merchants supplanted older, more established families from office. They mobilized the *popolo minuto* against the most violent and atavistic elements of the elite by labeling them magnates and subjecting them to various political and financial penalties. For Ottokar, communal history was the history of oligarchy, just as Roman Republican history was such for the Baltic German's contemporary, British Roman historian Ronald Syme.¹¹³ Ottokar's paradigm would not be challenged until 1978, when a team of four scholars demolished it through meticulous prosopographical studies of four Florentine regimes.¹¹⁴ This study did not, however, offer an explanation of the turnover in the ruling group that the four historians had identified.

In Philip Jones' work, a negative assessment of the significance and capabilities of the *popolo* reached "a kind of historiographical apotheosis," in Sarah Rubin Blanshei's apposite words.¹¹⁵ Jones argued that the popular regimes failed to create a stable political order in part because of their narrow political base. While he acknowledged the significance of the *popolo* in his exhaustive *The Italian city-states* (1997), he maintained a negative evaluation of the popular communes. This paradigm of elite tenacity and popular failure remained dominant until the 1990s.¹¹⁶

¹¹³ Sestan in Ottokar, *Il comune*, xvi; Ronald Syme, *The roman revolution*, 7.

¹¹⁴ S. Raveggi, M. Tarassi, D. Medici, and P. Parenti, *Ghibellini, Guelfi e popolo grasso: I detentori del potere politico a Firenze nella seconda metà del Duecento* (Florence, 1978). The study remains a classic and invaluable resource.

¹¹⁵ Blanshei, *Public justice*, 3.

¹¹⁶ Giansante, "Ancora," 550-51. The two major exceptions were John Koenig, *Il 'popolo dell'Italia del Nord nel XIII secolo* (Bologna, 1986), and John Grundman's 1974 dissertation, published as *The popolo at Perugia, 1139-1309* (Perugia, 1992). The former provoked a nasty reaction by Pierre Racine, "Le 'popolo': groupe social ou group de pression?" *Nuova Rivista Storica* 73 (1989): 133-50.

Change in family structure during a period of headlong urbanization and economic growth is an important cognate question to that of the conflict between magnates and *popolo*.¹¹⁷ Jacob Burckhardt's contention that urbanization contributed to the breakup of the medieval extended kin group and the emergence of the "nuclear" family lies behind much of this scholarship, as a claim to expand upon or refute.¹¹⁸ Richard Goldthwaite, in an important 1968 study, argued on economic grounds that during the early Renaissance, elite extended kinship groups fragmented into more individuated families.¹¹⁹ The evolution, strategies, and fate of the prescribed elite lineages forms the subject of two of the best recent studies of the Florentine magnates, Christiane Klapisch-Zuber's *Retour à la cité* (2006) and Carol Lansing's *The Florentine Magnates* (1991). The latter's *Florentine Magnates* focused on the twelfth- and thirteenth-century evolution of forms of family solidarity, such as the property-owning *consorteria*, and non-family forms of association, such as tower societies.¹²⁰ She identified the

¹¹⁷ The best single-volume introduction to medieval family history is the article anthology *Medieval families: perspectives on marriage, household & children*, ed. Carol Neel (Toronto, 2004), especially the pieces by Diane Owen Hughes and David Herlihy. The best summary discussion of Italianist scholarship in this very large field is Jones, *Italian city-state*, 298-307, with copious footnotes. For medieval family structure and social change, see above all: Jacques Heers, *Le clan familial au Moyen-Âge* (Paris, 1974) and *Espaces publics, espaces privés dans la ville: Le 'Liber Terminorum' de Bologne (1294)*; (Paris, 1984); Diane O. Hughes, "Urban growth and family structure in medieval Genoa," *Past and Present* 66 (Feb. 1975): 3-28; Lansing, *Florentine magnates*; and Christiane Klapisch-Zuber, "Ruptures de parenté et changements d'identité chez le magnats florentins du XIVe siècle" in *Annales: E.S.C.* 43 (1988):1205-1240, and *Retour à la cité: Les magnates de Florence, 1340-1440* (Paris, 2006).

¹¹⁸ See Stephen J. Milner, "Partial readings: Addressing a Renaissance archive," *History of the Human Sciences* 12:89 (1999): 89-105, for Burckhardt's paradigms and their effect on later archival work by Florentinists.

¹¹⁹ Richard A. Goldthwaite, "The Florentine palace as domestic architecture," *AHR* 77 (Oct. 1972): 977-1012, and *Private wealth in renaissance Florence* (Princeton, NJ, 1968).

¹²⁰ See Lansing, *Florentine magnates*, 29-35.

development of patrilineages among the urban elite as a major consequence of urbanization, as families attempted to protect and expand family holdings in their urban neighborhoods and in the *contado*. Lansing linked magnate culture, its ethos of knighthood and personal honor, to the *popolo*'s attempts at reining in elite violence and pacifying the city.¹²¹

Numerous scholars have studied the Florentine commune's governing machinery and constitution.¹²² I concentrate instead on the magnate-*popolo* conflict from the angle of its impact on official discourse -- composed of the Ordinances of Justice, statutes, and denunciations to the commune -- and the strategies and rhetoric of rural people in their interactions with the commune's popular courts. These come into focus in the second part of the study. I follow recent scholarship in rejecting Ottokar's paradigm of oligarchical stasis within a narrow and relatively static ruling class, if not the popular regimes' oligarchical tendencies as such.

I expand in particular upon two scholars of the thirteenth century, Silvia Diacciati and Sarah Rubin Blanshei. In a series of articles and her landmark *Popolani e magnati* (2011), Diacciati has produced an exhaustive group portrait of the Florentine magnates, their origins, and their thirteenth-century struggle with the *popolo*.¹²³ Diacciati developed a much larger prosopographical database than previous scholars such as Ottokar,

¹²¹ Lansing, *Florentine magnates*, 145-63.

¹²² The classic on Florentine electoral procedures is John M. Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280-1400* (Chapel Hill, 1982). On Florentine government and administration as sites of conflict and institutionally, see more recently Lantschner, *Logic*, 131-51, and Francesca Klein, *Scritture e governo dello stato a Firenze nel Rinascimento. Cancellieri, ufficiali, archivi* (Florence, 2013).

¹²³ See Diacciati, *Popolani*, pt. IV, especially 309-36, on popular and magnate culture, building on Lansing's work.

encompassing “all the categories [of Florence’s population] that participated in the city’s government” during the thirteenth century.¹²⁴ Diacciati’s study demonstrated that the magnates cannot be understood apart from the *popolo*, understood properly as a social grouping with vague borders, a social movement, and a series of political regimes. This required reconstructing the pre-1250 development of popular forms of association, especially the guilds. These have long been recognized as the basis of Florentine popular regimes and, because of Florence’s unique status as “model (and myth)” of a popular regime, those of other cities.¹²⁵ This marked a shift away from the previous preoccupation on the magnates as such toward a view of them as part of a wider historical process: late medieval elite turnover in the Italian cities in an economic boom period.¹²⁶ Diacciati, furthermore, valorized the culture, achievements, and even goals of Florence’s second popular regime, above all the legal professionals who drafted the initial Ordinances of Justice and were central in deposing Giano Della Bella, leader and symbol of the *popolo*’s radical wing, during the early 1290s.

I draw extensively on Diacciati’s work, which demonstrates the enduring utility of prosopography for medieval social historians. Her reconstruction of the Florentine ruling group across the thirteenth century’s political vicissitudes is unmatched, and promises to be the definitive study for quite some time. I differ in my interpretation of events in the

¹²⁴ Jean-Claude Maire Vigueur in Diacciati, *Popolani*, xii, discussing the reasoning behind Diacciati’s scope of study: “...la sua intuizione iniziale non lasciava altra scelta che di estendere l’indagine a tutte le categorie della popolazione fiorentina che parteciparono al governo della città nel periodo preso in considerazione.”

¹²⁵ Jean-Claude Maire Vigueur, “Il problema storiografica. Firenze come modello e mito di regime popolare,” in *Magnati e popolani nell’Italia comunale* (Pistoia, 1997), 1-16; Diacciati, *Popolani*, xxiv.

¹²⁶ See Chris Wickham’s arguments for the early twelfth-century Roman commune: *Medieval Rome*, 434-57.

1290s, the position and motives of popular leadership, and my emphasis on rural people as constituent members of the *popolo*. The centrality of legal experts to the popular regimes is unquestionable; more problematic is their motivations. Reading the Ordinances of Justice and contemporary chronicles in conjunction with Remigio dei Girolami's sermons to the priorate, I highlight the complex intertwinement among different elements of the Florentine elite in the struggles of the 1290s. My assessment of Giano Della Bella and his party is more sympathetic than those of most scholars. I argue that his 1294 attempt at definitively eliminating the magnates from political life was a logical strategy to increase his followers' political weight in the commune. They were not simply a result of his personal vendettas or vindictive excesses, as has usually been assumed. Despite these differences, I see my contribution as expanding upon Diacciati's neo-Salveminiian perspective, incorporating rural people.

Sarah Rubin Blanshei's *Politics and Justice in Late Medieval Bologna* (2010) is another major reference point for the present work. It is an exhaustive study of Duecento Bologna's popular commune and the shifting grounds of eligibility for and exclusion from formal political power. Diacciati and Blanshei's studies paralleled one another, appearing within a year's time and reconfiguring scholarship on the magnates by refusing to study them in isolation from their popular nemeses. Both scholars likewise utilized large troves of understudied sources to answer the same question: What did the *popolo* do in power, and how did this differ from previous elites? Above all, how did the *popolo* reconfigure the channels and institutions of power, and with what consequences for the early fourteenth century commune?

In Massimo Giansante's words, *ragioni di fondi* above all explain the originality of Blanshei's study.¹²⁷ Blanshei read all relevant material produced by the Bolognese commune's constituent parts, such as the arms societies. This allowed her to move beyond the top level of the official commune -- the various executive officials and legislative councils -- to trace political power, through capillary prosopography, down to the point at which the commune merged with the *popolo*'s other bases: in Bologna, the arms societies and guilds; in Florence, primarily the guilds. (Elsewhere, neighborhood associations or the popular militia were alternative bases of popular aggregation.)¹²⁸

I expand upon Blanshei's move to broaden analysis of popular politics in two ways. I trace the legal and institutional manifestations of tensions within the *popolo*, between *grassi* and *minuti*, through a close reading of one body of Florentine legislation, the Ordinances of Justice. I differ also by directly addressing what Blanshei avoided, "the rather unreliable ground of ideological confrontation."¹²⁹ The Ordinances warrant special attention because of their status as the central textual product of Florence's second popular regime: they laid down the criteria for popular and magnate identity. The Ordinances became, in the course of the fourteenth century, an important structuring mechanism in Florentine public discourse and institutional activity. Especially in the second and third chapters, I focus on the ideological aspects of Florence's Ordinances of Justice and the records of the court eventually established specifically to safeguard these, the Executor of the Ordinances of Justice.

¹²⁷ Giansante, "Ancora," 546.

¹²⁸ See Blanshei, ch. 1, "Politics of closure: Setting the boundaries," *Politics and Justice*, 15-41.

¹²⁹ Giansante, "Ancora," 547: "il terreno un po' infido del confronto ideologico...."

This study builds upon Blanshei and Diacciati's conceptual scope by treating specific Florentine documents and practices, as well as Florentine regime changes, within a broader Tuscan and Italian context: the long-term aftermath of the disappearance of central power from the *Regnum Italicum*, and the competition among city-states within and across old political and ecclesiastical boundaries for resources, labor, and access to communications networks.¹³⁰ Chapter 2 emphasizes divisions within the Florentine *popolo* as a factor in the events surrounding the various redactions of the Ordinances of Justice (1293-95). In the second part of this study, I expand on Blanshei's focus on closure (a ruling group's move up and down the social ladder to exclude outsiders from political resources and power) by considering the manifold contradictions and vicissitudes of popular inclusion. Rural people were explicitly included, as if by afterthought, in the rubric of people protected by the Florentine Ordinances of Justice; surviving fourteenth-century archival material shows that they eagerly took the opportunity to appeal to the commune's jurisdiction.

c. Rural society and the urban communes

The theme of rural society links the popular regimes to another important topic in Italian historiography: the relationship between the peninsula's cities and subject countryside (*contado/i*).¹³¹ In the postwar period, a large body of work appeared on every aspect of the medieval Italian countryside, from shifts in settlement concentration to agricultural contracts to rural religion.¹³² A guiding framework of much scholarship on

¹³⁰ See below, ch. 1.

¹³¹ See Coleman, "the Italian communes," 384-90, and the extensive scholarship cited in the footnotes.

¹³² See the exhaustive review articles by Luigi Provero, "Forty years of Italian rural history," in *The rural history of medieval European societies. Trends and perspectives*, ed. Isabel Alfonso (Turnhout, Belgium, 2007), 141-72. For reviews of

city-*contado* relations has interpreted these in terms of exploitation/accommodation: cities subjugated and exploited their rural territories and subjects, or the latter benefited from access to urban markets, institutions, and protection.¹³³ The work of Enrico Fiumi on San Gimignano and David Herlihy on Pistoia emphasized the weight of urban taxation and the catastrophic effects of migration and depopulation in the fourteenth century as major reasons for the decline of these once-prosperous Tuscan towns.¹³⁴

Philip Jones provoked a major reevaluation of the *contado*'s role in urban developments in his 1978 article for Einaudi's *Storia d'Italia*. Provocatively subtitled "the myth of the *bourgeois*," the piece had a major impact on medievalist scholarship.¹³⁵ Arguing directly against the traditional paradigm, Jones contended not only that rural history should be studied on its own terms, but also that the countryside's impact on the

earlier scholarship, see Renato Bordone, "Tema cittadino e il 'ritorno alla terra' nella storiografia comunale recente," *Quaderni Storici* 52 (1983): 255-77 and David Herlihy, *Medieval and renaissance Pistoia* (New Haven & London, 1967), 1-13. The classic on settlement is Pierre Toubert's landmark, *Les structures du Latium médiéval. Le Latium méridional et la Sabine du IX e siècle à la fin du XIIIe siècle* (Rome, 1973). On Tuscan rural religion, see C.M. De La Roncière, "L'influence des franciscains dans la campagne de Florence au XIVe siècle (1280-1360)," *MEFR* T.87.1 (1975), 27-103, and *Religion paysanne et religion urbaine en Toscane (c. 1250-1450)* (London, 1994); and Duane J. Osheim, *An Italian lordship* (Berkeley, 1977); "Countrymen and the Law in Late-Medieval Tuscany." *Speculum* 64:2 (1989): 317-337; anhd *A Tuscany monastery and its social world* (Rome, 1989).

¹³³ William Caferro, "City and countryside in Siena in the second half of the fourteenth century," *The Journal of Economic History* 54:1 (1994): 85-103, at 85. See also Samuel Cohn, Jr.'s discussion of the scholarship, with footnotes, in *Creating*, 26-28.

¹³⁴ David Herlihy, "Population, plague, and social change in rural Pistoia, 1201-1430," *Economic History Review* New Series 18(2): 225-244; Enrico Fiumi, "Sui rapporti economici tra città e contado nell'età comunale," *ASI* 14: 18-68; *Storia economica e sociale di San Gimignano* (Florence, 1993 [1961]); see also Enrico Fiumi's *Fioritura e decadenza dell'economia fiorentina*. Florence, 1977), and Jones' general discussion in *Italian city-state*, 237-39.

¹³⁵ See Paolo Cammarosano, "L'economia italiana nell'età dei comuni e il 'modo feudale di produzione': una discussione," *Società e storia* 10 (1980), 891-907, for contemporary discussion and critique of Jones.

city should be a guiding theme of future work.¹³⁶ Yet it is still possible to write a city's history with almost no reference to the countryside. The most recent survey of late medieval and early modern Renaissance Florentine history ignores the original *contado* except in passing references to its population and administrative organization; the later Florentine territorial state is discussed only in terms of Florentine conquest. Likewise, the thematic chapters on the Florentine economy largely ignore regional exchange and production in favor of attention to long-distance exchange and Florence's market-oriented industries.¹³⁷ Examining the importance of the countryside and its population to Florence's development as an expansionist urban center is thus necessary and timely.

Rural immigration was essential to sustained urban growth under preindustrial demographic conditions. Even at their pre-plague height, cities like Florence and Milan needed immigrants to replace natural loss.¹³⁸ Many families that would form the thirteenth-century communes' ruling class were descended from rural clans, but all classes migrated to the cities.¹³⁹ In the boom period of the late thirteenth and early

¹³⁶ Philip Jones, "Economia e società nell'Italia medievale: le leggende della borghesia," in *Einaudi Storia d'Italia, Annali 1, Feudalesimo al capitalismo* (Turin, 1978), 185-372.

¹³⁷ John M. Najemy, *A History of Florence, 1200-1575* (Oxford, 2006).

¹³⁸ On rural conditions and immigration to cities, see: Johann Plesner, *L'emigrazione dalla campagna alla città libera di Firenze nel XIII secolo* (Florence, 1979 [Copenhagen, 1938]); *La formazione della struttura agraria moderna nel contado fiorentino*, 3 vols. (Rome, 1965); and W.R. Day, "Population growth and productivity: rural-urban migration and the expansion of the manufacturing sector in thirteenth-century Florence," in *Labour and labour markets between town and countryside (Middle Ages-19th century)*, ed. B. Blondé, M. Galand (Turnhout, 2001), 82-110; "The population of Florence before the Black Death: Survey and synthesis," *Journal of Medieval History* 28 (2002): 93-129; and "The early development of the Florentine economy, c. 1100-1275." PhD dissertation, London School of Economics and Political Science, 2000).

¹³⁹ Jones, *City-state*, 154. On early immigration see Enrico Faini, "L'emigrazione dal Valdarno Superiore a Firenze nel XII secolo: una storia mancata," *Storie di una pieve*

fourteenth centuries, entire tenement blocks in Florence were occupied by residents from the same rural villages, in a medieval antecedent of southern Italian migrant chains between the Mezzogiorno and the industrialized North in the postwar period.¹⁴⁰

This study incorporates rural society and rural people into the debate over the magnates and popular regimes more than previous studies.¹⁴¹ Rural people were far more exposed to elite depredations than their urban fellow *popolani*. This was not simply a result of the long-standing hatred of magnates and *popolani*: magnate violence must be understood not only in local but broader historical processes. In Chapter 5, I read cases of magnate violence against rural communities in light of the particular crisis period of the 1340s and the broader crisis of the first world system.

The transition from late-medieval city-state to Renaissance regional or territorial state is a large one in Italianist historiography.¹⁴² The subject originated with Jacob

del Valdarno. San Romolo a Gaville in età medievale. Eds. Paolo Pirillo, Mauro Ronzani (Rome, 2008), 105-21.

¹⁴⁰ Immigrant tenements in Florence: Jones, *City-state*, 154-55; for postwar immigration patterns and networks, see Paul Ginsborg, *A history of contemporary Italy, 1943-1980* (New York & London: Penguin, 1990), 217-25, at 223.

¹⁴¹ The most important studies of the magnate-*popolo* struggle in the countryside are: Dameron, *Episcopal power*, 145-53; Andrea Giorgi, "Il conflitto magnati/popolani nelle campagne: il caso senese" in *Magnati e popolani nell'Italia comunale*. Pistoia: Centro italiano studi di storia e d'arte, 1997), 137-411; "Magnati e popolani nel contado fiorentino: dinamiche sociali e rapporti di potere nel Trecento," *Rivista di storia dell'agricoltura* 33:2 (December, 1993): 15-63; and Carol Lansing, "Magnate violence revisited," in *Communes and despots in medieval and renaissance Italy*, eds. John E. Law and Bernadette Paton (Farnham, UK, 2010), 35-45.

¹⁴² See above all the three conference volumes *Origini dello stato: processi di formazione statale in Italia fra medioevo ed età moderna*, eds. G. Chittolini, A. Molho, and P. Schiera (Bologna, 1994); *Lo stato territoriale fiorentino (secoli XIV-XV)*, eds. William Connell and Andrea Zorzi (San Miniato, 2002); *Florence et la Toscane. XIVe-XIXe siècles. Les dynamiques d'un État italien*, eds. Jean Boutier, Sandro Landi, Olivier Rouchon. Rennes, 2004). Giorgio Chittolini, *La formazione dello Stato regionale e le istituzioni del contado* (Turin, 2005 [1979]).

Burckhardt himself, who famously called the Renaissance state a work of art.¹⁴³ Since the 1970s, scholars have explored the many discontents and aporias of Burckhardt's "work of art."¹⁴⁴ Yet even scholarship valorizing rural peoples' active role in state formation often implicitly assumes an all-or-nothing, resistance-opposition binary around which past subaltern action supposedly hinges. In this view, doughty rebels heroically refuse the exactions of the city and its rulers, who must respond to this rural defiance by refining the tools of government.¹⁴⁵

Since Marvin Becker's pioneering work on Florence, Italianists have identified a shift in the nature and scope of public power originating in fourteenth-century social conflicts and economic crises, which the medieval communes proved unable to deal with.¹⁴⁶ Becker epitomized the Florentine fourteenth century as the age of the commune's decline and the territorial state's rise. He characterized this territorial state as more expansive, exploitative, and centralized than the medieval city-state. Becker saw ongoing fiscal crises, and the cost of funding the public debt (the Monte, founded 1343-45), as a crucial factor structuring transformations in the state and political regimes' social base.¹⁴⁷

¹⁴³ Jacob Burckhardt, *The civilization of the renaissance in Italy*, trans. S.G.C. Middlemore (New York, 1990 [1878]) [hereafter "Burckhardt, *Civilization*"].

¹⁴⁴ See the conference volume *Origini dello Stato* (Bologna, 1994). The most influential historian of European state formation is Charles Tilly. See "War making and state making as organized crime," in *Bringing the state back in*, eds. P. B. Evans, D. Rueschmeyer, T. Skocpol (Cambridge: Cambridge UP, 1985), 169-91, and *Coercion, capital, and European states, A.D. 990-1992*, rev. ed. (Cambridge, MA, 1992).

¹⁴⁵ See Samuel Cohn, Jr., *Creating the Florentine state*, for this revisionist view.

¹⁴⁶ See Marvin Becker, "Economic change and the emerging Florentine territorial state," in *Florentine essays* (Ann Arbor, 2005), 160-94, and, in general, *Florence in transition*, vol. II.

¹⁴⁷ Becker, *Florence in transition*, 151-200, for the Monte and the public debt; figures for ever-escalating Florentine debt and falling rate of return on indirect taxes (the *gabelle*) are given on 151.

The history of the territorial state usually is the history of administrative changes, the physical expansion of state power, or exchanges between urban elites and their provincial or sub-regional peers.¹⁴⁸ When ordinary people are discussed, it is usually within a framework that focuses on instances of resistance and revolt, and evaluating these in terms of their social, economic, or political content, and the results these instances had on matters of state. One tradition of scholarship has emphasized the quiescent nature of the early modern Italian peasantry, especially Tuscans, often attributed to the stability and relative prosperity of the region's sharecropping system (the *mezzadria*).¹⁴⁹ Samuel Cohn, Jr., however, has argued that revolts on Florence's mountainous perimeter played an important role in changing Florentine fiscal policy during the early fifteenth century, before the Medici rose to power.¹⁵⁰

Both of these views regarding non-elite action or inaction rely on a problematic paradigm: non-elites either fail to revolt and therefore can be written out of the history of the state, or they do revolt and thereby play a major role in changes in state practice and policy. This binary paradigm cannot account, in the case of Florence, for the relatively complex nature of the state's institutions, or for how non-elites dealt with them when not directly attacking them. To avoid such pitfalls, this study draws from anti-statist anthropological work on peasant society, particularly the work of Pierre Clastre, James C.

¹⁴⁸ See, for example, the numerous articles on Florentine and sub-regional elites in *Lo stato territoriale fiorentino (secoli XIV-XV)*, (San Miniato, 2001) and Laura De Angelis, *La repubblica di Firenze fra XIV e XV secolo. Istituzioni e lotte politiche nel nascente stato territoriale fiorentino* (Florence, 2009); and Giorgio Chittolini, *La formazione dello Stato regionale e le istituzioni del contado* (Turin, 2005 [1979]).

¹⁴⁹ See Cohn, *Creating*, 114, and the scholarship cited in fnnts. 5, 6, 7. On the *mezzadria* system, see Mario Ascheri & Alessandro Dani, *La mezzadria nelle terre di Siena e Grosseto dal medioevo all'età contemporanea* (Siena, 2011).

¹⁵⁰ Cohn, *Creating*.

Scott and David Graeber.¹⁵¹ Anthropologically inflected work on the Latin American peasantry also reveals some of the parameters shaping subaltern action in a society founded on patriarchy and landholding.¹⁵² In Chapter 5, I explore how rural people behaved when cited as witnesses in cases of magnate crime: this reveals the contradictions at the heart of Tuscans' relationship with the Florentine state. Exploring elite violence against rural people highlights the flip side of popular political discourse. The Florentine commune could formally and institutionally offer protection against the magnates, but on a mundane level this meant little, given its institutional limitations and phantasmal rural presence.¹⁵³

Rejecting a hegemony-resistance paradigm does not mean ignoring the realities of elite oppression, institutional indifference, and rural resentment of both that rural people had. Their cooperation with the state was often reluctant and partial, and Chapters 4 and 5 also explore a judicial version of James C. Scott's weapons of the weak: mass noncompliance by witnesses in cases involving elite violence. Nor did rural people direct their maneuvering exclusively against landowners: when their own quarrels threatened social peace, rural people were perfectly capable of turning on neighbors and fellow *popolani*, using such state mechanisms as anonymous denunciation and the inquisitorial procedure. Furthermore, elite clientele networks offered rural people an alternative form of protection and advancement to the commune and its ethos of popular solidarity. These

¹⁵¹ James C. Scott, *The art of not being governed* (New Haven, 2009) and *Weapons of the weak* (New Haven, 1985); David Graeber, "Provisional autonomous zone" and "Oppression," in *Possibilities* (Oakland, 2007).

¹⁵² Steve J. Stern, *The secret history of gender* (Chapel Hill & London, 1995), in particular 124-150 and 189-216; and Karen Spalding, *Huarochiri* (Stanford, 1988).

¹⁵³ See chapter 5, below, which draws on David Graeber's "Provisional Autonomous Zone: Or, the ghost-state in Madagascar" in *Possibilities* (Oakland, 2007), 157-180.

entourages included the bands of armed followers (*fanti*) that often appear in anti-magnate denunciations. The fissures within rural society are an important sub-theme of this study: the rural *popolo* was just as divided within itself as was its urban counterpart.

Structure of the study

This study's structure reflects the tormented, intertwined town-country relationship. The first two chapters examine Florentine Tuscany during its twelfth- and thirteenth-century boom, with Chapter 1 providing context for the region's sociopolitical and economic developments between about 1115 and 1260 — a long period, of which my analysis is far from comprehensive. I refer the reader to several recent and exhaustive monographs for a detailed account of this period.¹⁵⁴ What forces produced the medieval urban commune, and how did competing social groups struggle to access political and institutional resources? Florence's expansion and consolidation cannot be understood in a vacuum, or as the product of a purely internal process. External factors structured Tuscany's horizons, prospects, potential and limitations.¹⁵⁵ Because the first popular regime (the Primo Popolo, 1250-1260) is a traditional watershed in Florentine and urban communal history, I pay particular attention to how this regime developed the city-state physically, territorially, and ideologically.

Chapter 2 discusses Florentine social conflict and its textual products in the age of Dante. The core of the chapter analyzes the struggles surrounding the Ordinances of Justice (1293-95), a period of particularly intense conflict between the Florentine *popolo* and the magnates. This is an old topic in the historiography, but scholars have

¹⁵⁴ Cortese, *Signori*; Diacciati, *Popolani e magnati*; Faini, *Firenze*.

¹⁵⁵ See Mario Ascheri's discussion of Sienese history: "Nel cuore del Dugento: Siena capitale 'Europea'?" In *Montaperti*, eds. M.A. C. Ridolfi & P. Turrini (Siena, 2013), 7-11.

traditionally focused on the clash between the two parties, not the tensions *within* the popular party. I scrutinize the three redactions of the Ordinances, reading them as a product of inter-class tensions between the *popolo grasso* and the *minuti* over the place of the old elite in civic life -- yet this question was less important than the role of the *popolo minuto*, the minor guildsmen and non-guild laborers, in politics. The conflict with the magnates had unified the *popolo*, yet the second popular regime faltered along these divisions. This would become apparent during 1293-95 and the promulgation of the Ordinances of Justice, a landmark in Florence's political and legal history. Analyzing the three successive redactions of the Ordinances, I argue that Giano Della Bella's two years in leadership of the *popolo* were crucial to Florentine political history, as the radicals attempted to completely exclude the city's old ruling class from office. This was the case even though Giano's family was itself part of this class, in a development found elsewhere in the peninsula, especially north of the Po: popular regimes sometimes took the form of popular lordships (*signorie del popolo*).¹⁵⁶ I argue that Della Bella's wing of the *popolo* aimed to pacify the city and countryside with a broad attack on the magnates, targeting their urban compounds and clientele networks. The lawyers and jurists in the city's popular leadership foiled this attempt, out of resentment of Della Bella and anger at his disregard for the rule of law.

The *popolo minuto*'s organized support for the popular commune's leadership was crucial against the magnates, yet it was unable to withstand the deposition and exile of Della Bella. The magnates, under the banners the Black and White Guelfs, soon tore

¹⁵⁶ On popular coalitions led by members of the military elite, see Poloni's limpid and succinct discussion in *Potere al popolo*, 52-59, and Riccardo Rao's important recent study, *Signori di Popolo. Signoria cittadina e società comunale nell'Italia nord-occidentale, 1275-1350*. Milan, 2011).

the city apart in renewed factional conflict (1301-04). I trace this process textually through the Ordinances and the occasional sermons of the Dominican reader (*lector*) of the church of S. Maria Novella, Remigio dei Girolami. Remigio, a scion of an elite Florentine popular family, was a guiding light of the early fourteenth-century commune.¹⁵⁷ I read his 1295 sermons before the priorate as tactical interventions supporting the priorate in its struggle against della Bella's faction, and defending the magnates in the wake of their July 1295 rebellion, calling for their reincorporation into the body politic despite their revolt.

The third chapter begins the archival portion of the study, pivoting between town and country through the Executor's records. Analyzing denunciations to the Executor as a means of communication between state officials and rural people, I reconstruct the dissemination of legal knowledge in the *contado* and the report of crime to the Executor and his court. These denunciations demonstrate the diffusion of the Florentine *popolo*'s rhetoric among rural Tuscans, the use of this rhetoric as a framing device for legal action, and the attempts of Tuscans to shape the actions of the judiciary. The chapter draws primarily on statutory law and denunciations against magnates and Florentine officials from the period 1343-1365. The period was chosen because it provides the longest and most detailed denunciations in the Executor's acts.

¹⁵⁷ On Remigio, see the conference volume *Remigio dei Girolami. Dal bene comune al bene del comune. I tratti politici* (Florence, 2013); T.P. Rupp, "If you want peace, work for justice': Dino Compagni's *Cronica and the ordinances of justice*." In *Florence and beyond*, eds. David S. Peterson with Daniel E. Bornstein (Toronto, 2008), 323-28; and Charles T. Davis, "An early political theorist: Fra Remigio de'Girolami," in *Dante's Italy and other essays* (Philadelphia: University of Pennsylvania Press, 1984) [1960], 199-220.

The last two chapters analyze rural people and rural communities, combining material from the foreign-staffed courts with notarial evidence to reconstruct the socioeconomic context of (and logic for) crimes denounced to the Executor. Chapter 4 addresses three questions: How did judicial procedure shape the strategies of those using the commune's courts and our record of these strategies? How did disputants prove their version of a dispute when summoned before the Executor? And how did extra-judicial social networks affect parties in court? A detailed case study of a rural dispute from the 1340s, on the eve of the Black Death, provides this chapter's core. I follow an analysis of the in-court part of the dispute with a reconstruction of its socio-economic context, drawing on surviving notarial evidence. The intention is to understand how disputes were shaped by judicial procedure, the strategies of disputants in court, and the forms of proof most commonly used in Florentine public courts.

Chapter 5 analyzes testimony in cases of magnate violence against rural communities. Reconstructing the behavior of witness communities in the Executor's court demonstrates two patterns: a general tendency to deny all knowledge, and appealing to common knowledge (*publica fama*) when people did admit knowing of a crime. I argue that this was a response to elite power and the commune's limitations outside the courtroom. Silence was a tactical response to the structural and conjunctural limitations of Florentine public justice in the countryside. Rural disinclination to cooperate with the Florentine courts resulted neither from communal institutions' decadence, as some

scholars have claimed, nor from rural communities' refusal to carry out judicial responsibilities.¹⁵⁸

Rural people did appear regularly to testify in cases before the Executor, but local power relations and communal solidarity-or, just as frequently, its absence-conditioned their responses. I demonstrate this through analysis of cases of magnate violence, particularly by the illustrious Bardi lineage, against rural people during the second half of the 1340s, straddling the Black Death (May-August 1348). How did magnate families respond to the economic difficulties of the fourteenth century, and how did their family strategies affect rural people and their interactions with the commune's courts? Exploring the relationship between elite violence and non-elites' responses in court reveals the structural and conjunctural limits on a late medieval state's ability to protect its subjects, even when it possessed the will, institutionally and ideologically. It also explores how the *popolo's* discursive unity, and the Florentine *popolo's* attempts at imposing social peace on the countryside, ran into the morass of the late-medieval crisis -- a period of demographic catastrophe, sociopolitical breakdown, and economic recession. The goal here is to outline the connections between apparently micro- or sub-regional conditions and concerns, and broader historical developments. Doing so, the chapter complements chapter 1's attention to how macro-level developments like the collapse of the Italian Kingdom influenced local political and social transformations in the twelfth and thirteenth centuries.

¹⁵⁸ Halina Manikowska, " 'Accorr'uomo': il "popolo" nell'amministrazione della giustizia a Firenze durante il XIV secolo," *Ricerche storiche* 18 (1988): 523-49, seems to attribute the decline of the commune's judicial system to Tuscans' refusal to cooperate with it.

The conclusion explains the study's endpoint and places Florentine developments in a wider context. The later fourteenth century was a period of crisis not only in Europe but much of western Eurasia, as Janet Abu Lughod's thirteenth-century world system went into crisis and began restructuring, post-plague and following the *Pax Mongolica's* gradual fragmentation.¹⁵⁹ I conclude by suggesting prospects for future research at a regional and inter-regional level, on the Italian city-states and the themes discussed in the study.

¹⁵⁹ See Janet Abu-Lughod, *Before European hegemony: The world system, A.D. 1250-1350* (New York, 1989), particularly 352-69, for the structure and crisis of the late medieval world system.

1: A world turned upside down: The collapse of the March of Tuscany and the emergence of communal identity in Florentine Tuscany, c. 1115-1260

Abstract: This chapter discusses socio-economic and political developments in Florentine Tuscany and the city. The chapter is symbolically bookended by two events in Tuscan history: the death of Matilda, last Marquess of Tuscany (1115), and the Sienese triumph over Florence at Montaperti (1260). Whereas later chapters focus on the actions and behavior of rural Tuscans in their interactions with Florentine institutions, the focus here is on macrolevel developments in Tuscany and Florence, comparing these where relevant with other Italian cities. The chapter's main theme is the profound changes affecting Florentine Tuscany during the later Middle Ages: the social problems created by rapid economic growth, the search for political stability and social peace, and the institutional mechanisms devised for these purposes. I begin with the landscape and settlement of Florentine Tuscany, before addressing the origins of the Florentine economy and commune. An important aspect of this early development was the emergence of a civic identity, and the forms of organization preceding and accompanying the emergence of the semi-institutionalized commune of the early thirteenth century. The chapter concludes with an account of the first popular regime at Florence, the *Primo Popolo* (1250-60), focusing on the regime's institutional innovations and expansion in Tuscany.

Introduction

This chapter reviews socio-economic and political developments in Florentine Tuscany from the mid-twelfth century to the mid-thirteenth century. It is not intended as a narrative of Tuscan history during the period, nor is it a comprehensive account of this period; several excellent accounts have done this in recent years.¹ It is intended to provide the necessary background for the thematic chapters that follow, in particular the crucial events of the 1290s: although the common reference for the struggles between Florence's *magnati e popolani* is the city, the *contado* was just as involved, on a political economic level, with changes of regime and factional strife as urban people were. Exiles in Florence's interminable civil wars and factional spats frequently took refuge in the Fiorentino, and often could find refuge in towns antipathetic to Florence. There was no

¹ See above all Maria Elena Cortese, *Signori, castelli, città. L'aristocrazia del territorio fiorentino tra X e XII secolo* (Florence, 2007) [hereafter "Cortese, *Signori*"]; Enrico Faini, *Firenze nell'età romanica (1000-1211)* (Florence, 2010) [hereafter "Faini, *Firenze*"]; and Silvia Diacchiati, *Popolani e magnati: società e politica a Firenze nel Duecento* (Spoleto, 2011) [hereafter "Diacchiati, *Popolani*"]. W.R. Day, "The early development of the Florentine economy, c. 1100-1275." PhD dissertation (London School of Economics and Political Science, 2000) is easily the best study of Florence's medieval economy, and the relationship between the city and sub-regional centers.

shortage of these in the Middle Ages as today: Florence's medieval nemeses included Pisa, Siena, Arezzo, and smaller centers such as Prato, Pistoia, and S. Miniato al Tedesco. The Black and White Guelfs, similarly, waged their civil war of 1302-1308 in the Florentine *contado* as well as the city. The dense interconnections between town and country should feature in any account of Florentine history. Insisting on urban and rural interconnectivity may seem a commonplace, yet the urbancentric tradition of Anglophone Renaissance history endures.² And so this chapter begins by describing the Florentine *contado* and the challenges facing Florence as the commune emerged in the twelfth century. These included powerful rural lords and regional rivals. The Florentines were aided in their expansion, however, by the bishop's extensive rural holdings, which came to serve as proxies for Florentine control, and the internecine squabbling of the rival rural lords such as the Guidi and Alberti. From here, I shift focus to the Florentine economy in the high Middle Ages, underlining connections between Florence's need for primary agricultural products, its regional political economy, and its international trade.

The second part of the chapter is devoted to the development of a communal identity at Florence. This had to be created in the twelfth and thirteenth centuries: the Florentines of the early communal age had to craft a shared sense of identity to tie

² The most recent survey of late medieval and early modern Renaissance Florentine history, John M. Najemy's *A History of Florence, 1200-1575* (Oxford, 2006), does not discuss the *contado* except in passing references to its population and administrative organization. The later Florentine territorial state is mainly discussed in terms of Florentine conquest, and provincial elites' connections to elite Florentine families. Likewise, the thematic chapters on the Florentine economy largely ignore regional exchange and productivity in favor of long-distance exchange and Florence's industries. Economic historians have generally done better on this: see the programmatic conference volume *Town and country in Europe, 1300-1800*, ed. S.R. Epstein (Cambridge, 2001), and Richard A. Goldthwaite, *The Economy of renaissance Florence* (Baltimore, 2009) [hereafter "Goldthwaite, *Economy*"], 114-19.

together a community largely consisting of new immigrants. In part this happened through constructing a useable past: that is, a narrative or series of vignettes of semi-mythologized past events that served a purpose for the present. Examples include the chronicler Sanzanome's invention of a Roman-era origin for the city's rivalry with Fiesole, and the myth that Totila, the scourge of God (*flagellum Dei*), destroyed the city during the Gothic Wars, with Charlemagne refounding it.³ Florentine civic pride had fully crystallized by the time of the first popular regime (1250-1260), and this was a major factor in Florence's expansion. The chapter closes with a summary of Florence's prospects in the later thirteenth century.

The physical setting Florentine Tuscany in the high Middle Ages

Florence's medieval *contado* (the Fiorentino⁴) consisted of the twin dioceses of Florence and Fiesole, together constituting the Carolingian-era county, which may have been united in 854.⁵ The Fiesolan diocese was an administrative fossil by the high Middle Ages, and may never have been functionally independent from Florence's bishops.⁶

³ On the Totila and Charlemagne myths, see Amedeo De Vincentiis, "Origini, memoria, identità a Firenze nel XIV: La rifondazione di Carlomagno," in *La mémoire des origines dans les institutions médiévales*, in *Mélanges de l'École française de Rome, Moyen Âge* 115 (2003): 385-443.

⁴ I use the term "Fiorentino" throughout the dissertation, but particularly in the first chapter, to denote the Florentine diocese (*comitatus*) that became the urban commune's *contado* during the twelfth and thirteenth centuries.

⁵R. Davidsohn, *Storia di Firenze* I, 129.

⁶ Andrea Zorzi, "L'organizzazione del contado e del distretto," in *La trasformazione di un quadro politico* (Florence, 2008) [hereafter 'Zorzi, *La Trasformazione*'] 209-56, at 211: "Questi nuovi centri [such as Florence and Siena] erano ormai più popolosi di quelli diocesani decaduti o comunque molto piccoli, di quelle 'diocesi fossili, à vale a dire, Fiesole, Chiusi, Luni, Sovana o Grosseto.'" Tiziana Lazzari, "Campagne senza città territori senza centro. Per un riesame dell'organizzazione del territorio della penisola italiana fra tardo-antico e alto medioevo (secoli VI-X)," in *Città e campagna nei secoli altomedievali* (Spoleto, 2009), 621-58, is a good discussion of early medieval Italian territorial organization, arguing for "territori senza centro" in the

After the 1125 Florentine conquest, the bishops of Fiesole temporarily moved the bishop's seat downriver to Figline Valdarno.⁷ During the later fourteenth century, the Florentines would expand well beyond this episcopal boundary, but in the thirteenth century, Florence still struggled to dominate its diocese-*contado*. The division between the *contado* and *distretto/districtus* was never clearly defined, reflecting the *ad hoc* nature of early communal territorial organization and the piecemeal nature of the communes' expansion within their territory.⁸

Florentine expansion was initially conditioned and constrained by two factors: the landscape and local rivals.⁹ The Fiorentino's broken landscape and the close proximity of significant local rivals distinguished it from its maritime neighbors Lucca and Pisa, which had little trouble establishing control over their own *contadi* in the lower Arno valley by the mid twelfth century; this included castle-building and limiting signorial power.¹⁰ Florence's *milieu* and size of its *contado* (ca. 3500 square kilometers in the

Romagna, which, as part of the Papal States, lacked the Carolingian comital organization of Tuscany and other parts of the *Regnum Italicum*.

⁷ Day, "Early economic development," 64-67, provides a good summary account of Fiesole's vicissitudes, and the attempt at changing the episcopal seat. On Figline Valdarno, see *Lontano dalle città. Il Valdarno di Sopra nei secoli XII-XIII*, eds. G. Pinto & P. Pirillo (Rome, 2005).

⁸ Giampaolo Francesconi, "Scrivere il contado: I linguaggi della costruzione territoriale cittadina nell'Italia centrale," *Istituto Storico per il Medioevo* 123/2 (2011), 499-529, is an excellent survey of the development of the central Italian *contado*, and its confused (and confusing) origins. See especially pp. 501-07 for difficulties in medieval terminology used to describe the *contado* and *distretto*.

⁹ I.P. Martini, G. Sarti, P. Palleschi, A. Costantini, "Landscape influences on the development of the medieval and early Renaissance city-states of Pisa, Florence, and Siena, Italy," in *Landscape and societies: Selected cases*, eds. I.P. Martini and W. Chesworth (Berlin, 2013), 203-23, is a useful statement of the geological and topological characteristics of Tuscany, with topographical and hydrographical maps.

¹⁰ See Wickham, *Community and clientele in twelfth-century Tuscany* (Oxford:1998), 15-17, for Lucca's ban on castles within its Sei Miglia, the land within a

twelfth century) distinguished it even more sharply from Rome. The Eternal City possessed by far the largest *contado* in all medieval Italy, varying between the minimum of 6000 square kilometers under the city's control in the eleventh century and the 14,000 square kilometers controlled in the tenth century and later reclaimed by the thirteenth-century papacy.¹¹

Florence's original *contado* includes only one large river basin, the flood plains flanking the Arno. Lesser streams such as the Bisenzio, Pesa, and Elsa fragment even this river basin into a series of smaller agrarian *foci*.¹² Most of the rest of the area consists of forested hills and small rivulets like the Ema and Era. Examples of these low ranges include the Chianti hills to the south, the Monte Albano dividing the Fiorentino from the Val di Pesa and lower Valdarno to the southwest, and the Monte Fiorentino, which separates Florence's immediate hinterland from the Valdisevie and Mugello to the north.¹³ The Pratomagno ridge similarly insulates the upper Arno valley (Valdarno di Sopra) and Arezzo's *contado* from Florence, while the imposing mountains of the Tuscan-Emilian Appennines rise to the north of the Valdisevie.¹⁴ This broken landscape was an important geographic barrier to early Florentine expansion. In the mountainous

six-mile radius of the city. For Pisa, see Wickham, *Sleep walking*, chapter 3, in particular 81-83, for Pisan curtailment of signorial rights.

¹¹ On Rome and its hinterland, see Wickham, *Medieval Rome* (Oxford, 2015), 35-110, and 36-38 for Rome's *contado*, the *Agro Romano*. Peter Partner, *The lands of St. Peter* (Berkeley, 1972), remains the best survey of the medieval Papal States' political-diplomatic history.

¹² Conti, I, 63.

¹³ See the maps and summary in Klapisich-Zuber and Herlihy, *Tuscans and their families*, 29-52.

¹⁴ See the maps of the Florentine countryside and the major mountain passes in Day, "Early economic development," 15-16.

north of the Fiorentino, bordering the Romagna, it would not be complete until the early fifteenth century.¹⁵

The population of the Florentine *contado* varied with this geography, and was unevenly dispersed.¹⁶ As so often is the case in medieval Italy, the surviving documentation is usually limited to lands that were contained in patrimonies, monastic, signorial, or otherwise, generally leaving out the higher altitudes.¹⁷ This remained true even into the mid-Trecento, and was more so the case earlier. The high Mugello, north of the Valdisieve, is a particular blank spot before the thirteenth century, although Enrico Faini has done some interesting work with passing mentions in the Pisan account of the city's Balearic expedition, the *Liber Maiolichinus*, of the traffic in lumber from the Mugello to the Tuscan maritime cities.¹⁸ Elio Conti proposed that some of the Fiorentino's hill zones were overpopulated by c. 1100, and began to empty out as a result of immigration to Florence.

Around 1200, the flatlands immediately around Florence still consisted of partially flooded marshland. Toponymic evidence from the area immediately outside

¹⁵ For the Florentine Romagna, see Paolo Pirillo, "La Romagna fiorentina," in *Castelli medievali e neomedievali in Emilia-Romagna*, eds. M.G. Muzzarelli and A. Campanini (Bologna, 2006), 191-96. On peasant resistance to Florentine exactions in this region, see Samuel Cohn, Jr., *Creating the florentine state: Peasants and rebellion, 1348-1434* (Cambridge: Cambridge UP, 1999).

¹⁶ On Tuscan rural settlement, see the classic study of Giovanni Cherubini, "Forme e vicende degli insediamenti nella campagna toscana dei secoli XIII-XV," in *Signori, contadini, borghesi: Ricerche sulla società italiana del basso medioevo* (Florence, 1974), 145-74, and the more recent studies by Paolo Pirillo, collected in *Costruzione di un contado. I fiorentini e il loro territorio nel basso medioevo* (Florence, 2001).

¹⁷ Faini, *Firenze*, 36: "Le zone più autenticamente montane sono anche quelle peggio documentate, ho tentato di spiegare perché: le terre sopra le quali gravavano diritti di sfruttamento collettivo erano meno di frequente oggetto di transazioni patrimoniali."

¹⁸ See Faini, *Firenze*, 27-30, for his discussion of a mention of the Mugello in the *Liber Maiolichinus* (1130s).

Florence demonstrates this: Padule, Isola, Piscina; Varlungo, an old ford (*Vadum longum*), now in the southeastern outskirts of the *comune* of Florence.¹⁹ Chestnut cultivation was practiced in some of the *contado*, in particular in the Chianti and on the slopes of the Pratomagno.²⁰ A major development in the thirteenth-century Fiorentino was the intensification of grain cultivation, especially on episcopal estates, which produced resistance by rural communes.²¹ *Mezzadria* (sharecropping) contracts would not develop until the later Duecento.²² Enrico Faini has proposed that the indebtedness of peasant cultivators (*contadini*) led to the advent of the *mezzadria* contract, at least in the Fiorentino.²³

Rural lordships and local rivals in the Fiorentino

The topic of land ownership leads to the other major reason for the slowness with which Florence came to dominate its hinterlands: resistance from the powerful rural

¹⁹ See Conti, I, 61, for millennial overpopulation in the medium and high hill-country; on population generally for the period before the fourteenth century, see Conti, I, 60-69.

²⁰ Faini, *Firenze*, 35.

²¹ On thirteenth-century rural unrest, see George W. Dameron, *Episcopal Power and Florentine Society, 1000-1320* (Cambridge, MA., 1991) [hereafter “Dameron, *Episcopal power*”], 136-40.

²² There is a rich literature on the *mezzadria* system, and its incredibly long duration in central Italy. See above all Conti for the Fiorentino; Mario and Alessandro Dani, *La mezzadria nelle terre di Siena e Grosseto dal medioevo all’età contemporanea* (Siena, 2011), is an excellent introduction to the topic as a whole, and the social and legal logic behind the system’s establishment and duration. Ian Ochiltree, “Mastering the sharecroppers: Land, labour, and the search for independence in the US South and South Africa”, *Journal of African Studies* 30:1 (Mar., 2004), 41-61, is a useful comparative approach to the class politics of sharecropping in a modern (although classically “backward”) context.

²³ Faini, *Firenze*, 107.

lordships that surrounded Florence, and rival urban communes such as Siena and Pisa.²⁴ Two of the most important signorial lineages in the later history of the March of Tuscany, the Guidi and Cadolingi, were based in the area around Florence.²⁵ These families, originally installed as counts by King Berengar I (888-924), had built up significant holdings in Tuscany over the tenth and eleventh centuries, including lands usurped from the Florentine bishops.²⁶ The bishops gradually rebuilt their patrimony in the eleventh and twelfth centuries, buying *castelli* in the countryside to ward off the Guidi and Cadolingi, as well as upstart, reformed monasteries such as Vallombrosa.²⁷ By the early twelfth century, the episcopate possessed significant properties and castles in the mountainous Mugello and Val di Sieve north of Florence, and in the Val di Pesa to the southwest.²⁸

The bishops continued to cooperate closely with the Florentine commune as it expanded, with the commune vigorously defending rural episcopal lands and rights, as a

²⁴ William R. Day, Jr., “The early development”, is the best account of Florence’s early development and should become standard once it is published; see 51-61, for rural seigneurial power and the Florentines’ actions against it.

²⁵ Dameron, *Episcopal power*, 24-28, provides a good overview of these two lineages’ early history. For the early activity of the Counts Guidi, see Natale Rauty’s edited collection of the relevant documents, *Documenti per la storia dei Conti Guidi in Toscana: Le origini e i primi secoli (887-1164)* (Florence, 2004). The best study of a single Tuscan comital family is Michelangelo Abatantuono and Luciano Righetti’s study of the Conti Alberti, neighbors and rivals to both the Conti Guidi and Florence: *I conti Alberti, secoli XI-XIV* (Bologna, 2000). Throughout this study, I refer to this signorial family as the Conti Alberti, to distinguish them from the urban mercantile family, the Alberti del Giudice.

²⁶ Dameron, *Episcopal power*, 27. For the collapse of the *Regnum Italicum*, see Wickham, *Early medieval Italy* (Ann Arbor, 1981), “The failure of the state: Political and institutional change in northern Italy, 875-1024”, 168-93.

²⁷ Dameron, *Episcopal power*, 43-45.

²⁸ Dameron, *Episcopal power*, 69.

wedge into the political and economic life of rural areas.²⁹ This was entirely predictable: Unlike their colleagues in Arezzo, Florentine bishops had never possessed comital powers from the Canossa, so they did not act as a rival source of power as the commune slowly emerged in the twelfth century. Furthermore, the Florentine episcopate was deeply entwined with urban lineages, in particular the Visdomini and Tosinghi.³⁰ This habitual, close cooperation between Florence's bishops and the commune would continue, right up to the War of the Eight Saints (1375-78). This cooperation was based on the dense interconnections between the bishops and the office-holding families of the city.

There is an intriguing parallel here between Florence and Siena, despite the cities' long and ongoing history of mutual resentment and disdain.³¹ Unique among the cities of northern and central Italy, the Sienese episcopate remained in the hands of a local family, the Malavolti, until 1371. During times of crisis such as the lead-up to Montaperti (1260), the Sienese bishops' local origins and horizons made them ready and willing allies of the commune, with potentially decisive results for the effectiveness of public power.³²

²⁹ Dameron, *Episcopal power*, 68-69: "Another reason for the collaborative rapport between the episcopate and the commune was the simple fact that the Visdomini and Tosinghi-the episcopal administrators during a vacancy-were members of the Florentine consulate [in the twelfth and early thirteenth centuries]...."

³⁰ For the Visdomini and the thirteenth-century episcopate, see Lansing, *Florentine magnates*, 65-76, and Dameron, "Florentine magnates". Faini, *Firenze*, 179-85, is a prosopographical study of the Florentine bishop's entourage in the 1230s, based on the roster of oath-taking episcopal *fideles* preserved in the *Bulletone* series.

³¹ A structural comparison of the two cities, so central to medieval Italian history and so deeply entwined in a variety of ways, alas does not exist yet.

³² Brad Franco, *The legend of Montaperti* (Siena, 2012), is the best succinct introduction to medieval Sienese history, the city's episcopate, and the lead-up to Montaperti in English.

The cooperation between the Florentine commune and episcopate contrasts sharply with how the commune dealt with other rural lordships.³³ Especially before the mid-thirteenth century, these rural lordships constituted rival systems of power to the commune, struggling against it for the same roadways and river valleys and human resources.³⁴ Four major rural lordships vied for control of the *contado* with Florence: the Cadolingi, Guidi, Ubaldini, and Alberti. Taken together, these families' rural holdings ringed Florence and hindered its access to crucial routes through the Arno Valley and its hinterland, including the crucial pilgrims' route, the Via Francigena.³⁵ The Cadolingi died out in 1113, but the division of their lands between the Tuscan bishops, the emperor, and the Conti Alberti immediately brought Florence into conflict with the latter. Matilda of Canossa smoothed this over by appointing an Alberti as bishop, but this in turn led to a rupture with the Guidi following her death in 1115. The Guidi withdrew from the city, refusing to recognize Florentine jurisdiction and allying themselves with the Holy Roman Emperor. Intermittent warfare continued between Florence and these two rural lineages throughout most of the century, and indeed with the Guidi into the Quattrocento.

The Ubaldini, the scourge of Florence's Apennine borders, had originated as vassals of the Tuscan margrave, the Guidi, and the Florentine bishops.³⁶ Their lodgment in the Mugello gave them a potential stranglehold on traffic across the Apennines between Florence and the Romagna, a stranglehold they would activate numerous times

³³ For what follows, see Dameron, *Episcopal power*, 70-77.

³⁴ I paraphrase here George Dameron, *Episcopal power*, 69.

³⁵ For the Tuscan road network in the Middle Ages, see the classic by Johann Plesner, *Una rivoluzione stradale del Duecento* (Florence, 1979).

³⁶ The only detailed study of the Ubaldini is Laura Magna, "Gli Ubaldini del Mugello: Una signoria feudale nel contado fiorentino," in *Nobiltà e ceti dirigenti in Toscana nei secoli XI-XIII*, ed. Comitato di studi sulla storia dei ceti dirigenti in Toscana (Impruneta, 1982), 13-63.

in the later Middle Ages. By the later twelfth, the main feudal families in the Fiorentino were the various branches of the Guidi, the Alberti, the Ubaldini, the Ubertini, and the Pazzi of the upper Valdarno.³⁷ While the commune gradually pushed these families out of the river plains, they showed a remarkable tenacity in resisting the commune during the fourteenth century, despite losses of territory and defeats.³⁸ These rural lineages appear later in the Trecento in denunciations to the Executor, and will be discussed in chapter five.

It is worth emphasizing Tuscany's polycentric political geography during the thirteenth century. The region's dense urban network resulted in a cluster of autonomous communes close to Florence: Prato, Pistoia, Arezzo, Siena, and S. Gimignano, to name only the nearest.³⁹ Some towns, particularly Lucca and Pisa, had already passed their peak by the 1280s, but before the plague, future Florentine dominance was far from obvious.⁴⁰ Well into the fourteenth century, these were vigorous communes capable of holding their own against Florence and pursuing their own policies. For example, Pistoia, despite its small *contado*, maintained its independence from Florence into the early fourteenth century. Lucca, under the leadership of Castruccio Castracani, crushed the Florentines at Altopascio in 1325 and conquered Pisa.⁴¹ It was only with the demographic

³⁷ Zorzi, *La trasformazione*, 214.

³⁸ I disagree here with Day's argument for the readiness of rural lineages to submit to the commune: Day, "The early economic development of Florence," 115-117. He is no doubt right, however, regarding the importance of cooperation and compliance over military conquest, despite the chronicles' overemphasis on this: see Day, "Early economic development," 101-02.

³⁹ See Zorzi, *La trasformazione*, 209-13, for the urban network of thirteenth-century Tuscany.

⁴⁰ Zorzi, *La trasformazione*, 210.

⁴¹ Giampaolo Francesconi, *Districtus civitatis Pistorii. Strutture e trasformazioni del potere in un contado toscano (secoli XI-XIV)* (Pistoia, 2007), is an exhaustive and

collapse of the later fourteenth century that Florence emerged as the definitively hegemonic inland power in Tuscany.⁴² Even then, Siena remained an independent republic until the sixteenth century, and the Pisans famously refused to accept Florentine conquest, straight through the fifteenth and sixteenth centuries.⁴³ Florentine hegemony over Tuscany in the later thirteenth and fourteenth centuries was economic far more than military or political.

The power of the rural lords of the Fiorentino was amplified by the fact that, as the commune emerged, there were not many urban landowners to counterbalance the rural lordships' power and resources or, just as importantly, rural clientele networks. With the notable exception of the bishops and cathedral chapter, Florentines were slow to invest in rural land. Enrico Faini's recent study of a 1231 oath sworn by the bishop's most important *fideles* reveals that the bishop's entourage was primarily city-based: 32 of the 40 identifiable lineages were urban families.⁴⁴ This situation changed in the thirteenth century, due to rural landowners moving to the city: rural merchants, notaries, and local elites constituted an important element in the flow of population to Florence.⁴⁵ By

thorough study of the Pistoiese between the emergence of the commune and the Florentine conquest.

⁴² For the demographic collapse of the Tuscan towns in the fourteenth and fifteenth centuries see Andrea Zorzi, "La formazione e il governo del dominio territoriale fiorentino," in Zorzi, Andrea and William J. Connell, eds. *Lo stato territoriale fiorentino (secoli XIV-XV)* (San Miniato, 2001), 189-224, at 193-94.

⁴³ Mario Ascheri, "Nel cuore del Dugento: Siena capitale 'Europea'?" in *Montaperti*, eds. M. A. Ceppari Ridolfi & P. Turrini (Siena, 2013), 7-11, is a brief exploration of Siena, not Florence, as the central Tuscan hub during the thirteenth century.

⁴⁴ Faini, *Firenze*, 181-892. On the paucity of urban landowners during the twelfth and early thirteenth centuries, see Faini, *Firenze*, 150-54.

⁴⁵ On landowners' migration and social mobility, see Zorzi, *La trasformazione*, 221, and Paolo Pirillo, *Famiglia e mobilità sociale nella Toscana medievale* (Florence, 1992).

comparison, there is a significant contrast here with early and high medieval Rome, where urban ecclesiastical foundations apparently owned the entire area out to the 25-mile marker, the *Agro Romano*. These diaconal churches and urban monasteries traditionally leased agricultural land to city-based landowners through three-generation emphyteusis contracts (*emphyteusis*), ensuring Rome's firm control on its immediate hinterland, and the direct flow of the *Agro*'s foodstuffs to the city.⁴⁶

Economically speaking, perhaps the most important feature of the *contado*'s relationship with Florence concerned rents and surpluses. Florence's actions in its *contado* in the twelfth through the fourteenth centuries were motivated by the twin needs of securing communications from the city to the borders of its territory, and increasing the city's share of the surplus extracted from the *contado*'s peasantry.⁴⁷ This surplus was itself expanding during the high Middle Ages: factors behind increased agricultural productivity in Florentine Tuscany included the expansion of the area under cultivation, infrastructure improvements, the dissemination of rural credit, and the suppression of rural signorial jurisdiction in the countryside.⁴⁸ This was a common problem facing the nascent communes of the twelfth and thirteenth centuries: especially before the development of city taxation, cities usually only had access to surpluses via landlords'

⁴⁶ On the *Agro Romano* and urban landownership patterns, see Wickham, *Medieval Rome*, 53-60. Incidentally, this had major consequences for settlement patterns, and the near-total absence of peasants from the surviving documentation: Wickham, 62-71, for the absence of villages (with a few exceptions), and 71-77, for peasant invisibility in most surviving documentation.

⁴⁷ For the commune's control of the road network in the fourteenth century and the economic networks linking town and country, see *Firenze e le sue campagne nel Trecento. Mercanti, produzione, traffici*, trans. I. Chabot and P. Pirillo (Florence, 2005), "La politica stradale del comune nexl XIV secolo," 57-136.

⁴⁸ Day, "Early economic development," 200. See Day, "Early economic development," 148-201, for agricultural production for the twelfth-thirteenth centuries.

exactions from tenant farmers.⁴⁹ This process was sometimes contested in the thirteenth century: George Dameron uncovered several cases of collective resistance to the exactions of the Florentine bishops, which intensified Florentine involvement in the countryside as the bishops called in communal officials to support them against unruly rural tenants.⁵⁰ The resistance grew out of the bishop's efforts to commute money rents to grain rents, with adverse consequences for direct producers seeking to sell their produce on the Florentine market.⁵¹ The Florentines aided the bishops in their disputes with rural vassals, largely because the episcopal *mensa* served as a proxy for Florentine control.⁵² Despite this resistance, from the early thirteenth century, Florence could usually rely on grain reaching its markets, through the grain tax on rural vassals or direct sales; at the same time, the Florentine tax system was gradually emerging.

How many people lived in the *contado* before the disasters of the fourteenth century? Tuscany was one of the most densely populated regions on the Italian peninsula before the disasters of the fourteenth century, and probably in all of Europe.⁵³ The demographic and economic boom of the 11th-13th centuries was particularly beneficial for the region. Later medieval Tuscany was characterized by its singularly dense urban

⁴⁹ Wickham, *Medieval Rome*, 38.

⁵⁰ See in particular the case study of S. Casciano in Dameron, "Episcopal lordship in the diocese of Florence and the origins of San Casciano Val di Pesa, 1230-1247," *Journal of Medieval History* 12 (1986): 135-54.

⁵¹ See Dameron, *Episcopal power*, 86-92, and 130-40, for episcopal political economy and rural push back in the twelfth- and thirteenth-century Fiorentino. Day, "The population of Florence," 109, discusses the pressure on peasants from the urban grain market.

⁵² Dameron, *Episcopal power*, 69.

⁵³ Giovanni Cherubini, "Una terra di città: Toscana nel basso Medioevo," in *Scritti Toscani: L'urbanesimo medievale e la mezzadria* (Florence, 1991), 22-23.

network, leading Giovanni Cherubini to christen it “una terra di città.”⁵⁴ The population of Florence and its *contado* has long been a source of controversy, mainly hinging on the meaning of the numbers that Giovanni Villani provides in his *Nuova Cronica*.⁵⁵ William R. Day has argued that a rural population of around 90,000 in 1175 is probably conservative, given these clusters of dense settlement.⁵⁶ By 1300, this had increased to around 260,000.⁵⁷ Rural immigration to the city is a classic theme of medieval Italian historiography, and characterized the twelfth and thirteenth centuries in particular.⁵⁸ Florence from the mid-thirteenth century drained people away not only from its own *contado*, but northeastern Tuscany: the effect on Prato was particularly notable. Based on falling papal tithes, parts of Florentine Tuscany may have been depopulated by the early fourteenth century.⁵⁹ A significant element of this immigrant population consisted of rural landowners, such as the Franzesi Della Foresta, studied by Paolo Pirillo and Enrico

⁵⁴ Cherubini, “Una terra di città: Toscana nel basso Medioevo,” in *Scritti Toscani*, 21-34.

⁵⁵ See Giovanni Villani, *Nuova cronica*, 3 vols., ed. Giuseppe Porta (Parma, 1991) [hereafter “G. Villani, *Cronica*”], vol. 2, 12.94, at 197-202, for most of the numbers in debate.

⁵⁶ W.R. Day, Jr., “The population of Florence before the Black Death: Survey and synthesis,” *Journal of Medieval History* 28 (2002) [hereafter “Day, Population”]: 93-129, at 119 for 90,000 as conservative.

⁵⁷ See the population table in Day, “Population,” at 120.

⁵⁸ The classic here is Johann Plesner, *L’emigrazione dalla campagna alla città libera di Firenze nel XIII secolo* (Florence: Papafava, 1979). More recent treatments are Enrico Faini, “L’emigrazione dal Valdarno Superiore a Firenze nel XII secolo: una storia mancata,” in *Storie di una pieve del Valdarno. San Romolo a Gaville in età medievale* a cura di P. Pirillo e M. Ronzani (Rome, 2008), 105-21, and William R. Day Jr., “Population growth and productivity: rural-urban migration and the expansion of the manufacturing sector in thirteenth-century Florence,” in *Labour and labour markets between town and countryside (Middle Ages-19th century)*, eds. B. Blondé, E. Vanhaute, M. Galand (Turnhout, BE, 2001), 82-110.

⁵⁹ Day, “Population,” 124.

Faini.⁶⁰ If city air did make some peasants free, it also enriched *contadini* who were already among the first ranks in their rural *paese*'s socioeconomic world.

The scramble for Tuscany, c. 1100-1200: The collapse of the Tuscan March and Florence's early contado wars

The March of Tuscany disintegrated in the early twelfth century, following the series of civil wars between the Canossa, staunch supporters of the reform movement, and the German emperors.⁶¹ Florence held out for the reformers and the Canossa, and stood off an imperial siege in 1080.⁶² Pisa (along with Genoa) responded quickly to this power vacuum, with a Pisan commune visible by the 1100s.⁶³ Inland, change was more gradual. The first-tier Tuscan elite, castle-holding families such as the Guidi, Conti Alberti, and Ubaldini, left Florentine urban politics and began tightening control over their rural territories, and where possible, expanding them.⁶⁴ None of these families were powerful enough to reconstitute the March, however, and it dissipated following Matilda's (1115). The cities were now on their own, although it would not become clear that the *Regnum Italicum* was a thing of the past until mid-century.⁶⁵

From the 1120s, inter-city wars became commonplace all over north-central Italy. A major hallmark of the emergence of the city-states was, in fact, their savage delight in

⁶⁰ See the Faini, "L'emigrazione", and Pirillo, *Famiglia*.

⁶¹ Wickham, *Sleep walking*, 180-87, provides an excellent summary account of this process and local responses.

⁶² Giovanni Villani, *Nuova cronica*. Ed. Giuseppe Porta (Parma, 1991) 3 vols. [hereafter "G. Villani, [book number, chapter number]"], IV.XXIII. I once lived on the Via Campo d'Arrigo on Florence's northeastern outskirts, perhaps so named because the emperor Henry IV's army camped here during the siege.

⁶³ The Pisans can already been seen acting in common by the 1090s: see Wickham, *Sleep walking*, chapter 2, for the Pisan commune.

⁶⁴ For aristocratic abandonment of the city, see Cortese's conclusions in *Signori*.

⁶⁵ Wickham, *Sleep walking*, 200-05, nicely summarizes the collapse of the Kingdom of Italy.

fighting each other; only outside threats such as Frederick Barbarossa could force them to act together.⁶⁶ Florence, like other cities, responded to this power vacuum with military conquest. William R. Day, Jr., has demonstrated that the Countess Matilda did not delegate imperial power to Florence, as Robert Davidsohn believed: conclusive evidence for urban imposts in the countryside only survives from 1156.⁶⁷ Unfazed by this, the Florentines, according to Giovanni Villani, were already destroying defiant castles such as Monte Orlandi in 1107.⁶⁸ In the same year they destroyed the castle of Montemurlo, a Guidi fief, between Pistoia and Prato.⁶⁹ Villani claims they did so in order to keep Prato free of Guidi control; perhaps this was a response to efforts by the Guidi or Conti Alberti to extend their control from Prato into the Fiorentino. After two unsuccessful campaigns (1123, 1124), the Florentines finally conquered their archrival Fiesole in 1125, razing the fortress.⁷⁰

The Florentines also targeted rural lords and neighboring towns that were interfering with traffic to the city, or which could emerge as competing points of attraction for commerce and the agricultural surplus. The *castello* of Figline Valdarno was taken and razed in 1170, after Fiesole's bishop had obtained papal permission to move the seat of the see to Figline.⁷¹ Florence's treatment of the Buondelmonti lineage demonstrates how Florentine interests often dovetailed with episcopal rights. The

⁶⁶ Wickham, *Sleep walking*, 201-02.

⁶⁷ See Day's thorough discussion of the issue in "Early economic development".

⁶⁸ G. Villani, 4.25. Day, "Early economic development," 62, discusses this passage.

⁶⁹ G. Villani, 4.26.

⁷⁰ Day, "Early economic development," 64, ftnt. 35, discusses why the 1125 campaign succeeded.

⁷¹ Day, "Early economic development," 66-67, discusses the Fiesolano bishops' (unsuccessful) machinations to wriggle out of the shadow of Florence.

Buondelmonti had been episcopal vassals from 1092, and required to provide troops for the bishops. The Buondelmonti contingent had abandoned the Florentine army during the siege of Montegufoni in 1135, giving the commune sufficient grounds to besiege and raze the lineage's chief stronghold, Montebuoni. The Buondelmonti had also been collecting tolls on traffic up the Valdigueve between Florence and Siena.⁷² Montebuoni fell to the Florentines, who razed it to the ground. The Buondelmonti would soon become a major player in the urban politics of the commune.

Greater lords such as the Guidi and Conti Alberti were a greater challenge. The Florentines fought numerous wars with both lineages from the 1140s on. The great houses did not unite against Florence, however. The Conti Alberti joined the Florentines for an attack on the crucial border town of Poggibonsi, which lay on the Via Francigena, in 1156. This did not stop them from being targeted later in the twelfth century by the commune. Following the rise of the commune at Prato, the Alberti had founded Semifonte as a commercial center to rival Florence and threaten communications between Florence and the Valdelsa. Before Frederick Barbarossa's descent into Tuscany in 1185, the Florentines procured an oath of fealty from the Conti Alberti; the Alberti foundation of Semifonte may have been destroyed in 1184 for the first time, but Count Alberto was styling himself *comes Albertus de Summofonte* in 1185.⁷³ The Florentines definitively eradicated Semifonte in 1202, razing its buildings and banning any building

⁷² The relevant accounts are in Sanzanome, 128, and G. Villani, 4.36. See also Day, "Early economic development," 68-69

⁷³ Day, "Early economic development," 81, citing Davidsohn, *Storia*, 1, 862, n. 1.

on the site, *pour encourager les autres*: Florence would brook no competitors within the boundaries of its *contado*.⁷⁴

The fundamental strategic goal for Florence in these early wars was securing communications in the city's hinterland, and driving out competitors for local hegemony. Although the Florentines were usually successful in these campaigns, they were comparatively small-scale affairs. The age of really devastating warfare, affecting entire regions, requiring massive funds and dragging on for years, would come in the fourteenth century. Florence's high medieval *contado* wars could, rather, be seen as a medieval Tuscan analogue to the Beer Wars fought between American gangsters of the 1920s: bloody, internecine, and sure to attract the attention of anyone keeping records, but also limited and intermittent struggles to gain control of crucial economic assets, and shut out the competition in the broader context of a power vacuum, created in one case by the collapse of the March, in the other by the Volstead Act's prohibition of alcohol.⁷⁵ As with the victors of the Beer Wars, such as Charles "Lucky" Luciano, Florentine success over rivals such as the Conti Alberti or Figline Valdarno depended on superior organization, well-timed aggression, and the sense to compromise and negotiate as well as fight; this tactical success was also grounded in a robust economy and burgeoning population.

The city: Demography, economy, social classes and institutions, ca. 1200-1300

Florence's urban population in the 1280s hovered around 85,000, and by 1300

⁷⁴ On Semifonte and its legend, see the conference volume *Semifonte in Val d'Elsa e i centri di nuova fondazione dell'Italia medievale*, ed. Paolo Pirillo (Florence, 2004).

⁷⁵ See James Fentress, *Eminent gangsters: Immigrants and the birth of organized crime in America* (New York, 2010).

had increased to 105,000.⁷⁶ In 1100, the city scarcely reached beyond the Carolingian-era additions to its Roman walls.⁷⁷ The Countess Matilda may have incorporated the *castello* of Altafronte (the ruins of which are the foundation for today's Museo Galileo) into this circuit, but the first major expansion of the city's wall circuit was carried out from 1172-1175, when the city's population hovered at around 15,000.⁷⁸ The city's population had grown tremendously to 85,000 by the time work began on Florence's final wall circuit (1284-1333).⁷⁹ This circuit spanned eight and a half kilometers, with 73 towers and 15 gates, and fully incorporated the southern *borghi* of the Oltrarno (S. Frediano, S. Spirito, S. Niccolò), and the mendicant foundations of the later thirteenth century (S. Spirito, S. Maria Novella, S. Croce, Ognissanti, S. Marco).⁸⁰ The final wall circuit deliberately included empty spaces, for future population. The city's population peaked in 1338, before the demographic disaster of the Black Death wiped out perhaps half the city's population. The city's population would not overgrow its medieval wall circuit until the eighteenth century.⁸¹

⁷⁶ Day, "Population," 120.

⁷⁷ The best recent studies of the pre-Duecento cityscape are Jacopo Bruttini, "Enclavi urbane a Firenze: Il caso della famiglia Uberti," *Annali di Storia di Firenze* VI (2011): 5-35, with invaluable maps and sketches of the high medieval city, and Faini, *Firenze*, 37-45.

⁷⁸ Franek Sznura, *L'espansione urbana di Firenze nel Duecento* (Florence, 1975), 44. For Florence's population in 1200, see Day, "Population," 120.

⁷⁹ See Najemy, *A History*, 98-99, for a detailed map and explanatory key of the wall circuit, its gates, and significant buildings in the late thirteenth-century city.

⁸⁰ For the third wall circuit, see Giovanni Cherubini, "La Firenze di Dante e di Giovanni Villani," in *Scritti Toscani*, 46-47.

⁸¹ Najemy, *A History*, 100.

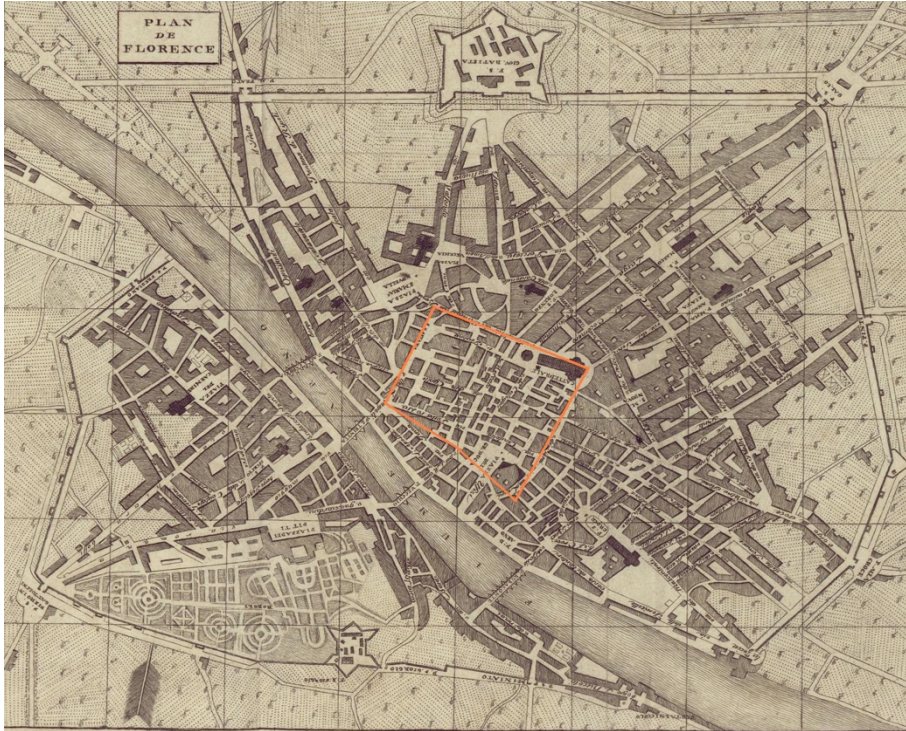


Figure 1: *Florence's medieval urban area: The orange line denotes the Roman-era wall; the castle of Altafronte was later incorporated into this circuit. The 1172-1175 wall circuit incorporated the borghi surrounding the Roman wall into the city. The 1284-1333 circuit is clearly visible around the city's density clusters, illustrating the city's explosive growth up to 1348. From Antonio Campani's Guida della città di Firenze ornata di pianta e veduta (Florence, 1822)*

In the thirteenth century, Florence overtook its regional rivals such as Pisa and Siena and emerged as the economic powerhouse of Tuscany. This economic dynamism largely explains the flood of rural immigration to the city, as well as the city's explosive social conflict.⁸² Underlying this economic expansion were several factors: rising agricultural productivity, infrastructural investments, the expansion of credit, and the reserve army of labor pouring in from the *contado*.⁸³ The early commune's infrastructural

⁸² My discussion of Florence's early industry is based largely on Goldthwaite, *Economy*, particularly 12-36 and 114-125, and Day, "Early economic development," ch.5, "Manufacturing, urban development, finance".

⁸³ Day, "Early economic development," 201-02, for this. On credit in real estate transactions, see Faini, *Firenze*, 100-09.

investments (in particular, bridges and roads) greatly facilitated the movement of goods in the city, and in the countryside.⁸⁴ A reliable labor surplus, care of its countryside and neighbors, allowed Florentine industries to staff their burgeoning workshops and mills, especially the textile and building trade. The latter was a major growth industry as the thirteenth-century commune launched ambitious building projects.⁸⁵

The Florentine textile industry alone staffed three hundred workshops in the first decade of the fourteenth century, employing more than 30,000 people.⁸⁶ In the 1330s, Giovanni Villani valued the textile industry at the astonishing sum of 1,200,000 florins *per annum*. An industry of this size and value indicates the profound transformations at work in city and countryside during this period. The wool guild, the Calimala, is attested from 1212.⁸⁷ By mid-century, the textile industry was important enough to rewire other sectors of the urban economy: by the early fourteenth century, some millers were converting grain mills into fulling mills to service the textile industry.⁸⁸ The textile industry was interwoven with Florence's nascent banking and finance sectors: Florentines

⁸⁴ On infrastructure, see Day, "Early economic development," 238-283. See Lansing, *Florentine magnates*, 6-7, for Florence's bridges and the years of their construction.

⁸⁵ On this, see Sznura, *L'espansione*; for estimates of the number of people employed in the building trades, and Florentine building projects to the 1350s, see Najemy, *A History*, 103-09.

⁸⁶ Day, "Early economic development," 204, drawing on Giovanni Villani's numbers. Hidetoshi Hoshino, *Industria tessile e commercio internazionale nella Firenze del tardo medioevo*, eds. F. Franceschi, S. Tognetti (Florence, 2001), is the best account of the Florentine textile industry and international commerce during the later Middle Ages.

⁸⁷ Day, "Early economic development," 206-07, notes that the organization may have existed since 1193.

⁸⁸ Day, "Early economic development," 225.

were investing in business partnerships specifically for manufacturing *pannos florentinos di lana*, woolen cloth of the Florentine kind, in 1244.⁸⁹

An important element in the myth of Florence is the image the Florentines established for themselves in the fourteenth century as international bankers and merchants. While this development emerged from regional exchange within Florentine Tuscany, there is an element of truth to his reputation. Florentine families such as the Bardi, Peruzzi, and Frescobaldi were among the leading bankers in later medieval Europe, and in their activity finance, high politics, and Florentine annonarial politics fused. It is still unclear when the Florentines emerged as the papacy's go-to bankers, but by the mid-thirteenth century, the Florentines played a substantial role in curial banking.⁹⁰ The papacy frequently intervened in Florentine politics and also aided Florentine merchants abroad; the papacy also granted special privileges in the Papal States: Umbria, Romagna, le Marche, and Lazio.⁹¹ By the early fourteenth century, the Bardi and Peruzzi were funding Plantagenet wars with France.⁹² This banking activity flooded the Florentine companies with liquid capital, typically scarce in a predominantly agrarian world. Before the secular crisis of the fourteenth century, banking companies possessed capital reserves dwarfed those of their international merchant counterparts in Venice and Genoa.⁹³

⁸⁹ Day, "Early economic development," 218.

⁹⁰ Day, "Early economic development," 232-33.

⁹¹ Day, "Early economic development," 235.

⁹² Goldthwaite, *Economy*, is a comprehensive account of Florence's later medieval economy. See Armando Sapori, *La crisi delle compagnie mercantili dei Bardi e dei Peruzzi* (Florence, 1926), 5-94, for the banking activities of the Bardi and Peruzzi in England during the fourteenth century.

⁹³ Najemy, *A History*, 114.

There were important connections between the cloth industry, papal banking, and Florence's demand for primary agricultural products. Even after expanding its control over the *contado* and its products in the twelfth century, by the mid-thirteenth century, the city had grown beyond what its hinterland could supply.⁹⁴ The Florentine cloth industry also needed larger markets for its burgeoning production. The solution lay in international politics. With the papacy as middleman, Florentine bankers led by Gino Frescobaldi provided loans to Charles of Anjou when he invaded the Kingdom of Sicily and deposed Manfred von Hohenstaufen following the latter's defeat at Benevento (1266).⁹⁵ Following Charles' definitive victory over Conradin at Tagliacozzo (1268), Florentine loans to the Angevins and investments in the south grew dramatically.⁹⁶ In exchange for these loans, the Florentine companies received the right to collect church revenues and trading privileges in the Angevin Mezzogiorno. From this development, two major results ensued, significant for Florence and for the recently conquered Mezzogiorno: a vastly expanded market emerged for Florentine products, in particular its textiles, and a steady and almost unlimited supply of grain for the Arno City.⁹⁷

It is worth emphasizing the medium- and long-term negative consequences that both these developments had for the mainland South. The Florentine companies bear as

⁹⁴ On the city's rural hinterlands, see C.M. De La Roncière, *Firenze e le sue campagne nel Trecento*.

⁹⁵ Lansing, *Florentine magnates*, 12; Najemy, *A History*, 116. For recent historiography on the Angevin era in southern history, see Serena Morelli, "La storiografia sul Regno angioino di Napoli: Una nuova stagione di studi", *Studi Storici* 41:4.

⁹⁶ For the Angevin alliance, see David Abulafia, "Southern Italy and the Florentine Economy, 1265-1370," *Economic History Review* 33 (1981): 377-88, at 379 for early loans.

⁹⁷ See Day, "Early economic development," 235-36, for the probable papal facilitation of textile imports to the South.

much blame as anyone in the Middle Ages for the exploitation of the South and its reduction to a primary products-producing, semi-colonial region in relation to the north.⁹⁸ The volume of Florentine grain imports from the Mezzogiorno is staggering, with 45,000 tons of Apulian grain shipped to Florence in 1311 alone.⁹⁹ The Angevins were at war for a large part of their tenure as kings of Naples, and were quite willing to exchange trading concessions, royal titles, and tax-farming privileges for ongoing war loans. The Angevins largely funded these through Florentine loans, forming an ongoing, symbiotic relationship based on credit and concessions.¹⁰⁰ Following the Sicilian Vespers of 1282, the Florentines profited handsomely from funding the Neapolitan kings' failures to reconquer the island.¹⁰¹ The companies made a killing from this southern trade, aided by the fact that some of them gained privileges to collect port taxes in the Regno's Adriatic provinces. The Frescobaldi gained permission to export wheat from the Apulian ports to Venice in 1283, prompting Venetian complaints that a non-Adriatic town was supplying them. In 1308, the Peruzzi gained control of the tax on grain exports from the Abruzzi, which they had a stake in.¹⁰² Individual Florentines also rose to high places in the Neapolitan court, gaining lands and concessions in the mainland South. The Florentine textile industry exported finished Florentine cloth to the South, which lacked its own textiles industry; once in place, this import-export relationship hindered southern

⁹⁸ Sicily, in this as in many other ways, went its own way, according to Stephan R. Epstein: Epstein, *An island for itself* (Cambridge, 2003). On the later degradation of the southern economy and its cultural consequences, see John A. Marino, "Economic idylls and pastoral realities: The 'trickster economy' in the Kingdom of Naples," *Comparative Studies in Society and History* 24:2 (Apr., 1982), 211-34.

⁹⁹ Abulafia, "Southern Italy," 382.

¹⁰⁰ Abulafia, "Southern Italy," 381.

¹⁰¹ Abulafia, "Southern Italy," 386.

¹⁰² Abulafia, "Southern Italy," 380.

industry.¹⁰³ Tuscany and the South were entwined largely to the misfortune of the latter during the later Middle Ages.

While grain imports always exceeded Florentine exports to the Mezzogiorno, this ignores the way in which individual Florentines made their fortune as royal officials in the South, accruing lands and titles from the Angevins.¹⁰⁴ Florentine merchants exported grain throughout the Mediterranean, not only to their hometown.¹⁰⁵ The Florentines also exported southern livestock, reflecting a deep penetration of the Mezzogiorno's pastoral interior. Florence's demand for primary agricultural products came at dire cost to the people of the Mezzogiorno: during a 1329 famine, Florentines were allowed to continue exporting grain from the Pugliese ports.¹⁰⁶ Politically, southern grain imports and opportunities for the organized plunder of the South kept the Florentines in the Guelph camp until after the Black Death, and ensured that the Angevins would be intermittent players in Florentine politics until the expulsion of Walter of Brienne in 1343.¹⁰⁷

Southern grain shipments reached Florence from Pisa or Ancona via the Appennines.¹⁰⁸ While most grain came from the South, Florence continued to import grain from within Tuscany, as well as Sardinia, imported through Pisa and other

¹⁰³ Day, "Early economic development," 235.

¹⁰⁴ See Goldthwaite, *Economy of Renaissance Florence*, 137, for Florence's negative balance of trade; Abulafia, "Southern Italy," 382-83, for Florentine penetration of the South's ruling classes.

¹⁰⁵ Abulafia, "Southern Italy," 385-86 for Florentine exports to the Eastern Mediterranean.

¹⁰⁶ Abulafia, "Southern Italy," 381.

¹⁰⁷ David Abulafia, "Grain Traffic out of the Apulian Ports on Behalf of Lorenzo de Medici, 1486-7," in *Mediterranean Encounters, Economic, Religious, Political, 1100-1550* (Aldershot, 2000), 26.

¹⁰⁸ The standard work on the Florentine commune's annona politics is Giuliano Pinto, *Il libro del Biadaio. Carestie e annona a Firenze dalla metà '200 al 1348* (Florence, 1978).

Tyrhennian ports.¹⁰⁹ The necessity of keeping the roads clear for Florentine merchants, grain convoys, and Florentine armies was a major motivation for the commune's struggles against rural lineages, and led to the commune's reorganization of roads around Florence.¹¹⁰ Thus, the city's food supply remained at the center of the city's political economy straight through the period on the regional, inter-regional, and international level.

In the late thirteenth century, the Florentine economy was at its height, with Florentines active from Acre to London and enmeshed in Europe's high politics at the papal, Plantagenet and Angevin courts. The Florentine textile and banking sectors would never surpass the prosperity of the period before the 1340s. Yet local concerns, above all the need to supply the city's explosive growth and maintain security for primary products and Florentine merchants, and regional exchange between Florence and its *contado*, remained an important part of the Florentine economy.

Another factor underlying Florence's economic dynamism was its development of a civic identity with the willpower, and public institutions with the resources and strength, to allow it to defend Florentine merchants and business interests, and facilitate commerce in the city and *contado*.¹¹¹ Investment in the economy in turn guaranteed a certain baseline of security for the *contado* during the twelfth and thirteenth centuries. This basic, structural prosperity persisted into the early fourteenth century despite the ongoing factional conflicts between Guelfs and Ghibellines and later *popolani* and

¹⁰⁹ On the establishment of regional grain markets and the search for overseas supplies, see Zorzi, *La trasformazione*, 224, and

¹¹⁰ Zorzi, *La trasformazione*, 224, citing Plesner.

¹¹¹ On the commune's institutional support of infrastructure, see Day, "Early economic development," chapter 5.

magnati. The economic downturn of the mid-fourteenth century was a major factor separating the experience, ambitions, and decisions of fourteenth-century Tuscans, elites and non-elites, from their ancestors of the previous two centuries. It is an irony of Florentine history that the economic and demographic downturn of the 1340s came following a comparatively long period of civil peace, 1310-1338. This multi-faceted crisis involved the bankruptcy of the major banking companies, the contraction of the textile industry, and the destruction of the Tuscan reserve army of labor following the Black Death; the onset of longer, costlier wars accompanied the travails of Tuscany's unhappy fourteenth-century inhabitants. This change in the broader socioeconomic, political, and cultural structures of everyday would lead to profound changes in Florentine Tuscany in the years after the first visitation of the Black Death (1348).¹¹²

In recent years, Enrico Faini has greatly enhanced our understanding of the emergence of Florentine civic identity in the twelfth and thirteenth centuries. This might be described in less abstract terms as a sense of living together in common: Florentine-ness.¹¹³ This was a process, not a given; because of the small scale of Florence in the twelfth century and the mass of abruptly deracinated immigrants from the countryside,

¹¹² On Florentine Tuscany's late medieval transformation, see the conference volume edited by Andrea Zorzi and William J. Connell, *Lo stato territoriale fiorentino (secoli XIV-XV). Ricerche, linguaggi, confronti*. San Miniato, 2001).

¹¹³ See in particular by Faini: "Una storia senza nomi: Storia e memoria a Firenze ai primi del Duecento," *Bullettino dell'istituto storico italiano per il medio evo* 108 (2006): 39-81; "Alle origini della memoria comunale." *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 68 (2008): 61-81; *Firenze*, 1-20, 127-36; and "Le memorie del territorio nella dei secoli XII-XII: strategie di condizionamento nei *dicta testium*." *Mélanges de l'Ecole française de Rome. Moyen-Age* 123/2 (2011): 487-97.

Florence was a young town, despite being a Roman foundation.¹¹⁴ The city's relative economic unimportance, the lack of a bishop with comital powers (*de facto* or *de iure*), and the city's frail control over its hinterland meant that when the Countess Matilda died in 1115, the Florentines lacked both a useable past and civic consciousness; they would have to craft them in the course of the twelfth and thirteenth centuries.¹¹⁵

Without this civic consciousness, there could be no commune in an organized, coherent sense. Faini has argued that the development of this civic consciousness underlay the communal chronicles that become frequent in north-central Italy from the late eleventh century. These early chronicles, which either preceded or accompanied the earliest communal institutions, as operating between civic history and communal history, that is, between an urban community acting together and doing so through institutional mechanisms.¹¹⁶ The emergence of a civic identity should be seen as a first phase in the socio-political activity and cultural production that resulted, in the later thirteenth century, in the fully articulated popular culture of the late ducentesco Florentine commune.¹¹⁷ Florence was, however, a late starter in civic identity as in so many other

¹¹⁴ Faini, *Firenze*, 128-29: "Agli inizi del secolo XII Firenze era una comunità giovane, buona parte dei suoi abitanti erano immigrati di recente e una improvvisa separazione dal territorio aveva imposto una riorganizzazione della gerarchia e dei ruoli sociali." Lansing, *Florentine magnates*, xi-xii, makes substantially the same point, noting the twelfth-century city's wooden architecture and virtually non-existent infrastructure.

¹¹⁵ On this process, see Wickham, *Sleep walking*, 195-205.

¹¹⁶ Faini, "Alle origini della memoria comunale," 62.

¹¹⁷ The best discussion of the latter phase of this process is Massimo Giansante's extended exegesis on Sarah Rubin Blanshei's scholarship, "Ancora magnati e popolani: Riflessioni in margine a *Politics and Justice* di Sarah R. Blanshei," *Archivio Storico Italiano* 637: III (2013): 543-70, in particular 551, where he describes the core of this popular political culture as "il culto per i principi istituzionali repubblicani, quel 'vivere secondo politica', innervato di letture ciceroniane, che Giovanni Villani presentava come sintesi della pedagogia politica comunale di Brunetto [Latini]."

areas.¹¹⁸ Pisa, Genoa, Milan, and many other cities had fairly well-attested institutions such as the consulate by the 1130s at the latest, well before the first passing mention of the Florentine consuls, in 1177, as Chris Wickham has shown in his recent study of the Italian communes' fitful emergence.¹¹⁹ Early communal chronicles were typically produced by professionals, often notaries and judges, involved in their city's public life.¹²⁰ The most famous is probably that of the Genoese chronicler Cafarro, who wrote the first part of the commune's official history after accompanying the Genoese *compagna's* fleet on the First Crusade.¹²¹

The classical past was an important element in the communes' civic identity. In an important recent study, Carrie Beneš has explored the many forms that appropriating the Roman past took in the Italian communes.¹²² Padua, for example, prided itself on its foundation by Antenor, despite his medieval reputation as a traitor, while Perugia made much of its connection to the elusive figure of Eulistes, and its status as one of the *Etruriae capita*, the chief Etruscan towns opposing Roman expansion.¹²³ Classical

¹¹⁸ For a comparative analysis of the emergence of the Italian communes, see the comparative chapter, "Italy," in Wickham, *Sleep walking*, 161-205; Florence is discussed at 182-84.

¹¹⁹ See Wickham's "The sense of the past in Italian communal narratives," in Paul Magdalino, ed., *The perception of the past in twelfth-century Europe* (London, 1991), 173-89. For the early history of Genoa and the emergence of the commune there, see Steven A. Epstein, *Genoa & The Genoese, 958-1528* (Chapel Hill & London, 1996), chs. 1-2.

¹²⁰ See Faini, "Alle origini," 66-67, for the social origins of Sicard of Cremona, Codagnello da Piacenza, and Sanzanome, who Faini describes as part of the second wave of communal chroniclers, following the precocious Genoese Cafarro di Caschifellone.

¹²¹ On Cafarro and the early Genoese commune, see Epstein, *Genoa*, 28-49.

¹²² Carrie E. Beneš, *Urban legends* (University Park, PA, 2011).

¹²³ See Beneš, 39-60, for the city's Antenor mythos. Beneš, 120-30, for Perugia's Eulistes legend and its opposition in antiquity to the Roman Republic.

monuments and ruins, such as Perugia's famous Etruscan gate, silently attested to the communes' Roman past.

Legal transformations were another, fundamental aspect of communal formation. The later twelfth through the mid thirteenth century was a period of intense legislative activity for the urban communes: here, the communes' classicizing culture combined with macro-level political developments.¹²⁴ Following the Lombard League's triumph over the Holy Roman Emperor Frederick "Barbarossa" II at Legnano (1176) and the peace of Constance (1183), the urban communes gained the right to issue laws. These triumphs over the Empire combined with the experience of the inter-city leagues to expand the communes' experimentation in institutional innovation.

Many cities issued their first statutory compilations in the late twelfth century, as part of the broader emergence of models and methods of civic living and civic association.¹²⁵ Pisa, well away from the main warzones in the struggles between Barbarossa and the northern communes, led the way in its statutory activity. In 1155, the Pisan commune decided to issue the city's bipartite, Romanist law code, the *Constitutum*

¹²⁴ Hagen Keller, "Gli statuti dell'Italia settentrionale come testimonianza e fonte per il processo di affermazione della scrittura nei secoli XII e XIII," in *Le scritture del comune. Amministrazione e memoria nelle città dei secoli XII e XIII*, ed. G. Albini. Turin: Scriptorium, 1998), 61-94, at 74: "Gli statuti dell'Italia settentrionale come testimonianza e fonte per il processo di affermazione della scrittura nei secoli XII e XIII," in *Le scritture del comune*, ed. G. Albini. Turin, 1998. 61-94, "La fase decisiva dello sviluppo dei codici statutari sembra essere il periodo che va dagli ultimi anni del regno di Federico Barbarossa ai primi anni del regno di Federico II."

¹²⁵ The best brief discussion of the twelfth century's importance is Elisa Occhipinti, *L'Italia dei comuni. Secoli XI-XIII* (Rome, 2000), 51-53. Occhipinti notes the significance of the post-Constance period on 51: "Dopo la pace di Costanza, nel corso del secolo XIII si ebbe una grande fioritura di statuti comunali, segno della maturità acquisita dai comuni in quanto organi di autogoverno, che elaboravano le proprie leggi, definivano le modalità della loro applicazione, stabilivano le forme di controllo e le sanzioni per i trasgressori, delineando così un proprio modello normativo di convivenza civile."

legis and *usus*. The commission of local (i.e., non-Bolognese) legal experts (*constitutores; sapientes*) finished its work in January 1161.¹²⁶ The other Tuscan cities were much slower to follow the Tyrhennian city's lead.¹²⁷ Volterra's earliest statutes, the first among the inland Tuscan towns, were drafted between 1210-1224.¹²⁸

Florence was late to codify its laws even by Tuscan standards: the first surviving statutes date from 1322-1325. The Florentines also never adopted Roman law, certainly not in the unusually thorough manner of the Pisans. The commune's earliest legislative documents are ordinances: the Camera del Comune's ordinances of 1289, and, above all, the Ordinances of Justice (1293, 1295).¹²⁹ It is unclear why these ordinances-whose nature I discuss in chapter 2-preceded a statutory corpus, and this is a question I intend to address in future research. It is possible that the instability of thirteenth-century Florence's regimes is reflected in its documentary survival here as with most of the commune's pre-1343 records, and that statutes predating those of 1322 have perished.

¹²⁶On twelfth-century Pisa, see Wickham, *Sleep walking*, 67-117, at 71-73, and Wickham, *Courts and conflict in twelfth-century Tuscany* (Oxford, 2003). The best recent study of high medieval Pisa is Alma Poloni, *Trasformazioni della società e mutamenti delle forme politiche in un Comune italiano: il Popolo a Pisa (1220-1330)* (Pisa, 2004).

¹²⁷ Enrico Faini, "Le tradizioni normative delle città toscane. Le origini (secoli XII-metà XIII)," *ASI* (2013): 419-81, is the best recent survey of the Tuscan communes' twelfth- and thirteenth-century statutory material. He discusses the Volterran statutes, which include rubrics dating to 1199, at 422-26.

¹²⁸ Enrico Fiumi, *Statuti di Volterra I (1210-1224)* (Florence, 1951).

¹²⁹ On Florence's early statutory corpus, see Faini, "Le tradizioni," 432-33; Lorenzo Tanzini, "Il più antico ordinamento della Camera del Comune di Firenze: le 'Provvisioni Caononizzate' del 1289," *Annali di Storia di Firenze* I (2006): 139-179; and Tanzini's study *Statuti e legislazione a Firenze dal 1355 al 1415* (Florence, 2004).

This hypothesis is supported indirectly by Dino Compagni's mention of a commission appointed in 1295 to review the statutes of the Capitano del Popolo and Podestà.¹³⁰

Twelfth- and early thirteenth-century Florence lacked not only a coherent body of statutes, but also a historically-attested classical past. Florence was a second-rate provincial municipality under the late Republic and early Empire, lacked major Roman monuments, and the authority of classical authors to attest to its Roman-ness (*Romanitas*). The educated elite of notaries and jurists, men such as Sanzanome, was crucial here in confecting a classical past where one did not exist. Communal chronicles were influenced in structure and forms of evidence by judicial processes, and this brings us to communal institutions. Judicial activity played an important role in early communal development, and its products, in particular witness testimony, can be read as evidence for a sense of civic community.¹³¹ This is not a coincidence; many of these chroniclers were notaries or otherwise involved in their cities' public affairs.

These civic histories are evidence for a gradual change in the Italian cities' self-perception as autonomous entities, or rather, the emergence of this self-perception was this change. The shift occurred at the moment (approximately after the 1170s) when the Italian urban commune was beginning to look like it had a chance of surviving its origins as a temporary expedient in response to the collapse of the *Regnum Italicum* of the eleventh century.¹³²

Florence's earliest chronicler, Sanzanome, was active from the 1190s until at least the 1230s. He was a member of the commune's ruling clique, and may have been related

¹³⁰ Compagni, 1.18.

¹³¹ Faini, "Alle origini," 72-73.

¹³² Wickham, *Sleep walking*, is now the main reference for this process. I entirely concur regarding the *ad hoc*, improvised nature of the communes.

to the Infangati, a prominent consular-era lineage.¹³³ Like other chronicles, Sanzanome's work primarily addresses wars, especially with local rivals and the Empire, famines, and the Florentine bishops' careers.¹³⁴ He probably minimized or ignored episodes of internal conflict intentionally, in stark contrast to later Florentine chroniclers such as Dino Compagni; the commune was too fragile to admit to such rifts.¹³⁵ Crucially, Sanzanome retails the origin-stories of Florence that would become a standard part of Florence's mythos.¹³⁶ He did so to justify the Florentine conquest of Fiesole in 1125; this was an important part of the Florentines' search for (or invention of) a useable past in place of oblivion.¹³⁷

Sanzanome, in constructing the Fiesole-Florence rivalry's mythical classical past, was constructing a civic identity to set against the people of Fiesole just as the latter succumbed definitively to Florentine control. The myths of Roman Florence would undergo many changes and additions in the later Middle Ages, but the core of it, the enmity between Florence and Fiesole and Julius Caesar's intervention, developed by Sanzanome and Brunetto Latini, was an important part of the classicizing cultural *milieu* that produced the Ordinances of Justice. The active participation of urban professionals such as Sanzanome was an important component of the Florentine commune, then, from the beginning. This artisanate social base would characterize every popular regime of the

¹³³ Faini, "Una storia senza nomi," 40. On Florence's elite in the age of the consuls, see Faini, "Il gruppo dirigente fiorentino dell'età consolare," in *Archivio Storico Italiano* CLXII (2004), 199-231.

¹³⁴ Faini, "Alle origini," 70-71.

¹³⁵ For the reasons behind this, see Faini, "Alle origini," 65-68.

¹³⁶ For Sanzanome's inventive classicizing, see Faini, "Una storia," 42-45.

¹³⁷ Faini, "Una storia," 42.

thirteenth century, although Florentine notaries would never dominate public affairs as their Bolognese peers did, in Giuliano Milani's republic of notaries.¹³⁸

Figures such as Sanzanome were Florentine representatives of what Chris Wickham has described as the urban communes' third-tier elites.¹³⁹ These were urban professionals or wealthy merchants whose skills or wealth gave them an entry to the world of the second-tier, partially feudal, elites who ran the early communes and generally served as consuls-families such as the Giandonati and Uberti. Florence's robust economy undoubtedly accelerated the rate of replacement within its elites during the twelfth and thirteenth centuries. The area's first-tier elite, signorial families such as the Guidi and Conti Alberti, had withdrawn from the city by the early twelfth century and were more interested in developing their dominions as rival power centers than in participating in the early commune.¹⁴⁰ Families such as the Ubaldini, Buondelmonti and Visdomini are examples of the city's second-tier elites. These were episcopal vassals, families with some wealth and influence. The choice for them was to play the commune's game and maintain or establish an urban presence, or to invest in the sort of signorial lifestyle that the Guidi exemplified.¹⁴¹ The Ubaldini chose the latter, and never resided in Florence; the Buondelmonti and Visdomini became notable players in the political arena of Florence. Over the twelfth century, rural transplants such as the Uberti swelled their

¹³⁸ On Bolognese notaries and the commune, see Sarah Rubin Blanshei, *Politics and justice*; Giuliano Milani, *L'esclusione dal comune. Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo*. (Rome, 2003); and Brian R. Carniello, "The rise of an administrative elite in medieval Bologna: Notaries and popular government, 1282-1292," *Journal of Medieval History* 28 (2002): 319-347.

¹³⁹ See Wickham, *Sleep walking*, 190-94, for these elites.

¹⁴⁰ For comparisons with other Italian cities, see Wickham, *Sleep walking*, 190-91.

¹⁴¹ I draw here largely on Wickham's discussion in *Sleep walking*, 191-92.

ranks, but again, these were small and medium landowners from the *contado* or rural centers like Figline; they were not the area's first-tier elite. Wickham's characterization of a second-tier elite as a major player in the early comune certainly holds true for Florence.

This requires some explanation, given that the social identity of the Florentine (and indeed, communal) elites has a long and contentious history, discussed in the introduction. Scholarship has focused on two linked questions: How much continuity was there between this early communal second-tier elite and the *milites* who dominate our sources on the Florentine scene until at least the Primo Popolo (1250-1260)? In turn, how much continuity existed in Florence between the *milites* and the later *magnati*? Thanks to detailed studies by, among others, Jean Claude Maire-Vigueur and his students, Enrico Faini and Silvia Diacciati, these questions can now be answered fairly definitively. Viewing the *milites* as the armed collectivity of the city's cavalry (*milites pro comune*) instead of a fixed, Duby-style *ordo*, as Maire-Vigueur has argued, means that the *milites* comprised perhaps 10-15% of the urban population, greatly broadening the participatory group in the early commune.¹⁴² This group, the "*milites cittadini*" to use Stefano Gasparri's phrase, fought on horseback for the commune, often receiving privileges, including tax exemptions.¹⁴³ Silvia Diacciati has definitively demonstrated that the Florentine magnate families of the 1280s-1290s were descended from the older

¹⁴² See Maire-Vigueur, *Cavaliers*, 217-74, for his argument and methodology, in a discussion of north-central Italy as a whole.

¹⁴³ See Enrico Faini, "La memoria dei *milites*," in *I comuni di Jean-Claude Maire Vigueur*, eds. M.T. Caciorgna, Sandro Carocci, Andrea Zorzi (Rom, 2014), 113-33, for a review of the historiography on the *milites*, and their culture.

elite families of the consular age, the *milites*.¹⁴⁴ Only six families with origins in the *populus* became magnates later in the thirteenth century.¹⁴⁵ Some of the magnate families only rose to prominence in the thirteenth century, but these identified wholly with the *militia*. Thus, the magnates of the 1290s were descended from the second-tier elites that controlled the early, consular-era commune. Their lifestyle, originating as it did in the improvised responses to the early twelfth-century collapse of the March of Tuscany, stood in direct contrast to the civic ethos being fashioned at Florence by the late thirteenth century.¹⁴⁶

The third-tier elite, notaries such as Sanzanome or the distinguished Alberti del Giudice lineage (no relation to the Conti Alberti), constituted the *populus*, along with wealthier merchants, and from the 1250s, they were the commune's rising social class.¹⁴⁷ By the late thirteenth century, the degree of professional organization and the wide diffusion of associative ethos had resulted in a newly vocal sub-group within the *populus*, the *popolo minuto*. Their triumph was anything but certain in the early thirteenth century, however, and the struggle between *popolani e magnati*, quoting the title of Diacciati's study, was the dominant feature of Florentine society and politics in the Duecento.

¹⁴⁴ See Maire-Vigueur's programmatic preface to Diacciati's study, particularly XIII: "In primo luogo, credo di poter dire che il libro di S. Diacciati mette un punto finale alla questione delle origini sociali delle famiglie magnatizie."

¹⁴⁵ Maire-Vigueur, "Presentazione," in Diacciati, XIII. The six families were the Amieri, Bardi, Cerchi, Corsi, Frescobaldi and Mozzi.

¹⁴⁶ For the magnates' culture, with its strong borrowings from French chivalric culture, see Lansing, *Florentine magnates*, 145-63.

¹⁴⁷ The best concise discussion of the thirteenth-century popular leading group is Alma Poloni, *Potere al popolo. Conflitti sociali e lotte politiche nell'Italia comunale del Duecento* (Milan, 2010); see also the same author's *Lucca nel Duecento. Uno studio sul cambiamento sociale*. Pisa, 2009).

What held together the society of this city on the make? One of the *popolo*'s great assets in its struggles against the *milites* was its associational ethos of consensual action, symbolized in the commune's origins as a sworn organization (*societas; coniuratio*).¹⁴⁸ Its capacity for collective action via organizations (*societates; universitates*) based on profession, neighborhood, religious devotion, and military service was crucial to its successes in the later thirteenth century; in the second half of the century, many cities developed *societates populi*, representing the *popolo* as a whole.¹⁴⁹ As always in Italy, no two cities were exactly alike in terms of the origins of these societies, and their role in communal government.¹⁵⁰ In the Piedmont, an area with a "total absence of *arte*," professional organizations or guilds, the *popolo* of Asti, Alba, and Chieri organized territorially, by *quartieri* or *rioni*.¹⁵¹ At Perugia, there was a total identification between the societies of the *popolo* and the craft guilds; at Bologna, professional guilds, especially the notaries, had a major role in communal government. The unifying principle of these various associations was their origin, in the breakup of the Kingdom of Italy and the devolution of power to the city level.¹⁵² In a vacuum of legitimate urban institutions, the

¹⁴⁸ On this see Poloni, *Potere al popolo*, 33.

¹⁴⁹ Enrico Artifoni, "Corporazioni e società di 'Popolo': un problema della politica comunale nel secolo XIII," in *Quaderni Storici* 74/a. XXV: 2 (1990),

¹⁵⁰ Giansante, "Ancora magnati e popolani", discusses the historiography on these societies, with examples of different criteria for organization.

¹⁵¹ The quote is from Giansante, "Ancora magnati e popolani," 551; for Piemontese organization, see Renata Bordone's study of Asti, "Magnati e popolani in area Piemontese, con particolare riguardo al caso di Asti," in *Magnati e popolani nell'Italia comunale* (Pistoia, 1997), 397-419, at 397-99.

¹⁵² See Wickham, *Sleep walking*, 20

people of the north-central Italian cities organized themselves for collective action of all kinds in these societies.¹⁵³

Regardless of the contrasts between different cities, these associations and societies were often the core around which communal institutions formed.¹⁵⁴ Neighborhood associations provided the first Florentine consuls, and are documented from 1138; after 1150, the professional associations would dominate the city's politics.¹⁵⁵ These included the *societas militum*, representing the civic militia discussed above, and the *societas peditum*, the foot soldiers. The Florentine *societas peditum* would morph during the thirteenth century into the *societas populi*, representing the *popolo* as a political faction against the *milites*.¹⁵⁶ Other associative forms, particularly religious groups, will be discussed below, in the analysis of the Ordinances of Justice and the decisive role that Florentine religious life and ideas played in the events of the 1290s.

These associations were not democratic or egalitarian in the modern sense of the words, and where popular regimes seized power for long periods, there was a marked tendency for the new regime to fossilize into an oligarchy.¹⁵⁷ Nevertheless, urban regimes founded on neighborhood or professional associations and headed by men such as Nameless (*Sanzanome*, Florence), Girardo "Shit-pesto" (*Cagapisto*, a Milanese consul in 1154), or Arderico "Shit-in-your-pants" (Arderico *Cagainosa*, a Milanese consul in 1140

¹⁵³ See Lansing, *Florentine magnates*, for the Florentine neighborhood *societates'* response to the collapse of the Ponte Vecchio in 1177.

¹⁵⁴ Giansante, "Ancora magnati e popolani," 551-54, is an important comparison between the *societates* of Bologna and Florence.

¹⁵⁵ Lansing, *Florentine magnates*, 10.

¹⁵⁶ Lansing, *Florentine magnates*, 11.

¹⁵⁷ The paradigmatic study of this process is Blanshei, *Politics and justice*.

and 1144) were quite enough to shock and horrify elite, northern European commentators such as Otto von Freising.¹⁵⁸

By the second quarter of the thirteenth century, many of the major institutions of Florentine government were in place. It is unclear whether the Countess Matilda's death in 1115 resulted in an immediate devolution of jurisdiction and power to the Florentines. The Florentines may have usurped the imperial *datium*, the payment owed to the crown by subjects, as early as 1156.¹⁵⁹ By 1200, the *datium* had become synonymous with the hearth tax (*focatum*) levelled on rural households.¹⁶⁰ This was in addition to extraordinary levies for public works and emergencies.¹⁶¹ These must have become quite unextraordinary in the twelfth century, as Florence initiated its *contado* wars with its conquest of Fiesole in 1125. Traditionally, the nobility (*milites*) was exempt from the hearth tax, and Florence exempted many rural lineages from it in the twelfth century.¹⁶² The Florentines would progressively strip away the rural nobility's tax exemptions in the thirteenth century, however, and by 1220 were subjecting newly-conquered rural nobles to all imposts.¹⁶³ The extension of a uniform tax system across its *contado*, gradual and piecemeal though it was, marked a significant step in the emergence of public power at Florence, and in its control of the countryside.

¹⁵⁸ Wickham discusses this phenomenon in *Sleep walking*, 51-52; François Menant, "Une forme de distinction inattendue: L'anthroponymie scatologique de l'élite communale lombarde," in *Écritures de l'espace social* (Paris, 2010), 1-23, is a thorough prosopographical study of *Caca-* names in the Lombard communes.

¹⁵⁹ Day, "Early economic development," 104.

¹⁶⁰ The *focarium* in the later twelfth century usually amounted to 26 *denarii* per year: Day, "Early economic development," 104.

¹⁶¹ Day, "Early economic development," 104.

¹⁶² Day, "Early economic development," 106.

¹⁶³ Day, "Early economic development," 107.

The rapid economic growth of Florence helped intensify the cycle of replacement in the Florentine rural and urban elite, and this had ramifications on the institutional level.¹⁶⁴ First documented as representing neighborhood associations in 1138 (but with no consular judicial acts until 1172¹⁶⁵), the consuls were answerable to an assembly (*arringum*) meeting in the cathedral by the 1150s.¹⁶⁶ This number was expanded to include the merchants' consuls (*consules mercatanti*), who first appear in 1184.¹⁶⁷ By the later twelfth century, the consular system could not incorporate enough of the city's second- and third-tier elites to maintain social peace. An early sign of this was the civil war of 1177-80 between elite factions centered round the Giandonati and the philo-imperial Uberti.¹⁶⁸

Conflict continued to center on control of the consulate until the institution of the Podestà, first attested in Florence in 1193 when the *potestas* Gherardo Caponsacchi led a Florentine army against the *castello* of Trebbio.¹⁶⁹ The office of the *podesterià* was already widespread across north-central Italy by the later twelfth century, and arose from the need for a stable, institutionalized executive with (theoretically) no partiality for the various factions of the cities.¹⁷⁰ The podestà did not definitely supplant the consuls as

¹⁶⁴ See Wickham, *Sleep walking*, 194-95, for the cycle of replacement as a factor in the varying developments of different *comuni*.

¹⁶⁵ Faini, *Firenze*, 279.

¹⁶⁶ Davidsohn, *Storia*, I.999-1002.

¹⁶⁷ Lansing, *Florentine magnates*, 11'12, referring to Santini,

¹⁶⁸ Lansing, *Florentine magnates*, 11. For more information on this civil war, see Andrea Zorzi, "I rettori di Firenze. Reclutamento, flussi, scambi (1193-1313)," in *I podestà dell'Italia comunale. Parte I*, ed. Jean-Claude Maire Vigueur (Rome, 2000) [hereafter "Zorzi, 'I rettori'"]. 453-594, at 485-88.

¹⁶⁹ Zorzi, "I rettori," 488.

¹⁷⁰ For the institution and its origins, see Daniel Waley and Trevor Dean, *The Italian city-republics*, 4th ed. (Harlow, England, 2010), 40-44. The anonymous Genoese

chief executive of Florence until 1211, and the first podestà were Florentines, but from 1207, the office could only be held by foreigners.¹⁷¹ Between 1207 and the institution of the Capitano del Popolo (1250), the podestà was the Florentines' supreme judicial and military leader, and the commune's political figurehead. Consultation remained key to the podesterial regime, however. The podestà was required to consult the consuls of the military societies, and from mid-century, the professional associations took a greater role in politics as well.¹⁷² The Florentines often recruited their podestà from the smaller towns of Umbria, or Le Marche, such as Gubbio or Iesi.¹⁷³

"The good old popolo"¹⁷⁴: Florence's first popular regime (1250-1260)

The next foreign-staffed office emerged from a turning point in Florentine history, the creation of the Primo Popolo on 20 October 1250.¹⁷⁵ The regime formed after the death of Frederick II and the collapse of Ghibelline/imperial hegemony in Tuscany. This was part of a broader moment in medieval Italian history where, to use the language of the 1940s, the wind was blowing from the North: the death of Frederick II triggered the

chronicler quoted at p. 42 is particularly revealing on motivations behind creating the office.

¹⁷¹ Lorenzo Valgimogli, introduction to the Archivio di Stato di Firenze's *Elenchi nominativi dei Podestà del comune di Firenze e dei Capitani del Popolo in carica dal 1343 al 1502*, Indice degli Inventari nn. 25-30 (Florence, 2002), 3. This guide and Zorzi's "I rettori" are the standard guides to the office of Podestà at Florence.

¹⁷² Lansing, *Florentine magnates*, 11.

¹⁷³ Valgimogli, *Elenchi nominativi*, 3. This pattern would hold through much of the fourteenth century, with many popular officials hailing from Umbrian communes such as Gubbio and Perugia and Marchigiano *comuni* including Ancona, Fano, and Macerata. See chapter three for this.

¹⁷⁴ The quotation is from G. Villani, 7.54, in a description of the castle the Florentines garrisoned at Pistoia, which lasted "as long as the good old popolo...." (*durò il buono popolo vecchio.*)

¹⁷⁵ The standard account of the first popular regime is now Diacchiati, *Popolani e magnati*, 105-204. Najemy, *A history*, 66-72, provides a succinct summary of the institutional and electoral innovations of the regime, and its social base.

formation of popular regimes in communes across north-central Italy.¹⁷⁶ Florence's first popular regime found its social base in the armed societies of the *popolo*, which formed the core support for the regime just as the guilds would for the second popular regime.¹⁷⁷ The Primo Popolo's major institutional innovations were a group of 12 elders (*Anziani*) and the Capitano del Popolo. In a careful prosopographical analysis, Silvia Diacciati has identified a large number of *novi homines* among the *anziani*: there was a real discontinuity between this first popular regime and the previous Florentine ruling class.¹⁷⁸ More abstractly, the Primo Popolo represented the partial triumph of Florence's third-level elite: partial, because military defeat in 1260 led to the regime's immediate dismemberment. The popular regime consisted primarily of wealthy merchants, bankers, and professionals, and sought to limit the power of the second-level elite which had dominated the commune to that point, and who had dragged it into the internecine strife of the Guelf-Ghibelline conflict.¹⁷⁹ The regime excluded knights, Maire Vigueuer's *milites pro comune*, from the deliberative and legislative councils of the *popolo*.¹⁸⁰ Far more so than any previous Florentine regime, the Popolo anchored itself in the military, professional, and neighborhood associations. The cloth merchants' guild, the Calimala,

¹⁷⁶ For the "nuovi venti di rivolta" sweeping the communes from 1250 onward, see Poloni, *Potere al popolo*, 45-50.

¹⁷⁷ Zorzi, "I rettori," 528.

¹⁷⁸ Diacciati, *Popolani e magnati*, 109-10: "Da una lettura superficiale dei nomi [of the Anziani], fatta eccezione per alcuni casi, si ha l'impressione di trovarsi di fronte a un gruppo costituito in buona parte da persone non usate a frequentare i luoghi del potere, un gruppo dunque sostanzialmente differente da quello che aveva dominato la scena politica nel cinquantennio appena trascorso."

¹⁷⁹ Giovanni Villani, VI.39, 269-71, provides a list of the Guelf and Ghibelline lineages in the early years of the conflict. On the Guelf-Ghibelline conflict in Tuscany, see in general Federico Canaccini, *Ghibellini e Ghibellinismo in Toscana da Montaperti a Campaldino (1260-1289)* (Rome, 2009).

¹⁸⁰ Najemy, *A History*, 68.

was particularly well-represented among the Popolo's *anziani*.¹⁸¹ The regime reconfigured the commune's administrative divisions into twenty armed neighborhood companies with a standardbearer and rectors, and divided the *contado* into ninety-six parishes, each equipping a militia company.¹⁸² The city itself was divided into sixths (*sestieri*): Porta del Duomo, S. Piero Maggiore, S. Pier Scheraggio, Oltrarno, Borgo S. Trinita, and S. Pancrazio.¹⁸³

The Primo Popolo transformed the physical landscape of Florence. Factional strife between the city's second-tier elites, *milites* such as the Uberti and Visdomini, had inscribed itself on the civic landscape. By the mid-twelfth century, Florence's skyline was dominated by the elite families' private towers, with as many as 150 by 1200.¹⁸⁴ These towers rose as high as 120 *braccie*, 230 feet or 70 meters.¹⁸⁵ Modeled in part on the *rocche* of the *contado*, these towers collectively were a stark defiance of any hint of public power. They were monuments to the elite families' power in their neighborhood enclaves, and implied that the Florentines feared each other more than any force beyond the city's walls.¹⁸⁶ The Uberti lineage, emblematic of the consular age's second-tier ruling elite, made particularly effective use of their tower enclaves in the city's center.¹⁸⁷

¹⁸¹ Diacciati, 112-16, discusses Calimala representation in the regime.

¹⁸² Najemy, *A History*, 66-67.

¹⁸³ See Lansing, *Florentine magnates*, 14-15, for a map of the *sestieri*.

¹⁸⁴ See Map 1 in Najemy, 8-9, with a key, for the towers and palaces of the elite families in the thirteenth century. Lansing, *The Florentine magnates*, 84-105, is a comprehensive account of these towers, their organization, and their role in elite family strategies and politics. See, more recently, Faini, "Società e società cittadina. Sui *pacta turris* del XII secolo," in *Società e poteri nell'Italia medievale* eds. S. Diacciati and L. Tanzini (Rome, 2014), 19-39, including a newly-discovered tower pact.

¹⁸⁵ Najemy, *A History*, 69.

¹⁸⁶ Lansing, *Florentine magnates*, describes these towers' origins and layouts.

¹⁸⁷ For the Uberti properties in the city, see Bruttini, "Enclavi urbane a Firenze: il caso della familia Uberti", with important recent archaeological information and helpful

The center of their power lay in what is now the Piazza della Signoria and the Palazzo Vecchio, the subsequent construction of which marked the symbolic triumph of public power in the city. From their enclaves in the old *castello d'Altafronte* and the Lombard-era fortification of the *Guardingus*, built on the Roman amphitheater, the Uberti controlled access to the city's easternmost bridge, the Ponte Rubaconte, and the area around today's piazza S. Croce. It is no wonder that they very nearly took over the city in the late twelfth century, and were able to terrorize the city's rulers into the 1250s.

The first popular regime acted decisively against these bulwarks of elite arrogance, restricting their height to 29 meters (96 feet), and founding a center of communal counter-power, the Palazzo del Popolo (now the Bargello) in 1255.¹⁸⁸ Previously, the city's leaders had met in private homes, going in fear of Ghibelline families such as the Uberti. The Palazzo's epigraphic inscription boasted of the achievements of the Florentine people, equating them with Rome at its height.¹⁸⁹ The inscription and the Palazzo itself testify to the vigor and self-confidence of the first popular regime. Further additions to the city's physical infrastructure included the Ponte Santa Trinita, completed in 1252.¹⁹⁰ This was immediately followed by the construction of the Via Maggio (formerly Via Maggiore), a broad, straight thoroughfare leading from the city's Oltrarno gate, across the new bridge and into the city center. The Via Maggio and S. Trinita bridge cut straight through the Frescobaldi enclave on the Oltrarno bank of

reconstructions of the Uberti properties; earlier discussions include Lansing, *Florentine magnates*, 95-97, and R. Davidsohn, *Storia*, vol. I, 827.

¹⁸⁸ Diacciati, *Popolani e magnati*, 105.

¹⁸⁹ Latin and Italian versions of the epigraph are provided in Diacciati, *Popolani e magnati*, 105. For an English translation and analysis ascribing it to Latini, see R. MacCracken, *The dedication inscription of the Palazzo del podestà in Florence with a walking tour to the monuments* (Florence, 2001).

¹⁹⁰ Sznura, *L'espansione*, 122.

the river, still called Piazza Frescobaldi. Construction began on the church of S. Spirito in 1250, and Ognissanti in 1251. The years of the Primo Popolo were later seen as a golden age by the Florentines, and justifiably so. The longest-lasting innovation of these years was economic: in 1252, the Florentines began minting their famous gold *florin*, almost simultaneously with the Genoese *genovino*. The florin, featuring the city's patron saint John the Baptist on one side and the Florentine *fleur de lis* on the other, became a major international currency and was a bold assertion of Florence's *de facto* autonomy from the empire, following as it did Frederick II's minting of gold coins in imitation of the Roman emperors.¹⁹¹

The Primo Popolo also embarked on a whirlwind string of victories in Tuscany. The early 1250s saw a series of Florentine triumphs over rural lords and Ghibelline neighbors. In 1251, the Florentines overthrew the rulers of Ghibelline Pistoia, and exiling discontent Florentine Ghibellines, implicitly aligned the heretofore neutral regime with the Guelfs.¹⁹² This inaugurated a series of *contado* battles with Ghibelline Pisa and Siena, which the Florentines beat off in 1251-52.¹⁹³ That same year, they defeated an army of Romagnole Ghibellines and Ubaldini at the latter's stronghold of Montaccianico.¹⁹⁴ In 1252, they captured the *castello* of Figline Valdarno, held by Florentine Ghibellines and count Guido Novello of the ContiGuidi. The same year the Florentines beat the Sieneese again, at Montalcino. Giovanni Villani eloquently captures the spirit of self-confident collective action underlying these victories:

¹⁹¹ For the florin, see Goldthwaite, *Economy of Renaissance Florence*, 48-57.

¹⁹² Giovanni Villani, *Cronica*, 7.43, at 334-35.

¹⁹³ G. Villani, 743, 341-43, for these battles.

¹⁹⁴ G. Villani, 7.47, "come I Fiorentini sconfissono gli Ubaldini in Mugello", at 341.

“And they [the Florentine host] returned with great victory to Florence from many battles in the field, victories, and many lands and castles; but at that time [1252] the Florentines were united by the good *popolo*, and were personally in the armies on horse and foot, and with courage and ability, such that all the factions were quite daringly bringing victory and triumph back to Florence...”¹⁹⁵

This passage demonstrates the crucial social and military distinction between the cavalry and footsoldiers (“a cavallo e a a piè”), and is intriguing for Villani’s conception of Florentines unity. The regime held together the Florentines, cavalry and infantry alike, and the various parties within the city. Despite the Florentines’ notorious factionalism, they were capable of acting corporatively-yet this collective action consisted not of an integrated, homogeneous collectivity but a coalition of the various *societates* and factions, not their abolition. Villani’s telling “but” (“ma a quello tempo...”) implies that the “great victory” at Montalcino was only possible because it happened under the popular regime. Writing in the 1340s, Villani was undoubtedly contrasting this period of solidarity with the renewed factional and class strife of the period 1343-1348, as well as the strife-ridden later thirteenth century. The Primo Popolo was, indeed, a golden age in Villani’s eyes. In Book Seven, he repeatedly refers to the peace, tranquility and prosperity of the city in the Primo Popolo’s years of victory, praising the happy state of the city under the *signoria del popolo*.¹⁹⁶

¹⁹⁵ G. Villani, 8.52, 345: “E tornaro in Firenze con grande vittoria di più battaglie di campo, vinte e più terre e castella; ma a quello tempo I Fiorentini erano uniti per lo buono popolo, e andavano in persona a cavallo e a piè nell’osti, e con cuore e con franchezza, sicché di tutte parti bene aventurosamente in questo ano recarono triunfo e vittoria in Firenze.” I read “parti” as “factions”, although “parties” would convey the same sense of an internal political faction or clique.

¹⁹⁶ G. Villani, 7.50: “In questo tempo [1252] la città per la signoria del popolo in felice stato....”

In 1253, the Florentines again subdued Pistoia and created a fortified *castello* in the Pistoiese Porta Fiorentina, “which lasted as long as the good old *popolo*.”¹⁹⁷ They beat the Sienese in 1254, seized the crucial frontier *castello* of Poggibonsi, and continued on to Volterra, where the army achieved a “beautiful and unforeseen victory” which detached Volterra from the Ghibelline camp.¹⁹⁸ When the army approached Pisa, drunk on victory and rampaging through Tuscany, the Pisans sued for peace. Well could the Florentines call 1254 “the victorious year”.¹⁹⁹ In 1259, the Alberti strongholds of Vernio and Mangona, in the upper Val di Bisenzio, fell to the commune’s army, although they would have to be retaken in 1273. The Alberti were subsequently forced to swear obedience to the commune.²⁰⁰

These victories were a major turning point in Florence’s control of its *contado*. Although the Primo Popolo would fall six years later, none of its regional rivals could stand against a popular Florentine regime, at least militarily. The region’s old first-level nobility, such as the Guidi and Ubaldini, could still offer resistance to the Florentines, yet could not seriously contest control of Tuscany after the death of Frederick II. Siena progressively lost the battle for sub-regional “quasi-cities” such as Poggibonsi and S. Gimignano, leaving it confined to a territory lacking any major urban centers.²⁰¹ Pisa, struggling to hold onto its various Mediterranean possessions, could not devote its full attention to holding off the Florentines from

¹⁹⁷ G. Villani, 7.54: “...i Fiorentini vi facessono uno castello il quale fosse in sulla porta che viene da Firenze, e quello si facesse guardare per gli Fiorentini; e così fue fatto forte e bello, con tutto che assai dispiacesse a’Pistolesi ma tuttora si tenne per gli Fiorentini infino che durò il buono popolo vecchio.”

¹⁹⁸ Villani, 7.57, at 349-51 in the Parma edition.

¹⁹⁹ G. Villani, 7.58, 351-52.

²⁰⁰ G. Villani, 7.63, at 362-63.

²⁰¹ Zorzi, *La trasformazione*, 227.

inland encroachments. Following the crushing Genoese victory at Melloria (1284), the city was a rapidly declining power, even more so once it lost its island-*contado* of Sardinia to the Aragonese in the 1320s. A final victory over the Aretines at Campaldino in 1289 confirmed Florentine hegemony in northeastern Tuscany.

In his account of the year 1260, Giovanni Villani provides us with a vivid description of a Florentine raid on the Senese in May, featuring the commune's *caroccio*, the battle wagon and symbol of communal identity characteristic of the medieval Italian city-states.²⁰² His description of the *caroccio* and its importance to the commune are remarkable testimony to the Italian city-states' fierce *campanilismo*, and the physical manifestation of Florentine arrogance in their years of triumph: "The lordly pride of the old popolo and of our ancestors in the army was supported by these two ostentatious things, the *caroccio* and its bell."²⁰³ Villani provides a description of the *caroccio*'s procession from its lodgings in the church of S. Giovanni through the Mercato Nuovo to summon the communal army.²⁰⁴ The *caroccio* was the symbolic and functional nerve center of the army: the commune's armies marched according to the ringing of a bell, the Martinella, placed in a "castle of wood" (*castello di legname*) fixed on the cart.²⁰⁵ As the heart of the army, capturing the enemy's *caroccio* was a clear sign of victory on the battlefields of

²⁰² G. Villani, 7.75, at 369-71. The

²⁰³ G. Villani, 7.75, at 370: "Di queste due pompe del carroccio e della campana si reggea la signorevole superbia del popolo vecchio e de' nostri antichi nell'osti."

²⁰⁴ G. Villani, 7.75: "Quando s'andava in oste, e' conti vicini e' cavalieri il traevano dell'opera di San Giovanni, e conduciello in su la piazza di Mercato Nuvo, e posato per me' uno termine che ancora v'è d'una pietra intagliata a caroccio, sì-ll'acomandavano al popolo."

²⁰⁵ G. Villani, 7.75.

communal Italy.²⁰⁶ In this case, the Florentines were victorious, trampling the banners of Manfred von Hohenstaufen before the gates of Siena and taking it back to Florence.²⁰⁷ Such displays of the commune's honor and Siense dishonor reaffirmed the operational unity of the Florentine commune.



Figure 2: *The Florentine caroccio (far left), in a miniature illustrating a Siense attack on the Florentine army outside Siena, May 1260. The bell, la Martinella, is visibile at top-left. From a fourteenth-century manuscript of Giovanni Villani's Cronica.*

Shortly thereafter, however, the Florentines' victory tour of Tuscany came to an abrupt halt. On 4 September 1260 a coalition of central Italian Ghibellines lead by the Siense and a contingent of German mercenaries, wiped out a larger Guelf army perhaps 30,000 altogether, with a Florentine contribution that Daniel Waley

²⁰⁶ William Caferro, "Honor and insult: military rituals in late medieval Tuscany," in *Late medieval and early modern ritual. Studies in Italian urban culture.* eds. S. Cohn, Jr., M. Fantoni, F. Franceschi, and F. Ricciardelli (Turnhout, BE, 2013), 183-210, at 184.

²⁰⁷ Villani, 7.75.

reckoned at around 16,100 men.²⁰⁸ The best studies of Montaperti are by Sienese historians, or those writing from a Sienese perspective; the Florentines, for obvious reasons, have not dwelled on their greatest single military defeat.²⁰⁹ Siena's dominance over Florence would end in 1267, at the battle of Colle Valdelsa, but Montaperti was a symbolic capstone of Siena's medieval greatness.

The "great carnage and devastation" made the river Arbia run red with Florentine blood, as Dante put it in his imagined argument with Farinata.²¹⁰ There is no way of knowing how many men Florence lost at Montaperti. Yet it must have wiped out a significant part of the city and *contado's* men of military age: all but 200 of the men in the Florentine contribution were natives of the Fiorentino.²¹¹ Giovanni Villani's description of the Ghibelline captains' meeting may be fictional, and certainly overstates the importance of Florentine exiles under Farinata degli Uberti to the Ghibelline triumph. Nevertheless, it paints a vivid picture of all Florence's enemies assembled to finally destroy their prosperous, and now prone, scourge:

"And in the said parliament [of the victors of Montaperti, called by the imperial captain Giordano d'Asti at Empoli] all the nearby cities, and the counts Guidi, the counts Alberti, and those of Santa Fiore, and the Ubaldini, and all the barons around proposed and were in agreement, for the betterment of the Ghibelline party, to destroy the city of Florence entirely, and reduce it to an

²⁰⁸ Daniel Waley, "The army of the Florentine republic from the twelfth to the fourteenth century," in *Florentine studies: Politics and society in renaissance Florence*, Nicolai Rubinstein (Evanston, IL., 1968), 70-108, at 77-78. The *Libro di Montaperti* ed. C. Paoli (Florence, 1889), records the composition and origins of the Florentine host.

²⁰⁹ See in particular: *Montaperti. Storia, iconografia, memoria*, eds. Maria Assunta Ceppari Ridolfi & Patrizia Turrini (Siena, 2013) and *Alla ricerca di Montaperti: Mito, fonti documentarie e storiografia*, ed. E. Pellegrini (Siena, 2009).

²¹⁰ *Inferno* X, 85-87: "Lo strazio e 'l grande scempio che fece l'Arbia colorata in rosso, tal orazion fa far nel nostro tempio."

²¹¹ Waley, "The army of the Florentine republic," 77.

unwalled settlement, so that, in its condition, it would never again have renown, fame, or power.”²¹²

Villani claims that Farinata degli Uberti intervened to save his *patria*, in a move that evokes the blinkered, myopic civic pride of the Florentine *milites*. Perfectly willing to butcher their fellow Florentines on the battlefield, nobles such as Farinata still saw Florence as their homeland.²¹³ The scene may be a legend, but it probably is indicative of the deep-seated resentment and hatred that the Florentine commune’s success had aroused in its neighbors near and far. The Alberti and Guidi were no doubt thinking of their many *castelli* the Florentines had destroyed, while the Sienese and Aretines would no doubt have desired to rid themselves of the by-now dominant economic power in the area.²¹⁴ It is doubtful that destroying Florence would have permanently hindered the city’s recovery, however. There is an analogy here with Frederick Barbarossa’s similarly punitive destruction of Milan in 1162, and the city’s quick recovery. Florence and Milan were simply too big to fail by the time the imperial party had a chance to destroy either of them.

²¹² G. Villani, VII.LXXI, at 385: “E nel detto parlamento tutte le città vicine, eà conti Guidi, e’ conti Alberti, e que’ [Aldobrandeschi] da Santa Fiore, e gli Ubaldini, e tutti i baroni d’intorno propuosono e furono in concordia, per lo migliore di parte ghibellina, di disfare al tutto la città di Firenze, e di recarla a borgora, acciò che mai di suo stato non fosse rinnomo, fama, né podere.”

²¹³ See the famous exchange between Farinata and the poet in *Inferno*, X.

²¹⁴ For the problems surrounding Villani’s account, see the conference volume *Tra storia e letteratura. Il parlamento di Empoli del 1260. Atti della giornata di studio in occasione del 750° anniversario*, eds. Vanna Arrighi and Giuliano Pinto (Florence, 2012). The best recent study of Villani’s chronicle is Franca Ragone, *Giovanni Villani e i suoi continuatori. La scrittura delle cronache a Firenze nel Trecento* (Rome, 1998).



Figure 3: *Farinata degli Uberti, one of the Ghibelline captains at Montaperti (1260). According to Florentine legend, which downplayed the Sienese contribution to Florence’s defeat, his intervention saved the city from destruction following the bloody rout on the Arbia. Portrait from Andrea da Castagno’s 1449-1450 fresco cycle “Illustrious People”, at Villa Carducci, Florence.*

In what must have been a calculated insult to the Florentine Guelfs and *popolo*, Count Guido Novella of the Counts Guidi (defeated by the Florentines at Figline Valdarno in 1252, and later to flee the field without fighting at Campaldino in 1289) was installed as Manfred von Hohenstaufen’s vicar over the city. A Ghibelline regime, dominated by the Uberti, ruled Florence between 1260-1267, abolishing the office of Capitano del Popolo and the *anziani*.²¹⁵ The leaders of the Primo Popolo,

²¹⁵ The best account of the Ghibelline regime remains Sergio Raveggi, “Il regime ghibellino,” in S. Raveggi, M. Tarassi, D. Medici, and P. Parenti, *Ghibellini, guelfi e popol grasso* (Florence, 1978), 1-72, with an appendix of participants in the Ghibelline regime at 69-72. See also Diacciati, *popolani e magnati*, 211-37, and Faini, “I sei anni

including Brunetto Latini, were exiled. The Ghibelline regime collapsed immediately, however, upon Charles of Anjou's victories over the remaining Hohenstaufen at Benevento (1266) and Tagliacozzo (1268). The Florentine *popolo* immediately seized the opportunity provided by the Angevin invasion to depose the Ghibellines and defy Count Guido Novella, who foolishly left the city with his army in November, to find the gates closed and the populace armed against him upon his return.

Conclusion: Toward the second popular regime and the guild priorate

I have tried to highlight the social and geographical setting of the *contado*, the early commune's most important innovations, and some of the reasons for Florence's success in gradually absorbing its hinterland. Nothing preordained Florence for this role; in the early twelfth century, it was hardly a city at all, still less a community. This began to change as the region's first-tier elites disengaged from urban politics, leaving the city-based second-level elite, families such as the Uberti and Caponsacchi, to build up family enclaves in the city and monopolize the consulate. The Florentines of the later twelfth and thirteenth centuries managed to craft a civic identity and an ability to act together, despite major internal divisions; this was an important first step in the emergence of the *popolo Fiorentino* as a distinct political force. By mid-century, the network of professional and military associations had crystallized into the Primo Popolo. Despite its eventual overthrow, the first popular regime put the capstone on the first phase of Florentine expansion. It built roads, trimmed the towers of the *milites*, and its armies enjoyed major victories before Montaperti. The Primo Popolo had demonstrated the shrewd

dimenticati: Spunti per una riconsiderazione del governo Ghibellino di Firenze: 1260-1266," in *Tra storia e letteratura*, 29-49.

political skills, willpower, and organizational abilities of the city's third-level elite, the professionals and wealthy merchants who from now on would set the tempo of political developments. Despite the Ghibelline revival of 1260-67, the *popolo* never lost its capacity for action, and the Ghibelline regime could not control the substantial investments and foreign assets of the great Florentine banking families, such as the Bardi, Cerchi and Mozzi. When the international situation changed for the better in 1266-67 the Florentines acted with remarkable swiftness, reestablishing the offices of *Anziani* and Capitano del Popolo in 1267.²¹⁶

The Florentine commune had furthermore developed an identity and institutions that endured through the travails of mid-century. By the 1270s, the city had paved streets, several bridges over the Arno, several new churches, and would soon begin construction of its final wall circuit and the grand new *Duomo*. The Palazzo del Podestà (1255) demonstrated the commune's symbolic triumph over private power in the city. The city ruled its *contado* through its constituent parishes and military companies, and by the later thirteenth century had developed a tax system with progressively fewer exemptions for the nobility. The Tuscan road network was under Florentine control in times of peace, and the gold *florin* was spreading throughout Europe.

By 1267, Florence was the hegemonic center of a densely populated, economically robust region. Ongoing immigration from the countryside, despite the destabilizing effects deplored by Dante, ensured continual demographic growth in the city and ensured the manpower necessary for the city's industries. Florentine

²¹⁶ Najemy, *A History*, 75.

economic dynamism generated ripple effects throughout Tuscany. The Florentine bishops, eager to tap the urban grain market, spent much of the thirteenth century trying to ensure rents in kind from their vassals. These same vassals' resistance to episcopal exactions led in some cases to the formation of prosperous rural communes such as S. Casciano in Valdipesa. The quasi-cities of the area, such as Figline or S. Gimignano, prospered economically from regional exchange with the city. Rural lords such as the Guidi and Alberti were incapable of seriously challenging Florence without external support, which evaporated following the events of 1266-68. The Primo Popolo had laid the physical, institutional, and ideological infrastructure around which the Florentine commune would develop in the next century, as it expanded beyond its old *contado*.

2: “Maxima videtur esse discordia in hac civitate”¹: The Florentine *popolo*, the Ordinances of Justice, and Social Conflict in Florence, c. 1280-1302

Abstract: This chapter analyzes the sociopolitical conflicts in Florence during the 1290s. These conflicts clustered around the Ordinances of Justice (1293-1295), which crystallized popular solidarity against the magnates-yet the *popolo* itself fractured once in power, along internal divisions of socioeconomic standing, and over the question of how to treat the magnates. Scholars of this period in Florentine history have traditionally focused on the clash between the *magnati e popolani*, and not the tensions *within* the popular party. This results from a restrictive understanding of the *popolo* as a sociohistorical entity. This tradition has also seen the *popolo* as virtually synonymous with the guilds: the rest of Florence’s population is usually excluded from discussion of the contest between magnates and *popolani*, or treated as a demagogically-inspired rabble under Giano Della Bella. I read the various redactions of the Florentine Ordinances as a product of divisions within the *popolo*: these divisions were also dual in nature, resulting from differences in socioeconomic background and horizons between the popular elite (*popolo grasso*; *grassi popolani*) and their less wealthy, locally-based peers (*popolo minuto*; *menopossenti*). These produced differences between the two wings in regard to the bases of popular power, and how to deal with the magnates. At precisely the moment when the *popolo minuto*’s interests began to diverge from those of the *grassi*, the Ordinances were initially an attempt to shore up support for the guild priorate. The second part of the chapter analyzes how the lesser guildsmen and workers of Florence, contested and appropriated popular ideology in a more radical form under the leadership of Giano Della Bella, and the response from Florence’s ruling group. Remigio dei Girolami’s 1295 sermons to the priorate are revealing in this regard, and the last part of the chapter is a study of Remigio’s sermons before the priorate in their social context. Reading Remigio dei Girolami’s sermons in conjunction with the final 1295 Ordinances of Justice, and placing both in their specific social context, reveals the heterogeneity and political significance of the Florentine *popolo*, the coherence of its ideology despite the fissures this masked, and the intersecting and conflicting ties between magnates and *popolani*, elite and *minuti* alike.

Introduction

In the 1290s, tensions between Florence’s *popolo* and the city’s older military elite (*milites*, soon to be branded *magnati*) crystallized around communal institutions and legislation. The establishment of the priorate (1282) and the Ordinances of Justice (1293, 1295) were landmarks in the struggle between the two groups, which largely supplanted the Guelf-Ghibelline conflict which had dominated Florentine politics for most of the

¹ The quote is from Remigio dei Girolami, sermon XXVII, in “I sermoni d’occasione, le sequenze e i ritimi di Remigio Girolami fiorentino,” eds. G. Salvadori & V. Federici, *Scritti Vari di Filologia* (Rome, 1902) [hereafter “Salvadori and Federici, page number”], at 482: “Instinctu dyabolico vel divino iudicio maxima videtur esse discordia in hac civitate.”

thirteenth century.² Despite the magnates' hostility and the civil war between the Black and White Guelfs, this was the period when Florence's guilds established themselves as the commune's institutional bedrock.³ Yet the guild regime and the *popolo* itself, like its peers in the other Italian city-states, was never a homogeneous mass.⁴ Wealth, profession, and family allegiances divided Florentine society. The wealthiest merchants were often at odds with the artisans, middling merchants, and laborers who constituted the majority of Florence's population.⁵ Thus the *popolo* is usually divided, in our sources and in modern historiography, into the *popolo grasso* (*grassi*) and the *popolo minuto* or *minuti/menopossenti*.⁶ The tensions within the Florentine *popolo* and its cultural and

²Federico Canaccini, *Ghibellini e Ghibellinismo in Toscana da Montaperti a Campaldino (1260-1289)* (Rome, 2009), is a thorough study of the conflict in the later thirteenth century. See also Vieri Mazoni, *Accusare e proscrivere il nemico politico*, (Pisa, 2010), on Trecento Ghibelline trials, and the conference collection *Guelfi e ghibellini nell'Italia del Rinascimento*, ed. M. Gentile (Rome: Viella, 2005).

³ See John M. Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280-1400* (Chapel Hill, N.C., 1982) [hereafter "Najemy, *Corporatism*"], for Florentine politics in this period.

⁴ See Alma Poloni, *Potere al popolo. Conflitti sociali e lotte politiche nell'Italia comunale del Duecento* (Milan, 2010), at 9-44, for a clear and concise statement of the origins and heterogeneity of the *popolo* of the thirteenth-century communes.

⁵ The best studies of the daily lives of the working poor in medieval Florence are Franco Franceschi, "La mémoire des *laboratores* à Florence au début du XVe siècle » in *Annales ESC* (September-October 1990), 5, 1143-67; "Il mondo del salariati urbani," in *La mobilità sociale nel medioevo*, ed. Sandro Carocci (Rome, 2010), 289-306; and "...*E seremo tutti ricchi*": *Lavoro, mobilità sociale e conflitti nelle città d'Italia medievale* (Pisa: Pacini, 2012); Alessandro Stella, *La Révolte des Ciompi: Les hommes, les lieux, le travail* (Paris: ÉHESS, 1993) and Samuel Cohn, Jr., *The laboring classes of renaissance Florence* (New York, 1980).

⁶ The terminology I use here is necessarily ambiguous and polyvalent. In the historiography on the Italian communes, *popolano/i* broadly refers to the middling ranks of the non-elite urban population. Chris Wickham, *Medieval Rome* (Oxford, 2015), at 325, discusses the ambiguity of the usually cognate term *populus* in a processional context, for an earlier period. The guild elite and merchant oligarchs, the *grassi*, became functionally indistinguishable from the aristocratic elite as the Trecento wore on: George W. Dameron, "Revisiting the Italian Magnates: Church Property, Social Conflict, and Political Legitimization in the Thirteenth-Century Commune," *Viator* 23 (1992) 179.

judicial products are the theme of this chapter. It does not provide a general survey of the period or Florentine politics. The age of Dante is one of the most-studied periods of Florentine history, indeed of the Italian Middle Ages, and the reader may consult excellent recent studies of this formative period in Tuscan and Italian history.⁷

The chapter's guiding questions are twofold: How did popular ideology affect social change at Florence, and what factors conditioned and constrained the *popolo's* two factions, the *grassi* and *minuti*, during the 1290s? The Florentine *popolo's* political goals and discursive claims crystallized in the Ordinances of Justice (1292-1295), a series of laws based on Bolognese models, and the Florentine hallmark of a broader north-central Italian trend towards popular regimes and the (typically partial) exclusion of magnates from political power.⁸ Drafted by the commune's priors and legal experts, these laws expressed the *popolo's* claims to political legitimacy and restricted the magnates' access to political office. The Florentine *popolo* in turn created institutions tasked with turning this ideology into reality. The court of the Executor of the Ordinances of Justice was

⁷The best introductions to the period are the survey and document collection, Jean-Claude Maire Vigueur and Enrico Faini, Enrico Faini, *Il sistema politico dei comuni italiani (secoli XII-XIV)*. Milan, 2010), and Poloni, *Potere al popolo*. The classics are Giovanni Tabacco, *The struggle for power in medieval Italy*, trans. R. B. Jensen (Cambridge, 1989) and Philip Jones, *The Italian city-state* (Oxford, 1997). Recent surveys of the struggle between magnates and *popolo*, and thirteenth-century Florence, are: Carol Lansing, *The Florentine magnates* (Princeton, N.J., 1991); John M. Najemy, Najemy, *A history of Florence, 1200-1575* (Oxford, 2006) [hereafter "Najemy, *History*"] 63-95; and Silvia Diacchiati, *Popolani e magnati* (Spoleto, 2011) [hereafter "Diacchiati, *Popolani*"], 303-88.

⁸ The scholarship on the Bolognese *popolo* and the Bolognese Ordinances of Justice is extensive. See Sarah Rubin Blanshei, *Politics and justice in late medieval Bologna* (Leiden, 2010), for an exhaustive treatment with recent bibliography, and Giuliano Milani, "Bologna's two exclusions and the power of law experts," (2002. <http://fermi.univr.it/RM/biblioteca/scaffale/m.htm#Giuliano%20Milani>). For the popular party as an Italian phenomenon, see above all Jones, *Italian city-state*, "The century of the Popolo. Commercialization, democratization, and the challenge of tyranny," 485-521.

founded two years after the city burned in a fire (1304) resulting from factional street fighting between magnate lineages.

Studies of political and social events in late thirteenth-century Florence have typically focused on elite identity and the Florentine commune's ongoing attempts to tame this elite by reconfiguring the city landscape and political-judicial exclusion.⁹ Yet divisions within the *popolo* are just as important for an understanding of this period's vicissitudes. The promulgation of the Ordinances of Justice was a tactical move by the *grassi*, intended to shore up support for the popular regime in a time of drastic social and economic change. The Ordinances also legitimized the seven "major" trade guilds as the basis of Florentine government. In doing this, the Ordinances' creators drastically curtailed the number of legitimate guilds in Florence and its environs. Richard A. Goldthwaite has estimated that there were as many as 70 of these by the later thirteenth

⁹ The classic studies of the "magnate question" are: Gaetano Salvemini, *Magnati e popolani in Firenze dal 1280 al 1295* ed. Ernesto Sestan (Milan, 1966 [1899]); Nicolai Ottokar, *Il comune di Firenze alla fine del Dugento*. Turin, 1962 [1926]), Nicolai Rubinstein, "La prima legge sul 'sodamento' a Firenze," *Archivio storico italiano* 2: 2 (1935): 161-72; Desiderio Cavalca, "Il ceto magnatizio a Firenze dopo gli ordinamenti di giustizia," *Rivista di Storia del Diritto Italiano* 40-41 (1967-68): 85-132, and Nicolai Rubinstein, *La lotta contro i magnati in Firenze* (Florence, 1939); Marvin Becker, "A study in political failure: The Florentine magnates, 1280-1343," *Mediaeval Studies* 27 (1965): 246-308; S. Raveggi, M. Tarassi, D. Medici, and P. Parenti, *Ghibellini, Guelfi e popolo grasso: I detentori del potere politico a Firenze nella seconda metà del Dugento* (Florence: Archivio di Stato di Firenze, 1978) [hereafter "in *I detentori*, [page number]"]; and Lansing, *Florentine magnates*. For a later period, see Christiane Klapisch-Zuber, *Retour à la cité: Les magnates de Florence, 1340-1440* (Paris, 2006). The best recent study of social class and political exclusion is Sarah Rubin Blanshei's towering *Politics and justice in late medieval Bologna* (Leiden, 2010). For an illuminating discussion of Blanshei's work read in comparison with the Florentine situation, see Massimo Giansante, "Ancora magnati e popolani: Riflessioni in margine a *Politics and Justice* di Sarah R. Blanshei," *Archivio Storico Italiano* 637: III (2013): 543-70.

century.¹⁰ This was a move towards the sort of oligarchic closure that Sarah Rubin Blanshei has reconstructed for Bologna in the same period. The Florentine oligarchy never constricted entry in the way the Venetians and Bolognese did, yet the matter of guild numbers demonstrates the intra-class antagonisms of the *popolo minuto* and the *grassi*, and its ideological aspects will be explored below. I trace this struggle within the *popolo* through the various redactions of the Ordinances and the Dominican preacher Remigio dei Girolami's 1295 sermons before the priorate, the city's governing body from 1282. I focus on the language used to justify the elite guildsmen's consolidation of power against the magnates, and then in the face of opposition from the lower ranks of the *popolo*. This language is virtually identical in both cases.¹¹

The Florentine experience was not representative of other communes. A major difference between Florence and Bologna, so similar in other ways during the thirteenth century, is documentary survival, which has in turn shaped the historiography on the two cities.¹² Florence's judicial archives do not survive before 1343, whereas Bologna, along with Perugia, is home to the richest collection of archival material in Italy before the fourteenth century, while Lucca's ecclesiastical documentary run stretches back to the

¹⁰ See Richard Goldthwaite, *The Economy of renaissance Florence* (Baltimore: The Johns Hopkins Press, 2009) [hereafter "Goldthwaite, *Economy*"], at 343, for the number of guilds or guild-like organizations among even minor craftsmen such as Fiesole's stone-cutters.

¹¹ The most recent, and the only comprehensive, edition of the relevant statutory material is *La legislazione antimagnatizia a Firenze*, eds. Silvia Diacciati & Andrea Zorzi (Rome, 2013). All citations of the Ordinances are from this edition, which supplants those of Salvemini and Cardini and makes systematic comparison between the redactions possible for the first time.

¹² Giansante, "Ancora," is the best comparison of Bologna and Florence; for the myth of Florence, see Jean-Claude Maire Vigueur, "Il problema storiografica. Firenze come modello e mito di regime popolare," in *Magnati e popolani nell'italia comunale* (Pistoia, 1997), 1-16.

eighth century.¹³ This has led historians of Florence to focus less on the mundane political and social practices of the Florentine popular commune than its cultural products and electoral scrutinies.¹⁴ There is a lingering assumption in the historiography on medieval Italy to conflate the rest of the peninsula's experience with that of Florence. This is due in part to a venerable Anglo-American tradition of Florentine-centric Renaissance scholarship, and also to the association between Dante and Brunetto Latini, foremost exponent of the Florentine *popolo*'s thought-world.¹⁵ Yet Florence did differ from other communes, first of all chronologically. The Bolognese popular regime had a far stronger grip on the levers of power than their Florentine peers.¹⁶ The Bolognese *popolo* was an innovator in many ways: in its early assertion of power within the commune (1228), its political-judicial exclusion of the old *milites*, in documentary innovations, and even in surrendering the *libertas* of the city of S. Petronio to a *signore*, the papal legate Bertrando del Poggetto (1327).¹⁷ The Bolognese popular regime, not the second popular regime at Florence, has increasingly become a baseline model of comparison with other communes, with fruitful results.¹⁸ In addition, Alma Poloni's

¹³ Giansante, "Ancora," 543-46, describes the wealth of the Archivio di Stato di Bologna, and the city's twentieth-century historiographical tradition. The best study of high-medieval Lucca is Alma Poloni, *Lucca nel Duecento* (Pisa, 2009).

¹⁴ The work of Silvia Diacchiati and Piero Gualtieri are important recent exceptions to this. See the former's *Popolani* and "Popolo e regimi politici a Firenze nella prima metà del Duecento," *Annali di Storia di Firenze* I (2006), 37-81, and the latter's *Il comune di Firenze tra Due e Trecento: partecipazione politica e assetto istituzionale* (Florence: Leo S. Olschki, 2009).

¹⁵ See Enrico Artifoni, "I governi di 'popolo' e le istituzioni comunali nella seconda metà del secolo XIII," *Reti Medievali* 4:2 (2003), retrieved from: <http://www.rmojs.unina.it/index.php/rm/issue/view/13>

¹⁶ Giansante, "Ancora," 552-64, provides initial points of comparison between Florence and Bologna, with prospects for future research.

¹⁷ Giansante, "Ancora," 568.

¹⁸ See the historiographical discussion in Giansante, "Ancora".

studies of sociopolitical and economic change in Florence's nearby neighbors, Pisa and Lucca, are a major contribution to historians' understanding of popular politics in Tuscany.¹⁹

The two sectors of the *popolo* subscribed to substantially the same ideological framework and rhetoric. At Florence, Brunetto Latini in particular influenced the popular party's conception of a city governed by *iustitia*, *concordia*, and *pax* (justice, concord, and peace) as the highest earthly goods, and the goals of secular government.²⁰ This rhetoric hid and exposed the rift between the popular elite and its artisanal and laboring supporters. This rift arose from the socioeconomic experiences of the two sectors of the *popolo*, between, for example, the members of the Calimala and Lana and the taverners (*Vinattieri*) or belt-makers (*Correggiai*); this contrast manifested itself in the extended battle between the *minuti* and *grassi* over the number of official guilds, i.e., those represented in the government. This battle, which extended from the later thirteenth century up to the counter-revolutionary coup of 1382, was the broader context for the creation of the Ordinances of Justice.

A major feature of medieval Florentine history was the structural reliance of the popular oligarchy on its non-elite social base, the *minuti*, in times of dramatic social crisis, and its attempts at any other time to restrict and discipline these laborers and

¹⁹ Alma Poloni, *Trasformazioni della società e mutamenti delle forme politiche in un Comune italiano: il Popolo a Pisa (1220-1330)* (Pisa, 2004) and *Lucca nel Duecento. Uno studio sul cambiamento sociale* (Pisa, 2009).

²⁰ Diacciati, *Popolani*, 310: "...Brunetto Latini fu il portavoce di un'idea di società civile governata da quella concordia tra cittadini che, sola, poteva garantire pace e quiete a tutta la comunità e di conseguenza benessere e prestigio alla città." Samuel Y. Edgerton, Jr., "Icons of justice", *Past & Present* 89 (Nov., 1980), 23-38, discusses this iconography at Florence.

tradesmen.²¹ Justifying popular government in terms of containing the magnates enabled the popular regime to mobilize effective, united action at decisive moments in this period, such as the attempted magnate revolt of 5 July 1295. This dependence on the *popolo minuto* and the elite's legitimizing rhetoric, however, opened the way for the Giano Della Bella's wing of the *popolo* to attempt a more radical overhaul of the commune. In attempting to implement their different understandings of the discourse's shared ideas, the *grassi* and *minuti* collided, weakening the *popolo* in the face of an elite resurgence as the fourteenth century began.²²

Recent studies of the period have rehabilitated much of Gaetano Salvemini's classic, historical materialist reading of this period. Based on the careful archival work of Enrico Faini and Silvia Diacciati, the late thirteenth and early fourteenth centuries saw a real transformation-if not a 1789-style revolution-in the nature of political institutions and culture in Florence, and the composition of its ruling group.²³ This does not require accepting Salvemini's analysis or preoccupation: it was a natural product of his training and ideological sympathy with the deterministic Marxism of the era of the Second International.²⁴ This transformation may also be seen in terms of the final victory in the game of urban politics of what Chris Wickham has described as third-level elites: urban professionals and wealthy merchants such as the early thirteenth-century chronicler

²¹ The best study of this dynamic's consequences for formal Florentine politics is Najemy, *Corporatism and Consensus*.

²² The best account of the period 1292-1302 remains Patrizia Parenti, "Dagli Ordinamenti di Giustizia alle lotte tra Bianchi e Neri," in *Ghibellini, Guelfi e Popolo Grasso*, 239-323.

²³ See Faini, *Firenze*, and Diacciati, *Popolani*. On the

²⁴ See Giansante, "Ancora," 549-51, for a discussion of this turn in Italian-language scholarship.

Sanzanome and the bankers who invested in the Italian South, over the old second-level elite of the commune's consular age.²⁵

I propose to extend this by interpreting the struggle between Giano Della Bella's radical wing of the *popolo* and the moderates led by families such as the Girolami as an initial challenge from a would-be fourth level in the game of urban politics attempting to lever its way into power in the name of the same discursive package avowed by their immediate superiors. This fourth level could be characterized by membership in one of the "minor" guilds, or those which never received recognition in the Florentine constitution or electoral politics; it would have contained recent rural immigrants and even foreigners, the un- or underorganized laboring poor. This was the *popolo* in its widest sense; further research, may indicate real fissures even within the *minuti*, but the basic schema proposed is a flexible approach to an ambiguous, rapidly changing period and the identity of those who lived through it. This line of research could be extended into the fourteenth century, up to the earthquake in Florentine society that was the Ciompi revolution and the oligarchic counter-revolution of 1382. The ultimate failure of this fourth level elite, the *popolani minuti*, to attain power was perhaps due as much to the economic contraction of the fourteenth century as anything else. I am here adopting and consciously inverting Alma Poloni's argument for the synchronicity of the commercial and popular revolutions in the urban Italian communes.²⁶

²⁵ See Wickham, *Sleep walking*, ch. 5, "Italy," for this schema and its application to the north-central Italian communes.

²⁶ Alma Poloni, *Lucca nel Duecento*, especially ch. 1, "Mobilità sociale e crescita economica tra XII e XIII secolo," 21-60, for this connection.

This leads to the broader problem of the relationship between ideology and socio-economic change.²⁷ Ideological claims are not simply a crude justification of power, nor a ghost of the economic infrastructure.²⁸ The reflection theory devised by Marx and characteristic of *fin-de-siècle* Marxist writing on culture and history is nonsense, but then again, most Marxist writers discarded this model many years ago.²⁹ Ideological products, to retain their explanatory value in a given historical moment both to those crafting them and their audience, cannot remain static. Although the leading group of the ruling class may legitimize its rule to itself and its subordinates through a given cluster of concepts such as *pax*, *iustitia* and *concordia*, subordinate groups can appropriate and reconfigure this same cluster, especially if the balance of class forces requires the ruling class to mobilize these subordinate groups to carry out its goals, as was the case at Florence in the 1290s. This process can substantially limit the leading group's room for maneuver, even if the subordinate group (here, the *popolo minuto*) is ultimately unsuccessful in retaining

²⁷ Luis M. Pozo, "The mechanisms of class accommodation in precapitalist Europe: a study in hegemony," *Review (Fernand Braudel Center)* 29.3 (2006) [hereafter "Pozo, 'mechanisms'"] 227-69, and Chris Wickham, "Memories of underdevelopment: What has Marxism done for medieval history, and what can it still do?" in *Marxist historiography for the 21st century*, ed. Chris Wickham (Oxford, 2001), 34-48.

²⁸ See Aldo Mazzacane's introductory remarks on jurisprudence's impact on late medieval society in his "Law and jurists in the formation of the modern state in Italy," in *The origins of the state in Italy, 1300-1600*, ed. Julius Kirshner (Chicago, 1963), 623-63, and Eric Hobsbawm's comments in *The Age of Empire, 1875-1914* (New York, 1987), at 62.

²⁹ Patrick Lantschner, "The 'Ciompi Revolution' constructed: Modern historians and the nineteenth-century paradigm of revolution," *Annali di Storia di Firenze* 4 (2009): 277-97, is a critique of the application of 19th-century categories (class, state, etc.) to the premodern past. Lantschner's work on these concepts can be profitably compared with Vivek Chibber's defense of Marxism and its conceptual toolkit in "How does the subaltern speak?: An interview with Vivek Chibber" (<https://www.jacobinmag.com/2013/04/how-does-the-subaltern-speak/>) (2013); see also Chibber's critique of subaltern studies, *Postcolonial theory and the specter of capital* (London: Verso, 2013).

its hold on political power.³⁰ The concrete implications of this argument become clear when discussing the aftermath of the failed magnates' revolt of July 1295.

This discussion expands upon George W. Dameron's 1992 article interpreting Italian antimagnate legislation as a whole.³¹ Dameron argued that the main purpose of the urban communes' antimagnate legislation was to legitimate new criteria for membership in the urban elite. In order to do this, the *popolo grasso* needed to shore up its support among the *popolo minuto* at just the moment when these two groups' class interests were diverging along socio-economic lines, particularly the issues of guild membership and its electoral privileges and how to treat the magnates. The antimagnate legislation demonized the magnates, thus justifying the new regime of the major guildsmen to the *minuti*.³² Simultaneously, elements of the mercantile elite were drawing closer to the magnates in functional terms, through business partnerships and marriage alliances.³³ I expand upon Dameron's account of antimagnate legislation in two ways. If antimagnate legislation bridged the gulf between the *grassi* and the minor guildsmen, what role did these minor guildsmen and non-guild workers themselves play in this process? Under Giano Della Bella's leadership, the *popolo minuto* wrested this antimagnate discourse away from the guild elite, sharpening the Ordinances to decisively marginalize the magnates and assert a broader role for themselves in elite politics.

³⁰ See Antonio Gramsci's comments in *Selections from the Prison Notebooks*, ed. & trans. Quintin Hoare and Geoffrey Nowell Smith, (New York, 1971), 52-55, on the relationship between subaltern and ruling social groups.

³¹ Dameron, "Revisiting the Italian magnates: church property, social conflict, and political legitimation in the thirteenth-century commune." *Viator* 23 (1992): 167-87.

³² Andrea Zorzi has also described the anti-magnate legislation in terms of creating a demonized, magnate "other" for the *popolo*: Zorzi, "Politica e giustizia a Firenze nel tempo degli ordinamenti di giustizia," in *Ordinamenti di giustizia fiorentini*, ed. Vanna Arrighi (Florence, 1995), 138.

³³ Dameron, "Revisiting," 179.

Remigio's sermons, employing the same language of the Ordinances, legitimized the expulsion of Della Bella and the merchant elite's reconquest of political power: those, using the language of the 1290s, capable of giving to each his right.³⁴ Scholars have long recognized the impact of the political context on Remigio's sermons.³⁵ Yet these connections are typically acknowledged without accounting for the fact that Remigio's supposedly impartial calls for *pax* in fact granted legitimacy to a particular wing of the popular party: the conservative, established guildsmen, among whom the Girolami played a leading role.³⁶ This legitimation occurred at a crucial point in the events of the 1290s, following the deposition of the *popolo minuto*'s leader, Giano Della Bella, from the priorate and his exile from Florence. Remigio may have been sincere when speaking of the *bene comune*, yet this *bene comune* was itself an ideological product, not a corruption or distortion of a neutral value; reading it as such is to perpetuate the ideological claims inherent in Remigio's original position.³⁷

Remigio's sermons may be read as ideological products of a particular moment of acute polarization within the *popolo*, stemming from the question of how to treat the magnates; Della Bella's banishment arose from this same context. The Dominicans of S. Maria Novella were not a third party standing above the city's social conflicts, but deeply entwined with them; this is particularly the case with Remigio dei Girolami, whose

³⁴ See Najemy, *History*, 103, for the Ordinances' appropriation of the Roman law understanding of *Iustitia*.

³⁵ See Zorzi, "Politica e giustizia," 143-44, for a succinct account and the major works on Remigio.

³⁶ Zorzi, "Politica e giustizia," 143, describes the Girolami as "una della più potenti famiglie di 'popolo.'" See also Daniel R. Lesnick, *Preaching in medieval Florence: The social world of Franciscan and Dominican spirituality* (Athens, GA., 1989), 107-08, for the Girolami.

³⁷ Pozo, "Mechanisms," 228, makes a similar point regarding scholars accepting the priority of vertical over horizontal ties in the precapitalist past.

family and position enmeshed him so deeply in public affairs. This rhetoric arose in the factional strife of late thirteenth-century Florence, but it would endure as a fundamental element in Florentine political and legal discourse long into the fourteenth century.³⁸ This rhetoric's vocabulary became a key part of late medieval Florentines' public identity, and of the language rural people used when addressing the Florentine courts.

The End of Angevin rule and the rise of the guild regime at Florence

Silvia Diacciati has characterized the period 1267-1280 as the “game of parties”, as the various Florentine factions jockeyed for position under the Angevins.³⁹ During these years, the guilds became increasingly central to formal politics. The seven “major” guilds were recognized as participants in the government for the first time in 1266, when a committee of thirty-six Guelfs and Ghibellines allowed the guilds to arm themselves and assemble publicly in times of emergency.⁴⁰ Angevin intervention cut short this attempt at re-founding the popular regime, however, and during the 1270s Charles of Anjou ruled the city through lieutenants, who abolished popular institutions but not the guilds.⁴¹ The hallmark of the regimes governing Florence between 1260-1282 was their instability and inability to devise institutional solutions to rapidly changing political conditions.⁴² Executive magistracies such as the Fourteen (eight Guelfs, six

³⁸ I use the term “rhetoric” here in the sense defined by Averil Cameron, *Christianity and the rhetoric of empire: the development of Christian discourse* (Berkeley, 1991), 13: “I do not use it [“rhetoric”] in its technical sense, but rather in the current, far looser sense it seems to have acquired, by which it can mean... ‘characteristic means or ways of expression’; these modes may be either oral or written...”

³⁹ Diacciati, *Popolani e magnati*, ch. 3, “Il gioco delle parti”, 209-302.

⁴⁰ Najemy, *A history*, 75-77.

⁴¹ Najemy, *A history*, 75.

⁴² See Diacciati, *Popolani*, 243-59, for the period 1267-1280.

Ghibellines)⁴³ were typically unable to implement their decisions due to bitter factional divisions between Florentine Guelfs and Ghibellines and external powers' frequent interference, in particular the papacy and the Angevin French.

This situation changed in 1282, with the collapse of Angevin hegemony in Tuscany following the Sicilian Vespers.⁴⁴ The guild priorate emerged from this political vacuum. Through the priorate, the major trade guilds would dominate Florentine politics from 1282 up to the Black Guelfs' coup of 1301-02, and again following Corso Donati's death in 1308.⁴⁵ The principle of consensus between guild representatives in fact became the underlying constitutional principle of the commune until the counter-revolution of 1382 and the rise of the Albizzi-dominated oligarchy.

The membership of Florence's guilds constituted a significant part of the city's male population. By 1292-1293, Florence had twenty-one officially recognized guilds.⁴⁶ With a combined membership of around 8,000 members, the guilds encompassed perhaps 28-30% of the city's adult males. These twenty-one guilds were divided between the seven major, five middle, and nine minor guilds. The fourteen middle and minor guilds constituted the *popolo* in its narrower, traditional sense: the third-level elite of bankers, professionals, and merchants who together dominated Florentine politics. John Najemy has argued that, given the political weakness of the nine minor guilds, the swing vote in

⁴³ See Salvemini [1899], 320-33, for the 1279 peace of Cardinal Latino, which established the committee of Fourteen.

⁴⁴ For Charles of Anjou and the Angevins, see Amideo De Vincentiis, "Le signorie angioine a Firenze. Storiografia e prospettive," in *Reti Medievali. Iniziative on line per gli studi medievistici. Rivista 2/2* (2001) (www.storia.unifi.it/_RM/rivista/mater/DeVincentiis.hm).

⁴⁵ Dameron, "Revisiting," 179.

⁴⁶ The information in this paragraph is taken from Najemy, *History*, 39-44, and Goldthwaite, *Economy*, 342-49. Goldthwaite, *Economy*, 345, provides a table of the 21 guilds and their members.

Florentine political crises lay with the members of the seven major guilds and the five middle guilds.⁴⁷ These divisions cut across professional organization and political affiliation. Obscured at times, they never entirely disappeared. Yet the guilds emerged over the course of the Duecento as the only institutions capable of maintaining a measure of institutional continuity in a city beset by internal divisions, exacerbated by intermittent intervention from outside powers such as the Hohenstaufen and Angevin dynasties.⁴⁸

Emerging out of attempts to maintain Cardinal Latino's peace between the Guelfs and Ghibellines, the priorate initially consisted of six representatives of the guilds, one from each *sesto* of the city.⁴⁹ The chroniclers Marchionne di Coppo Stefani and Dino Compagni both saw the aftermath of the Florentine victory at Campaldino (11 June 1289) as crucial to the guilds' progressive domination of the priorate.⁵⁰ Knights of distinguished second-level elite families, such as Corso Donati and Vieri de' Cerchi, distinguished themselves on the field—in direct contrast to the behavior of the old feudal elite such as Count Guido Novella, “who did not await the end, but fled without striking a blow of his sword,” according to Compagni.⁵¹ Upon their return to the city, these *grandi* began to abuse the city's artisans and merchants, according to Marchionne Coppo di Stefano.⁵² Compagni similarly claims that, despite the *grande e potente stato* of the *popolo* in 1289-

⁴⁷ Najemy, *Corporatism*, 11-12.

⁴⁸ George W. Dameron discusses religious responses to this social change in *Florence and its church in the age of Dante* (Philadelphia, 2005), 164-217.

⁴⁹ Compagni, 4.10-11. For the peace of Cardinal Latino, see Salvemini [1899], 320-33.

⁵⁰ On Campaldino, see Marchionne Coppo di Stefano, *Cronaca fiorentina di Marchionne di Coppo Stefani*, ed. Niccolò Rodolico (Città di Castello, 1903) [hereafter *Cronaca fiorentina*, [rubr. #, page 3], rubr. 181, p. 65, and Compagni, 1.10, and Herbert L. Oerter, “Campaldino, 1289”, *Speculum* 43 (1968), 429-50.

⁵¹ Compagni, I.10: “Il conte Guido non aspettò il fine, ma senza dare colpo di spada si partì.”

⁵² *Cronaca fiorentina*, 182, 66.

1293, the *nobili* afflicted the *popolani* with many injuries, including “beatings and other villainies.”⁵³ The *popolo* responded by combining the five “minor” guilds with the seven “major” guilds, whose consuls became the priors.⁵⁴

Numerous proposals for expanding the priorate were debated before the Ordinances of Justice were initially promulgated, in 1293. Dino Pecora—later an enemy of Dino Compagni and Giano Della Bella, but in 1292 a resolute *popolano*-proposed doubling the size of the priorate to twelve members, one from each guild, in a November 24, 1292 meeting of the legislative assembly.⁵⁵ Following the creation of the office of the Standardbearer of Justice, the Standardbearer became the seventh prior.⁵⁶ Electoral procedures for the priorate and the guilds’ role in the commune thenceforth became a central issue in Florentine politics for the next century.

According to Dino Compagni, the early priors quickly betrayed their trust as they aligned themselves with the Guelfs:

“Whence the good citizens of the *popolo* were malcontent, and were cursing the office of the Prior, because the Guelf grandees were lords, [and] the citizens entering that office were striving not to observe the laws, but to corrupt them.”⁵⁷

⁵³ Compagni, 1.11: “Ritornati i cittadini in Firenze, si resse il popolo alquanti anni in grande e potente stato; ma i nobili e grandi cittadini insuperbiti faceano molte ingiurie a’ popolani, con batterli e con altre villanie.”

⁵⁴ *Cronaca fiorentina*, 182, 66: “Tornata l’oste in Firenze i Grandi erano insuperbiti e trattavano male i mercatanti ed artefici, ed il soldo che doveano avere i soldati si rovesciavano a’ mercatanti ed agli artefici, e per questa cagione si ristrinsono l’Arti insieme, ed ebbono case e consoli; le quali Arti furono queste...[sic], e quando toccava la elezione erano de’ Priori.”

⁵⁵ See Najemy, *Corporatism*, 33-42, for electoral proposals, and 34-35, for Dino Pecora’s plan.

⁵⁶ The *sesti* were the basic units of administrative organization for the city until 1343. See Najemy, *Corporatism*, 17-25, for the priorate’s origins. See *La legislazione antimagnatizia*, 15-18, for the rubric establishing the office of Standardbearer of Justice.

⁵⁷ Compagni, 1.5: “...i cittadini che entravano in quell’ufficio [the priorate], non attendeano a osservare le leggi, ma a corromperle.”

Certain elements of the *popolo grasso*, such as the Cerchi family, imitated the older families of the commune's *militia* to such a degree that they would become magnates in the 1290s.⁵⁸ This fusion of Florence's older second-level elite with elements of the newer, third-level elite was facilitated by marriage and business ties with the older elite lineages, with the *grassi* manipulating the laws to favor their kinsmen and business partners.⁵⁹

Compagni does not qualify the word *popolani* in this passage, as he usually does in his chronicle. The passage likely refers, however, to the assemblage of lesser guilds and quasi-guilds, the urban neighborhood associations and parish-based groups that constituted the Florentine *popolo minuto*, as well as discontented members of the second- and third-level elite, men such as Giano della Bella and Compagni himself. By 1292, the major issue facing the guilds was the issue of how many citizens would be allowed to participate in elections and government.⁶⁰ How far down the socio-economic ladder would participation in public life extend, and on what organizational bases? What implications would this have in the workplace as well as in the legislative councils, and which segments of the *popolo* would turn a capacity for collective action into institutional power?

Florentine Society in the 1290s

⁵⁸ On thirteenth-century turnover in ruling elites, see Paolo Cammarosano, "Il ricambio e l'evoluzione dei ceti dirigenti nel corso del XIII secolo", in *Magnati e popolani nell'Italia comunale* (Pistoia, 1997), 17-40.

⁵⁹ Compagni, I.V: "Onde i buoni cittadini popolani erano malcontenti, e biasimavano l'ufficio de' Prior, perché I Guelfi grandi erano signori." The Cerchi are the paradigmatic Florentine example of a *nouveau riche* mercantile family imitating the *mores* of the *grandi*: see Andrea Zorzi, "La faida Cerchi-Donati," in *La trasformazione*, 95-120.

⁶⁰ Najemy, *History*, 82.

This section surveys Florentine society in the 1290s: its different components, and conflicts between and within them. It is not a detailed study of the medieval Tuscan working classes' socio-economic and cultural world, which is beyond the scope of the study.⁶¹ The reader can profitably consult the voluminous studies of Franco Franceschi and Giovanni Cherubini for a more detailed picture.⁶² The elite *popolani grassi* are even better studied. In particular, recent publications from Giuliano Milani and Antonio Montefusco's collaborative study of the Alighieri is a major contribution to knowledge of the age of Dante.⁶³

What strategic and tactical assets did the Florentine *popolo* have in its struggle against the old second-tier elite and its third-tier avatars? What structural limitations, social, economic, or cultural, conditioned the *popolo's* choices, and contributed to its inability to thwart the elite revival of the early 1300s? I examine

⁶¹ Two of the best recent studies of the Tuscan cities' socioeconomic life are Alma Poloni's monographs on Lucca and Pisa. See in particular "Lucca come distretto industriale" in her *Lucca nel Duecento*, 87-110, and "Politica e società tra Duecento e Trecento: Il ricambio del ceto dirigente popolare," in *Trasformazioni della società e mutamenti delle forme politiche in un comune italiano: Il Popolo a Pisa* (Pisa, 2004), 241-274. A good introduction to the lives of the medieval working classes in England is Christopher Dyer, *Standards of living in the later Middle Ages* (Cambridge, 1989).

⁶² Of Cherubini's numerous studies, see *Signori, contadini, borghesi* (Florence, 1974) and *Il lavoro, la taverna, la strada. Scorci di Medioevo* (Naples, 1997), in particular in the latter, "Artigiani e salariati nelle città italiane del tardo Medioevo", 31-54, and "La taverna nel basso Medioevo", 191-224. Franceschi's numerous works include "Il mondo dei salariati urbani," in *La mobilità sociale nel medioevo*, ed. Sandro Carocci (Rome, 2010), 289-306; "Un 'distretto industriale' fiorentino?," in *Alle porte di Firenze: il territorio di Bagno a Ripoli in età medievale*, ed. P. Pirillo (Rome, 2007), 213-28; and "La storiografia economica sul Rinascimento e le sue metamorfosi: qualche riflessione" in *The Italian renaissance in the twentieth century*, eds. A.J. Grieco, M. Rocke, and F. G. Superbi (Florence, 2002), 153-72.

⁶³ See the studies collected in the monographic volume of *Reti medievali* 15, 2 (2014), "Dante attraverso i documenti. I. Famiglia e patrimonio (secolo XII-1300 circa)", available at <http://www.rmojs.unina.it/index.php/rm/issue/view/28>, in particular those of Enrico Faini and Silvia Diacciati.

the *popolo minuto* as an emergent fourth level in communal politics, building upon Chris Wickham's four-leveled model of elite turnover for medieval Italy.⁶⁴ Tuscany's first-level elite, old signorial families like the Guidi and Conti Alberti, had ruralized as a response to the civil wars of the late eleventh century, withdrawing from Florence.⁶⁵ They were a declining force by the late thirteenth century, yet still possessed large holdings in Florence's *contado*. Capable of drawing on venerable connections to the peninsula's Ghibelline party and consistently favoring the German emperors, these families' first-tier international connections had perversely become a hindrance as imperial power flickered out in Italy during the twelfth century. Temporary revivals under aggressive rulers such as Frederick Barbarossa or Henry of Luxembourg were just that, temporary, and imperial recognition of comital powers for these families availed them little against Florence. The papal-Angevin triumph of the 1260s dealt a major blow to this first-level elite, following on the heels of the first popular regime's string of Tuscan victories and their own internal divisions.

Below them were the commune's older lineages, descendants of the *milites pro comuni* such as the Buondelmonti, Caponsacchi, and Firidolfi. Many of these families were also in decline by the later thirteenth century, weakened by a century of factional struggle over the political-economic resources of Florence and its

⁶⁴ See Wickham, *Sleep walking*, and *Medieval Rome*, for this model in an Italian and Roman context.

⁶⁵ M.E. Cortese, *Signori, castelli, città. L'aristocrazia del territorio fiorentino tra X e XII secolo* (Florence, 2007), is an exhaustive prosopographical study of the Florentine's high medieval elite and the early rural *signorie*; for their relationship with the city, see especially "Al centro del *comitatus*: le stirpi signorili ed i loro rapporti con la città", 209-58.

commune. The natural tendency towards turnover among elites was exacerbated by the vagaries of the Guelf-Ghibelline conflict, with long periods of exile and property destruction crippling some families, like the Uberti. This elite turnover was facilitated, as at Genoa and Milan, by the thirteenth-century economic boom. Nevertheless, the old military families remained an important factor in urban politics, especially if they had gone into banking or the cloth trade, like the Frescobaldi, or supported the popular party, like the Della Bella. Some of them adapted to the shifting foundations of economic and political prestige through marriage alliances with the *gente nuove*. Corso Donati's string of marriages exemplifies this tactic. After an unknown first wife, he became engaged to Tessa degli Ubertini, whose father was a Cerchi, who are Compagni's archetypal *gente nuove*, aping the *milites'* lifestyle. Corso quickly alienated the Cerchi, however, by marrying up the social ladder to a daughter of the famous *condottiere* Ugucione della Faggiuola.⁶⁶ Florence's second-level elite had fairly evenly divided between Guelfs and Ghibellines, based on expediency and marriage or business networks.

The third level of Florentine Tuscany's urban elite was the *popolo grasso*. The Florentine *grassi* emerged stronger from each regime change of the later thirteenth century, and by the 1290s were the dominant element in Florentine politics, allowing for a substantial overlap in lifestyle and economic wealth between segments of the *grandi* and *grassi*. The *popolo grasso* was composed of families whose economic resources were not strictly tied to the city of Florence and

⁶⁶ Ironically, it was Ugucione Della Faggiuola who would crush a Florentine army at the head of the central Italian Ghibellines, at Montecatini (1315).

Florentine Tuscany.⁶⁷ The Mozzi, Bardi, or Peruzzi possessed the sort of capital reserves made possible through the large-scale banking, finance, and exchange that the Tuscans helped pioneer.

In choosing the city as their focus while their aristocratic betters ruralized and signorialized, the early twelfth century second-level elites had unwittingly ensured an important advantage for their descendents. Because their wealth was not primarily tied to land, members of the *popolani grassi* could act quickly in times of crisis or opportunity, and possessed the assets and connections on an Italian and international scale that allowed them to survive periods of exile or disfavor in their hometown, as the Medici and Strozzi later would. Here as in matters of culture, they were similar to some of their magnate rivals for power. The Frescobaldi, bankers and merchants, later magnates, may have been socially and economically, if not culturally, indistinguishable from the Peruzzi, another wealthy banking family who remained *popolani*. The Uberti, despite their reputation as the Florentine example *par excellence* of the city's old "feudal" elite, similarly possessed the resources to sustain Farinata for years in exile before his chance for revenge came at the battle of Montaperti (1260). Their family wealth initially developed through urban and sub-regional exchange, investment, and finance. This could then be channeled into the

⁶⁷ Sergio Raveggi, "I grandi mercanti, occulti protagonisti", in *I detentori*, 53-62, remains the best concise study of this factor, which can now be read in light of Silvia Diacciati's "Dante: relazioni sociali e vita pubblica", in *Dante attraverso i documenti. I. Famiglia e patrimonio (secolo XII-1300 circa)*, eds. G. Milani, A. Montefusco, *Reti medievali*. 15, 2 (2014): 243-270.

increasingly interconnected Eurasian economy of the first world system.⁶⁸ This shrewd manipulation of investment capital, combined with the papal-Angevin alliance, gave third-level families such as the Alberti del Giudice or the Girolami economic and political opportunities that were denied to the *minuti*.

My proposed fourth level of Florentine urban politics, the *popolo minuto*, never supplanted the *grassi* in terms of institutional power. The *grassi* and *minuti* diverged in terms of access to political resources and institutions, and this explains in part the fissiparous nature of the second popular regime. Within the *minuti*, tensions existed between members of the minor guilds and the more prosperous local artisans and shopkeepers on the one hand, and the unskilled, semi- or unorganized laborers that made up the majority of the population. These divisions were a structural feature of Florentine political life, as were the conflicts they engendered. Divisions intersected within and across professional or organizational lines, and membership in formal associations like the guilds did not guarantee adherence to the popular party in times of crisis.⁶⁹

The elite popular families' response to the Ghibelline regime of 1260-1267 indicates the gulf between them and the *minuti* in terms of resources, and hence the ability to profit from events. Sergio Raveggi aptly labelled the mercantile companies

⁶⁸See Janet L. Abu-Lughod, *Before european hegemony: the world system A.D. 1250-1350* (Oxford, 1991), for the first world system and what Abu-Lughod calls its "restructuring" (or, as one wishes, crisis and transformation) in the fourteenth century.

⁶⁹I echo here Patrick Lantschner's recent arguments on the contingent and polycentric nature of medieval urban political conflicts. See his "Revolts and the political order of cities in the late Middle Ages," *Past and Present* 225 (Nov. 2014): 4-46, and *The logic of political conflict in late medieval Europe* (Oxford, 2015), particularly "Volatile guilds and parties", at 110-17, in reference to later medieval Bologna and Liège.

headed by these elite families as the hidden protagonists of 1260-67.⁷⁰ While Montaperti devastated the Florentines demographically and politically, many of the leading popular families weathered the crisis well, particularly those who, although affiliated with the Primo Popolo, had not held high office. This was due in part to their assets abroad, which the Ghibelline regime was helpless to control. This applies as well to the struggle between the *grassi* and their foes among the *milites* and rivals for power in the *popolo minuto*. The horizons of the former were conditioned by their local, partially landed wealth; party affiliation; and family strategies; those of the latter, by limited and localized resources (probably, in many cases, no more than a *popolano's* shop or tools), local social networks, and local loyalties.

An example of these mercantile elite families' survival under the Ghibelline regime comes from just after Montaperti.⁷¹ In 1261, a delegation which ceded Florentine castles in the *contado* to the Sienese included individual members of the Cerchi (later magnates, at that point *popolani grassi*), Medici, Amieri, and Peruzzi, all later to play important roles in Florentine politics. Similarly, despite the bonanza windfall that would ensue from close Florentine cooperation with the papacy, popes Urban IV and Clement IV had to entreat, request, and finally threaten many of the banking families before they came over to the anti-imperial camp. Other families, including the Cerchi and Frescobaldi, went over to the papal camp in 1263-65, and

⁷⁰ Raveggi, "I grandi mercanti, occulti protagonisti", in *I detentori*, 53-62.

⁷¹ The information in this paragraph is taken from Raveggi, "I grandi mercanti," 54-56.

profited from it; in both cases, canny familism and opportunism, not party politics, most likely dictated their actions.

During the years of Angevin hegemony in central Italy, the great Florentine families' far-flung interests required them to maintain a fine instinct for the balance of power. This international dispersion of investments and family personnel was an asset against internal enemies, such as the restored Ghibelline regime, but could be a weapon in the hands of more powerful entities like the papacy. Initially, these great popular families benefitted from their lack of deep-rooted ties to the papal or imperial camp. Only the papacy at its medieval height under Innocent III's successors, controlling vast resources and at the apex of the European diplomatic and economic scene, could offer large enough enticements, and threaten serious enough economic sanctions, to compel the greatest banking families such as the Bardi to do much of anything against their will. The real test of strength between the Florentine oligarchy and the See of S. Peter would not come until the 1370s, and in that struggle the Florentines managed to hold their own, if not triumph.⁷²

The families of the *popolo grasso*, including those such as the Cerchi and Pulci who would later be branded as magnates, had built up their initial wealth through local, regional activity: small-scale credit, banking, and investment in the booming

⁷² On the War of the Eight Saints (1375-78), see William J. Connell, "The War of the Eight Saints in Florentine memory and oblivion" in *Society and individual in renaissance Florence*, ed. W.J. Connell (Berkeley, 2002), 173-214, and A.W. Lewin, *Negotiating survival: Florence and the Great Schism, 1378-1417* (London, 2003) and Richard C. Trexler, *The spiritual power: republican Florence under interdict* (Leiden, 1974).

textile trade.⁷³ When the opportunity for truly large-scale, international investment and exchange came with the Angevin-papal alliance of the 1260s, these families possessed the capital necessary to seize it, after initial papal goading. The expanded horizons afforded by the south Italian and Mediterranean trade, and banking and cloth operations beyond the Alps, catapulted these families into the top tier of the Florentine ruling class, in a process that reflects a similar dramatic change in circumstances among Rome's "new aristocracy" of the late twelfth century, as some of these families became the *baroni di Roma* following Innocent III's reconquest of Lazio.⁷⁴ In Florence, the rise of the *popolani grassi* opened the way for a challenge from below by their social inferiors, the *minuti*, just as the *grassi* were beginning to openly challenge the *milites* for control of the commune.

Despite the commune's aggression under the Primo Popolo and the city's ongoing, if erratic, development of public power, the Florentine commune's resources and possibilities were more limited and Tuscan-specific than those of the greatest Florentine families which composed part of its ruling elite. The vast wealth and international horizons of these lineages provided them with a crucial trump card in the game of politics. When this wealth was combined with their marriage and business alliances with second-level families, their regional clientelar networks, and a charismatic leader like that great noble reprobate Corso Donati, the great Florentine families effectively controlled the city, regardless of the particular regime

⁷³ See above, ch. 1, and W.R. Day, Jr., "Early economic development of Florence."

⁷⁴ On the Roman barons and Lazial rural lordships, see Sandro Carocci, *Baroni di Roma. Dominazioni signorili e lignaggi aristocratici nel Duecento e nel primo Trecento* (Rome, 1993). Wickham, *Medieval Rome*, is the best study of the period before the thirteenth century.

in power. Their wealth allowed them to manipulate formal politics, engineering elections to the priorate, as Marchionne di Coppo Stefani said of Corso Donati, through “secret means” (*segreti modi*)⁷⁵

Who constituted the *popolo minuto*? The category itself changes meanings depending on source and time period.⁷⁶ Dino Compagni, himself a committed *popolano* and bitter enemy of the *grandi*, had a different estimation of the *minuti* than Giovanni Villani, a *popolano* closer to the oligarchic *grassi* than his predecessor. Limited resources would have resulted in ambitious *popolani minuti* focusing on local associations and public office-holding as strategies for social mobility, whereas for, say, the Peruzzi, membership on the priorate was one among many strategies for defending the family’s wealth and holding onto the mechanisms of public power, perhaps not as important as the expansion of the family business. This localism was the strength and weakness of the Florentine *minuti*, especially in periods of crisis such as 1293-1295, or during the civil war between Black and White Guelfs of the first decade of the 1300s. The local interconnectivity which sustained the social, religious, and political life of the *popolo minuto* enabled rapid mobilization for decisive action, especially after the establishment of the offices of the Capitano del Popolo and Standardbearer of Justice, who became the foci of the popular party in its official guise.

The *minuti* could be a decisive factor in internal urban conflicts, such as the July 1295 street fighting and standoff between *popolani* and *magnati* that ended

⁷⁵ Marchionne di Coppo Stefani, *Cronaca Fiorentina*, ed. Niccolò Rodolico (Città di Castello, 1903) [hereafter “Stefani, [rubric, page number]”, 202, 73.

⁷⁶ The best discussion of the term and its polyvalence in Italian sources is Alma Poloni, *Potere al popolo*.

with Dominican mediation. Providing a large part of the city's foot militia (*pedites*) some of them would have had military experience-not only at Campaldino or in Florence's numerous small *contado* wars, but also in garrison duty and siege warfare. This experience of organized combat combined with their habits of association in parish confraternities, guilds, or neighborhood associations would have made them an effective strike force in urban combat. Faced with powerful external foes, however, such as Charles of Valois' knights in 1301-02, the *popolo minuto* were powerless.⁷⁷ Taking on an enemy of the Angevins' caliber would have required a prolonged mobilization of the commune's army, disrupting the urban and regional economy and, if things went badly, potentially wrecking the very infrastructure of the *popolo minuto*'s livelihood: the shops, stalls, and mills where the *minuti* made their living. Furthermore, after the Primo Popolo's decade-long run, later popular regimes had remarkably little staying power. Faced with entrenched opposition from the magnates but also their richer superiors the *grassi*, the *minuti* were incapable of maintaining themselves in power. This was a hallmark of every period of intense collective action in Florence: 1293-95, 1343-1348, and 1378. Dissension within the *popolo* combined with the relative coherence of the Florentine *grassi* and their economic resources to undermine Florentine popular regimes fairly rapidly. This is in stark contrast to Bologna, where the *popolo* remained in power in some form from 1228 to the city's submission to the papacy in 1323.

Social networks also limited the *popolo minuto*'s possibilities. Solidarity within the *popolo*, based on associations, trades, and public life, existed in

⁷⁷ On the Black Guelfs' appeal to Charles of Valois, see Compagni, 2.6-10.

competition with a rival system of urban power, elite clientelism. Clientelism is usually difficult to trace empirically, but it is clear that it was not simply a case of magnate patrons surrounding themselves with indigent *minuti*. Prosperous *popolani* were just as likely as the *menopossenti* to appear in a magnate's *famiglia*, or form a working political alliance with the magnates.⁷⁸ Florentines could be patrons and clients simultaneously. Elite patronage offered a variety of protection from or in the courts, and a source of credit in hard times. Clienteles, in turn, ensured the Florentine elite a readily mobilized armed force, a public entourage, and a visible, personal status symbol. This elite clientelism was not separate from or subordinate to the official political realm. Rather, clientelism overlapped or clashed with party affiliations and political-economic calculations, functioning as a black market in power that could better one's position in the legitimate economy or politics. Elite clientele also included rural followers, from the families' Tuscan estates. Dino Compagni described Florence's most infamous magnate, Corso Donati, as typically accompanied by many rural henchmen and having a great entourage-whom he used, Donati notes, to inflict "many fires and many assaults, and major damage" on his enemies, the Cerchi.⁷⁹

⁷⁸ This is the standard panoply of benefits for clients in a patron-client relationship; for a case of a prosperous member of the *popolo* apparently allying himself with Corso Donati as a patron, see Dino Compagni's castigation of Dino Pecora in his *Cronica*, 1.13.

⁷⁹ Compagni, 2.20: ...col quale molti masnadieri si raunavano e gran sèguito avea, molte arsioni e molte ruberie fece fare, e gran dannaggio a' Cerchiu e a' loro amici

The Ordinances of Justice were intended to fracture this clientelar system in town and country: both factions of the *popolo* shared this aim.⁸⁰ The first step in this was solidifying the commune's physical control over the city, by attempting to limit citizens' movements in times of trouble. Rubric XXXIII of the July 1295 Ordinances, originally one of Giano Della Bella's additions to the January 1293 edition and adopted unaltered in later redactions, declared that "should there be any trouble, violent brawl, disturbance, or tumult in the city of Florence, or when the Standardbearer of Justice was performing his duties," *popolani* were forbidden "to go or hasten, or to be or remain with or without arms at the house of any noble or of a magnate of the city of Florence or the district."⁸¹ Those who continued to do so would be fined 200 *fiorini piccioli*. The city's shops were to remain closed when the Standardbearer of Justice was performing his duties (rubr. 46), and magnates were prohibited from assembling at the location of a crime when the Standardbearer arrived (rubr. 47). Rubric 37 banned unarmed people (*inermes*) from impeding the Standardbearer's militia when they were gathered "in any place, on the occasion of any wrongdoing".⁸² In the cramped streets and narrow backalleys of Florence's

⁸⁰ See Lansing, *Florentine magnates*, 168-76, for the role of neighborhood clientelism in factional struggle. This does not discount the role that a less chaotic form of patronage would play in early Renaissance politics.

⁸¹ *La legislazione antimagnatizia*, 98, Rubric 33: "...ea die vel nocte quo vel qua, quod absit, aliqua briga, rixa, rumor vel tumultus esset in civitate Florentie, vel quando vexillifer iustitie iret vel traheret ad aliquem locum pro suo officio exequendo, nullus popularis civitatis vel comitatus Florentie aliquo modo vel causa audeat vel presummat ire vel trahere, esse vel stare cum armis vel sine armis ad domum alicuius nobilis vel magnatis civitatis Florentie vel districtus."

⁸² *La legislazione antimagnatizia*, 99, rubric 37: "Item si continget pedites iustitie convenire cum armis in aliquo loco occasione alicuius mallefitii vel rumoris vel aliqua alia occasione vel causa, quod inermes non debeant se simul miscere cum eis ad penam librarum decem f.p. pro quolibet contra faciente, exceptis familiaribus dominorum

center, it would have been easy for a few carefully placed “bystanders” to disrupt the *popolo*’s militia and abet escaping criminals, magnate or otherwise.⁸³

Debt and credit were a less flashy, probably more insidious, form of patron-client connection. Elite lending was a potentially powerful form of clientelism. Controlling a neighborhood could be done cleanly and effectively through the ties of debt instead of maintaining a large, armed entourage. After the anti-magnate legislation, the former was a more prudent and less costly option, and the financialization of Florentine patron-client relations over the Trecento deserves more study. These sorts of financial, clientelar ties were, again, not restricted to magnates; elite *grassi* were equally avid lenders and patrons, and *popolani* could be simultaneously patrons and clients. Over the long term, such ties may have acted as a brake on the ability of the *popolo minuto* to fundamentally improve its situation, enmeshed as it was at the intersection of competing loyalties and constrained by debt. Occupation, and thus guild status, did not map onto neighborhood and its cognate forms of association, such as parishes. Because of this fissure in the associational coordinates underlying popular solidarity, elite patronage networks could thrive in the interstices. These ties, which usually do not appear in surviving documentation, would have undercut efforts to maintain popular solidarity.

There was another brake, internal to the *popolo*, on the *popolo minuto*’s capacity to challenge the Florentine elite for power, and hold it once there: its

priorum et vexilliferi et consiliariorum eius et aliorum armatorum, quos presens capitulum non astringat.”

⁸³ See Michael Herzfeld, *Evicted from eternity* (Chicago, 2009), 124, for the Roman *rioni* of Trastevere and Monti, and the Fascist-era “cleaning up” of these working-class neighborhoods’ physical fabric, which residents had reconfigured to enable locals to better escape from snooping officialdom.

uneasy, ambiguous relationship with the mass of unskilled workers, underemployed day laborers, and other laboring, but documentarily opaque, strata of the city's population. Because guild membership has often been equated with participation in political life, some scholars have assumed that the numerically weak minor guilds formed an ineffectual counter within the *popolo* to the numerically dominant twelve major guilds.⁸⁴ Workers who were not enrolled in the guilds are thereby implicitly excluded entirely from public life. This is despite the fact that the Ordinances of Justice artificially restricted the number and political strength of the guilds, reflecting a more complex reality in which it was likely unclear which guilds, or which working alliances within the guilds as a totality, would emerge to dominate the priorate. If Richard A. Goldthwaite is correct in his estimate of around seventy guilds in existence before 1293, these would have made up a far larger part of the city's adult male population than Najemy's estimate of 28-30% of the adult males as guild members for 1293. It is possible that a majority of the adult male population of Florence could, potentially at least, participate in decisive moments of social conflict. Without discounting the weight of normative political processes and the officially legitimized 21 guilds, it seems erroneous to discount this mass of semi-organized, or potentially organizeable labor.

I have proposed a broadening of the Florentine *popolo minuto* to include not only the membership of the middle and minor guilds, but the majority of Florence's skilled and unskilled workers. Their potential for collective action was based on shared labor, a desire to defend themselves and their families in times of social

⁸⁴ Najemy, *History of Florence*, 43-44.

conflict, and a shared fear of the magnates. Under Giano Della Bella, they would find a leader capable of temporarily hijacking the popular movement and its decision-making process from the *grassi*, and their apathy in the face of the elite revival of the later 1290s would leave Florence's second popular regime suspended in the air, bereft of an active social base willing to defend it.

The ability of the *minuti* to intervene (or their decision not to) should not obscure their position's structural weaknesses. The artisans, shopkeepers, craftsmen and unskilled laborers of the *popolo minuto* were local actors, typically incapable of independent action beyond the city level and then only briefly. Buoyed along by the thirteenth-century economic boom like their superiors, their economic horizons were limited to the local, regional and sub-regional trade. This in turn meant that they lacked the liquid capital which provided strategic flexibility to wealthier families, popular or not; thus when the *minuti* squared off against the wealthier elements of the *popolo*, they possessed a temporary, tactical advantage in their ability to rapidly mobilize broad segments of the population, but were in the strategically disadvantageous position of being unable to draw on the wide-ranging networks and assets of their foes, who usually regained the strategic initiative with ease.

The Florentine church, in all its various forms, must be included in any account of the *popolo*. While the Florentine episcopal office and its rights were a lucrative resource for the Florentine elite, other ecclesiastical formations played a more ambiguous role in the 1290s. The mendicant orders especially occupied a crucial position in urban politics. Simultaneously foreign to and deeply embedded

within the communes' fabric and urban society, the Dominicans and Franciscans played an important role in communal politics. The commune employed the mendicants as treasury officials because of their assumed impartiality, yet mendicant foundations were hardly free of aristocratic influence.⁸⁵

The Franciscans of S. Croce behaved so badly during the first decade of the fourteenth century that Ubertino da Casale singled them out for particular opprobrium in a letter to pope Clement V.⁸⁶ In the Franciscan foundation of S. Croce, the scions of magnate families such as the Agli lived in relative comfort, untroubled by the Rule of S. Francis. Sylvain Piron's careful study of S. Croce undermines the assumption that the Florentine mendicants would have naturally sided with the *popolo*. Yet wealthy families of the *popolo* were also represented among the mendicants at Florence, Remigio dei Girolami being the most famous example. The Spiritual Franciscans, however-the most vocal critics of such mendicant laxity-maintained a phantasmic presence in later medieval Florence, emerging in times of trouble such as the War of the Eight Saints to lead the *popolo*.

These ambiguities within the mendicant organization and vis-à-vis the mendicants and the wider community also characterized the Franciscans' brethren, the Dominicans, and their behavior during the 1290s. Remigio preached before the Priorate in 1295, and it was the Dominicans who prevented the *popolo* from taking

⁸⁵ On the mendicants in communal government, see the conference volume *Churchmen and urban government in late medieval Italy, c. 1200-c. 1450, cases and contexts*, eds. F. Andrews & M.A. Pincelli (Cambridge, 2014), and Augustine Thompson, *Cities of God: the religion of the Italian communes, 1125-1300* (College Park, PA, 2006).

⁸⁶ Sylvain Piron, "Un couvent sous influence. Santa Croce autour de 1300", dans Nicole Bériou, Jacques Chiffolleau (éds.), *Économie et religion. L'expérience des ordres mendiants (XIIIe-XVe siècle)* (Lyon, 2009), 321-355, at 323-324, for Ubertino. I thank Sharon A. Farmer for sharing this reference.

punitive vengeance on the magnates following their revolt of July 1295. The mendicants were an important potential force in urban politics, whose decisions were conditioned as much by family ties as by the dictates of their order. If the mendicants possessed one overriding strategic aim at Florence, it would likely have been the simple pacification of the city, on any terms. As it happened, such a pacification would be carried out by the *popolani grassi*, not the *popolo minuto*, as the events of July 1295 reveal. It would be the the mendicants, above all Remigio dei Girolami, who granted legitimacy the *popolo's* leadership.

Florentine civic and popular identity was a recent construction even in the thirteenth century. As the later medieval economic boom reached its peak in the late Duecento, the humbler part of the Florentine *popolo* lacked the experience in taking and using institutionalized political power that, for example, the Bolognese *popolo* possessed, having controlled the commune since 1228. In the 1290s, the Florentine *minuti* had to rapidly achieve their goals or fail. This process can be seen above all in the years of Giano Della Bella's leadership of the popular party. Della Bella himself exemplifies the limitations of the Florentine *popolo*: the *minuti* were perfectly willing to follow a scion of the old aristocracy, an unusual, and unusually radical one, to be sure, but still part of the old elite.⁸⁷ That a deracinated member of the old elite would emerge as the most radical popular leader until those of the Ciompi speaks to

⁸⁷ For a comparison with popular *signorie* elsewhere, see Alma Poloni's illuminating discussion in *Potere al popolo*, 51-58, and Riccardo Rao, *Signori di Popolo. Signoria cittadina e società comunale nell'Italia nord-occidentale, 1275-1350*. (Milan, 2012). John Koenig, *Il 'popolo' dell'Italia del nord nel XIII* (Bologna, 1986), and especially John Grundman, *The Popolo at Perugia, 1139-1309* (Perugia, 1992), are important studies of popular movements elsewhere in the north-central peninsula. Pierre Racine, "Le 'popolo': groupe social ou group de pression?" *Nuova Rivista Storica* 73 (1989): 133-50, is a rather nasty attack on Koenig's arguments.

the paradoxical and contradictory position of the *minuti*. This was a group caught between the clientelar networks of the elite and the associative life of their workplaces and social networks, which gave them the capacity for collective action.

The Ordinances of Justice: First Redaction (January 1293)

The three-way struggle between magnates and the two elements of the *popolo* for political resources and physical control of the city produced the Ordinances of Justice, a crucial document in Florence's political development.⁸⁸ The first version of the Ordinances was promulgated on January 18 1293 by the priors who took office on December 15 1292, working with three jurists.⁸⁹ These priors hailed from established guild families with a long history of involvement in the commune's political life: they are clear representatives of what I have called the city's third-level elite, the *popolani grassi*. As Silvia Diacciati has observed, they were anything but revolutionary.⁹⁰

This first edition of the Ordinances in many ways confirmed and codified processes already in effect, most importantly, the guilds' centrality to Florentine politics.⁹¹ Despite its economic, political, and cultural efflorescence, the Florentines still did not possess a body of civic statutes, and would not until 1322-1325: the Ordinances

⁸⁸ The following account of the politics surrounding the priorate is largely based on Najemy, *Corporatism*, 44-63, and Salvemini, *Magnati*, 138-85.

⁸⁹ Diacciati, *Popolani*, 368, and *La legislazione antimagnatizia*, xxvi; Stefani, 197, 70-71, lists the priors who drafted the Ordinances.

⁹⁰ Diacciati, *Popolani*, 368: "La commissione incaricata della stesura degli Ordinamenti... non può essere certo considerata 'rivoluzionaria.'" The priors were: Pela Gualducci, Maso di Lamberto dell'Antella, Messer Palmieri di messer Ugo Altoviti, Monpuccio di Chiaro Girolami, Lapo Pratesi, and Gaddo di Forese Falconieri (Najemy, *Corporatism*, 44, fnt. 1). For the background of these priors, see Nicolai Ottokar, *Il comune di Firene alla fine del Duecento* (Turin, 1962 [1926]).

⁹¹ Salvemini, *Magnati*, 138-39, and Silvia Diacciati, introduction to *La legislazione*, xii-xii, both note the frequent elision of differences between the January and April 1293 redactions of the Ordinances, citing the chroniclers Dino Compagni, pseudo-Brunetto Latini, and Giovanni Villani.

of Justice are thus significant as the first coherent body of legislation by the Florentine commune. Since Gaetano Salvemini's classic study (1899), Florentinists have focused on the procedures laid out in the Ordinances for participation in Florentine politics, and their implications for turnover in the Florentine ruling class.⁹²

The political lexicon of the Ordinances is as significant as the electoral and institutional procedures they outlined. The original, official copy of the Ordinances does not survive, and the earliest copy lacks the famous Roman-law definition of *iustitia* found in all subsequent redactions and copies of the Ordinances.⁹³ They did not dramatically change, however, from the January 18 1293 edition to that of July 6 1295, with the exception of the rubrics inserted by Giano Della Bella.⁹⁴ Here the priors and jurists fully expressed the Florentine popular party's discourse on good government, centered on the language of justice and peace, and anchored in the commune's institutions as exercising just order. The term "ordinances" had particular resonance in communal law, distinguishing them from statutes. Whereas statutes became part of the municipal constitution until explicitly annulled, an ordinance was binding for a limited time, typically a year.⁹⁵ A series of ordinances, however, often remained in force much longer.

⁹² Najemy, *Corporatism*, remains the best study of the topic.

⁹³ Diacciti, *La legislazione antimagnatizia*, xxvii, and Salvemini, *Magnati e popolani*, 140-41.

⁹⁴ I use the edition of the July 6 1295 Ordinances in *La legislazione antimagnatizia* (Biblioteca Nazionale Centrale, *Fondo Nazionale*, II, 1, 153). The second paragraph of the introduction also appears in the fourteenth-century manuscript copy of ordinances and statutes preserved in Florence's Archivio di Stato: ASF, *Statuti del comune di Firenze* [hereafter *SCF*], 3.3r.

⁹⁵ Salvemini, *Magnati*, 142.

The Ordinances of Justice were thus a crucial part of the Florentine constitution and, originally, a juridical exception overriding and absorbing the rule.⁹⁶

It is tempting to dismiss the language of justice, concord, and peace found in the Ordinances' introduction as political catchwords, simply justifying or hiding the real interests of the popular party as it seized control of the commune and set about altering the bases of political power in Florence. Most twentieth-century scholarship on the Italian communes took this line of interpretation.⁹⁷ This attributes to the Florentine *popolo minuto* an unthinking, almost herdlike mentality that it definitely lacked, and to the *popolo grasso* a conspiratorial grand strategy that it probably lacked. This was not a Leninist vanguard party, but a heterogeneous group whose political unity lay largely in its hostility and opposition to the old *milites*.⁹⁸ Furthermore, as Silvia Diacciati has demonstrated, this language was a fundamental component of the *popolo*'s cultural and political identity long before the power struggle of the 1290s. This was true not only in Florence, but across north-central Italy.⁹⁹ Bologna, the republic of notaries, led the way in the development of a language of justice and peace, with Rolandino dei Passengeri and the city's notaries heading the *popolo* there.¹⁰⁰ In its opening incipit and two introductory

⁹⁶ Salvemini, *Magnati*, 142: “...ma non di rado a una serie di Ordinamenti si dà fin da principio una validità definitiva....”

⁹⁷ See Philip Jones, *The Italian city-state: From commune to signoria* (Oxford, 1997), 496-502, for this view.

⁹⁸ I echo here Sara Ahmed's comments in “Affective Economies,” *Social Text* 79:22:2 (2004), 118: “Together we hate, and this hate is what makes us together.”

⁹⁹ For popular culture in communal Italy, see Diacciati, *Popolani*, 309-29.

¹⁰⁰ For Bologna the definitive study is Blanshei, *Justice and politics*. See also Massimo Giansante, “Uomini e angeli. Gerarchie angeliche e modelli di potere nel Duecento,” *Nuova Rivista Storica* 81 (1997): 349-72; Sara Menzinger, *Giuristi e politica nei comuni di popolo: Siena, Perugia e Bologna, tre governi a confronto* (Rome, 2006), and Antonio Ivan Pini, “Magnati e popolani a Bologna nella seconda metà del XIII secolo,” in *Magnati e popolani nell'Italia comunale* (Pistoia, 1997), 371-96, and Brian R.

clauses, the Ordinances lay out the foundations of guild rule and the popular party's approach to politics. Roman law legal terminology, Guelf orthodoxy, and the twin virtues of *pax* and *concordia* were central to the Florentine *popolo*'s political culture. The introduction of the January 1293 Ordinances bear detailed scrutiny before moving on to their role in the tumultuous period between January 18 1293 and the magnate revolt of July 5 1295.

The Roman legal inheritance was an important influence on the communes' institutions, and on popular ideology at Florence, as elsewhere.¹⁰¹ Florence and Bologna were major centers for cultural expressions of popular ideology, and due to the weight of Dante, Brunetto Latini, and Dino Compagni in the scholarship, Florence has traditionally been taken, mistakenly, as a sort of ideal-type of a popular commune.¹⁰² Latini's Ciceronian conceptualization of the role of justice in politics exemplified this ideology, standing in stark contrast to the *milites*' ethos of honor and amoral familism.¹⁰³ The Ordinances' *incipit* opens with a clear reference to Roman law and Justinian's *Corpus iuris civilis*, defining *iustitia* as "the constant and perpetual desire [of] allotting to each

Carniello, "The rise of an administrative elite in Bologna: Notaries and popular government, 1282-1292." *Journal of Medieval History* 28 (2002): 319-347.

¹⁰¹ For Roman law and its reception in the early communes, see Wickham, *Courts and conflict* (Oxford, 2003), in particular 108-67.

¹⁰² Enrico Artifoni, "Corporazioni e società di 'popolo': un problema della politica comunale nel secolo XIII" in *Itinerarium. Università, corporazioni e mutualismo ottocentesco: fonti e percorsi sottrici. Atti del convegno di studi di Gubbio, 12-14 gennaio 1990*, ed. E. Menestò and G. Pellegrini (Spoleto: Centro italiano di studi sull'Alto Medioevo, 1994), 17-40, is the best study of this assumption; see also Massimo Giansante, "Ancora magnati e popolani: Riflessioni in margine a *Politics and Justice* di Sarah R. Blanshei." *Archivio Storico Italiano* 637: III (2013): 543-70, at 550-52.

¹⁰³ On Latini's career, see Najemy, "Brunetto Latini's *Politica*," in *Dante Studies* 112 (1994): 33-51, and Diacciati, *Popolani*, 309-11. Edward C. Banfield developed the concept of amoral familism in his controversial *The moral basis of a backward society*, with Laura Fasano Banfield (New York, 1978 [1958]).

one his right; therefore the below-written ordinances are deservedly being pronounced ‘of justice,’ having been promulgated for the utility of the *res publica*.”¹⁰⁴ Salvemini long ago noted the importance of *iustitia* in the ideological and cultural struggle between magnates and the *popolo*.¹⁰⁵ Silvia Diacciati, echoing Carol Lansing, has argued that this cultural preoccupation was tied to the development of a more active conception of justice, which in the thirteenth century “acquires ever more the right to autonomously persecute and punish crimes in order to defend itself, law and public peace.”¹⁰⁶ Massimo Vallerani has clearly demonstrated the development of this “ideology of the penalty” in Alberto Gandino’s *Tractatus de maleficiis* (1287-1301).¹⁰⁷ This was more an ideal than reality, as Vallerani has himself shown, but enforcement was a different matter than the text of the law itself.¹⁰⁸

This reconceptualization of justice is evident in the rubrics of the Ordinances, which charge the Capitano del Popolo, Standardbearer of Justice and the Podestà with

¹⁰⁴ Salvemini [1899], 384: “Quoniam iustitia est constans et perpetua voluntas ius suum unicuique tribuens; ideo infrascripta que merito Iustitie ordinamenta appellantur pro reipublice utilitate edita sunt.” Cardini does not reproduce the *incipit* in his edition of the 1293 Ordinances.

¹⁰⁵ Salvemini, *Magnati*, 142: “...noi abbiamo veduto come la parola ‘giustizia’ risuoni piuttosto spesso nelle lotte fra i partiti dei nostri Comuni.”

¹⁰⁶ Diacciati, *Popolani*, 311: “Negli ultimi decenni del Duecento la giustizia, dalla natura in parte ancora negoziale e arbitrare, acquisce sempre più il diritto di perseguire autonomamente e punire i delitti per tutelare se stessa, le leggi e la pace pubblica.” Lansing, *Florentine magnates*, 206-07, makes substantially the same point. For Bolognese analogues, see Sarah Blanshei, “Criminal law and politics in medieval Bologna,” *Criminal Justice History* 2 (1981): 1-30.

¹⁰⁷ Massimo Vallerani, *Medieval public justice*, trans. Sarah Rubin Blanshei (Washington, D.C., 2012) [hereafter “Vallerani, *Medieval public justice*”], in particular 65-67.

¹⁰⁸ Dameron, “Magnati,” 185. For thirteenth- and early fourteenth-century developments in judicial process and their relationship to politics, see Massimo Vallerani, “The inquisitorial trial in the political struggles in Bologna between the *Duecento* and *Trecento*,” in *Medieval public justice*, 272-305.

actively and aggressively prosecuting criminals. Rubric nine of the January 1293 Ordinances, for example, made provisions for spies and secret denouncers to report magnate crimes to the Podestà, who was to have “free judgment for the sake of inquiring, investigating and examining” these crimes; the equation between investigation (*inquirere*) and punishment (*punire*), a hallmark of the inquisitorial procedure, is also stated clearly. If the podestà did not investigate *malleficia* and punish the lawbreakers, according to the period of days allowed by the Ordinances, he was to be deposed.¹⁰⁹ The Ordinances’ *incipit* appealed to a well-known conceptual and cultural lexicon, justifying the extension of the *popolo*’s power, in part through offices such as the Capitano del Popolo, and the curtailment of the magnates’ power.

The second paragraph of the Ordinances demonstrates the centrality of Catholic orthodoxy and political theology to the commune and Florentine public life.¹¹⁰ Recent scholarship has significantly contributed to our understanding of the communes’ political theology, and the importance of religious ritual and institutions in the city-states.¹¹¹

¹⁰⁹ *La legislazione antimagnatizia*, 22: “Et in predictis omnibus et singulis dominus potestas habeat liberum arbitrium inquirendi et investigandi et cognoscendi, et teneatur et debeat ipsa malleficia et quodlibet eorum investigare et condemnare contra facientes, ut dictum est, infra quintam diem post co(m)missum malleficium et postquam denuntiatum ei fuerit vel ad eius notitiam pervenerit, scilicet malleficia mortis et vulneris in vultu et debilitationis membri; quod si non faceret, cadat et privatus sit a regimine sue podesterie.”

¹¹⁰ On the tendency in older scholarship to ignore the political theology of the communes, see Dameron, *Episcopal lordship and florentine society*, 4-7. A major exception has been C. M. De La Roncière’s scholarship on Florentine and rural Tuscan religion: see the essay collection *Religion paysanne et religion urbaine en Toscane (c. 1250-c. 1450)* (Aldershot, 1994).

¹¹¹ There is a wide literature on the lived religion of the Italian communes. See most recently: Mary Doyno, “Urban religious life in the Italian communes: the state of the field” *History Compass* 9:9 (September 2011), 720-30, for the historiography; the essay collection *Churchmen and urban government in late medieval Italy, c. 1200-c. 1450, cases and contexts*, eds. Frances Andrews & Maria Agata Pincelli (Cambridge,

George W. Dameron has convincingly argued that the commune saw itself as a chosen instrument of God's earthly designs.¹¹² This complemented a central feature of *iustitia* in communal life: its dual capacity as a distributive balance, and the goal towards which earthly government was, theoretically, directed.¹¹³ During the thirteenth century, Florence seems to have been a center for Italian Catharism; the Dominican inquisition of 1244-45 indicted members of several elite lineages, such as the Pulci and Baroni.¹¹⁴ After the 1267 expulsion of the Ghibellines, Catharism faded out and the Florentine Guelfs eagerly utilized orthodox religious traditions to assert their legitimacy and ties to the papal-Angevin alliance.¹¹⁵ This popular political theology crystallizes in the paragraph following the *incipit*, which invokes Christ, the Virgin Mary, John the Baptist, and Florence's dual patron saints, Reparata and Zenobius, "under whose name and patronage the Florentine city is governed," in addition to God's other saints, male and female.¹¹⁶

2014); Frances Andrews, *The early Humiliati* (Cambridge, 2006); Augustine Thompson, *Cities of God: the religion of the Italian communes, 1125-1300* (College Park, PA., 2006), and Katherine L. Jansen, *The making of the Magdalen: preaching and popular devotion in the later Middle Ages* (Princeton, NJ, 2001).

¹¹² Dameron, *Florence and its church in the age of Dante* (Philadelphia, 2005), 217. See also the thematic issue of *Annali di Storia di Firenze* 8 (2013), *Il cristianesimo fiorentino. Tradizioni e peculiarità di una storia secolare*, eds. Pietro Domenico Giovannoni, Maria Pia Paoli, Lorenzo Tanzini, available online at: <http://www.fupress.net/index.php/asf/issue/archive>.

¹¹³ Lantschner, *Logic*, 33.

¹¹⁴ For Florentine Catharism, see Carol Lansing, *Power and purity: Cathar heresy in medieval Italy* (Oxford, 1998), 71-75.

¹¹⁵ Lansing, *Power and purity*, 76.

¹¹⁶ *La legislazione antimagnatizia*, 57: "Ad honorem, laudem et reverentiam domini nostri Iesu Christi, et beatissime Virginis Marie matris sue, et beati Iohannis Battiste, et sancte Reparate, et beati Zenobii, sub quorum vocabulo et patrocinio florentina Civitas gubernatur; et aliorum Sanctorum et Sanctarum Dei..."

Having listed the commune's rectors, this second paragraph invokes the conceptual apparatus of the guild government and the popular party. The Ordinances were being promulgated

“for the true and perpetual concord and union, preservation and growth of the peaceful and tranquil condition of the Guildsmen and Guilds, and of the entire *popolo*, and furthermore of the entire Commune and *civitas* and district of Florence.”¹¹⁷

Coupling Catholic orthodoxy and veneration of Florence's patron saints with the popular party's rectors and regime, this paragraph is a masterpiece of political rhetoric, presenting an ideal as reality.¹¹⁸ In a deft rhetorical move, the *incipit* lumps any opponents of the present regime in with Ghibellines and heretics, placing them beyond the pale of Florentine politics. The Ordinances' opening thus effectively circumscribed the realm of acceptable political discourse in Florence. This inclusive exclusion continues as the notary, Bonsignor, declares that the priors and popular rectors were acting “on behalf of indispensable reason and the evident utility of the *res publica*, and for the observation of true Justice.”¹¹⁹ This underlined the function that Carol Lansing has identified for thirteenth-century Orvieto's sumptuary laws and statutes against public displays of grief: the Ordinances' description of the commune and its leadership was a representation of

¹¹⁷ *La legislazione antimagnatizia*, 5: “...nec non ad veram et perpetuam concordiam et unionem, conservationem et augmentum pacifici et tranquili status Artificum et Artium, et omnium popularium, et etiam totius Communis et civitatis et districtus Florentie.”

¹¹⁸ See Dameron, *Florence and its church*, 224-6, for the role of patron saints' cults in communal ideology.

¹¹⁹ *La legislazione antimagnatizia*, 57. The full clause is: “et pro necessaria causa et utilitate rei publice evidenti, nec non pro vere Iustitie observatione, sub felici nomine provisa, edita et firmata; sub annis salutifere incarnationis domini nostri Iesu Christi millesimo ducesimo nonagesimo secundo, indictione sexta, die decimo ottavo intrante mense ianuarii.”

good order.¹²⁰ The sequence of collectives the Ordinances encompassed may be read as a hint at the emerging social and political hierarchy under the *popolani grassi*. The guilds (*Arti*) and their members were at the top, ruling the republic. Next came the *popolo*, in both senses, as a class and action group, followed by the commune as a public power. The commune was followed by the city in its episcopal-Roman formulation (*civitas*), and, last and not least, the Florentine district-referring here presumably to the *contado* and *distretto*.¹²¹

The introduction of the Ordinances remained unchanged through the various redactions of 1293 and 1295, and summed up the *popolo*'s self-conception. The introduction to the Ordinances of Justice expressed a view of good government and correct order, using a vocabulary that was a familiar part of popular political discourse. Mendicant preaching, especially that of the Dominicans, played a major role in championing civic peace as a goal of civic government.¹²² This religious ideal gradually inserted itself into judicial thought, as the judge came to be seen as the official who applied laws, whose goal was civic peace.¹²³ Pacification was the central concern of Cardinal Latino's 1281 mediation between Florence's Guelfs and Ghibellines, which

¹²⁰ Lansing, *Passion and order. The restraint of grief in the medieval Italian communes* (Ithaca, 2007), at 37-41, for communal statutes and the social order.

¹²¹ On the *civitas*, see Philip Jones, *The Italian city-state. From commune to signoria*. Oxford, 1997), 55-67, and "Civitas sibi princeps," 335-58. See also Niall Atkinson, "The republic of sound. Listening to Florence at the threshold of the Renaissance." *I Tatti Studies in the Italian Renaissance* 16:1/2 (2013), 57-84, at 59-62, for the distinction between the city as a physical space and a collective.

¹²² See Giulia Barone, "L'ordine dei predicatori e le città. Teologia e politica nel pensiero e nell'azione dei predicatori," in *Mélanges de l'Ecole française de Rome, Temps modernes* T. 89 2 (1977): 609-18, and Lesnick, *Preaching*, 108-09.

¹²³ Diacciati, *Popolani*, 325.

called for a peace of the parties.¹²⁴ Brunetto Latini's thinking on justice further adopted and modified this Christian ideal under the influence of classical thought.

Specific phrases had become popular rallying cries by the time they found their way into the Ordinances. The locutions *pro bono pacis et concordie* and its Tuscan variant, *pacifico stato della città*, link the Ordinances to the broader development of the *popolo* in central Italy: Diacciati has traced it to Perugian documents of 1201.¹²⁵ It first appears at Florence in a 1282 arbitration agreement between two members of the elite Cavalcanti lineage and one Loste del fu Amadore di Gualterotto.¹²⁶ From 1284-85, the Capitano del Popolo was charged with preserving the "pacificus et tranquillus status civitatis Florentie."¹²⁷ The phrase was also typically invoked in peace pacts between people of all ranks, as Katherine L. Jansen's recent work has shown.¹²⁸

How widespread were these understandings of justice, peace, and concord? They were transmitted to the urban and rural masses in part through texts. Italy in general was an unusually literate place in the Middle Ages, and Florence and its territories were abnormally literate even for medieval Italy. Florence in 1338 may have had an urban schooling rate for both genders of 67 to 83 percent.¹²⁹ The visual arts also played an important role in disseminating popular ideology. Maria Monica Donato has recently argued that Ambrogio Lorenzetti consciously modelled his famous *Allegoria del Buon*

¹²⁴ Salvemini [1899], 322: "...super concordia et pace partium predictarum presentem sententiam ferimus...."

¹²⁵ Diacciati, *Popolani*, 330.

¹²⁶ NA, 11250, c. 69r, 16 February 1282 (cited in Diacciati, *Popolani*, 329).

¹²⁷ Zorzi, "I rettori," 573, quoting PR, 1, cc. 12r-16v (15 January 1284/85): "ita et taliter quod pacificus et tranquillus status civitatis Florentine conservetur."

¹²⁸ Katherine L. Jansen, "Pro bono pacis. Crime and Dispute Resolution in Late Medieval Florence: the Evidence of Notarial Peace Contracts," *Speculum* 88.2 (April 2013): 427-56.

¹²⁹ Paul Grendler, *Schooling in renaissance Florence* (Baltimore, 1989), 72.

Governo on the frescoes, now lost, that Giotto painted for the Florentine Palazzo del Popolo in 1328.¹³⁰ Giotto's frescoes, in turn, parallel Remigio dei Girolami's treatises on justice and concord. Silvia Diacciati has argued based on these connections that visual art served to publicize and explain the *popolo's* conception of *Iustitia* outlined above, thereby transcending literate, elite circles to be received by a "quite vast public."¹³¹ Failures to live according to the commune's *buon governo* were represented visually, as well. The Palazzo del Podestà (now the Bargello) and other public buildings displayed the consequences of crime, and the famous pictures of shame (*pitture infamanti*) depicting fraudulent merchants and debtors publicly ridiculed and shamed those who dishonored themselves with deceit and fraud.¹³² This deceitful behavior contrasted with the commune's ideal citizen, an ideal which had emerged in popular discourse by the later thirteenth century. This ideal citizen lived from his own labor (*de suo labore*), was a member of a guild or corporative association(s), was an orthodox Catholic, avoided vices such as gambling, and forsook the vendetta; all of this contrasted directly with the lifestyle of the magnates.¹³³ As Giuliano Milani and Massimo Vallerani have shown,

¹³⁰ M.M. Donato, "Dal comune rubato di Giotto al Comune sovrano di Ambrogio Lorenzetti (con una proposta per la 'canzone' del Buon Governo)," in *Medioevo: Immagini e ideologie*, ed. A. C. Quintavalle (Milan, 2005), 489-509, also cited in Diacciati, *Popolani*, 323. Diacciati also (*Popolani*, 328) draws attention to a Paduan fresco painted by Giotto in the 1290s.

¹³¹ Diacciati, *Popolani*, 326: "Non si trattava, quindi, di dottrine destinate a rimanere all'interno di esclusivi circoli di sapienti e letterati, ma di idee che non solo dovevano circolare abbondantemente nell'ambiente comunale, ma che altrettanto copiosamente venivano recepite da un pubblico molto vasto."

¹³² On the visual aspects of *infamia*, see above all Gherardo Ortalli, *La pittura infamante nei secoli XIII-XVI* (Rome, 1979); "Icons of justice." *Past & Present* 89 (Nov., 1980): 23-38; and Edgerton, *Pictures and punishment: Art and criminal prosecution during the Florentine Renaissance* (Ithaca, 1984).

¹³³ Vallerani, "Procedure and justice" in *Medieval public justice*, 69; see also Andrea Zorzi, "Battagliole e giochi d'azzardo a Firenze nel tardo Medioevo: due pratiche

judicial guarantees and penalties were closely pegged to a citizen's failure or success in living up to this standard.¹³⁴ Judicial penalties, such as executions, also functioned as staging grounds to reaffirm the wronged social order. The rhetoric of *buon governo* and a social order founded on justice and obedience of the laws was not a one-way imposition from above. Public processions in particular could turn into sites where the *popolo* contested or overturned this performance of right order.¹³⁵ The 1299 trial and execution in Bologna of the purse-maker Bompietro, a suspected Cathar heretic, famously turned into a riot because the Bolognese *popolo* stridently disagreed with the Dominican inquisitors' condemnation. Bompietro was a good man (*bonus homo; omo bono*) of the commune, not a malefactor or anti-social nobleman.¹³⁶

sociali tra disciplinamento e repressione" in *Gioco e giustizia nell'Italia di comune*, ed. Gherardo Ortalli (Treviso, 1993), 71-107. On forsaking the vendetta, see Carol Lansing's reading of Albertano da Brescia's treatises, urging restraint and forbearance: Lansing, *Passion and order*, 159-71.

¹³⁴ Vallerani, "Procedure and justice"; Milani, *L'esclusione dal comune. Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo* (Rome, 2003).

¹³⁵ There is a vast literature on the politics and semiology of ritual in history; a useful starting point for historians is *Late medieval and early modern ritual. Studies in Italian urban culture*, eds. Samuel Cohn, Jr., Marcello Fantoni, Franco Franceschi, and Fabrizio Ricciardelli (Turnhout, BE., 2013), with a useful introduction; on penal rituals in the later communes, see Andrea Zorzi, "Le esecuzioni delle condanne a morte a Firenze nel tardo medioevo: tra repressione penale e cerimoniale pubblico", in *Simbolo e realtà della vita urbana nel tardo medioevo: Atti del V convegno storico italo-canadese, Viterbo, 11-15 maggio 1988*, eds. Massimo Miglio & Giuseppe Lombardi (Viterbo, 1990), 153-253, and "Rituali di violenza, cerimoniali penali, rappresentazioni della giustizia nelle città italiane centro-settentrionali (secoli XIII-XV)", in *Le forme della propaganda politica nel Due e nel Trecento*, ed. P. Cammarosano (Rome, 1994), 395-425.

¹³⁶ Lorenzo Paolini and Raniero Oriolo have edited the relevant documents for the 1299 inquisition and trial: *Acta S. officii Bononie ab Anno 1291 usque ad Annum 1310*, 2 vols. (Rome, 1982). On Catharism in Duecento Bologna, see Lorenzo Paolini, *L'Eresia a Bologna fra XIII e XIV Secolo I: L'Eresia catara alla fine del duecento* (Rome, 1975) and "Domus e zona degli eretici: l'esempio di Bologna nel XIII secolo," *Revista di storia della chiesa in Italia* 35 (1981): 371-87.

Recent scholarship has demonstrated the broad appeal of this complex and multifaceted popular rhetoric, without allowing for how different groups could interpret and refashion it for their own ends. Giano Della Bella's actions have recently been characterized as "excesses," the politics of the Florentine *popolo minuto* as "vindictive". This seems to accept the contemporary assumption that the lower orders were substantially unfit to govern, thereby simply elaborating on our sources' ideologically charged view of the situation.¹³⁷ To dismiss the activities of Giano Della Bella and his supporters as vindictive or irresponsible is to miss an important part of the *popolo*'s rhetoric, and its appeal. For the laborers of Florence, true peace and concord was only possible if the magnates were entirely excluded from office, as the April 1293 redaction did. The minor guildsmen and *minuti* were responding to years of provocation and oppression.¹³⁸ This was not irresponsibility or (simply) vengeance, but rather the *popolo minuto*'s logical reaction to a fluid situation that finally gave them a chance to check their enemies, the magnates, while improving their position vis-à-vis the *grassi*.¹³⁹

An exclusive focus on the intellectual and political elite of the Florentine *popolo* effectively negates the importance of Silvia Diacciati's point, that the *popolo*'s discourse was not restricted to this literate elite. This point stands even if Della Bella and other popular leaders hailed from this same elite. The need of the *grassi* for popular support forced them into an overdependence on the *popolo minuto*, temporarily giving the lower

¹³⁷ The quotes are from Diacciati, *Popolani*, 372-73; on ideology and source analysis, see Pozo, "Mechanisms," 227.

¹³⁸ Salvemini, *Magnati*, 163: "Questo Popolo minuto, che dispone per la prima volta del potere politico dopo anni e anni di oppressioni e patimenti, non ha tempo di badare a scrupoli giuridici: egli odia i Grandi e vuol ridurli al nulla, convinto di averne il diritto e di essere dalla parte della giustizia...."

¹³⁹ See Lantschner, *Logic*, 29-39, for medieval urban rebels' use of the same discourses on liberty and justice as official institutions.

ranks of the *popolo* access to political power in 1293-1295.¹⁴⁰ In what follows I largely follow Salvemini's reading of the events of 1293-95, the biennial period in which Giano Della Bella dominated the politics of the Florentine commune. I differ, however, in focusing on the shared ideological lexicon tying together the *popolo grasso* and the *popolo minuto*. Overemphasizing the strife between the *grassi* and the *grandi*, Salvemini overlooked the importance of this ideology, and its dynamic role in the fissures between the two wings of the *popolo*. The rhetoric that crystallized in the Ordinances' *incipit* established the position of the *popolo*'s leadership, and was appropriated by the radicals in the April 1293 redaction.

Yet during the winter and spring of 1295 the balance of power shifted back to the older popular elite, the third level of the hierarchy sketched above. Remigio's sermons before the Priorate make this clear, invoking the biblical and Aristotelian language of popular discourse to justify the expulsion of Giano; the supremacy of law; and a rapprochement between the *popolani grassi* and the magnates in July. Salvemini was correct in identifying the 1290s as a particularly sharp point in the class struggle at Florence. Yet his overdetermined understanding of class struggle as a conflict between a feudal class of *grandi* and the bourgeois *popolo grasso* led him to downplay the importance of rifts *within* the *popolo*, and the ambiguous, polyvalent nature of a shared ideology that remained in spite of intraclass tension. Ever since, scholars have mainly preoccupied themselves with disproving Salvemini's argument for a new, bourgeois class replacing an older, feudal class in the Florentine power structure.

¹⁴⁰ Salvemini, *Magnati*, 160: "La lotta inacerbitasi obbligò necessariamente il Popolo grasso ad appoggiarsi ancora di più al Popolo minuto...."



Figure 4: *Giano della Bella with the Standard of Justice*, from a fourteenth-century illuminated manuscript copy of Giovanni Villani's *Cronica*.

Giano Della Bella and the Radical Phase of Florence's Second Popular Regime

(February 1293-March 1295)

“Questa manifestazione: merda. Il futuro: merda. Voglio solo la mia vendetta.”

-Banner at an anti-austerity protest, Florence, 2013

Giano Della Bella is one of the strongest personalities to emerge from Florentine chronicles of the late Duecento and early Trecento, along with Corso Donati. The two are a pair of matched opposites in Compagni.¹⁴¹ The Della Bella were a second-level elite family of the consular age, attested from the late twelfth century and appearing in *Paradiso XVI* as one of the families in Cacciaguیدا's exalted, mid-twelfth century Florence.¹⁴² The lineage appears in the *Liber extimationum*, drawn up following the Guelfs' 1267 return to power, with their wealth largely coming from land.¹⁴³ The Della

¹⁴¹ See Giuliano Pinto, “Della Bella, Giano” in *Dizionario biografico degli Italiani* vol. 36 (1988), online edition (http://www.treccani.it/enciclopedia/giano-della-bella_%28Dizionario-Biografico%29/), for Giano's life and activity.

¹⁴² C.T. Davis, “Il buon tempo antico,” in *Florentine studies: politics and society in renaissance Florence*, ed. Nicolai Rubinstein (Evanston, 1969), 45-69, for Cacciaguیدا's lament; see Pinto, “Della Bella, Giano”, for the earliest attestations of the Della Bella.

¹⁴³ Najemy, *History*, 22. The most recent edition of the *Liber extimationum* is *Liber Extimationum*, ed. Olof Brattö (Göteborg, 1956).

Bella were a rare example of a second-level elite family that had not died out or lost power to the guild regime. By the 1290s, most of the lineages mentioned by Cacciaguida were extinct or languishing in obscurity, supplanted by *genti nuove* such as the Cerchi.¹⁴⁴ Dante, who would benefit from Giano's fall, sneered at this *uomo popolare* for having abandoned his ancient family's knighthood and privilege (*milizia e privilegio*) to side with the *popolo*.¹⁴⁵

Compagni, discussing the abuses of the *grandi* following the 1289 battle of Campaldino, describes Giano as

“a great and powerful citizen, wise, valiant and a good man...very bold and of a good family, to whom these offenses were displeasing....”¹⁴⁶

Giovanni Villani, narrating Della Bella's fall, notes his vindictive nature and how he used his power in the commune to pursue a vendetta against his neighbors, the Abati.¹⁴⁷ It is uncertain how far we should trust Villani, however. The chronicler, writing in the mid-fourteenth century, was perhaps using Giano's fate as a warning to would-be despots in the wake of the disastrous, later lordships (*signorie*) of Charles of Calabria and Walter of Brienne, in the 1320s and 1340s, respectively.¹⁴⁸ The earlier, anonymous author of the

¹⁴⁴ Compagni, 1.20, describes the Cerchi, in contrast to the Donati, as “uomini di basso stato, ma buoni mercatanti e gran ricchi...” Villani (*Cronica*, 8.1) similarly describes Giano as “uno valente uomo, antico e nobile popolano, e ricco e possente....”

¹⁴⁵ Dante, *Paradiso* XVI.130. See Catherine Keen, *Dante and the City* (Stroud: Tempus, 2003), at 34-35.

¹⁴⁶ Compagni, 1.11: “Onde molti buoni cittadini popolani e mercatanti, tra quali fun un grande e potente cittadino (savio, valente e buono uomo, chiamato Giano della Bella, assai animoso e di buona stirpe, a cui dispiaceano queste ingiurie se ne fe' capo e guida....”

¹⁴⁷ Villani, 9.8: “Era presuntuoso e volea le sue vendette fare, e fecene alcuna contra gli Abati suoi vicini col braccio del Comune.”

¹⁴⁸ Villani, 9.8: “E nota che questo è grande esempio a que' cittadini che sono a venire, di guardarsi di non volere essere signori di loro cittadini né troppo presuntuosi, ma istare contenti a la comune cittadinanza....”

Cronica fiorentina traced Giano's alignment with the *popolo* to a 1292 dispute with Berto dei Frescobaldi, although this may be an anachronistic attempt to discern personal motives for broader conflicts.¹⁴⁹ It would be surprising if Della Bella and his younger brother, Taldo, did not pursue their familial disputes through public institutions; Corso Donati would do much the same as he plotted Giano's downfall in 1295, according to the chronicler Marchionne Coppo di Stefano.¹⁵⁰ It is possible that Giano's ultimate aim was to become *signore* of Florence: Dino Compagni accused Rosso Della Tosa of the same.¹⁵¹ It is probably impossible, and fruitless, to establish a hierarchy of motivations for Della Bella's actions; certainly the *milites*-magnates were capable of acts of heroism in the commune's service, while also pursuing narrowly familistic goals at the same time.

Florence's *popolo minuto* was at its height from 1293 to early 1295, expressing and justifying its hold on power with the same language and institutions the elite Guelf regime had used since the 1280s. Giano Della Bella was elected to the priorate for February 15-April 15 1293, although he was able to influence events before this. His partisans Dino Compagni and Albizzo Corbinelli were involved in the November 1292 debates over electoral reform for the priorate, when Dino Pecora was still allied with the *popolo minuto*.¹⁵² On April 10 1293, the new redaction of the Ordinances, containing four

¹⁴⁹ *Cronica fiorentina compilata nel secolo XIII*, in *Testi fiorentini del dugento e dei primi del trecento*, ed. Alfredo Schiaffini (Florence, 1954), 138; on the irrelevance of the Frescobaldi episode, see Pinto, "Della Bella, Giano."

¹⁵⁰ *Cronica fiorentina*, 204, 72.

¹⁵¹ Compagni, III.II. This Roman resemblance may have been intentional: Compagni, for example, compares Corso Donati to Catiline: Compagni, 2.20.

¹⁵² Najemy, *Corporatism*, 37; Diacciati, *Popolani*, 355.

new rubrics and a new *incipit* was approved by the legislative councils and promulgated.¹⁵³

Whereas the January Ordinances were enacted for the peaceful state of “the entire people and commune and city and district of Florence,” the April redaction was made on behalf of the “tranquility of the *popolo* and Commune of Florence.”¹⁵⁴ Having momentarily wrested control of the priorate away from the *popolo grasso*, the radicals in the *popolo* also appropriated its language; the *minuti* were implicitly equating themselves with the commune as a whole. Perhaps it was not so outrageous. Numerically, the minor guildsmen and unskilled laborers certainly outnumbered the *grassi* and *grandi*. The April additions are significant in that they show the specific actions that the Florentine *popolo minuto* took when in power, and illuminate some of their aspirations. They can be read as evidence for the *popolo minuto*’s ability to utilize the opportunity provided by the willingness of the *popolo grasso* to mobilize the *minuti* to carry through their initial, fairly modest, version of the Ordinances.

The first of the new rubrics banned compensatory payments to magnates for goods destroyed by the commune. This was done “so that the *populares* of the city of Florence may be safeguarded in their justice and tranquillity and may thrive and not be injured while engaged in this [i.e. making their living]”. The rubric covered houses, buildings, goods, and any other magnate possessions that the Standardbearer of Justice

¹⁵³ For the new rubrics, see *La legislazione antimagnatizia*, 45-53.

¹⁵⁴ *La legislazione antimagnatizia*, 46: “...et ad fortificationem et augmentum felicitium Ordinamentorum Iustitie pro tranquillitate Populi et Comunis Florentie editorum.”

destroyed or devastated.¹⁵⁵ The Signoria also henceforth refused to hear petitions for compensation from magnates. The second new rubric granted the Standardbearer of Justice the same privileges as the Capitano del Popolo and priors, in a partial identification, on a technical level, of the *popolo*'s leader with the priorate, in a typical act of addition, not substitution, of offices.

The third rubric increased the number of footsoldiers available to the Standardbearer, and reveals the scale and scope of the *popolo minuto*'s ambition to control the city. The Standardbearer's pre-existing 1,000-man militia was increased to 2,000, with an additional 150 masters of stone and wood, and 50 *piconarii fortes*: literally, strong pick-ax men, probably sappers. A 2,000-man militia with a contingent of skilled sappers would have been a formidable army in urban warfare, able to build and destroy siegeworks and level the magnates' tower-houses.¹⁵⁶ The composition of this proposed, enlarged militia demonstrates the confederate nature of Florence's popular party, built condominium-style over pre-existing-and not, necessarily, commensurate-neighborhood, administrative, and professional organizations. Each *sesto*, the administrative sixths into which Florence was divided before the reform of 1343, contributed a contingent to the popular *militia*. The *sesti* of S. Piero Scheraggio and the

¹⁵⁵ *La legislazione antimagnatizia*, 47: "pro bono, pacifico et tranquillo statu populi et comunis Florentie facti et facte sunt et fient in futurum, ad hoc ut populares crescant et in ea aliquatenus non ledantur, quod quidem ad comune bonum totius civitatis noscitur pertinere, et ideo provisum et ordinatum est quod a comuni Florentie seu ab aliquo regimine seu officio vel officiali civitatis Florentie vel a vexillifero iustitie qui fuit vel pro tempore fuerit seu ab aliqua alia persona, nullo iure, modo vel causa petatur aut peti possit vel debeat aliqua emendatio vel restitutio pro aliquo dampno dato vel facto, dando vel fiendo in aliquibus seu de aliquibus domibus, edifiitiis, bonis et rebus quomodocumque destructis et vastatis seu deterioratis aut destruendis, vastandis vel deteriorandis modo et tempore predicto."

¹⁵⁶ *La legislazione antimagnatizia*, 48-49.

Oltrarno were to contribute 400 men each, those of the other *sesti* 300 each. There are two possible explanations for the larger contributions from the Oltrarno and S. Piero Scheraggio: they may have been the most populous *sesti* and hence could provide a larger contingent, or perhaps the popular regime was appealing to its most reliable neighborhood support bloc in calling on these *sesti*; A thorough study of the later thirteenth-century city's neighborhoods does not exist, but the Oltrarno and the area of S. Piero Scheraggio, southeast of Via Roma/Via Por S. Maria and centered on piazza S. Croce, contained large numbers of recent arrivals, and both contained important mendicant foundations: S. Spirito in the Oltrarno, and S. Croce in S. Piero Scheraggio. Both of these would replace the *sesti* and become the *quartieri* of S. Spirito and S. Croce after 1343. Recent arrivals, settled in newer parts of the city and perhaps less integrated into urban clientelar networks than those living in the city center, may have formed a core element of the second popular regime's support. The Oltrarno possessed several working-class enclaves, and many of the Ciompi rebels of 1378 hailed from the area.¹⁵⁷ This hypothesis requires further research on the neighborhoods of late thirteenth-century Florence, however.

These contingents of three to four hundred men were subdivided into units of 100, which were each given their own banner (*banderia*), each featuring the commune's emblem, a vermillion cross on a white field. These banners were entrusted to standardbearers (*banderii*), who reported to the Standardbearer of Justice in times of

¹⁵⁷ On the Ciompi and their geography, see Alessandro Stella, "Fiscalità, topografia e società nella seconda metà del Trecento," *ASI* 558 (1993): 797-862, and *La Révolte des Ciompi: Les hommes, les lieux, le travail*. Paris, 1993), and Niall Atkinson, "The republic of sound. Listening to Florence at the threshold of the Renaissance," *I Tatti Studies in the Italian Renaissance* 16:1/2 (2013) 57-84, with useful maps.

emergency. In an intriguing move by this radical priorate, the *banderii* were to be elected by the priors of the guilds and the Standardbearer of Justice.¹⁵⁸ Accounts of the street fighting of this period are unclear on whether this system worked in practice, but the concept was significant. A well-organized civic militia based on *sesti* would be led by the Standardbearer of Justice, with centrally appointed standardbearers (*banderarii*) supervising each unit of one hundred men in each *sesto*'s contribution.

This organization would strengthen the formal and operational link between communal officials and the neighborhood-based militias, tightening the Signoria's control over the city. The office of *banderarius*, elected by the commune's highest officials but leading units from the city's various *sesti*, could have served as an important resource: this was the sort of position that prosperous *popolani* like Compagni's nemesis, Dino Pecora, "The Sheep," could have used to operate as middlemen between powerful patrons among the city's elite—both magnates and office-holders—and their own clientele in a given neighborhood or association. Multiplying public offices, whatever their official purpose, also could serve as a way to generate rewards and enticements for one's political clientele. The second popular regime did not last long enough to fully restructure Florence's ruling elite, the commune, and its patronage mill. Yet the added rubrics demonstrate the lines along which the *minuti* may have intended to proceed, if time had been on their side.

In an addition that would be adopted with unchanged language as rubric 33 of the 1295 Ordinances, *popolani* were now forbidden from assembling at magnates' homes,

¹⁵⁸See *La legislazione antimagnatizia*, 49-50.

armed or unarmed, in times of trouble.¹⁵⁹ On an institutional level, the April Ordinances' most important rubric excluded the magnates from various communal councils, including that of the Capitano and the guild consulates.¹⁶⁰ This priorate also enlarged the list of magnate houses from 38 to 72 lineages, although it is unclear what criteria were used in adding the new families.¹⁶¹ Later in 1293, magnates were barred from the priorate altogether.¹⁶² These moves, combined with the ordinances on physical control of the city, were intended to marginalize the magnate lineages from Florentine political life. Despite their brief hold on power, Giano and the radical faction of the *popolo* left an imprint on the commune. It is easy to understand why Giovanni Villani confused the January and April redactions, conflating them into one 1293 edition.¹⁶³ With these changes, the radical wing of the *popolo* had sharpened the Ordinances into a lance aimed at the magnates.

What role, then, did the *popolo*'s discourse of justice and social peace play in the factional and social struggles of late thirteenth-century Florence? And how did the popular party's discourse on good government change in the hands of the *popolo minuto*?

¹⁵⁹ *La legislazione antimagnatizia*, 52: "Item, pro libertate et tranquillitate boni et pacifici status populi, provisum et ordinatum est ea die vel nocte quo vel qua, quod absit, aliqua briga, rixa, rumor vel tumultus esset in civitatis Florentie [sic], vel quando vexillifer iustitie iret vel traeret ad aliquem locum pro suo officio exequendo, nullus popularis civitatis vel comitatus Florentie, aliquo modo vel causa audeat vel presummat ire vel traere, esse vel stare cum armis vel sine armis ad domum alicuius nobilis vel magnatis civitatis Florentie vel districtus." The fine for doing so would be 200 *fiorini piccioli*.

¹⁶⁰ *La legislazione antimagnatizia*, 52.

¹⁶¹ Salvemini, *Magnati*, 165.

¹⁶² Najemy, *Corporatism*, 54, fn. 15; the measure is in Salvemini [1899], 424, rubr. L.. Salvemini (*Magnati*, 170) hypothesizes that this established a legislative sanction for what had become a custom since the January 1293 Ordinances.

¹⁶³ G. Villani, 9.1, in which the chronicler conflates the earlier regime with that of Giano Della Bella. For this problem, see the discussion in Salvemini, *Magnati*, 138-40.

Following Nicolai Ottokar's 1926 study of the period, scholars generally dismissed the *popolo's* rhetoric as mere cant. This was the case until the revisionist work of Jean-Claude Maire Vigueur on twelfth- and thirteenth-century urban militias and Silvia Diacciati on Duecento Florence,¹⁶⁴ Franco Cardini, editor of the 1993 edition of the January 1293 Ordinances, snidely dismissed the popular party's claims: "The 'Justice' rhetorically invoked in 1293 and 1295 was that of a party, of one faction triumphing over another: but that knew well how much its triumph was conditional and imperfect."¹⁶⁵ Andrea Zorzi similarly has discerned a "general campaign of discrediting" orchestrated by the leadership of the *popolo*.¹⁶⁶ Demonizing the magnates was indeed fundamental to the popular party's strategy, as it gradually wrestled control of public discourse away from the *grandi*.

This view of the *popolo's* rhetoric, and how ideologies function, is, however, perhaps too mechanistic. It is predicated on a sharp distinction between magnates and the upper ranks of the *popolo*, despite an increasingly common culture,¹⁶⁷ and attributes the capacity for intellectual production and manipulation solely to this mercantile and

¹⁶⁴ Maire Vigueur, *Cavaliers et citoyens*, 217-19, 337-62; Wickham, *Sleep walking*, 11-12, summarizes the impact of Maire Vigueur's study on the scholarship. Diacciati, *Popolani*, is now the standard account of thirteenth century turnover in the city's ruling class.

¹⁶⁵ Franco Cardini, "Avvegna che col popol si rauna...": Genesi e caratteri degli ordinamenti di Giustizia", in 15: "La 'Giustizia' retoricamente invocata nel '93 e nel '95 era quella di una parte, di una fazione che trionfava sull'altra: ma che ben sapeva quanto il suo trionfare fosse condizionata e imperfetto."

¹⁶⁶ Zorzi, "Politica e giustizia," 136: "L'elaborazione normativa di un'immagine negativa del magnate trovò corrispondenza in una più generale campagna di discredito orchestrata dalla dirigenza di 'popolo'...."

¹⁶⁷ Zorzi, "Politica e giustizia," notes this shared propensity for the vendetta. Peace-making, the typical solution to the vendetta, also was not a monopoly of the magnates: Katherine L. Jansen, "Pro bono pacis. Crime and Dispute Resolution in Late Medieval Florence: the Evidence of Notarial Peace Contracts," *Speculum* 88.2 (April 2013): 427-56.

banking elite. The *popolani grassi* become a sort of power-hungry gang of Machiavellians, manipulating the *minuti* with one hand and artificially demonizing an older elite on the other.¹⁶⁸ This unjustifiably attributes to the *grassi* a domination of public life and culture that it did not possess: popular discourse was not imposed from above on an inert population, nor did it entirely shut out the older chivalric ethos so cherished by the magnates and their ancestors, the *milites pro comuni*.¹⁶⁹ On the level of practical politics, this view also dismisses the non-elite elements of the guild regime, not to mention the non-guild organized population, as a force capable of influencing events. This view of the conflict between magnates and *popolo* assumes that ideology remains the same once it is disseminated, and cannot be decoupled from the intentions of its manufacturers. Philip Jones, writing in 1965, summarized the “realist” school of thought in a pithy epigram: “The popular movements of the thirteenth century merely raised, without solving, the problem of the governing class.”¹⁷⁰ It could be added that no regime of the period did so, with the exception perhaps of Venice; not until the territorial patchwork of Italy began to cohere in the fifteenth century did semi-stable governing classes emerge, as the city-states’ territories cohered.

Even if Jones was correct in retrospect, it cannot explain the ability of Giano Della Bella’s supporters to shove the popular movement much further than envisioned by the *grassi*, and the serious social unrest this push unleashed. It also ignores the ways in

¹⁶⁸ See Alma Poloni’s judicious remarks in *Potere al popolo*, 108-115.

¹⁶⁹ On the magnates’ culture and thought world, see above all Carol Lansing, *Florentine magnates*, 145-63, and 212-28, and Jean-Claude Maire Vigueur, *Cavaliers et citoyens*, 285-336.

¹⁷⁰ Jones, “Communes and despots: The city state in late medieval Italy,” reprinted in *Communes and despots in medieval and renaissance Italy* (London, 2010 [1965]), 8.

which popular rhetoric was contested in the same way as political power. This is reflected in the fact that the additions which Della Bella's priorate made to the Ordinances in the April 1293 were expunged from the edition of 6 July 1295; even Della Bella's enemies among the ruling group were willing to utilize the legislative innovations he had made, in a modified form. Valorizing popular discourse is not to take sources like Giovanni Villani or Remigio dei Girolami at their word. When they spoke of the *popolo grasso's* goals as a civic-minded attempt to impose *pax, iustitia, and concordia* on the city, Lenin's old question, who/whom? applies here: whose justice, and at whose expense?

This argument is in response to some of Silvia Diacciati's conclusions in *Popolani e magnati*, dismissing the aspirations of the *minuti* for a city purged of the magnates as a political force, and their capacity for collective action, as opposed to manipulation by Giano Della Bella. Diacciati's approach to the events of the 1290s is refreshing insofar as it takes the claims of the *popolo* seriously, in stark contrast to the previous, unproductive tendency of simply dismissing the popular regimes' cultural and social program as simple slogans. Yet perhaps it takes the protestations of figures such as Remigio dei Girolami a bit too much at their word, leading to a dismissal of the *popolo minuto's* actions as excessive, vindictive, and contrary to the rhetoric of the *popolo's* own aims. Furthermore, even if she is correct in asserting that the popular elite sought to pacify the city, there is an important implication here. As Andrea Zorzi observed in 1993, *popolani* engaged in vendetta as much as the magnates, and the problem of urban violence was not necessarily synonymous with the problem of the magnates.¹⁷¹ Given the intensity of the conflict between *popolo* and magnates, a general pacification of Florence

¹⁷¹ See Zorzi, "Politica," 109-13, for the vendetta.

was again a question of who/whom?: Who would disarm whom? Who would pacify the city, at whose expense, and under what leadership? And did a desire to pacify the city necessarily imply forsaking popular vengeance against the magnates?

The third new rubric of April 1293 was a start in resolving these questions, at least in theory. If the popular regime had had the time or political capital to implement these reforms, they would have substantially strengthened the commune. Pacification of the city would have been possible under Della Bella's leadership, since in a contest between the Standardbearer of Justice's militia and the magnates, without external allies to aid the latter, there was no question of the outcome, as the fighting of July 5 1295 would prove. It is just possible that Della Bella and some elements of the *popolo's* leadership intended to force a decisive showdown with the magnates, and were creating a force capable of winning this clash. *Pax* was not simply a catchword, nor an impartial value: whereas pacification for the *minuti* meant crippling the magnates, for the *grassi*, pacification also required neutralizing the *popolo minuto* as a political force, or at least decapitating its leadership. Peace in and of itself, mendicant protestations to the contrary, may not have seemed the highest good for the *popolo minuto* in the early 1290s, certainly not when they had the legislative and political-institutional initiative. They would, however, quickly lose this to the *grassi*, who in turn would be unable to withstand revived magnate factionalism in the early fourteenth century.

The fall of Giano Della Bella and the eclipse of the popolo minuto (March-July 1295)

The April 1293 redaction of the Ordinances was one element in a larger program aimed at eliminating the *grandi* from political life, and drastically curtailing their

prosperity.¹⁷² Further legislation established that, in the commune's courts, two witnesses' testimony was now enough to condemn a magnate according to public opinion (*publica fama*) in its role as a form of proof.¹⁷³ The priorate also established a committee to determine what rights and properties of the commune the magnates had usurped, and a special prison was established for them, *Le Stinche* (see figure 5, below). In an anthropologically weighted act, it was sited on properties confiscated from the Ghibelline and now magnate family of the Uberti, whose most famous member, Farinata, led the Florentine exiles at Montaperti (1260). Opening in 1302, the prison became known after 1304 as *Le Stinche* after the Cavalcanti lineage's castle in the Val di Greve where some of the prison's early residents, members of the White Guelf faction, were captured.¹⁷⁴

The magnates were now also were barred from entering the palace of the Podestà and the Capitano del Popolo. Berto dei Frescobaldi, in a famous scene of Compagni's *Cronica*, lamented this ban, declaring in a meeting with his fellow magnates, "if we beat one of our servants, we're destroyed. Therefore, my lords, I counsel that we should escape this servitude."¹⁷⁵ Compagni may have invented the speech, but it reflects

¹⁷² The information in this paragraph is largely taken from Salvemini, *Magnati*, 170-79.

¹⁷³ On *publica fama* as a form of proof, see Vallerani, *Justice*, 106-12; for *fama* as a form of legal status, see Thomas J. Kuehn, "Fama as a legal status in Renaissance Florence," in *Fama: The politics of talk and reputation in medieval Europe* (Ithaca, 2003), 27-46. The best study of *fama*'s development in medieval European jurisprudence is Francesco Migliorino, *Fama e infamia* (Catania, 1985).

¹⁷⁴ For the Florentine siege and destruction of *Le Stinche*, see G. Villani, *Cronica*, IX.75. On the functioning of *le Stinche*, see Halina Manikowska, "The Florentine communal prison-*le Stinche*-in the fourteenth century," trans. Aleksandra Rodzinska-Chojnowska, *Acta Poloniae Historica* 71 (1995), 133-60.

¹⁷⁵ Compagni, I.15: "Come i cani del popolo aveano tolti loro gli onori e gli uffici non osavano entrare in palagio: i loro piati non possono sollicitare: se battiamo uno nostro fante, siamo disfatti'..."

the volatile polarization of the city: the old elite was arrayed against the *popolo*, while the *grassi* were beginning to turn against Giano and the *popolo minuto*.



Figure 5: The Florentine public prison, *Le Stinche*, on the present-day site of the Teatro Verdi. Built on the site of old Uberti properties and named after the Cavalcanti castle at which some early first prisoners were taken, the prison opened in 1302. Oil painting by Fabio Borbottoni, *Isola delle Stinche e via del Fosso dal lato di levante* from his *Vedute di Firenze antica* (1820-1902).

The priors also took action during this period against rural magnate lineages, curtailing feudal dues and establishing Florentine fortifications (*castelli*) in the Valdarno to restrain the magnate Pazzi lineage's exactions on peasant labor there.¹⁷⁶ This was a first step towards reducing the number of magnate refuges and castles in the *contado*. The July 6 1295 redaction of the Ordinances included a lengthy rubric forbidding unnamed counts (most likely branches of the Conti Guidi and the Conti Alberti) from owning

¹⁷⁶ Salvemini, *Magnati*, 172, quoting *Provvisioni* cit., IV, 79, 80. See also G. Villani, 9.17.

goods, lands, or possessions in Florence's *contado*, and banned magnates from defending them in advisory meetings with the Signoria.¹⁷⁷

Efforts to exert more direct control over the countryside did not work-the Black and White Guelfs would make extensive use of rural refuges-but it reflects the fact that Della Bella and the *popolo minuto* were aiming not merely to curtail the violence and power of the *grandi*. Their intention may have been to eliminate the magnates as a political and economic force, reconfigure the urban militia into a force staffed by and for the *popolo*, and undermine the ties between the magnates and their rural cousins. This was not a revolution in the modern sense of the term, yet it did target the commune's legislative framework and institutions as the main sites of struggle against their foes.¹⁷⁸ The commune was by this point the city's crucial political resource, an invaluable resource to be parcelled out among patron-client networks of the *popolo*. Personal vengeance, family advancement, state formation, and simple machine politics were not mutually exclusive to men like Giano Della Bella or Corso Donati.

As a result of this activity, Della Bella became the focus for the rage of the *grandi*, while also alienating sections of the popular elite.¹⁷⁹ These included the legal experts (*esperti di diritto*), who have been called the Florentine popular movement's conscience.¹⁸⁰ Silvia Diacciati's study has revealed the central role that these jurists,

¹⁷⁷ The 1295 ordinance is rubric LIV, *La legislazione antimagnatizia*, 106-07.

¹⁷⁸ Lansing, *Florentine Magnates*, 204-05, notes that rubric VIII of the Ordinances (*La legislazione antimagnatizia*, 75) permitted magnates to beat their servants. This rubric is absent from the January and April 1293 Ordinances, however, and appears to have been added to the July 6 1295 redaction, making it a product of the restored elite priorate that deposed Giano Della Bella. For the January-April Ordinances, see *La legislazione*, cc. 1r-16v: the Ordinances of January, 17r-21 are the April additions.

¹⁷⁹ Salvemini, *Magnati*, 177; Najemy, *Corporatism*, 61.

¹⁸⁰ Diacciati, *Popolani*, 383.

Compagni's "damned lawyers,"¹⁸¹ played in Florence's Secondo Popolo, and this was the group that he blamed for the conspiracy that would unseat Giano Della Bella. The judges and notaries likely turned on Giano for two reasons: the clear usurpation of communal institutions in the service of the *popolo minuto* as class weapons against the *grandi*, and the concomitant infringement upon their professional prerogatives and status.¹⁸² Without denying the importance of the jurists' rhetoric of *iustitia* and *pax*, we should not accept what are fundamentally partisan claims at face value.¹⁸³ Nor should we privilege cultural differences as the essence of the struggle between the magnates and the *popolo*.¹⁸⁴

No doubt the *maladetti giuristi* believed in the professional ethos of the rule of law, and in themselves as the guardians of good order. They still played a distinct and vital role in the *popolo grasso*'s conquest of power, just as their predecessors, such as Sanzanome, had taken a leading role in the early commune. The rhetoric of *iustitia*, *pax*, and *concordia* justified the rule of the *grassi* to the other elements of Florentine society, papering over the fissures of urban society while expanding the ambit of public power. It was thus necessary to reassert legal experts' primacy as the only legitimate custodians of law and order in the face of challenges from below. Society's defenders had to defend

¹⁸¹ Compagni, I.12.

¹⁸² Najemy, *Corporatism*, 61.

¹⁸³ I follow here Marx's comments in "The 18th Brumaire of Louis Bonaparte,": Karl Marx, *Surveys from exile: political writings, vol. 2*, ed. David Fernbach, trans. Ben Fowkes (London: Verso, 2010), 174: "In historical struggles one must make a... sharper distinction between the phrases and fantasies of the parties and their real organization and real interests, between their conception of themselves and what they really are." Similarly, Luis Pozo, "Mechanisms," 228, warns against "perpetuat[ing] the ideological infatuation that such mechanisms [for reconciling antagonistic social groups] intend to foster in the first place."

¹⁸⁴ Diacciati, *Popolani*, 383: "Al diritto era dunque riconosciuta anche una funzione regolatrice di una società che, se voleva far trionfare giustizia e pace, non poteva in alcun modo rinunciare alla legalità." See also Diacciati, *Popolani*, 399-401, for the role of the law experts in the rise of the *popolo*.

themselves in turn from the newest group to make a bid for a role in the commune's affairs.¹⁸⁵ This dynamic, which first emerges at Florence in the events of the 1290s, would characterize tensions in the *popolo* until the fall of the last popular regime, in 1382.

By the spring of 1295, Giano Della Bella was a marked man. There are several accounts of Della Bella's downfall, all hinging around conspiracies involving Corso Donati and the jurists, although they may not have been conspiring together: there was more than enough room in Florentine politics for multiple backdoor conspiracies.¹⁸⁶ Dino Compagni reports repeated magnate efforts to assassinate him or, barring that, defame him among the guildsmen.¹⁸⁷ Marchionne di Coppo Stefani claims that Corso Donati was simultaneously working behind the scenes to ensure that the priors for February and March 1295 would be partial to the magnates.¹⁸⁸ A more insidious threat came from within the committee of fourteen *arbitri* appointed to reform the statutes of the Podestà and the Capitano del Popolo in January 1295.¹⁸⁹

The sequence of events leading to Della Bella's ban and exile on March 5 1295 is unclear, but Corso Donati and the jurists' conspiracies, in the event, seem to have dovetailed. Corso's planning ensured that his urban clientele and followers among the

¹⁸⁵ See Eugene Genovese's comments in *Roll, Jordan, Roll: The world the slaves made* (New York, 1976 [1972]), 27: "The law must discipline the ruling class and guide and educate the masses. To accomplish these tasks it must manifest a degree of evenhandedness sufficient to compel social conformity; it must, that is, validate itself ethically in the eyes of the several classes, not just the ruling class."

¹⁸⁶ See Compagni, I.16, Villani, *Cronica*, 9.8, pp. 22-25, and *Cronaca fiorentina*, 204, 72-73, for accounts of Della Bella's downfall.

¹⁸⁷ Compagni, 1.15.

¹⁸⁸ *Cronaca fiorentina*, r. 204, 73: "Messer Corso con gli altri [magnates] tennono segreti modi della elezione de' Priori d'averla a loro modo e di uomini li quali volessero quello che eglino; e così ebbono."

¹⁸⁹ Compagni, 1.18.

commune's officials were ready to act upon any sign of weakness on Della Bella's part. The chance came following another of Corso's disputes, in which a man was killed; perhaps Corso initiated this vendetta to provoke Della Bella into doing something foolish.¹⁹⁰ A corrupt judge absolved Corso in the podestà's court, and the *popolo minuto* gathered, blaming him for the miscarriage of justice and shouting "Death to the podestà! To the flames, to the flames!" or "to arms, and long live the *popolo!*"¹⁹¹ The crowd attacked the Palazzo del Podestà, led by Baldo dal Borgo and Giano's younger brother Taldo Della Bella, "more out of the malevolence they had for messer Corso, than for concern with offended justice."¹⁹² One might hesitate to identify such a strong distinction between the two motives as Villani does—again, the desire for vengeance or the pursuit of personal grudges does not necessarily exclude other, more "public-minded," considerations.

Giano Della Bella was with the priors when the attack happened, reflecting the priorate's use of informal consultation by leading citizens. Della Bella went to the aid of the podestà, assuming he could tame the crowd.¹⁹³ In an unexplained turn of events, despite his brother's leadership of the crowd, the *popolani* turned against Giano and he fled.¹⁹⁴ It is possible that clients of the Donati or other magnate families were present in the crowd, and helped turn it against Giano's calls for restraint. Compagni, with the

¹⁹⁰ Compagni, 1.14. Compagni characterizes Giano as "more brave than wise" ("più ardito che savio").

¹⁹¹ Compagni, 1.16 ("Muoia il podestà! Al fuoco, al fuoco!") and Villani, *Cronica*, IX.VIII, 22 ("Muoia il podestà!... A l'arme, a l'arme, e viva il popolo!").

¹⁹² Compagni, 1.16: "I primi cominciatori del furore furon Taldo della Bella e Baldo dal Borgo, più per malivolenzia aveano a messer Corso, che per pietà dell'offesa giustizia." Villani, *Cronica*, 9.8, 23, gives a more detailed, and more negative, account of the attack.

¹⁹³ Compagni, 1.18.

¹⁹⁴ For the fire in the Palazzo del Podestà, see Compagni, II.16.

lapidary observation that “many men did strange things in that uproar”, describes how men such as messer Baldo dell’Ammirato, “who had many enemies”, specifically targeted records of pending cases.¹⁹⁵ In the chaos that followed, some Florentines sided with Giano, while others blamed him for the riot; still others wanted to continue the rioting, saying, “after what we’ve begun, we’ll burn the rest” (“Poi che cominciato abiamo, ardiamo il resto”).¹⁹⁶ Such a disturbance (*romore*) was upon the land, Compagni says, that the souls of all were stirred against Giano.¹⁹⁷

This was a public disgrace of the worst kind for a leader such as Della Bella, whose power by this point came entirely from the *popolo minuto*, upon which all accounts of the situation agree. If Della Bella was in fact, as Villani asserted, trying to make himself a popular *signor*, this episode was the deathknell of such an effort. Giano’s failed attempt at popular leadership, and subsequent route, took place on the city’s greatest public stage, the Piazza della Signoria, where the Palazzo dei Priori was soon to rise: failure on this scale gave all of Giano’s enemies their chance. An anonymous chronicler reports that he was blamed when a 15-year old was found dead in a grammar school, because the “grandi popolani” had betrayed him to the *grandi*.¹⁹⁸ Marchionne Coppo di Stefano and Giovanni Villani both claim that someone denounced Della Bella

¹⁹⁵ Compagni, 1.16: “E acciò procurò bene uno giudice che avea molti adversari, e stava in corte con accuse e con piatiò e avendo processi contro, e temendo esser punito, fu tanto scalterito con suoi sequaci, ch’egli spezò gli armari, e stracciò gli atti, per modo che mai non si trovarono. Molti feciono di strane cose in quel furore.”

¹⁹⁶ Compagni, 1.16.

¹⁹⁷ Compagni, 1.16.

¹⁹⁸ *Cronica fiorentina* in Schiaffini, 141: “In questo tempo, nel Garbo, in una schuola di gramatica, si trovò morto uno garzone giovane di XV anni, il quale avendo riotta con Giano della Bella, fu publicato per tutta la cittade che ‘l detto Giano l’avea facto uccidere: onde poco tempo dimorò che ‘l detto Giano da tutti i grandi popolari, per trattato di Grandi, fu tradito.”

to the Capitano del Popolo for, of all things, disturbing the peaceful state of the commune, and blaming him for the riot. The Capitano duly launched an inquest.¹⁹⁹ Giano's enemies must have appreciated the poetic justice of this champion of *iustitia*'s fate, and this irony may have made the ploy more appealing; every account of the affair indicate that the conspirators had succeeded.

Some of the *popolo minuto* remained loyal to Giano, however. The *minuti* gathered at Giano's house, demanding his appearance and ready to arm themselves, while his brother brought the battle-standard of the *popolo* to the grain market and meeting point of Orsanmichele; the *popolo minuto* was apparently ready to fight whatever forces the commune itself was mustering.²⁰⁰ Whereas the radical wing of the *popolo* had, under Giano Della Bella's leadership, sought to occupy the commune, now the commune had been wrested away by the *grandi popolani*. This was a real juncture in the crisis: would Della Bella rally his core supporters and confront his enemies, who had managed to turn the entire apparatus of the commune against him? Doing so would, as Giovanni Villani recognized, have inaugurated a serious bloodletting involving all of Florence's classes.²⁰¹ Della Bella refused to fight, however; Compagni says that his consorts, the Magalotti—another powerful popular family, who will reappear in chapter 4—counselled him to leave Florence in order to calm the *popolo*.²⁰² This may be an indicator of how severely Della

¹⁹⁹ *Cronaca fiorentina*, 204, 73: “Ed al nuovo Priorato [the priorate stacked with Corso's men] fu data una notificazione al Capitano del Popolo che Giano della Bella avea perturbato il pacifico stato e con arme assalito il Podestà e cacciato di palagio. Il Capitano formò inquisizione e richieselo...” Giovanni Villani, *Cronica*, 9.8, 24, gives substantially the same account.

²⁰⁰ G. Villani, *Cronica*, 9.8, 24: “il popolo minuto sì conturbò, e andavano a casa Giano della Bella, e proffereagli d'esser collui in arme difenderlo, o combattere la terra.”

²⁰¹ G. Villani, *Cronica*, 9.8, 24.

²⁰² Compagni, 1.16.

Bella had alienated the *popolani grassi*: the Magalotti were an ancient Florentine family, attested from the eleventh century, and whose first appearance on the priorate was in 1283, a year after its foundation.²⁰³ In Giovanni Villani's account, Della Bella is portrayed as a tragic figure, as he realizes that his former allies among the *grassi* had abandoned him and that the *popolo minuto* would have to face the combined power of *grandi* and *grassi* alone.

While there is no way to verify Villani's explanation for Giano's flight, it points to an underlying fact of Florentine politics. The *popolo minuto* was unable to confront the *grandi popolani* alone, let alone the magnates allied with the *grandi*. Villani's insight was one that the radical Ciompi of August 1378 did not possess, and they were crushed when they confronted the other guilds in open battle on the Piazza della Signoria. As Patrick Lantschner has argued in an important recent study, coalitions of action groups-organized urban groups with divergent interests-were crucial to the success of urban revolts.²⁰⁴ None of the classes in Florence-the *grandi*, *grassi*, and *minuti*-were capable of directly dominating the city on their own, to the total exclusion of the other groups, and each group failed when it tried to do so in the Later Middle Ages. This strategic reality means that, whatever his reasons for leaving, Della Bella saved the city and his supporters a futile bloodbath in choosing not to fight. Della Bella was condemned as contumacious following his flight; some of his followers were also accused, and he died in exile.

Closing his account of the March events, and before explaining the civic *exemplum* to be

²⁰³ On the Magalotti, see the "Descrizione" on the Archivio di Stato di Firenze's website: http://www.archiviodistato.firenze.it/siasfi/cgi-bin/RSOLSearchSiasfi.pl?_op=getsprod&id=FIDD000141&_cobj=yes&_language=ita&_selectbycompilationdate=SI&curwin=secondwindow (accessed 9.01.15).

²⁰⁴ See Lantschner, *Logic of political conflict*, at 60-63, for action groups, and 77-86, for coalitions.

had from Giano's fate (don't try to become *signor*), Villani commented that those who had exiled Della Bella for contumacy had done great damage to the city and especially to the *popolo*. Villani praised him as "more loyal and straightforward a *popolano* and lover of the common good than any man of Florence", and the praise was deserved.²⁰⁵

Subsequent events proved the truth of the words Compagni attributes to Vieri de' Cerchi and Nuto Marginolli: "Strike the shepherd, and the sheep are dispersed."²⁰⁶ The priors who followed Giano's exile seem to have been a mixture of Donati appointees, indecisive *popolani grassi*, and middling guildsmen like Dino Pecora, himself a Donati client. While the *popolo* would defeat the magnate insurrection later in 1295, the *popolo minuto*'s leadership cadre-men like the Della Bella brothers, Dino Compagni -was devastated by exile, political disgrace, criminal charges, or, in Dino Pecora's case, defection. The balance of power now lay with the magnates and *popolani grassi*, who had alienated their lesser allies with their exile of Della Bella.

Remigio dei Girolami, the magnates' revolt, and the final version of the Ordinances of Justice (April-July 1295)

The Dominicans stepped into this leadership void in February-July 1295. The Dominican preacher Fra Remigio dei Girolami's sermons are a crucial part of the

²⁰⁵ G. Villani, *Cronica*, 9.8, 24-25: "e [Giano, that is] veggendo che lla loro forza con quella de' grandi era molto possente, e già raunati a casa i priori armati, non si volle mettere alla ventura della battaglia cittadinesca, e per non guastare la terra, e per tema di sua persona non volle ire dinanzi, ma cessossi, e partì di Firenze a dì 5 di marzo, isperando che 'l popolo i rimetterebbe ancora in istato; onde per la detta accusa, ovvero notificagione, fu per contumace condannato nella persona e isbandito, e in esilio morì in Francia (ch'avea a ffare di là, ed era compagno de' Pazzi), e tutti i i suoi beni disfatti, e certi altri popolani accusati co llui; onde di lui fu grand danno alla nostra citade, e massimamente al popolo,

²⁰⁶ Compagni, 1.13: "Molti ordini dierono per uccidere il detto Giano [Della Bella], dicendo: 'Percosso il pastore, fiano disperse le pecore.'"

background to the events of mid-1295, and the final redaction of the Ordinances of Justice on July 6 1295. Scholars have long recognized Remigio's role in the tumultuous events of 1294-95.²⁰⁷ Intellectual historians have also acknowledged the connection between his political-theological treatises and the bitter factional strife between Black and White Guelfs.²⁰⁸ Based on a reading of his four sermons before the priors, however, I argue that the events of 1293-1295 also played a significant role in the formation of Remigio's political thought-and that his interventions themselves played a role in these events.

To be clear, in what follows I am not arguing that Remigio dei Girolami's sermons to the priorate were the decisive factor in the Florentine government's actions of 1295: this would attribute far too much influence to one figure and his interventions, and in any case the priors, like every other social group discussed in this study, acted for a plethora of reasons. Rather, I read Remigio's sermons to the priorate in 1295 as a cognate to the Della Bella's version of the Ordinances of Justice. Read together, the two sources indicate the centrality of the Florentine popolo's institutions and political language to the commune's public life by the 1290s: this is the lexicon one employed to legitimize one's actions. Della Bella's followers used and reshaped the Ordinances and their lexicon to justify a fuller exclusion of the magnates from political power and public life. Almost

²⁰⁷ Salvemini, *Magnati*, 188; Zorzi, "Politica e giustizia," 143-44; Diacciati, *Popolani*, 380.

²⁰⁸ There is a large and ever-greater literature on Remigio's work, primarily his political theology and scholastic pedigree. For Remigio's life and works see, in general, Charles T. Davis, "An early political theorist: Fra Remigio de'Girolami," in *Dante's Italy and other essays* (Philadelphia, 1984) [1960], Emilio Panella, "Per lo studio di Fra Remigio dei Girolami (†1319)," *Memorie Domenicane*, n.s., 10, 1979; Panella, "Nuova cronologia remigiana," in *Archivum Fratrum Predicatorum* 60 (1990), 145-311; and Teresa Rupp, "Damnation, individual and community in Remigio dei Girolami's *de bono communi*," *History of Political Thought* 21 (2000), 217-36.

simultaneously, Remigio employed this same discourse, combined with the authority of his religious vocation and the language of Catholic orthodoxy, to legitimize the deposition and expulsion of Giano Della Bella from the city in 1295.

Remigio's sermons also can be used as a source for understanding the struggle within the *popolo*, marking as they do the *popolo grasso*'s reappropriation of the rhetoric of *iustitia*. Remigio may have been peacemaker and mediator between warring factions; he also was an apologist for Florence's mercantile oligarchy and its expulsion of the radical wing of the *popolo* from communal government in the spring of 1295. His sermons, justifying as they did Giano's exile from Florence in *iustitia*'s name and his later sermon calling for peace between magnates and the *popolo*, was a call for elite unity against this dangerously demagogic tribune of the *popolo minuto*-and this call was expressed in much the same language as that employed in the Ordinances.

Remigio's sermons were also part of a wider trend. In the thirteenth century, the communes of north-central Italy produced a distinct religious culture, which changed, and changed with, the communes.²⁰⁹ The centrality of Catholicism to the communes is vividly demonstrated by the fact that many communes housed the communal battlewagon, the *caroccio*, in the city's Duomo: civic pride and religious identity were indistinguishable. There were real fissures along religious lines in many communes, as

²⁰⁹ See Thompson, *Cities of God*, 4-8, for a periodization of this popular religion. In the wide literature that now exists on the subject, see in particular the following, which discuss communal Italy as a whole: Doyno, "Urban religious life", a survey of the topic; Thompson, *Cities of God*; Lansing, *Power and Purity*; Dominic Lesnick, *Preaching in medieval Florence. The social world of Franciscan and Dominican spirituality*. Athens, GA: University of Georgia Press, 1989); Frances Andrews, *The Umiliati*; Janine Larmon Peterson, "Contested sanctity: Disputed saints, inquisitors, and communal identity in northern Italy, 1250-1400" (Doctoral dissertation, University of Michigan, 1 January 2007) and Jansen, *The making of the Magdalen*.

Carol Lansing's study of Orvieto and Lorenzo Paolini's studies of Bolognese heresy have shown.²¹⁰ Yet the general tendency was for orthodox Catholicism to buttress public institutions and vice versa, despite some cities' conflictual relationship with their bishop.²¹¹ At Florence, the commune's orthodox Catholicism and Guelph loyalism expressed themselves in support for new religious foundations, especially the mendicant churches and the new cathedral: political theology fused here with public works programs to create some of the city's most notable monuments. As George Dameron has argued, by the early fourteenth century, orthodox Catholicism, the Florentine-Angevin-papal alliance, and Florentine mercantile interests had fused into a powerful public ideology. Remigio's sermons, legitimizing the priorate, were a crucial product of this, a product which themselves influenced events.

Remigio most likely preached his first sermon to the priors in late January 1295, as the committee of fourteen was revising the commune's statutes.²¹² Calling for the commune's aid in enlarging the Dominican church of S. Maria Novella, Remigio's sermon came from the Psalm "Confitebor tibi in ecclesia magna, in populo gravi laudabo

²¹⁰ Lansing, *Power and purity*; Lorenzo Paolini, *L'Eresia a Bologna fra XIII e XIV Secolo I: L'Eresia catara alla fine del duecento*. Rome, 1975).

²¹¹ Maureen C. Miller is the premier scholar of the Italian cities' conflicts with their bishops. See in particular her *The formation of a medieval church: ecclesiastical change in Verona, 850-1150* (Ithaca, 1993); *The bishop's palace: architecture and authority in medieval Italy* (Ithaca, 2000); and "Italy in the long twelfth century: Ecclesiastical reform and the legitimization of a new political order, 1059-1183," in *European transformations, 950-1200*, ed. Thomas F.X. Noble (Notre Dame, IN., 2012), 117-31.

²¹² I follow the dating of Remigio's sermons to the priors outlined in G. Salvadori and V. Federici, "I sermoni d'occasione, le sequenze e i ritimi di Remigio Girolami fiorentino," in *Scritti Vari di Filologia* (Rome, 1902) 467-69. See also Stefani, r. 20, for these events.

te.”²¹³ After elaborating on the synchronicity of Guelf orthodoxy and the commune’s prosperity, confirming the commune’s sacrality,²¹⁴ Remigio turns to the state of the *popolo* and its leaders’ duties. Remigio declares that if the *popolo* wishes to govern, it must possess the gravity of a seed, not the lightness of straw, arguing that this undergirds the priorate’s solemnity (*gravitas*).²¹⁵ This was a classic contrast between gravity and levity in public affairs that would have appealed to Remigio’s audience. Reiterating the classic Dominican understanding of peace,²¹⁶ Remigio then reminds the priors that if they desire to rule in peace, justice had to be done, “because peace will be the work of justice.”²¹⁷ Using the rhetoric of the popular regime, the sermon’s call for *gravitas* and justice hints at dissatisfaction with the changes of the last two years and the need for steadfast action in the affairs of the commune. There is no indication that Remigio was aware of the conspiracy against Giano Della Bella, but the conspirators on the committee of *arbitri* could hardly have hoped for a better ideological screen, under which to act against the popular radicals.

Remigio’s second sermon to the priors probably dates to some time between Corso Donati’s attack on a kinsman on January 23, 1295, and Della Bella’s flight from the city on March 5. It may also date from immediately after Della Bella’s exile.²¹⁸ Coming as they did during or just after the riot at the Palazzo del Podestà and Giano’s

²¹³ Sermo XXIV, in Salvadori and Federici, 481.

²¹⁴ See Thompson, *The religion of the Italian communes*.

²¹⁵ Remigio in Salvadori and Federici, 481: “dicit autem gravi, quia populus sit vult utiliter dominari, gravitatem grani debet habere, non levitatem palee que a vento elevatur, sicut fecit officium Priorum precedentium.”

²¹⁶ Diacciati, *Popolani*, 317.

²¹⁷ Remigio in Salvadori and Federici, 481: “Iustitia enim facienda est si vultis in pace regnare, quia erit opus iustitie pax, ut dicitur Ysa.XXII.”

²¹⁸ Salvadori and Federici, 468; Salvemini [1899], 382-83, reprints the record of the “tumulto” arising from one of Corso Donati’s quarrels.

exile, Remigio's sermon can be read as a validation of Giano's deposition and exile. Whatever the exact date, the urgency of the sermon reflects the state of the city during the tumultuous months before the attempted magnate coup of July 5, and the final redaction of the Ordinances on July 6 1295.²¹⁹ Invoking the familiar phrases of guild government and the popular party, he reminds the priors of their duty to act for the common good, and "not on behalf of this person or house, or that, nor on behalf of these men or those," since the priors were laboring for the commune and the *comuni bono*.²²⁰ In his exegesis upon Judges XIX, Remigio appeals to the priors for provident consultation and harmonious concord, insisting upon following the common will in regard to an unspecified event.²²¹ In a sermon that otherwise carefully avoids mentioning specific names, Giano's name stands out all the more. Following Maccabees II.IV, Remigio warns the priors that they must beware to do nothing against the spirit of the biblical injunction, "on behalf of Giano or otherwise."²²²

This sermon threw the institutional weight of the Florentine Dominicans behind the priorate and the various conspiracies against Giano and his followers. Remigio's preaching also legitimated the collectivity of particular, individual priors directly responsible for Giano's expulsion. Given that Corso Donati had infiltrated the priorate

²¹⁹ Salvadori and Federici, 468: "Ad ogni modo è certo che riflette [i.e., the sermon] lo stato della città in quel periodo."

²²⁰ Sermo XXV, in Salvadori and Federici, 482: "non pro bono huius persone vel domus, vel illius, nec pro bono horum vel illorum, sed sicut estis facti et positi in officio per comune, ita laboretis pro comuni bono."

²²¹ Sermo XXV, in Salvadori and Federici, 482: "Ferte sententiam et in comune decernite quod facto opus sit. Istud verbum vos hortatur ad quatuor officio vestro valde necessaria, scilicet ad providam deliberationem."

²²² Sermo XXV, in Salvadori and Federici, 482: "iuxta illud II Machabeorum IV 'Communem utilitatem universe multitudinis considerans.' Unde cavendum est vobis ne contra hoc aliquid faciatis, vel pro Iano et cetera."

with some of his men, Remigio was bestowing his blessing upon priors who the city's working people may have been seen as illegitimate; he was thereby asserting the priorate's power and continuity with the popular party's conservative wing. This sort of legitimation may have been a key component in the lack of organized resistance from the *popolo minuto*. It at least would have invigorated the *grassi* as they reasserted their control over the commune.

In addition to his religious vocation, leadership position within the Dominicans, and Paris schooling, Remigio's family background made him an attractive spokesman for the regime. Remigio's father Chiaro was one of the *Anziani* of the Primo Popolo and Remigio's brother Salvi was a representative of the *Arte della Lana*, the wool guild, at the inception of the priorate in 1282.²²³ Three of Remigio's nephews also served as priors. Mompuccio dei Girolami was a signatory of the original, January 1293 draft of the Ordinances of Justice. Corso Donati's Black Guelfs would later exile Mompuccio with his brother, Girolamo, in 1302.²²⁴ The Girolami were a distinguished popular family, and Remigio's support, with the implied weight of the local Dominicans behind it, would have been an important boon to the priors following Giano's expulsion and a rising tide of magnate anger.

In my reading of Remigio's sermon XXVII, I follow Gaetano Salvemini's reasoning regarding the events of July 5-6 1295. The magnates sought, according to Giovanni Villani, to abolish the ordinances that blamed an entire lineage for the crimes of individual members, and which allowed charges which *popolani* brought against

²²³ See Najemy, *Corporatism*, 44, and Charles T. Davis, "An early political theorist: Fra Remigio de'Girolami," in *Dante's Italy and other essays* (Philadelphia, 1984) [1960], 199, for the Girolami.

²²⁴ Najemy, *Corporatism*, 44; Davis, "An early Florentine political theorist," 199.

magnates to be proven by only two witnesses via *publica fama*.²²⁵ The *popolo*'s sustained legislative attack on them had finally united the magnates as a group, and major lineages patched up their feuds.²²⁶ Villani says that the urban magnates had summoned a following of "peasants and other footmen on foot in great quantity."²²⁷ The confederated magnate force was divided into three contingents led by Forese degli Adimari, Geri Spini, and Vanni Mozzi. These units assembled in the *piazza* of the baptistry of S. Giovanni, in the Mercato Nuovo (today known as the Mercato del Porcellino), and in the *piazza al Ponte*, probably on the Arno side of the Ponte Rubaconte near the Mozzi townhouse.²²⁸ Despite this planning, the magnate contingents were unable to link up, due to the barricades the *popolo* had erected—perhaps care of those sappers envisioned in the Ordinances? Giovanni Villani says that the magnates were unable to occupy the city (*correre la terra*).²²⁹ The anonymous chronicler usually referred to as pseudo-Brunetto Latini speaks of a daylong battle, "a cavallo e a piede in tutte parte" of the city, in which the magnates were bested.

It is unclear whether the reformed popular militia envisioned by the April Ordinances materialized. Pseudo-Brunetto attributes the popular victory to "la grazia di

²²⁵ G. Villani, *Cronica*, 9.12.

²²⁶ G. Villani, *Cronica*, 9.12, 29. These feuds included those between the Adimari and Tosinghi and the Bardi and Mozzi.

²²⁷ G. Villani, *Cronica*, 9.12: "...i grandi per sé a cavalli coverti, e colloro séguito di contadini e d'altri masnadieri a piè in grande quantità...."

²²⁸ G. Villani, *Cronica*, 9.12.

²²⁹ G. Villani, *Cronica*, 9.12. The magnates had gathered "per volere correre la terra. I popolani s'armarono tutti co' loro ordini e insegne e bandiere, e fuorono in grande numero, e asseragliarono le vie della città in più parti, perché i cavallieri non potessono correre la terra...." See Richard Trexler, "Correre la terra. Collective insults in the late Middle Ages." In *Mélanges de l'Ecole française de Rome. Moyen-Age, Temps modernes*. T 96, N. 2 (1984): 845-902, at 846-47, for variants of the phrase in later fourteenth-century writers.

Dio,” for the *popolo* lacked any leadership.²³⁰ Giovanni Villani and Marchionne Coppo di Stefano, however, claim that the *popolo* armed itself and gathered outside the priors’ quarters, at the Cerchi compound near the piazza della Signoria.²³¹ This victory is further proof that in a contest between Florentines alone, the *popolo* united could handle the magnates, even, apparently, without formal leadership. If I am correct in hypothesizing that Della Bella and some elements of the *popolo* had been preparing for an explosion for some time, this is not surprising. Given such a total victory, however, why did the *popolani* not eliminate the magnates for good, as Baldo della Tosa warned they would do in 1294, according to Compagni?²³² Salvemini accepts Giovanni Villani’s account, in which the Dominicans, almost certainly including Remigio, intervened to prevent a bloodbath, in the name of civic peace.

It thus seems reasonable to read Remigio’s sermon XXVII²³³ as a response to the magnates’ rebellion of July 5, 1295. Giovanni Villani attributed the magnates’ rebellion to quite specific grievances, namely the harsher measures of the April 1293 Ordinances. Remigio, on the other hand, laments that “by diabolical instinct or divine judgment, the greatest discord is seen to be in this city.”²³⁴ Concord, in contrast, Remigio defines as the

²³⁰ *Cronica fiorentina* in Schiaffini, 144. The full passage is: “e combattendo quasi tutto il giorno a cavallo ed a piede in tutte parti, i grandi da’ popolari per la grazia di Dio fuorono isconfitti, non avendo il popolo alkuno capo di suo aiuto.”

²³¹ G. Villani, *Cronica*, IX.XII; *Cronaca fiorentina*, 208, 74.

²³² Compagni, 1.15.

²³³ Salvadori and Federici, 468-69, list this as sermon XXVI, but quote from sermon XXVII in their discussion of its dating.

²³⁴ Sermo XXVII, in Salvadori and Federici, 482: “Instinctu dyabolico vel divino uidico maxima videtur esse discordia in hac civitate.”

highest good of the city as an urban community (*civitas*).²³⁵ The sermon deploys the full range of biblical citations to support the demand that “every injustice must be removed from the statutes of the city.”²³⁶ Read in this context, Remigio was most likely advocating a revision of the Ordinances and mercy for the magnates, since they were unable to overcome the *popolo*, regardless of the street battles.

This is exactly what happened. The Signoria changed the number of witnesses necessary to prove accusations against a magnate through *publica fama* from two to three. According to Villani, the priors did this against the will of the *popolo*, and the chronicler observed that “in this novelty lay the roots and beginning of the disgrace and bad condition of the city of Florence”, for the *grandi*, defeated but unbroken, “never ceased to seek a mode to subdue the *popolo* to their power”.²³⁷ The *popolo* blamed the priors, and stoned them when they left office; the progressive demoralization and deterioration of the *popolo*’s fighting ability dates to the spring and summer of 1295, following on Della Bella’s exile and the priors’ perceived betrayal of the popular cause.

I have argued that Remigio’s sermons before the priors are significant for social conflict at Florence for two reasons. They legitimized the current priors in the potentially anarchic situation following the conspiracy against Giano and the *popolo*’s decapitation. The sermons’ language, drawing on the constellation of terms found in the Ordinances,

²³⁵ Sermo XXVII, in Salvadori and Federici, 482: “concordia, que nihil aliud est quam unio vel coniunctio cordium idest voluntatum ad idem volendum, sit summum bonum civitatis....”

²³⁶ Sermo XXVII, in Salvadori and Federici, 483: “omnis iniustitia removenda est a statutis civitatis et cetera.”

²³⁷ G. Villani, *Cronica*, 9.12: “Ma pur questa novitate [the change in the number of witnesses]] fue le radice e cominciamento dello sconcio e male istato della città di Firenze che ne seguì, apresso, che da indi innanzi i grandi mai non finarono di cercare modo d’abattere il popolo a lloro podere...”

marked the reappropriation of the language of good government and *Iustitia* by the conservative *grassi* after the dominance of the more radical wing of the *popolo*. Given the political context and his status as one of Florence's leading intellectuals and scion of an influential family of the *popolo grasso*, Remigio's calls for unanimity, concord, and justice, can be read as a demand for the popular elite to close ranks in the face of challenges from the *popolo minuto* and the magnates. Remigio implicitly rejected the *popolo minuto*'s intention of eliminating the magnates. Functionally, Remigio's sermons were an apologia for the deposition and exile of Giano, the curtailment of the *popolo minuto*'s participation in the commune's formal politics, and a softening of the regime's stance towards the magnates.

The magnates may have failed to regain their old role at the head of the commune, let alone take over the city. On July 6, 1295 however, the priors issued a third and final redaction of the Ordinances of Justice, probably under the influence of Remigio's sermon. While magnate lineages were still subject to serious restrictions on political rights, these revisions moderated the April 1293 redaction and restricted the ambit of the Ordinances. The new additions modified the mode of election of the Priorate, and restricted security payments by magnates exclusively to those lineages already inscribed as *grandi*: implicitly, no new lineages would be added, at least by this popular regime.²³⁸ In criminal cases, magnates would only be tried according to the Ordinances in cases of intentional (*studiose et premeditate*) injury to *popolani*; the Ordinances' scope was also

²³⁸ For these two rubrics, see *La legislazione antimagnatizia*, 62-65. The revision to rubric III has been the subject of debate since Ottokar critiqued Salvemini's interpretation in "A proposito della presunta riforma costituzionale adottata il 6 luglio dell'anno 1295 a Firenze," *Archivio Storico Italiano* 7th ser. 91 (1933): 173-79. Najemy, *Corporatism*, 63, n. 47, reviews the issue in detail, which concerns internal guild politics more than the themes I discuss here.

limited in cases resulting in death.²³⁹ Rubric VII stated that the Ordinances did not apply in cases of *popolani* being wounded in magnate feuds, while rubric VIII declared that magnates would not be prosecuted under the Ordinances for beating their servants: Berto dei Frescobaldi's lament was answered here, and by a popular priorate.²⁴⁰ Finally, rubric XIII established procedures for dealing with false denunciations of magnates.²⁴¹ These new ordinances mixed mollification (rubr. XIII, VII) with an ongoing effort to delineate boundaries between magnates and *popolani*. I would propose that rubric VIII should be seen as another attempt to break up clientelar networks through legislation. Lack of protection under the Ordinances may have been intended as an inducement to domestic servants (*famulas*) and armed members of the magnates' entourages (*scutiferos et famulos*) to sever their ties with the lineages, or at least reconsider particularly brazen acts of mayhem during factional feuds.²⁴²

One of the most important aspects of the 1295 Ordinances has been little discussed: the fact that the five new rubrics inserted in the April 1293 Ordinances were retained, with language unaltered, in the July 6 redaction.²⁴³ Despite the deposition of

²³⁹ *La legislazione antimagnatizia*, 68, for the interpolation "studiose vel premeditate." See Salvemini [1899], 396, for this as an interpolation

²⁴⁰ *La legislazione antimagnatizia*, 75, for rubrics VII and VIII.

²⁴¹ *La legislazione antimagnatizia*, 80.

²⁴² *La legislazione antimagnatizia*, VIII, 75: "Item cum multotiens contingat dominos et dominas suos scutiferos et famulos et famulas propter eorum culpas et inobedientiam castigare, provisum et ordinatum et declaratum est quod, si contigerit huiusmodi scutiferos et famulos et famulas cum aliquo magnate co(m)morantes offendi per dominum suum vel dominam vel aliquem de sua familia, in eo casu non vendicent sibi locum ordinamenta iustitie, set remaneat iuri comuni et statutis comunis Florentie et domini capitanei, dummodo appareat per public instrumentum quod talis offensus vel offensa ante ipsam offensam fuerit scutifer, famulus vel famula eiusdem domini vel domine."

²⁴³ Cf. the April rubrics, *La legislazione antimagnatizia*, 47-53, with rubrics XXX (p.95), XXXI (95), XXXII (96-98), XXXIII (98), and XXIV (89).

Giano Della Bella, events had moved the Signoria too far to entirely discard the results of his two years in power. Retaining these rubrics, the leaders of the popular party strengthened the commune-normatively, at least-while discarding the ideological weight of Giano's faction. The priorate also added a slew of additions to the Ordinances, most of them further regulating *magnate-popolano* interactions.

The most significant aspect of the July 6 1295 Ordinances, however, concerned the popular militia. Undoubtedly a response to the confused, albeit successful, fighting of the day before, rubric XXXII of the new Ordinances doubled the militia to a potential pool of 4,000 men, on the same lines as the April Ordinances outlined. In addition to this, the 1295 Ordinances' rubric XXXIX called for an additional levy of five hundred men each from the suburban *plebati* of S. Giovanni di Firenze, Ripoli, Fiesole, Santo Stefano in Pane and Giogole, all within a short walk of Florence's urban center. These contingents were given one standardbearer each, and reported to the Standardbearer of Justice. In a visualization of these communities' subordinate but honored place in the Florentine state, each *plebatus'* insignia was to be displayed on their banner, beneath the *insignia iustitie*.²⁴⁴ Rubric XL provisioned for a further pool of 1,000 men from the rural portion of each *sesto*.²⁴⁵ These troops were to be equipped and compensated by the commune if their own resources did not suffice: such an expansion would have been a considerable addition to the commune's expenses. Not satisfied with this expansion of the militia's

²⁴⁴ *La legislazione antimagnatizia*, XXXIX, 100: "Item quod de plebatibus Sancti Iohannis de Florentia, de Ripolis, de Fesulis, de Sancto Stepano in pane et de Iogole habeantur et eligantur quingenti pedites, qui habeant in armis insignia iustitie et sint de sequimento vexilliferi iustitie, qui debeant obedire mandatis priorum et vexilliferi iustitie. Et quod in quolibet dictourm plebatuum habeatur unus banderarius, que bamderie habeant insiigna iustitie. Et in qualibet bamderia sit signum parvulum sui plebatus."

²⁴⁵ *La legislazione antimagnatizia*, XL, 100: "Quod mille pedites per sextum eligantur in comitatu".

paper strength, the priors doubled the number of urban troops, to contain new contingents of pikemen (*inter quos sint cum gialdis sive lanceis quadringenti pedites ex predictis*) and 100 archers or crossbowmen. The archers were to have their own insignia, and each urban *sesto* was to develop its own banner, to aid identification during emergencies.

None of this reconfiguration of the militia took place, because of the *popolo*'s weakness, and an incipient magnate revival under the incorrigible Corso Donati and his Black Guelfs. Yet it is evidence for how the priorate, badly rattled by the events of 1295, attempted to regain control of the situation through increasing the size of the popular militia-the very same way that Giano Della Bella had proceeded to consolidate popular power within the commune's institutional apparatus. The new Ordinances envisioned a commune strong enough to vanquish its enemies, but firmly under the control of the elite wing of the popular party-and with a strengthened militia directly controlled by the commune.

Taken together, the July 6 redaction's additions confirmed the *popolo grasso*'s hold on the commune, and their reappropriation of the institutions and rhetoric that had been in contest for the last few years. The Ordinances had been blunted, reshaped for their original purpose of limiting the political rights of the *grandi* while not eliminating them from Florentine social and political life completely. The *popolo minuto*, effectively decapitated, was unable to offer effective resistance in the face of the elite revival of the late 1290s and the first decade of the Trecento. If Dino Compagni can be believed, even the leadership of the *grassi* melted away as the Black and White Guelfs polarized the city. The *grassi* had met and defeated the *popolo minuto*'s challenge, after its limited success during 1293-95. The result would be the sort of vicious factional strife that

Remigio's sermons ostensibly sought to prevent, as the Cerchi and Donati pursued their factional feuding in Florence and in the *contado* through the Black and White Guelph factions.²⁴⁶

Some concluding remarks

I have argued that scholars' fixation with the magnate-*popolo* struggle in Florence has obscured the substantial divisions within the *popolo* itself, which were based on socio-economic factors and a competition for the same political resources. This historiographical oversight of the *minuti* ignores the impact that the *popolo minuto* had on the commune's ideology of good government, and implicitly views them as pawns of the *popolo*'s leadership. This distorts the picture that emerges from the sources, and denies the minor guildsmen, artisans, and petty shopkeepers of Florence any active role in the social and political struggles of the late Duecento, despite their importance in the events of 1293-1295. I have argued that the challenge of the *popolo minuto* under Giano Della Bella in 1293-1295 constituted a serious threat to the *grassi* as well as the magnates, and that the actions of the Florentine political and intellectual elite must be understood as responses to this challenge. That the attempt was made, and left a discernible mark on the commune's legitimizing discourse and official documentation, is as significant as the ultimate failure of the *popolo minuto*'s occupation of the commune's institutions.

²⁴⁶ For this period, see Guido Pampaloni, "I magnati a Firenze alla fine del Duecento," *Archivico storico italiano* XXXIX, disp. IV, 387-423, Patrizia Parenti, "Dagli Ordinamenti di Giustizia alle lotte tra Bianchi e neri." in *I detentori*, 239-326, and Marvin Trachtenberg, "Founding the Palazzo Vecchio in 1299: The Corso Donati paradox," *Renaissance Quarterly* 51:4 (1999): 967-93.

The two wings of the Florentine *popolo* subscribed to the same ideology, centered on the rhetoric of justice, peace, and concord, and were indebted to Dominican preaching and the civic writings of Brunetto Latini. This ideology appealed to both groups and framed the struggle within Florence as one between a quarrelsome, selfish, violent elite and an enlightened, moderate body of guildsmen and artisans. For the *grassi*, this discourse justified and legitimized their usurpation of power from the older elite, and ensured the support of the *popolo minuto* in doing so. This rhetoric was a major asset as the *grassi* challenged the magnates, but a chasm opened up between the guild elite and the *minuti* in 1293. For the minor guildsmen, the Ordinances of Justice were a weapon to be used against the magnates, to pacify the city and establish a government representing their interests, not merely those of the merchant elite, through an expansion and consolidation of state power in the city and contado. This popular challenge failed with the deposition and exile of Giano Della Bella, and the 1295 reconciliation between the *popolani grassi* and the magnates.

Yet in 1293-95, the *popolo minuto* had intervened decisively in Florentine politics, with Giano Della Bella manipulating popular rhetoric to suit his party's aims and forcing the *grassi* onto a tightrope between the magnates and *minuti*. This tactical constriction would force the *grassi* into a compromise with the *grandi* that left it weak in the face of the elite revival of the early 1300s. This was one episode in the Florentine mercantile elite's wider failure to resolve the contradiction inherent in espousing a rhetoric of collective struggle against elite privilege, while attempting to exclude the

minor guilds and the vast majority of urban laborers from the city's government.²⁴⁷ The Florentine *popolo* had not lost its capacity for collective action in the years 1295-1308; it had simply lost the initiative, due in part to its own, internal divisions and the intervention of external powers. The next chapter explores some of the Florentine *popolo*'s institutional achievements, in spite of these constrictions.

²⁴⁷ See Antonio Gramsci's more general remarks on the fate of the communes' middle classes compared to those of northern Europe, in *Selections from the Prison Notebooks*, ed. & trans. by Quentin Hoare (New York, 1971), at 53: "The Italian bourgeoisie was incapable of uniting the people around itself, and this was the cause of its defeats and the interruptions in its development."

3: Between town and country: The court of the Executor of the Ordinances of Justice, rural legal knowledge, and narrative strategy in denunciations

Abstract: This chapter scrutinizes the Executor's court's establishment and operations, and its relationship with Tuscan society. The discussion of the court's origins leads to an analysis of the role that low-ranking communal officials (*rettori, cappellani, syndici*) played in disseminating legal knowledge among rural people, and reporting crime to the Executor's court. I argue that their role in the judicial system was more complex than scholars have assumed. These low-level functionaries retained their role as mediators between the Florentine state and rural communities until at least the 1360s. I also try to reconstruct information networks used by the commune's officials and their analogues among rural people. I then examine the most tangible results of this legal knowledge and information networks: the denunciations (*denuncie, tamburagioni, cedulae*) initiating inquests by the Executor's judges. I argue that these denunciations demonstrate the diffusion of the Florentine *popolo*'s rhetoric among rural Tuscans, the use of this rhetoric as a framing device for legal action, and the attempts of Tuscans to shape the actions of the judiciary. The chapter draws primarily on statutory law and denunciations against magnates and Florentine officials from the period 1343-1368.

Introduction

What was the function of the court of the Executor of the Ordinances of Justice, as envisioned in statutory law? And how did this differ from popular perceptions of the court?¹ Answering this question requires an understanding of how information circulated between court and *contado*. This was a two-way street: rural Tuscans needed a fairly sophisticated understanding of the Executor's court, and its role within the broader framework of the Florentine state, to initiate legal proceedings. The Executor's court in turn had to solicit these peoples' knowledge at every stage of an inquest, from the initial reportage of a crime to the labyrinthine disputes between legal representatives (*procuratores*) on the technicalities of each stage of an inquest.

By the mid-fourteenth century, the Executor's court was a venerable part of the Florentine state. Its establishment and operation bridge two periods that are often segmented in scholarship: the later thirteenth century and the mid-fourteenth century, an

¹ I follow previous scholars in referring to the office of the Esecutore degli Ordinamenti by its Latin shorthand, "Executor."

age of myriad crises, the main focus in the final two chapters.² Close scrutiny of information networks and their products through the prism of the Executor's court illuminates how Tuscans learned about, and tried to manipulate, the foreign-staffed courts of the Florentine state.

After reviewing the establishment of the court and its array of officials, I turn to denunciations to the Executor: the *denuncie* indicate how legal knowledge played itself out textually.³ I read the denunciations as a genre, a series of texts broadly similar in context and structure and expressing a particular view of the world, the rhetoric of the Florentine *popolo*. I do not argue, however, that the consistent use of the rhetoric and imagery of the Ordinances implies an unquestioning acceptance of the Florentine state's truth claims by those who wrote the denunciation. Those writing the denunciations were not victims of the commune's hegemony, but rather, consciously appealing to a pre-existing rhetoric in order to fit their version of reality into the official discourse of the Executor's court. The authors of the denunciations had to make the Florentine *popolo*'s rhetoric their own, for tactical reasons: the resulting repetition in structure represented the veracity of the denunciations' content.⁴

While it is usually impossible to reconstruct the socio-economic background of these authors, this very fuzziness indicates some of the ideological work the denunciations

² Halina Manikowska, "Accorr'uomo: il 'Popolo' nell'amministrazione della giustizia di Firenze durante il XIV secolo," *Ricerche storiche* XVII (1988), has characterized the end of the fourteenth century through the first decades of the fifteenth as the "decadenza istituzionale dell'ordinamento imperniato sui rettori forestieri...."

³ The terms *denuncia/e*, *cedula/ae*, and *tamburagione/i* interchangeably here to refer to denunciations to the Executor's court.

⁴ See Daniel Lord Smail's comments on Marseillais witness testimony in "Witness programs in medieval Marseille," in Goodich, Michael, ed. *Voices from the bench* (London, 2006), 229.

carried out. The *denuncie* distill the complex social reality of Florentine Tuscany into two groupings: the *popolo* and its oppressors, primarily the magnates but, at times, corrupt Florentine officials. As previous scholars have noted, magnates themselves could use the denunciation system, yet they had to do so while rhetorically inhabiting the persona of the *menopossenti*.⁵ This judicial maneuvering had analogues outside of the Executor's court. Christiane Klapisch-Zuber has explicated the process by which magnate lineages, or sub-sections of these lineages, consciously appealed to and manipulated the *popolo*'s rhetoric in their "return to the city".⁶ I argue that rural Tuscans possessed formal equality of opportunity when dealing with the Executor's court, due to the anonymity of the denunciations. Anyone with the requisite legal literacy could attempt to manipulate the judicial machinery of the Executor's court.

Yet equality before the law did not guarantee equality of outcome. Although any Florentine could initiate a case with the Executor, the outcome depended on a variety of factors. Activating the machinery of Florentine public justice was a high-stakes gamble in a three-way exchange between the Florentine courts, rural communities, and the magnates. The uniformity of the denunciations' content and rhetorical structure indicates the practical use of the *popolo*'s ideology, and the variety of ways it could be deployed, across several decades of judicial activity.

Judicial acts from the Executor's court survive from 1343, thirty-six years after the court's establishment. By then, rural Tuscans had a sophisticated understanding of the court and how it worked. The patchwork survival of the Executor's records hinders my

⁵ For denunciations most likely written by magnates, see Christiane Klapisch-Zuber, *Retour à la cité: Les magnates de Florence, 1340-1440* (Paris, 2006) [hereafter "Klapisch-Zuber, *Retour*"], 111.

⁶ See, for this process of reintegration, Klapisch-Zuber, *Retour*, 285-305.

ability to definitively state how rural Tuscans learned about the mechanics of the Executor's court, and whether this may have had an impact on the rate of complaints from the *contado* vis-à-vis those from the city of Florence.⁷ Nor is it possible to reconstruct in any coherent manner possible changes in judicial procedure or the activities of the Executor between the court's establishment and the mid-1340s.⁸ Treasury records do not survive continuously until 1342, and it is thus also impossible to establish rates at which magnates paid fines until the mid-1340s.⁹ It is possible, however, to reconstruct how the court was supposed to act from the relevant rubrics of the Statutes of the Podestà and Capitano del Popolo of 1322-25.¹⁰

It is also difficult to reconstruct how Florentines learned about the court's procedure. My sources for this issue are once again the statutes and the Executor's *atti*. Despite the necessity of a fairly sophisticated, legal literacy for initiating inquests with the Executor, oral reportage was central to this process. This oral dimension was crucial to the workings of the Executor's court, even when legal rights, responsibilities, and procedure presumed literacy on the part of Tuscans, or at least familiarity with the textual culture of the courts.¹¹ This dissemination was carried out by officials of the Executor's messengers

⁷ See Claudia Caduff, "Magnati e popolani nel contado fiorentino: dinamiche sociali e rapporti di potere nel Trecento," *Rivista di storia dell'agricoltura* 33:2 (December, 1993) [hereafter "Caduff, 'Magnati'"], 16, for this trend.

⁸ The Executor's court is, however, occasionally mentioned in scattered references from narrative works: see, for example, Klapisch-Zuber's discussion of Simone Della Tosa's *Annali fiorentini* in *Ritorno*, 102.

⁹ The first register in the series ASF.Camera del Comune, *Uscite* series, is from 1334; registers 2-4 date to 1342-44.

¹⁰ There are scattered references to the Executor in notarial registers from the 1320s and 1330s, but these are so fragmentary as to prohibit a reconstruction of wider patterns in office-holders' behavior.

¹¹ The best introductions to medieval literacy remain M.T. Clanchy, *From memory to written record: England, 1066-1307*, 2nd ed. (Oxford, 1992) and Brian Stock,

(*berovarii*) but also by Florentines themselves, through public knowledge (*publica fama*).

Knowledge of what to say in court and how to say it, like knowledge of property rights, was established in part by talking in public.¹²

A basic methodological question faces historians working with medieval court records: how closely did the courts' and notaries' Latin approximate to the *volgare* of witnesses, defendants, and the world outside the courtroom?¹³ Many of the initial denunciations to the Executor are written in a rough Tuscan and the Executor's notaries did not re-arrange the structure or syntax of these denunciations when copying them into their registers. One consequence of this is the temptation to assume that these denunciations bring the reader closer to the fourteenth-century authors than otherwise possible, as if their lack of Latinity somehow guarantees their status as an organic expression of a certain *mentalité*.¹⁴ This is true in one way: to the extent that the denunciations' authors appealed to a shared ideology, the *cedulae* indeed expressed the ideology originating with the popular regimes of the 1280s-90s, and enshrined in the Ordinances of Justice. My analysis of the denunciations as a genre draws on a sampling

The implications of literacy: written language and models of interpretation in the eleventh and twelfth centuries (Princeton, 1987).

¹² Chris Wickham, "Fama and the law in twelfth-century Tuscany," in *Fama: the politics of talk and reputation in medieval Europe*, eds. Thelma Fenster and Daniel Lord Smail (Ithaca, 2003) 20.

¹³ There is a substantial body of work on this question for late-medieval Languedoc and accused heretics' testimony before ecclesiastical inquisitions. See in particular Leonard E. Boyle, O.P., "Montaillou revisited: *Mentalité* and methodology", in *Pathways to medieval peasants*, ed. Rodney J. Raftis, Papers in Medieval Studies 21 (Toronto, 1981), 119-20, and John H. Arnold, "'A man takes an ox by the horn and a peasant by the tongue': Literacy, orality and inquisition in medieval Languedoc," in *Literacy and learning in medieval England and abroad*, ed. S. Rees-Jones (Turnhout, 2003): 31-47.

¹⁴ John Arnold, *Inquisition and power. Catharism and the confessing subject in medieval Languedoc* (University Park, PA., 2001), addresses these issues in a Languedocian context.

of *tamburagioni* from 1343-1368. They are selected for the amount of information they provide on the verbal exchanges and physical contexts of magnate crimes, but are in other ways representative of the structure and content of denunciations. I provide brief context for each denunciation before analyzing its rhetoric and structure, and how it compares to other *tamburagioni*.

The Executor's Court: Origins and Information-gathering

During the thirteenth century, the Florentines had established a series of popular offices, beginning with the Capitano del Popolo (1250) and the Standardbearer of Justice (1293), in an ongoing attempt to separate the commune's officials from the faction-ridden society surrounding and producing them. This process arose from the struggles over the commune's institutions, which were, among other things, a resource for elite factions and patron-client networks.¹⁵ The tendency of socio-economic associations to fuse with the commune can be traced to the creation of the seven *rectores super capitibus artium*, who appear in a document from July 1193.¹⁶ The Executor was the last of these popular offices to be established. Florence's priors and the Standardbearer established the office of the Executor of the Ordinances of Justice on December 23, 1306, and the court began operation in 1307.¹⁷

¹⁵ On the the political crises leading to the creation of the office of Podestà, who had replaced the consuls by the 1210s, see Enrico Faini, *Firenze nell'età romanica (1000-1211)* (Florence, 2010), 341-59.

¹⁶ On this series of popular officials and their recruitment, see Andrea Zorzi, "I rettori di Firenze. Reclutamento, flussi, scambi (1193-1313)," in *I podestà dell'Italia comunale. Parte I*, ed. Jean-Claude Maire Vigueur (Rome, 2000), 453-594 in general and, for the Executor in particular, 481-82. Diacciati, *Popolani e magnati* (Spoleto, 2011), 6-17, discusses the earlier phases of this process; see Diacciati, 7, for the seven rectors.

¹⁷I cite here the ordinances on the Executor found in the Latin version of the 1295 Ordinances: ASF, *Statuti*.3, rubrics LXXXXVIII-CXI. These were redacted following the expulsion of the Duke of Athens in 1343: Zorzi & Diacciati, *La legislazione*, XXXI-

The office was intended to legitimate the commune's institutions by creating an impartial authority above and beyond the other organs of communal government.¹⁸ As Andrea Zorzi has observed, the Executor was envisioned as “the custodian of political orthodoxy, the political rector charged with the application of the Ordinances and the syndication of the other rectors.”¹⁹ The office was created as a mechanism to enforce the Ordinances of Justice, specifically to defend “impoverished and powerless persons from the oppression of the magnates and the *potenti*.”²⁰ The opening clauses of the rubrics reveal the inability of other popular officials to enforce the Ordinances, speaking of the *diversas tempestates guerrarum* engulfing the city.²¹ The civil war between Corso Donati's Black Guelfs and the Cerchi-led Whites had climaxed two years before the

XXXII. See Zorzi & Diacciati, 263-371, for the *volgare* version of the Ordinances, redacted and compiled at an unknown date. I use the *volgare* Ordinances when the Latin version is unclear. Lorenzo Valgimogli, introduction to *Elenchi nominativi degli Esecutori degli Ordinamenti di Giustizia in carica dal 1343 al 1435* (ASF, Indice dell'Inventario n. 31) (Florence, 2004) [hereafter “Valgimogli, *Elenchi Nominativi*”], 2, states that the court was established in 1307, based, I assume, on the fact that the court began operations in 1307; Klapisch-Zuber and Zorzi also give the founding date as 1307. I follow, however, the date given in the foundational statute: ASF, *Statuti del comune di Firenze* [hereafter “Statuti.[register number].[folio number]”, 3.30v, rubric LXXXXVIII: “In dei nomine Amen. Anno sue salutifere Incarnationis Millesimo Trecentesimo sexto, indictione quinta, die vigesimotertio, intrante mense Decembris.” Desiderio Cavalca, “Il ceto magnatizio a Firenze dopo gli ordinamenti di giustizia.” *Rivista di storia del diritto italiano* 40-41 (1967-68), 85-132, also dates the court's foundation to 1306.

¹⁸ On the earlier failures of the podesterial regime and the office of the Capitano del Popolo, see Zorzi, “La crisis del regime podestarile,” in *La trasformazione*, 25-56.

¹⁹ Zorzi, “I rettori,” 463: “il custode dell'ortodossia politica, il rettore politico incaricato dell'applicazione degli Ordinamenti di Giustizia e del sindacato degli altri rettori.”

²⁰ ASF, *Statuti*.3.32r: “Et iuret dictus Executor et dicta sua familia...observare et observari facere omnia ordinamenta iustitie et observare et manutenere in libertate populum florentinum et personas miserabiles et impotentes ab oppressionibus magnatum et potentum defendere.”

²¹ ASF, *Statuti*.3.31v: “Quoniam parum esset iura condere nisi essent magistratus qui ea tuerentur propter quorum defectum ordinamenta iustitie populi Florentie diu quasi languida iacuere ac in propter diversas tempestates guerrarum quas hactenus est passus populus florentinus.”

court's establishment, with the devastating fire of 1304, which burned large sections of the city.²² The creation of the Executor's office should be seen as a belated assertion of public power by the popular commune against the magnates, who had held the balance of power in the city since the turn of the century. Two years after the court was established, Corso Donati, "il Barone", would meet his end at the hands of the commune's Catalan mercenaries.²³ These two events, in 1306 and 1308, were two of the last incidents in what could be called the classic phase of the magnate-*popolo* struggle at Florence. After Donati's death, the sort of open conflict within the city between magnates and a united *popolo* which had characterized Florentine factional conflict since the twelfth century would only recur once more, in 1343, following the Duke of Athens Walter of Brienne's expulsion following his tenure as lord of the city.

The new rubrics, added to the final redaction of the 1295 Ordinances, placed numerous strictures on those elected as Executor. The ordinances stipulate that the Executor be a foreigner, a zealous Guelf, and a *vir plebeius*, "who according to the vulgar Florentine tongue is called a *popolaris*, not a *miles*."²⁴ The Executor was not to be selected from the same city as the current Podestà or Capitano del Popolo, and was not required to be Tuscan. He was banned from seeking or receiving gifts beyond his salary

²² For the last phase in the political struggles of the late Duecento and early Trecento, see G. Villani, *Cronica*, 8.39, and Compagni, 3.8-9. Compagni is, however, strangely silent on the creation of the office of the Executor. Cavalca, "Il ceto magnatizio," 124-28, provides a summary of the socio-political context for the court's foundation.

²³ For Corso's death, see Compagni, 3.21.

²⁴ ASF, *SCF.3.31v*: "unus probus et legalis vir plebeius qui secundum vulgari Florentiae dicitur popolaris non miles...."

“from the Florentine commune or any individual person, ecclesiastical or secular.”²⁵ Nor was he to associate in a familiar way with the other popular officials. He was specifically banned from eating or drinking anywhere except his lodgings, in the recently built Palazzo dei Priori.²⁶

Initially, the Executor was selected by a secret scrutiny of the priors and the standardbearers (*vexilliferi*) of the neighborhood militia companies. In 1336, the twelve good men (*duodecim boni homines*) were added to this selection committee.²⁷ The Executor’s staff, also foreign and usually from the same city as he, was to be composed of one judge, two notaries, and twenty policemen (*berrovarii*; It., *masnaderi*, *berrovieri*).²⁸ Perhaps as an attempt to isolate the official from the vicissitudes of urban strife, the Executor was to remain in the city when investigating a crime. If a crime did occur in the *contado*, he was to dispatch a judge, notary, and one of his messengers (*berrovarii*) to investigate.²⁹

²⁵ ASF, *SCF*.3.32r. The full clause is: “Et quod nichil ultra vel aliter aliqua ragione vel causa possit ipse vel aliquis de dicta sua familia a comuni florentine vel aliqua singulari persona ecclesiastica vel seculari petere percipere vel habere vel enseium autem donum recipere.”

²⁶ ASF, *SCF*.3.32r: “Et nullam familiaritatem habeat cum domino potestate capitani prioribus et vexillifero iustitie vel alio rectore comunis florentie... nec extra suum hospitium vel habitationem commedat vel bibat[,] ipse vel aliquis de sua familia in civitate burgis vel sub burgis Florentie.” See Marvin Trachtenberg, “Founding the Palazzo Vecchio in 1299: The Corso Donati paradox,” *Renaissance Quarterly* 52:4 (1999): 967-993, for a careful analysis of the building of the Palazzo dei Priori.

²⁷ Valgimogli in *Elenchi*, 2. See Najemy, *Corporatism*, 89-95, for the office of the twelve good men, and early Trecento electoral politics.

²⁸ ASF, *SCF*.3.31v: “habeat unum iudicem legistam duos notarios et viginti masnaderos seu berrovarios foreses....” For policing in the communes, see Sarah Rubin Blanshei, “Crime and law enforcement in medieval Bologna.” *Journal of Social History* 16 (1982): 121-38.

²⁹ ASF, *SCF*.3.rubrc. XXXXVIII.32v: “Et si contigerit debere fieri executionem in comitatu vel districtu florentine tunc dictus executor teneatur mictere iudicem suum et

The foundational rubrics of 1306 envisioned a situation in which the Executor, as his title indicates, simply carried out the decisions of the Capitano del Popolo and Podestà. These officials received denunciations and accusations, although the Executor was to be consulted in cases involving possible false denunciations.³⁰ The Ordinances of Justice obliged urban and rural *popolani* to report magnate crimes. Sons of the victims were to report the incident if over the age of fourteen; if they were legal minors, their guardians were to make denunciations for them.³¹ The report was to be made within three days of the crime if it happened in the city, and within ten days if in the *contado*. If the victim survived, he was to make a denunciation himself or be fined 50 *lire*, or *fiorini piccioli*.³²

How did Florentines learn of these requirements, and more broadly, the Florentine state's demands from its subjects? The problems here concern literacy and the diffusion of legal knowledge among rural Tuscans. Italy was a leader in medieval European literacy, as far back as the eighth century.³³ Scholars have demonstrated the precocious, widespread literacy of Florentines and their rural cousins, based primarily on evidence

unum de notariis eius et de masnaderiis eius quot voluerit ad locum in quo fieri debbit talis executio.”

³⁰ ASF, *SCF*.rubr.CI.33v: “Quod potestas et capitaneus teneantur recipere accusationes et denuntiationes contra magnates clam et palam et de modo et de forma procedendi in eisdem.”

³¹ *Ordinamenti* in Diacciati & Zorzi, *La legislazione*, 79: “Item provisum et ordinatum est quod in omnibus et singulis casibus quilibet offenderetur teneatur et debeat denunciare domino potestati...videlicet filius vel filii mortui seu occisi si maior vel maiores fuerint quattuordecim annis; vel si minores essent eorum tutores...”

³² *Ordinamenti*, in Diacciati & Zorzi, *La legislazione*, 79: “Et si viveret vulneratus vel offensus in persona, teneatur denunciare seu denunciari facere potestati iniuriam sibi factam...sub pena librarum quinquaginta f.p. eidem per dominum Potestatem auferenda et quotiens.”

³³ See Chris Wickham's numbers for the percentage of witnesses signing their own name for eighth and ninth-century charters: Wickham, *Early medieval Italy* (Ann Arbor, 1980), 125.

from the Catasto of 1427.³⁴ The most recent estimates have pegged the literacy rate for adult males in Trecento Florentine Tuscany at around 69.3%.³⁵ The number of literate adults was most likely higher, since this estimate consists primarily of male writers of the Catasto's, reports on their household goods (*portate*), and there is good evidence for widespread female literacy, at least among the urban elites. This literacy closely approximated to modern understandings of the term. Literate Florentines in 1427 were those who not only could read, but were capable of writing in Tuscan for the *portate* demanded by the *ufficiali del Catasto*.³⁶

The situation may have been analogous in the mid-fourteenth century. Based on a famous passage in Giovanni Villani's *Cronica*, Paul F. Grendler has estimated that Florence had a schooling rate of 67-83% in 1338.³⁷ Robert Black has convincingly argued for the rough veracity of Grendler's numbers; it appears that well above half the adult population of late medieval Florence was literate.³⁸ Literacy, in the sense of being able to read and write *volgare*, was the norm in late medieval Florence.³⁹ By pre-industrial standards, this was a hyper-literate society. England, precocious birthplace of

³⁴ For literacy in Florentine Tuscany, see, in general, Robert Black, *Education and society in florentine Tuscany, vol. I: Teachers, pupils and schools, c. 1250-1500* (Leiden, NL., 2007).

³⁵ Robert Black, "Literacy in Florence, 1427," in *Florence and beyond. Culture, society, and politics in renaissance Florence. Essays in honor of John M. Najemy*, eds. David S. Peterson and Daniel Bornstein, (Toronto, 2008), 206.

³⁶ On the establishment and nature of the Catasto, see David Herlihy and Christiane Klapisch-Zuber, *Les Toscans et leurs familles. Une étude du catasto florentin de 1427*, (Paris, 1978), 58-76.

³⁷ For this estimate, see Paul Grendler, *Schooling in renaissance Florence. Literacy and learning, 1300-1600* (Baltimore, 1989), 72.

³⁸ See Black, "Literacy," 206-09, for a discussion of the literacy rate in 1338 and 1427.

³⁹ See Armano Petrucci, "Reading and writing *volgare* in medieval Italy," in *Writers and readers in medieval Italy*, ed. & trans. Charles M. Radding (New Haven, 1995), 169-235, for vernacular literacy.

the Industrial Revolution, would not create a system for what Eric Hobsbawm called the mass production of elementary literacy until the early nineteenth century.⁴⁰ Again, it is much more difficult to ascertain literacy levels among rural Tuscans. Yet even non-literate rural people would have participated in literate culture-in part through complying (or ignoring) the demands for denunciation and testimony emanating from the city's court rooms.

Nevertheless, information was still officially disseminated by word of mouth during this period. The statutes of the Podestà for 1325 make provisions for publicizing information including decisions of the *Signoria* and the names of the banned, if not the statutes in their entirety.⁴¹ In this redaction of the statutes the town criers (*bannitori*) are directed to read out announcements in the accustomed places (*in locis consuetis*) of each urban *sesto*.⁴² The ambiguity of Florence's administrative and parochial organization is reflected in the wording. The rubric lists several different, partially overlapping, units of organization before clearly stating where the announcements were to take place.⁴³ The "accustomed places" are clearly defined: each *sesto* had churches or intersections

⁴⁰ Eric J. Hobsbawm, *The age of revolution, 1789-1848* (New York, 1962), 48.

⁴¹ *Statuti della repubblica fiorentina*, ed. Romolo Caggese, rev. ed., eds. Giuliano Pinto, Francesco Salvestrini, Andrea Zorzi, 2 vols. (Florence, 1999 [1921])[hereafter "*Statuti*, [volume #], [book number], [rubric number]], 2.I.rubr. XI, *de bannitoribus communis Florentie et eorum officio*.

⁴² See Stephen J. Milner, "'Fanno bandire, notificare, et expressamente comandare': Town criers and the information economy of renaissance Florence," in *I Tatti studies in the Italian renaissance* 16:1/2 (2013), 107-51, in general and 136-37 for the sites of the proclamations by the *bannitori*.

⁴³ *Statuti*.II.1.rubr. XI: "Et quod dicti bannitores teneantur mictere banna... in qualibet parocchia cuiuslibet canonice et populi et etiam in qualibet contrata et burgo minutatim sui sextus..." Halina Manikowska, "Accorr'uomo: il 'Popolo' nell'amministrazione della giustizia di Firenze durante il XIV secolo," 524-25, has noted the difficulties posed by the ambiguities of Florentine administrative organization. On Florentine urban administration, see also Herlihy & Klapisch-Zuber, *Les Toscans*, 119-24.

recognized as information hubs.⁴⁴ The “magnates’ priorate” of July-August 1343 simplified the city’s organization into *quartieri*, but presumably the announcement sites of which the statutes speak remained the same.⁴⁵ Stephen J. Milner has recently noted the persistence of certain places as information sites, drawing attention to the stipulation that the “accustomed sites” of rubric XI are explicitly those which were used by the *bannitori* “in the time of the Florentine *popolo* [that is, 1250-1260].”⁴⁶ This is another example of the centrality of the first popular regime in Florentine collective memory, mirroring Giovanni Villani’s celebration of the Primo Popolo.

How did this official information network operate? For the Trecento, the *bandi*-autograph copies of the announcements of the *bannitori*-that Stephen Milner has analyzed for the Quattrocento and early Cinquecento are lacking.⁴⁷ The *libri bannimentorum* of the Executor, however, largely substantiate the statutory evidence.⁴⁸ These registers contain *pro forma* inquests into the running of the commune’s prison, *le Stinche*, lists of officials deputed to posts in the *contado*, and occasional repetitions of

⁴⁴ *Statuti*.II.1.rubr.XI. The *sesti* are: “...in sextu Ultrarni in crucichio [sic] ecclesie Sancti Nyccholy, et in quadruvio ‘quatuor leonum’, et in trivio seu ex oppositio domorum de Rinucciis; et in sextu Santi Petri Scheradii in quadruvio vie Ghibelline, in quadruvio ad domum de Peruççiiis, et in platea Pontis Rubacontis; et in sextu Burgi in crucicchio fluminis Omnium Sanctorum; in sextu Santi Pranchatii ad crucicchium de Trinciavellis; in sextu Porte Domus extra portam veterem Sancti Laurentii et ad portam veterem Campi Corbolini; et in sextu Porte Sancti Petri in platea Sancti Ambroxii et in quadruvio domorum de Bastariis.”

⁴⁵ For the “magnates’ priorate” of 1343, see Najemy, *Corporatism*, 129-34.

⁴⁶ *Statuti*.II.1.rubr.XI: “in quibus soliti erant bannire tempore populi Florentie....” It is unclear whether this is a reference to the Primo Popolo 1250-60, or the Secondo Popolo of 1282-95.

⁴⁷ Milner, “‘Fanno,’” 115-22, for the *bandi* as a genre.

⁴⁸ Registers containing reports of the Executor’s *bannitori* are found under the *Offitia Extraordinaria* series of the Executor’s registers. This series contains syndications, general inquests, and *bannimenta*; the other series are the Acta Criminalia and the Acta Civilia.

some or all of the current statutes. A *liber bannimentorum* from Landuccio di ser Lando Bicci da Gubbio's semester as Executor (December 23 1346-19 July 1347) demonstrates the practice and some of the content of the announcements of the *bannitori*.⁴⁹ On December 24 1346, Landuccio ordered one of the commune's criers, Domenico di Pasquino, to go through the city and announce a series of general proscriptions. These were not specific violations of the law, but a public recitation of actionable offenses.⁵⁰ They included blaspheming God and the Virgin Mary, counterfeiting money, going about after nightfall, bearing arms, and-for the commune's officials-shaking down Florentines for bribes.⁵¹ This list assumes familiarity among the *bannitor*'s audience with the penalties stipulated in the Ordinances of Justice and the commune's statutes.⁵² Each criminal item in Domenico's list of announcements notes that the penalty "shall be done under the penalties contained in the selfsame statutes and ordinances."⁵³ The Executor's court assumed that Florentines would know what the penalty was for a given offense.

⁴⁹ See EOG.82.2v-6v for what follows. The register opens on 24 December 1346 and ends with material from 22 June 1347. I cite this register as a typical example; others include AdE 10, 31, 45, 60, and CdP 22. See *Elenchi*, 14-28, for a complete list of men holding the office of Executor for 1343-1435.

⁵⁰ EOG.82.2v. Dominico is described (in the dative) as a "publico preconique bannitori comunis Florentie."

⁵¹ See EOG.82.2v-5v for the items that Dominico was to announce.

⁵² The Ordinances in all their redactions constituted an autonomous body of law from the commune's statutes, until they were inserted into the new statutes of 1409: Diacciati & Zorzi, *La legislazione*, XXXII-XXXIII.

⁵³ EOG.82.5v: The full item is: "Item. Statuta et ordinamenta nuptiarum matrimoniorum iuramentorum sponsaliciarum comuniorum propterea feudorum et omnia alia que in ipsis statutis et ordinamentis vel aliquo ipsorum continentur particulariter et divisum et quod nullus contra predicta vel aliquod predictorum faciat sub penis in ipsis statutis et ordinamentis contentis."

What, then, of the countryside? The *contado* and *distretto* are absent from the rounds of the *bannitori* in general and from the deputation of the *bannitor* Domenico.⁵⁴ There is no mention in the statutes or the *libri bannimentorum* of localities outside the fourteenth-century wall circuit.⁵⁵ Yet the *tamburagioni* clearly and consistently appeal to the statutes and Ordinances of Justice when denouncing the crimes of the *potenti*: rural people thought of themselves as under Florentine jurisdiction, or at least the persona they assumed in denunciations did so. A typical element of denunciations to the Executor is the remark that the crime in question was “against the form of law, of the statutes, [and] of the ordinances of the commune.....”⁵⁶ Specific actions are also noted in passing as being against the Ordinances, in particular carrying offensive as well as defensive weapons. An undated *tamburagione* from 1345 denounces Gherardo di Jacopo degli Adimari for using offensive weapons “contra la forma deli ordini dela giustitia” when he robbed a collector of the commune’s indirect tax (*gabelle*), Jacopo di Corsino da Paginana.⁵⁷

⁵⁴ Domenico’s ambit is described thus (EOG.82.2r): “quod vadat et in locis publicis et consuetis per civitatem Florentie.” The next day, 25 December 1346, Domenico was directed to go though the “terras” (EOG.82.6r), but it is unclear whether this refers to a particular area, or the full ambit of the *contado*.

⁵⁵ *Statuti*. II. 1. rubr. XI speaks of the *contrata*. I read this as a unit of urban organization corresponding to the *parrochia*, following Manikowska, “‘Acorr’uomo”, 525. The statutes consistently use the phrases *comitatus* and *districtus* when referring to the area outside the city and subject to Florentine control, as do the *atti giudiziari*.

⁵⁶ The quote is from EOG.397.24r (24 May 1363), reporting the occupation of a monastery in the rural *pieve* of S. Godenzo a Piedi Alpini: “contra formam iuris statutorum et ordinamentum communis....”

⁵⁷ CdP.24.5r (undated, but sometime between February 1-11 1345): “Notificasi a voi che Gherardo Jacopi deli Aldimari [sic] grande di Firenze contra la forma deli ordini de la giustitia del popolo de Firenze armato con arme da offendare e da diffendare et con consorti sive compangni asali et manumise Jacopo Corsini da Pagniana Canina del comuno d’Empoli del contrata de Firenze popolano de Firenze del destreto de Firenze gabelliere dela gabelle....”

Judicial registers are a good source of information for how legal knowledge and the Florentine courts' operation reached rural people. The processual information following the initial denunciations indicates, however, that rural Tuscans most frequently dealt with these courts through the commune's messengers (*nuptii; bannitorii*) charged with citing witnesses for criminal inquests and then reading out sentences.⁵⁸ The Executor's registers demonstrate that the same procedure was followed in the countryside as in the city.⁵⁹ The Executor's judge would depute a *nuncio* to cite the witnesses and the messenger would then report back. The wording of these reports indicates that, following the statutes of the Podestà, he would deliver citations to a witness' house, at the local church, and in the neighborhood (*vicinatus*).⁶⁰ The same procedure was followed when carrying out the bann for contumacious witnesses. The Executor's judge would direct the *precor et bannitor* to read out the bann "before the palace of the Executor and in the other public and accustomed places," stating that the contumacious witnesses were banned and now subject to a fine of twenty-five *lire*.⁶¹

⁵⁸ The classical Latin *nuntius* is rendered as *nuptio* or *numptio* in the judicial registers.

⁵⁹ Manikowska, " 'Acorr'uomo' ", 526 ftnt. 7.

⁶⁰ EOG.122.3r, 28 July 1349: "Die XXVIII mense Julii: Relatio. Qui Andreas predictus yens et rediens retulit suprascriptis [the *testes*] et quemlibet ipsorum dombisu eorum solitis habitationis ecclesiis et vicinis et omnia et singula fecisse et dixisse prout continetur in suprascripto eius comissione."

⁶¹ EOG.122.3v, 28 July 1349: "Dictus iudex ut supra sedens comissit imposuit et mandavit Martino Lapi publico preconi et banditori dicti comunis presentti et audienti quat vadat et ante palatium habitationis ipsius executoris et in aliis locis publicis et consuetis et ibidem sono tubecte premissio exbanniat et in banno ponat de dicta civitate Florentie eius comictatu et districtu surascriptos testes et quemlibet eorum in libr Vigintiquinque f.p....."

Evidence for the rural dissemination of legal knowledge comes from inquests originating in the commune's parish-based policing system.⁶² In the later fourteenth century, the basic units of Florentine administration, the parishes (*pivieri* and *popoli*), gradually were replaced by broader units—the *gonfaloni*, in the city; the *podesterie* and *vicariati*, in the *contado* and *distretto*. Christiane Klapisch-Zuber and David Herlihy attributed the erosion in the countryside of these small-scale units of organization to the advent of the sharecropping (*mezzadria*) system.⁶³ The requirement of the *mezzadria* that tenants live on their landlord's farm “melted” the inhabited cores of the Florentine countryside's *popoli*.⁶⁴ Halina Manikowska and Andrea Zorzi have conclusively demonstrated that the *popoli* declined in importance as units of administration and policing in the *contado* during the late fourteenth and early fifteenth centuries.⁶⁵ Yet they remained the fundamental unit of reference for those using the Executor's court.⁶⁶ Particularly important in this context were the local officials of rural parishes (*pivieri*):

⁶² Andrea Zorzi, *L'amministrazione della giustizia penale nella Repubblica fiorentina: Aspetti e problemi* (Florence, 1988), is the best introduction to the Florentine judicial apparatus.

⁶³ Herlihy & Klapisch-Zuber, *Tuscans and their families*, 50.

⁶⁴ Herlihy & Klapisch-Zuber, *Tuscans and their families*, 50.

⁶⁵ Halina Manikowska, “Acorr'uomo”, 525: “Nel Trecento, in particolare nella seconda metà del secolo, la parrocchia-indicata nelle fonti con i termini di popolo, vicinanza, contrada-qual è elemento dell'organizzazione sociale, compare con minor frequenza nei documenti, cedendo il posto alla compagnia del popolo.” For the decline in denunciations from the rural *popoli* in the Quattrocento, see Zorzi, “Aspetti e problemi dell'amministrazione della giustizia penale nella Repubblica fiorentina,” *Archivio storico italiano* CXLV (1987), 428.

⁶⁶ The definitive guide to Florentine Tuscany's *popoli* and *pivieri* for this period are Paolo Pirillo's two volumes: *Forme e strutture del popolamento nel contado fiorentino: I/I***. *Gli insediamenti nell'organizzazione dei popoli (prima metà del XIV secolo)* (2 vols.: I, I**) and *II. Gli insediamenti fortificati (1280-1380)* (Florence: Leo S. Olschki, 2005) [hereafter “Pirillo, *Forme.I/I**/II*”].

the *cappellani*, *sindici*, and *rectores* of the parish churches.⁶⁷ The *cappellani* were elected by residents of the urban parish (*popolo*; *piviere*) they were charged with supervising. They were charged with a variety of tasks, many related to public hygiene and the cleanliness of public streets and *piazze*.⁶⁸ They also, however, were supposed to report “any evil deeds as committed in their *populi* or area,” and if they did not, they were to be fined 100 *florini piccioli*, at the discretion of the Podestà.⁶⁹ In the 1340s the *cappellani* were still acting as stipulated in the statutes, in one of the earliest intact registers of denunciations and accusations to the Podestà, from early 1343/44.⁷⁰ The Executor’s *atti* bear out the pattern that Manikowska has discerned for the second half of the fourteenth century: (urban) *cappellani* were little more than bearers of ill-tidings for the foreign rectors, reporting assaults and homicide.⁷¹ This underlines, however, the basic role that low-level officials, anchored in their communities, continued to play in the relationship between the Florentine state and Tuscan society even in the later communal period.

⁶⁷ *Statuti*.II.1.rubr.XV (47-48), for the election of the *cappellani*; *Statuti*.II.1.rubr.XXII (61-620) for the *sindici* and *rectores*. Cohn, “Crime,” 223-24, observed the relatively low status of the *cappellani*.

⁶⁸ *Statuti*.II.1.rubr. XVI (48): “Teneatur Potestas...facere iurare cappellanos omnes et singulos...ut habeat curam et sollicitudinem platearum et viarum civitatit, burgorum et suburborum que in suo populo sunt, ita quod stent semper de die et de nocte bene purgate de lapidibus et letamine....”

⁶⁹ *Statuti*.II.1.rubr.XVI: “Et teneatur quilibet cappellanus populorum civitatis, burgorum et suburborum civitatis Florentie denunciare domino Potestati...omnia maleficia quasi commissa in suis populis vel locis, a die quo commissa fuerint, dicendo nomina et prenomina malefactorum et unde sint, sub pena solidorum centum f.p., et plus et minus, ad voluntatem domini Potestatis, inspecta negotii qualitate.”

⁷⁰ *Atti del Podestà* [hereafter “AdP”], 33 (9 February-12 May 1344). AdP.16, a register of inquests for December 1343-June 1344 survives, but is so badly damaged that it is impossible to make a tally the number of cases originating with denunciations from the *cappellani* or *rectores*.

⁷¹ Manikowska, “‘Acorr’uomo”’, 541-42: “Gli statuti...facevano dei cappellani laici e dei rettori dei pivieri soprattutto degli informatori dell’amministrazione della giustizia.”

The rural *rectores* and *sindici* were elected annually for the *contado*, and charged with specific police functions.⁷² Like the urban *cappellani*, they were required to denounce crimes in their bailiwick, in particular violent crimes such as homicide and assault.⁷³ The Podestà's *liber inquisitionum* for 1343/44 for the *quartiere* of S. Giovanni contains sixty-three inquests: of these thirty-four were initiated by *cappellani*, mostly from the urban *pieve* of S. Lorenzo. Twenty-two originated with *rectores* or *syndici*. Six came from *ex officio* inquests initiated by the Podestà himself.⁷⁴ This corresponds to the general pattern Halina Manikowska has found for the earliest Florentine judicial acts for 1343-48: the *cappellani* were an important element in the juridical apparatus, even if functionally they were little more than reporters of crime.⁷⁵

The *rectores* were still in place in the 1360s, at least in the countryside, still tasked with denouncing magnates and *popolani* alike to Florence's public courts. Through a trick of the commune's surviving documentation, these officials are usually visible only when they themselves are being denounced for gross dereliction of duty. A denunciation to the Executor entered in the court's records on 4 February 1363 complains of a rector's failure to denounce an assault on a *popolano* of S. Silvestro Montaio, deep in

⁷² *Statuti*.II.1.rubr.XXII (62-63): "Rectores et syndici populorum, plebatuum et communium seu villarum comitatus Florentie et eorum officia durent per annum." See Laura de Angelis, "Il Valdarno," 68, for these officials' duties.

⁷³ *Statuti*.II.1.rubr.XXII (62-63): "Et dicti rectores, quilibet in suo populo, loco, communi vel universitate, teneantur denunciare omnia malleficia vel quasi commissa in suo populo, loco, communi vel universitate, infra quintam diem a die quo malleficium commissum fuerit...."

⁷⁴ AdP.33.

⁷⁵ Manikowska, " 'Acorr'uomo,'" 544: "Ancora negli anni Quaranta, prima della peste nera, I cappellani laici costituivano un elemento indispensabile dell'amministrazione della giustizia. In base ai documenti incompleti pervenuti per gli anni 1343 e 1344... possiamo attribuire loro il ruolo di informatori principali del tribunale per quanto concerne I rei di percosse e di ferimenti."

the Florentine Chianti.⁷⁶ Sometimes the *rectores* are accused of actively colluding with magnate criminals. Gino di Manetto dei Buondelmonti was denounced for the murder of Giovannino, a *popolano* from the *popolo* of San Paolo d’Ema, sometime in late August 1351.⁷⁷ The denunciation’s author claimed that Bartolo di Lugo, *rector* of the *popolo*, was corrupted by Gino, and given twelve gold florins in exchange for not denouncing the murder and covering it up. The denouncer cited the current priest (*presbiter*) of the *popolo*, Balduino, “who buried the said dead man,” for evidence concerning the crime.⁷⁸ The case was unproven (*non probatum*), since all those who appeared to testify (including the current priest) claimed to know nothing of Giovannino’s murder.⁷⁹ Nevertheless, it highlights the crucial role that rural *rectores* could play as mediators between the Florentine state and localities-or the obfuscation they were capable of. It seems reasonable to hypothesize that these *rectores*, when they chose to do their job, would have been the main transmitters of communal law, especially the Ordinances, to the residents of Florentine Tuscany. Florence’s messengers, the *nuptii*, most likely spread this knowledge as well, as they moved about the *contado* citing witnesses and demanding information regarding criminals. Originating as they usually did in the parishes they were responsible for, another reasonable hypothesis is that rural *cappellani* and *rectores*, along

⁷⁶ EOG.404.1r (4 February 1363): “Notum sit vobis [*sic*] domino executori quod Cennis olim Salvi populi Sancti Silvestri de Montaio rector dicti populi de anno presente et mense Agusti proximi parte cessavit denuptiare Gannuzzium Cole de populi qui anno et mense predictis vulneravit Johannes Chelis San Leonardi dicti populi....” Pirillo, *Forme I***.610, for the location of S. Silvestro Montaio.

⁷⁷ See EOG.157, 35r, for the initial denunciation. The denunciation is undated, but the process ran from the last day of August to the third of September. For the location of San Paolo, see Pirillo, *Forme.II*, 562.

⁷⁸ EOG.157, 35v: “Et ad vostram informationem predictorum placeat vobis mictere presbitero dicte ecclesie Sancti Pauli qui dictum mortuum seppeluit....”

⁷⁹ See EOG.157, 36v-37r, for testimony.

with parish priests, are likely candidates for authorship of many denunciations. They would have been ideally placed to aid rural people in denouncing crimes when they did not report them in person. Perhaps these officials resorted to anonymous denunciations themselves as an alternative to reporting them in their official capacity—as the case of Balduino the parish priest and Gino dei Buondelmonti shows, such rural officials were sometimes intimately tied to the magnates. This is a possibility I will pursue in future research.

The Ordinances stipulated that each *piviere* in the city and *contado* was to nominate *sindici*; urban *popoli* were to do so within fifteen days of the Ordinances' publication, while rural *pivieri* were given one month.⁸⁰ The *sindici* are envisioned as troubleshooters for the commune's popular officials within their *popoli*, acting “for the honor and grandeur and protection and good and peaceful state of the city and *contado* of Florence....”⁸¹ Expanding on the above-cited requirement that *popolani* denounce magnate crimes, the *sindici* were required to report crimes to Florence's popular officials. This consisted of coming to the aid of anyone injured by a magnate, counseling them, and ensuring that the offending party was punished. Failure to give all due aid to *popolani*

⁸⁰ *Ordinamenti*, rubr. LVII in Diacciati & Zorzi, *La legislazione*, 321: “...che tutti e ciascheduni [sic] popoli de la città di Firençe e tutti e ciascuno pivieri del contado e del distretto di Firençe sieno tenuti e debbiano fare e creare sindachi ydonei e sofficienti, infra quindici dì da la piuvicagione di questi coltai capitoli quelli de la cittade e infra uno mese quelgli del contado....”

⁸¹ *Ordinamenti*, rubr. LVII in Diacciati & Zorzi, *La legislazione*, 321: “Et prometta ciascuno sindacho, per lo suo populo de la cittade e piviere del contado, d'obedire a' comandamenti de' signori podest e capitano e defensore e de l'oficio de' signori priori e gonfaloniere di giustitia in tutte cose le quali ad onore e grandezza e difesione e buono e pacefico stato de la cittade e del contado di Firençe e di tutto il populo di Firençe....”

carried a penalty of 25 *lire* for urban *sindici* and 100 *soldi* for those in the *contado*.⁸² Rubric 60 of the statutes stipulates that these *sindici* should be drawn from the more esteemed and more powerful *popolani* of a parish, and that they had to receive their office from the Capitano del Popolo. Maddeningly, this rubric does not define how this upper rank of the *popolo* was defined; presumably public reputation played a major role in the process, and the underlying process of identifying social rank.⁸³

Claudia Caduff has noted the absence of these *sindici* from the judicial acts of 1345-46, and these officials do not appear in later registers of the Executor.⁸⁴ As described in the Ordinances, however, their duties were functionally indistinguishable from the *rectores*, and the three terms-*sindici*, *rectores*, *cappellani*-may have been cognates for the same officials and their duties. Along with the commune's messengers and tax officials, these men would have constituted the sum of many rural peoples' interactions with Florentine authority. the Executor.⁸⁵ The job description of these *sindici* makes them likely candidates for writing denunciations and coaching rural people seeking to initiate criminal proceedings against magnates: yet this process of authorship is usually impossible to identify in surviving documentation.

⁸² The stipulated duties and penalties are stated in *Ordinamenti*, rubr. LVIII, in Diacciati & Zorzi, *La legislazione*, 323, entitled "Che li sindachi de' popoli de' piovieri, dal popolare offeso o da altera persona, colgl'uomini del popolo overo piovriere i quali vorranno, sieno tenuti lui aiutare dinanzi a la podestà e capitano si che l'offeso rimanga e l'offenditore sia punito."

⁸³ *La legislazione antimagnatizia*, 324: "Ancora, che' detti sindachi de' popoli de la cittade e de' piovieri del contado siano e debbiano fatti per li popolari de' detti popoli e piovieri de' migliori e più potenti popolari di quello populo...e che cotali sindachi così creati sieno constretti di ricevere il sindacato del suo populo de la città overo del piovriere del contado per messer lo capitano e suoi iudici."

⁸⁴ Caduff, "Magnati," 27, fnt. 38.

⁸⁵ Caduff, "Magnati," 27, assumes that third parties normally assisted in crafting denunciations.

These denunciations, thousands of which survive in the Florentine archives, are an invaluable source for understanding how medieval non-elites interacted with the state.⁸⁶ They indicate the widespread rural diffusion of the second Florentine popular regime's ideology of *pax, iustitia* and *concordia* by the mid-fourteenth century. How did the *tamburo*-based denunciation system work in practice, and what do we gain through approaching the *tamburagioni* as a genre?⁸⁷ Some scholars have argued that the *Signoria* intended the system to function as a sort of passive listening post, allowing the state to expand its knowledge of its territory and subjects through a one-way stream of information.⁸⁸ Yet the denunciation system was open-ended, with *tamburagioni* written anonymously; some denouncers used this anonymity to complain about the failings of the Executor.⁸⁹ Because of this, the *tamburo* system provides historians with a remarkable source for how resentment of elite arrogance and the failures of the state could be transformed into a mechanism initiating state activity. A close reading of the denunciations reveals something of how Tuscans conceived of the Executor's duties.

⁸⁶ According to the Archivio di Stato di Firenze's website, 2283 registers and *filze* of the Executor's court survive in total for the period 1343-1435: http://www.archiviodistato.firenze.it/siasfi/cgi-bin/RSOLSearchSiasfi.pl?_op=getmainwindow&id=IFBA3736XX&_language=ita&_selectbycompilationdate=SI&_curwin=thirdwindow. It is almost impossible to estimate the total number of surviving denunciations given the fragmentary nature of the *atti* and the frequent repetition of denunciations for the same crime.

⁸⁷ For an art-historical discussion of the *tamburo* system, see Allie Terry-Fritsch, "Networks of urban secrecy: *Tamburi*, anonymous denunciations and the production of the gaze in fifteenth-century Florence," in *The visual culture of secrecy in early modern Europe*, eds. Timothy McCall et. al. (Kirkville, MO., 2013), 162-81 (hereafter "Terry-Fritsch, Networks").

⁸⁸ This seems to be Terry-Fritsch's main conclusion regarding the later uses of the *tamburo* system in "Networks," 178.

⁸⁹ See Caduff, "Magnati," 30-33, for a discussion of this.

I read the denunciations at one remove from the social context of their authors and main protagonists. This serves as the first part of a three-tiered approach to the complicated inquests found in the Florentine judicial registers. My analysis of the *denuncie* here as a textual world unto themselves is followed in chapter 4 by a discussion of the role judicial procedure played in disputes, in which I attempt to answer a question that Thomas Kuehn asked of another genre, *microstoria*: “How does the filter of legal rules and terms operate to transfix social realities and subtly restructure them?”⁹⁰ This in turn leads us back to the reality beyond the text, that is, rural Tuscany and its residents, which are my focus for the rest of the study.

The *tamburo* system was established in the Ordinances of 1293 and the final redaction of the Ordinances of 6 July 1295, as well as the 1322 statutes of the Capitano del Popolo. The Ordinances stipulated that there should be two boxes, one inside the Palazzo del Podestà (currently the Bargello), under the loggia that in the January 1293 edition of the Ordinances is noted as “recently built,” the other, in the Palazzo del Difensore.⁹¹ As several scholars have noted, this was initiated a major trend in the practice of justice at Florence, as elsewhere: the resort to anonymous denunciations for

⁹⁰ Kuehn, “Reading Microhistory: The example of Giovanni and Lusanna,” *The Journal of Modern History* 61:3 (1989), 515.

⁹¹ *Ordinamenti* in Diacciati & Zorzi, *La legislazione*, 29: “Et fiant duo tambura, quorum unum stet in palatio domini Potestatis sub loggia noviter facta; et aliud tamburum, in palatio domini defensoris, in loco publico et aperto; in quibus tamburis sit licitum cuilibet mittere cedulam continentem illos tales qui fecerunt contra predicta vel aliquod predictorum in presenti ordinamento contencorum. Et dominus Potestas et Defensor, et quilibet eorum, contra tales magnates dantes et recipientes, sive dari et recipi facientes, habeant liberum arbitrium investigandi et inquirendi predicta, et puniendi contra facientes ut dictum est. Et si alie cedule de aliis factis in dictis tamburis mitterentur, pro nichilo habeantur.” See *Statuti*. 1, liber quinto, rubr. LXVIII, for a restatement of the *tamburo* system. The Podestà’s quarters were moved to the Bargello in the fourteenth century.

prosecuting malefactors, which gradually replaced the parish-based system of accusations and in-person reportage.⁹² By the early fifteenth century, *tamburi* for various tribunals were in place in the political-religious core of the city. One was located near the Duomo, two in the Piazza della Signoria (one located somewhere in the Piazza, the other in the Loggia della Signoria), one near the grain market of Orsanmichele. The last one, that of the Executor, was located in the Palazzo del Podestà, today's Bargello.⁹³ Cursory notes in the *incipits* of individual inquests indicate that the Executor's *tamburo* was posted in a room on the lower level, probably in the interior courtyard, of the Executor's *palazzo*, near that of the Capitano del Popolo in the Bargello.⁹⁴

The *tamburo* system was functioning as the statutes envisioned it when the surviving judicial acts pick up in November 1343.⁹⁵ After 1349, there is a noticeable dropoff in the number of anonymous *tamburagioni* against magnates, as opposed to in-person accusations, denunciations against communal officials, and *pro forma* syndications of the priors and prison wardens.⁹⁶ Samuel Cohn has claimed that by the mid-Trecento, the court was no longer interested in policing noble crime.⁹⁷ This overstates the case.

⁹² On this process and what came before it, the best guide remains Zorzi, *L'amministrazione della giustizia penale nella Repubblica fiorentina: aspetti e problemi* (Florence, 1988). See also Klapisch-Zuber's discussion in *Ritorno*, 167-69.

⁹³ Terry-Fritsch, 163, provides a helpful map of the location of Quattrocento *tamburi*.

⁹⁴ Caduff, "Magnati," 23; EOG.157, 35r: "cassa tamburi, qua est in sala inferiore palatii residentie ipsius domini Executoris...." See also Valgimogli, *Elenchi Nominativi*, 3: "La sede dell'Executor si trovava nella parte posteriore del Palazzo dei Priori, a fianco di quella del Capitano del popolo...."

⁹⁵ Caduff, "Magnati," 25.

⁹⁶ I have not found a single *tamburagione* acted upon by the Executor for the period 1351-55 or 1360-64, but I do not have a satisfactory explanation for this.

⁹⁷ Cohn, Jr., "Criminality and the state in renaissance Florence, 1344-1466," *Journal of Social History* 14:2 (Winter, 1980), 212. Cohn also ignores the fact that cases

Denunciations ignored by the Executor could be lodged with the Podestà or Capitano del Popolo, and Cohn ignored the rash of *tamburagioni* that survive from the period 1343-49 and the 1360s.⁹⁸ The court's periodic silences regarding noble crime may also be a trick of documentation, for the *tamburo* system was suspended for cases against magnates at least twice in the later Trecento: from 1355-60, and from 1393-98.⁹⁹

The *tamburo* was opened once a week in the presence of the Executor, the Capitano del Popolo, and judges and notaries from each court.¹⁰⁰ The notaries copied the *tamburagioni* into registers, and the judge determined if there were sufficient grounds for an inquest. Very few autograph copies of *denuncie* survive.¹⁰¹ The Executor's court initially separated registers containing the denunciations and those containing the denunciations as well as their inquests, but these do not survive. The registers from the Capitano's court contain all denunciations for a given week, while those of the Executor only contain denunciations leading to an inquest.¹⁰²

frequently passed back and forth between the Executor, Podestà, and Capitano, a point remarked upon by Caduff ("Magnati," 26).

⁹⁸ EOG.119 and 122 (comprising together the period 16 January 1348/49-29 December 1349), for example, consist entirely of anonymous *tamburo* denunciations and related processual information. See AdE.124 for witness testimony for these cases.

⁹⁹ For the suspension of the *tamburo* system, see Gene A. Brucker, *Florentine politics and society, 1343-1378* (Princeton, 1962), 200; Caduff, "Magnati," 27; Klapisich-Zuber, *Ritorno*, 168-70, and her "Ruptures de parenté et changements d'indentité chez le magnats florentins du XIVE siècle," *Annales: E.S.C.* 43 (1988), 1234.

¹⁰⁰ CdP.24 (1 February-31 July 1345) is a typical example of the transcription style for the Capitano's registers, containing transcriptions of the *tamburagioni*, often undated and with no notes regarding the outcome of the denunciations.

¹⁰¹ Milner, "'Fanno'", 118, notes that no original *cedulae* have come to light for the 15th or early 16th centuries, either. There was probably no reason to preserve them once the information they contained had been copied into judicial registers.

¹⁰² Caduff, "Magnati," 25, ftnt. 30: "Fino a noi sono arrivati solo i libri delle tamburagioni del capitano del popolo. Dell'executore si hanno solo le cedole che furono oggetto di incheste."

I discuss judicial procedure and proof in the next chapter, in particular their role in shaping the actions of those in the Executor's court, as well as the nature of our documentation. Here, I would like to treat the *tamburagioni* as a narrative genre. The *tamburagioni* affirm and exemplify a particular view of the world. Each *cedula* inserts the crime it reports into this broader context, but individual *cedulae* take on rhetorical weight in the context the Executor's registers: one anecdote is followed by another. A 1345 denunciation cited by Caduff is, perhaps, the purest form of this sort of anecdote: Simone dei Tosinghi beat a *popolano* of Santa Maria and threatened the author of the *denuncia*. Since the village was afraid of Simone, the author entrusted himself to the Executor, demanding justice for the love of God.¹⁰³ This terse, 3-line denunciation can be seen as the basic model for how to write a *tamburagione*.¹⁰⁴

The denunciations I discuss are drawn from the *libri tamburagionum* and *libri inquisitionum* of the Capitano and Executor. Some precede the Black Death of 1348, while others lie on the other side of that divide. All report magnate crimes against *popolani*. They were selected for particularly vivid language and are longer than many other denunciations, but are characteristic in all other ways.

The central theme in these denunciations is the behavior of the magnates. Reading the *denuncie*, one is immediately struck by the disparity between the clear understanding of who and what this social category is, and the interminable debates among both

¹⁰³ CdP.24, 3r: "Sichome Simone di Baldo di Tosinghi tolle il suo a Cito Bonacorsi da Travaglia del popolo de Santa Maria e anche me menaccia dela persona pero me riducho a voi che mi faciate ragione pero chella villa ne paura si chio me racomando per l'amore de dio."

¹⁰⁴ Caduff, "Magnati," 26: "essa è pure un esempio di come anche scrivere una denuncia anonima possa a volte essere un'impresa ardua per chi non è abituato alla penna."

contemporary writers and modern historians over who exactly was a magnate, a member of the *grandi*, and the relation these two terms had with the quality of *nobilitas*.¹⁰⁵ This clarity is due, most obviously, to the fact that in addition to communal officials, only magnates could be denounced to the Executor via the *tamburo*. Denouncers were required to denote the lineage of the perpetrator and whether he was a magnate of the city or *contado*: magnates are magnates because they appear in the *cedulae*. Yet this working definition fails to capture the uncertainty that developed over the Trecento regarding the “magnateness” of certain families, in particular those of the *contado*.¹⁰⁶

It also ignores an important element in how denouncers describe the magnates, an element which leads this tangle of definitions beyond the ambit of the statutes and towards broader social, or at least textual, reality. In most denunciations to the Executor and Capitano del Popolo, magnates are also described as *grandi e possenti*, or from a house of *grandi et potenti*.¹⁰⁷ Whereas “magnate” was a legal definition, “*grande e possente*” linked this legal category to the social reality being denounced in the *cedulae*. The “greatness” of the magnates was a matter of power in its most physical and direct sense: *grandigia* or *superbia*.¹⁰⁸ Perhaps the best translation of *grande* would be “big shot” (*pezzo grosso*; *pezzo novante*). This was someone with social and economic clout

¹⁰⁵ See in particular the writings of Lapo da Castiglionchio, which Klapisch-Zuber uses to frame her analysis in “Nobles or Pariahs?”, 215, and *Retour*, 39-41.

¹⁰⁶ See Klapisch-Zuber, *Retour*, 41-42, for this uncertainty and various ways of defining rural nobles.

¹⁰⁷ See, for example, CdP.24, 8r, where Pietro di Giuta dei Monte Rinaldi is described as “grande et potente et de la casa grande et potente de Signori da Monte Rinaldi del contado di Fiorenze.”

¹⁰⁸ I echo here Klapisch-Zuber’s remarks in “Nobles or Pariahs?”, 222-23, and *Retour*, 99.

because of their family and connections, probably arrogant and ready to exercise their rights, or impositions, to the full, usually to the detriment of the *popolo*.¹⁰⁹

This hubris and arrogance was based in part on the strength in numbers of these lineages. Klapisch-Zuber has demonstrated the sheer size of many of these families in terms of the number of adult males, at least before the plague cycles of 1348 and 1363-64.¹¹⁰ This corresponds to the nature of magnate activity as depicted in the *denuncie*. Magnate crimes were often a family affair, with sons, brothers, cousins, and other family members accompanying the primary malefactor.¹¹¹ Caduff has shown that it was usually the same members of a lineage committing crimes against *popolani*. This indicates that a constituent element of *grandigia* lay, for some of the magnates, in abusing and tyrannizing *popolani*. Demonstrating one's power in public was a key part of the identity of these *grandi e possenti*. Behaving badly, through brigandage or assaults on *popolani* was simply what the powerful did, and had been doing for some time.¹¹² For the recalcitrant magnates of the 1340s, this *superbia* perhaps lacked the pejorative connotations evident in the *denuncie*, or rather it was their mirror image: a magnate's actions were honorable or reprehensible depending on the viewer.

¹⁰⁹ On debates regarding chivalry and true nobility in late medieval Italy, see Carol Lansing, *The Florentine Magnates* (Princeton, NJ, 1991), at 212-28, and, for Brunetto Latini's efforts at refashioning chivalry, Peter W. Sposato, "Reforming the Chivalric elite in thirteenth-century Florence: The evidence of Brunetto Latini's *IL Tesoretto*," *Viator* 46: 1 (2015), 203-27.

¹¹⁰ See Klapisch-Zuber, *Retour*, 464, table 3.1, for magnate males swearing oaths before the podestà. The Bardi were most numerous, with 138 adult males in the lineage in 1344.

¹¹¹ See Caduff's discussion of this in "Magnati," 53.

¹¹² See Chris Wickham, *Framing the early middle ages: Europe and the Mediterranean, 400-800* (Oxford, 2005), 177, and 570-73, for the late Roman comedy *Querolus* and aristocratic bad behavior in Gaul during Late Antiquity.

What was the nature of the “power” evoked in the epithet *potenti*? Klapisch-Zuber has demonstrated that, during the second half of the fourteenth century and into the 1420s, the wealth of most magnate families steadily declined.¹¹³ By the time Cosimo the Old returned to Florence to assume *de facto* control of the city in 1434, most magnate families were among the middle ranks of Florentines in terms of wealth, which in part explains the reabsorption into the *popolo* of most of the remaining magnates: they no longer presented a serious threat to the Florentine state.¹¹⁴ This was not yet the case for the main period under consideration in this chapter, however, circa 1340-1370. During this period, families such as the Bardi were among the wealthiest in the city.¹¹⁵ The epithet *potens* (pl. *potenti*, It. *possente/i*) was partially a matter of wealth.

Of equal importance was a predilection towards violence. This trait was of primary importance in the origins of the Ordinances of Justice and the category “magnate.”¹¹⁶ The Ordinances emphasized violence within the elite lineages, the sort of violence exemplified in the Cerchi-Donati vendetta that exploded into the civil war between Black and White Guelfs between 1301 and 1304.¹¹⁷ During the mid-fourteenth century, however, the emphasis is on magnate violence against *popolani*. This violence and

¹¹³ Klapisch-Zuber, *Retour*, 85-98, and the tables detailing fluctuations in magnate wealth as assessed in a variety of ways.

¹¹⁴ Klapisch-Zuber, *Retour*, 92: “Così, quelli ammessi nel Popolo nell’ottobre 1434 non risultano proprio più tra i ‘Potenti’ né per fortuna, né per numero: hanno raggiunto gli strati medi....”

¹¹⁵ See Klapisch-Zuber, *Ritorno*, 70, for Bardi purchases of lands which they subsequently used as bases to terrorize the countryside.

¹¹⁶ Klapisch-Zuber, *Retour*, 45-46 On magnate violence in the late Duecento, see, in general, Lansing, *Florentine Magnates*, 164-91; Zorzi, “Politica e giustizia a Firenze al tempo degli ordinamenti antimagnatizi,” in *Ordinamenti di giustizia fiorentini*, ed. Vanna Arrighi (Florence, 1995), 105-47.

¹¹⁷ On the Cerchi-Donati vendetta, see Zorzi, “La faida Cerchi-Donati,” in *La trasformazione di un quadro politico. Ricerche su politica e giustizia a Firenze dal comune allo Stato territoriale* (Florence, 2008), 95-120.

arrogance towards the *popolo* is another key element in outlining the *grandi et potenti* at the center of denunciations to the Executor.

The first denunciation under consideration is from 21 February 1345, and was lodged against Boccaccio di Messer Rinaldo dei Gherardini.¹¹⁸ If the denunciation against Simone dei Tosinghi exemplifies the *tamburagioni* as a minimal form of reportage, that against Boccaccio is exemplary insofar as it frames a specific crime within a world of fixed values and oppositions. Boccaccio was denounced for an attack in February 1345, in the village of Belvedere just southeast of Colle Valdelsa, on the border with the Senese.¹¹⁹ Boccaccio, accompanied by his followers (*fanti*), assaulted one Nuccio di Giovanni Arrighi with a lance, giving him several wounds in the face and body.¹²⁰ The wounds were serious enough that the denunciation's author believed Nuccio would die.

The denunciation begins with some impassioned invective and exhortation. These lines slot the crime into a wider explanatory framework, in lieu of any statement of why the crime occurred. The author initially appeals to the Executor not on formal legal grounds, but based on the economics of the court's position. He then excoriates the Gherardini in language that also, implicitly, blasts the Florentine courts:

“I come before you[,] who are supported by the Florentine *popolo*, mercy before God, give aid to the people so that there are not as many robberies as there are, all by the Gherardini, who have committed more homicides and evil deeds than all the houses of Florence, for God, aid us [in these affairs]....”¹²¹

¹¹⁸ The denunciation and procedural material are found on EOG.21, 82r-83v; the denunciation itself is 82r-82v.

¹¹⁹ The precise location of the attack is given (EOG.21, 82r) as “nella strada piunicha nella corte e distretto di Cholla di Valdelsa il luoco decto, Belvedere che dal l'erede di Nicolo Malavolti, a 2 il comune di Colle la quale fu di Misser Albizo di Tancredo, a 3 e 4 Messer Nicola di Francesci overo altri piveri confini.”

¹²⁰ EOG.21, 82r. See appendix one for my transcription of the denunciation.

¹²¹ EOG.21, 82r: “Dinanzi atte che si sostengno del popolo di Fiorenze misericordia per dio soccorrete i popolani che non siano quanti robari chome sono tucto

All of this precedes the section of the denunciation providing the formal criteria needed for an actionable *tamburagione*: the offending magnate's name, his family, the crime, and the place and year in which it was committed.¹²² These lines fit the specific crime being reported into a pre-existing, tripartite forcefield of obligations, hatreds, and character sketches, with the *popolo* as its fulcrum. On one hand is the Executor and, by implication, other popular officials, financed and sustained by the *popolo*. Yet they are not earning their keep, for Nuccio's murder is one among many past magnate crimes that the Executor has not punished. The denunciation's author casts this failure to discharge one's duty in moral terms, as he begs for divine mercy so that the Executor will aid and support the *popolani*. This *incipit* indicates how the author saw the Executor and his duties, or better, how *popolani* described his duties when writing denunciations. The Executor is portrayed here not as an impartial executor of the Ordinances of Justice, but as a sort of protecting shield of the *popolo* and individual *popolani*.

The primary threat to the *popolo* is, of course, the Gherardini and the magnates in general. The author of the denunciation placed the Gherardini at the forefront of magnate criminality, committing as they have "more murders and crimes" than all the other Florentine magnate lineages. His rhetorical claim seems to be borne out by the evidence. Claudia Caduff found that Colle Valdelsa, along with Panzano in Valdipesa and Montevarchi, formed a triangle in which concentrated a numerical majority of rural denunciations. The Gherardini, similarly, were one of the most-denounced families from

di per li Gherardini che anno facti piu micidi e malifici che tucte le case di Fiorenze, per dio, soccorrete a queste cose...."

¹²² See Caduff, "Magnati," 26, for these criteria.

the material Caduff studied, which is contemporaneous with this denunciation.¹²³ The specific description of the assault on Nuccio fits other portrayals of magnate violence: Boccaccio was accompanied by an armed retinue (*sua compagnia*), and the attack occurred on a rural public road (*strada piunicha*).

It is impossible to know whether the author of this denunciation was, in fact, one of the *popolani* whose misery they so eloquently describe; in any case, they did an excellent job of scripting themselves as such. Even if the denunciation was false, and there is no reason to think so, this category was the central one in the magnate-official-*popolano* relationship. Even if categories such as “magnate” and “popolo” were tactical constructs deployed in the struggles of the late thirteenth century, they corresponded to a social reality that was fundamental to those writing denunciations, and which changed along with Florentine society and political culture. Christiane Klapisch-Zuber has argued that these terms took on a dialectical meaning based on the balance of power between magnates and *popolani*. The ideological positioning of the magnates as always and eternally opposed to the *popolo* was made real and exemplified through denouncing and excoriating the magnates, even if this process ignored the ways in which magnate lineages or individual magnates could regain *popolano* status.¹²⁴ The two terms were a pair, with popular self-conceptions implicit in their definition of magnates.¹²⁵ In the

¹²³ Caduff, “Magnati,” 34. The other magnate families that were most frequently denounced also had residences or estates in this area: the da Monte Rinaldi, Ricasoli, da Grignano, Cavalcanti, Bardi, and Squarcialupi.

¹²⁴ For the process of reentering the *popolo*, see Klapisch-Zuber, *Retour*, 285-306.

¹²⁵ See Christiane Klapisch-Zuber, “Nobles or pariahs? The exclusion of Florentine magnates from the thirteenth to the fifteenth centuries,” *Comparative Studies in Society and History* 39:2 (1997), 216-17: “these words [“magnate” and “popolano”] are not pure substances: They take their meaning in a dialectical relationship of forces.... Because it is built around the idea not only of exclusion but also those of

denunciation against Boccaccio, fear and hatred of the magnates turns otherwise disparate rural Tuscans and Florentines into a coherent entity, the *popolo di Firenze*.

This tripartite relationship between court, *popolani*, and *magnati* is repeated and underlined in the conclusion of the denunciation. The denouncer implores the Executor: “May it please you, for God, to punish those who have always been enemies of the Florentine *popolo*, the Gherardini.”¹²⁶ The Executor is once again entreated to act as something more than a technical administrator of the law, to act as a righteous avenger of the *popolo*. This was also, perhaps, his Christian duty (“*misericordia per dio...per dio, per dio*”). The denunciation explains a basic social reality in ideological terms, demanding harsher action from the courts based on that ideological perception of reality.

The second denunciation, concerning events in the urban neighborhood of the Oltrarno, was lodged against the magnate brothers Sandro and Napoleone di Lipaccio dei Frescobaldi, in March 1347. According to the denunciation, in February of the same year, the two brothers assembled fifty henchmen in the family *palazzo* in piazza Frescobaldi, at the foot of the Ponte Santa Trinità over the Arno. In an ambiguous passage, the denunciation describes them as gathering stones and bricks and shooting a ballista at the night’s watch gathered in the piazza.¹²⁷ This, the author explains, they were doing in order to cause confusion and strife in the city, “in order to ruin the good, peaceful, and

distance and difference, the meaning of magnate could be constantly revised because that meaning followed from the idea that the *popolo* had of itself.”

¹²⁶ EOG.21, 82v: “Piaciavi per dio, per dio, punire i nimici stati sempre del *popolo di Firenze* che sono i Gerardini.”

¹²⁷ CdP.53, 6r: “...di nocte tempo gictarono di chasa loro più e più sassi e mactoni e saetarono uno quadrello con asta con penne de Ramo alle guardie del chomune di Firenze che guardavano in su la piazza dei dicti Freschobaldi.....” See the appendix for a full transcription of the denunciation.

tranquil *status* of the *popolo* and commune of Florence and of the Guelf Party....”¹²⁸ The Frescobaldi had received aid from the *signor* of Volterra, Ottaviano dei Belforti. The denunciation describes Ottaviano here as Sandro and Napoleone’s cousin (*loro cognato*), who had sent the Frescobaldi many archers, presumably also *Volterrani*.¹²⁹

Perhaps the denunciation’s author was consciously alluding to the events of 1340. Ottaviano dei Belforti made himself lord (*signor*) of Volterra that year. In Giovanni Villani’s chronicle, this was followed almost immediately at Florence with an attempted coup by the Bardi and Frescobaldi.¹³⁰ According to Villani, the Florentine magnates also mobilized their allies in the *contado* and beyond: along with the Conti Guidi and Alberti, the Belforti da Volterra were, according to Villani, among those who took part in the conspiracy.¹³¹ This was followed three years later by further strife between magnates and *popolani* in 1343, following the expulsion of the Duke of Athens, Gualtiere di Brienne.¹³² The denunciation’s description of Frescobaldi machinations in 1347 echoes that of Villani’s description of the events of 1343. The denouncer’s description (“questo fecciono per levare la terra a’romore”) matches that of Giovanni Villani when speaking

¹²⁸ CdP.53, 6v: “...per guastare il buono e paccificho e tranquillo stato del popolo e del comune di Fiorenze e di parte guelfa....”

¹²⁹ On Ottaviano’s seizure of power in Volterra and the subsequent fate of the Belforti, see the pieces by Lorenzo Fabbri and Claudia Tripodi in *Le signorie cittadine in Toscana*, ed. Andrea Zorzi (Rome, 2013), 231-52, and 253-72, respectively. Villani describes Ottaviano’s seizure of power at 12.116.

¹³⁰ G. Villani, *Cronica*, 118.

¹³¹ G. Villani, *Cronica*, 118.

¹³² For these events, see Villani, 12.118, and Amedeo de Vincentiis, “L’ultima signoria. Firenze, il duca d’Atene e la fine del consenso angioino” in *Le signorie cittadine in Toscana*, 83-120.

of how Florence expelled the Duke: “come la città di Firenze si levò a romore, e cacciò il duca d’Atene che n’era signore.”¹³³

The author also warns the Executor that the Frescobaldi intended to ruin the *Parte Guelfa*, which he equates with the commune itself, referring to a fundamental unit in the cultural and political makeup of the Florentine state. Following the vicious schism between the Black and White Guelfs, the Guelf Party gradually became a pillar of the oligarchical regime that dominated the city for most of the period 1308-1343.¹³⁴ As noted above, the Executor himself was required to be “zealous for the Guelf Party.” By the 1350s, the *Parte Guelfa* was able to disqualify its enemies from political office through a system of warnings against supposed Ghibellines, the *ammonizioni*.¹³⁵ When the Ordinances of Justice were incorporated into the commune’s statutes in 1409, the Ordinances’ new prologue boasted that they had been compiled “for the honor, triumph, and exaltation and strengthening of the sacrosanct, ever-victorious and unconquerable Guelf Party....”¹³⁶ In the twilight of the Florentine republic, the Guelf Party was synonymous with the commune itself. Emphasizing the threat the Frescobaldi allegedly posed to the commune and political orthodoxy, the denouncer was working within a

¹³³ Villani, 12.17.

¹³⁴ Vieri Mazzoni, *Accusare e proscrivere il nemico politico: Legislazione antighibellina e persecuzione giudiziaria a Firenze (1347-1378)* (Pisa, 2010), is a thorough analysis of the Guelf Party and its impact on Florentine politics during the Trecento. See Mazzoni, 103-05, for the first law of 1358 on *ammonizioni*.

¹³⁵ See Mazzoni, 103-05, for the first law of 1358 on *ammonizioni*. For the broader context of Florentine politics and society in the 1350s and ‘60s, see Brucker, *Florentine politics*, 336-51, for what Brucker aptly describes as “the Guelf terror”.

¹³⁶ The 1409 prologue is cited in Zorzi & Diacciati, *La legislazione*, XXXIII: “...ad honorem, triumphum et exaltationem et augmentum sacrosancte, victoriosissime, et inconvincibilis Parte Guelfe....” Zorzi and Diacciati’s discussion of the relationship between the Guelf Party and the magnates that follows is also valuable.

venerable associative field with a long history before it in Florentine politics, and with roots going back to the Primo Popolo of 1250-1260.

The most striking part of this screed against the Frescobaldi is, however, its conclusion, which is worth quoting at length. In some of the most vivid language I have found in the entire run of denunciations to the Executor and Capitano, the author shapes the events in piazza Frescobaldi into an existential threat to the commune. What sort of response did this require from the Executor?:

“I write the names [of the witnesses] below in this writing, because we entreat you that you may, from this crime and dangerous affair, do justice unto them and carry out a great vendetta, because they must not be pardoned for such evils, and this must not happen another time, and so that this city shall not be smashed and so that this *popolo* shall not perish and shall not be wrecked by the *grandi*.”¹³⁷

The ideology of the *popolo* reaches its logical extreme here. If the Executor and Capitano del Popolo exist to protect the *buono e pacifico e tranquillo stato del comune*, then justice must be done against its enemies. And this justice is nothing other than the vendetta. The denunciation’s author envisions the Executor not as a mediator or legal administrator, but as the sword of the *popolo*, closer to Felix Dzerzhinsky, founder of the Cheka, than Mompuccio dei Girolami. The spirit of Giano Della Bella and the radical wing of the popular party of the 1290s flickers through in this author’s prose as he demands that the crimes of the *grandi* not be forgiven (*tanti mali non si perdoni loro*).

Another case from 1347 indicates, if not how magnates saw the *popolo*, at least how popular discourse constructed elite perceptions of the *popolo*. Niccolo di Messer Stoldo

¹³⁷ CdP.53, 6v: “...i quali io scrivo di socto in questa scritta perche vi preghiamo che di questa rea e pericolosa chosa facciate grande giusstitia [sic] e vendetta di loro perche tante male no si perdoni loro e no sia un’altra volta. E che questa citade no si guasti e questo popolo non sia more e disfacto pe’grandi.”

dei Frescobaldi was denounced in March 1347 for beating up Michele di Piero degli Inghilberti in the town of Castelfiorentino in Valdelsa in December 1346.¹³⁸ Niccolo assaulted Michele in the *loggia* of Castelfiorentino's *castello*. He did so, according to the denunciation, to spite the Florentine *popolo*, declaring as he beat Michele, "These *popolari* are shit!"¹³⁹ The denunciation concludes with an appeal to the Executor to carry out his duties, "because [the] *popolari* of Florence have great hope in you."¹⁴⁰ Again, the statutes' vision of the nature of the Executor's office diverges sharply from how public opinion saw it. This is how the statutes define the duties of the Executor and this is how the people thought they were supposed to behave.

The same person most likely wrote another denunciation a few weeks later, against Lotto di Lapo di Gherarducci dei Buondelmonti, for another assault in Castelfiorentino.¹⁴¹ Lotto supposedly beat one Covero di Guidino, declaring like Niccolo dei Frescobaldi, "popolari di merda sono questi", and threatening to kill Covero.¹⁴² The denunciation opens by declaring that the *popolani* of Florence had the very greatest hope in him, arising from the name and reputation of the Executor's father.¹⁴³ The Executor for this semester was Landuccio di Ser Lando dei Bicchi da Gubbio; his father, Lando dei

¹³⁸ CdP.53, 14r.

¹³⁹ CdP.53, 14r: "E le predite chose fece in dispecto del popolo di Fiorenze dicendo che popolari di merda sono questi."

¹⁴⁰ CdP.53, 14r: "Piacciave di farne lo ufizio vostro iperoche popolari di Fiorenze anno grande isperanza in voi."

¹⁴¹ This argument is based on the identical vocabulary and syntax of the two denunciations: see the appendix for my transcriptions.

¹⁴² CdP.53, 20r: "...in dispecto del popolo di Fiorenze, dicendo che 'popolari di merda sono questi' e minacciandolo, 'io tutoro la persona.'" I read "tutoro" as a Tuscanized, future form of the Latin "tutare": <http://ducange.enc.sorbonne.fr/TUTARE>

¹⁴³ CdP.53, 20r: "Messer lo seguitore sopra gli ordini della Justitia nella cui Singnoria I popolani di Fiorenze anno grandissima speranza in voi per piu cosi et considerando il nome e fama del vostro padre..."

Bicchi, had served as *Bargello* of Florence in 1316.¹⁴⁴ This family of Guelf stalwarts furnished several more officials for the Florentine commune. Lando di Lando served as Podestà in 1374, and Lazzaro di Lando, this Lando's son, was Capitano del Popolo in 1395.¹⁴⁵

The denouncer does not explain the virtues of Lando, but places the two Bicchi in contrast to Landuccio's predecessors. He makes his appeal not only because of Lando's good reputation, but "because your [Landuccio's] two predecessors have ruined this, your office...." The denouncer goes on to implore the Executor to act so that the *popolani* shall not be "so harshly injured by the *grandi*."¹⁴⁶ This is remarkable evidence for social memory at work.¹⁴⁷ For whatever reason, the memory of Lando the virtuous *Bargello* remained among the people of Castelfiorentino 31 years after his term of office. This memory was deployed to favorably contrast Lando with his son Landuccio's two predecessors as Executor, Montano di Cecco da Pergola and Egidio di Gareggiato dei Mecchi da Perugia.¹⁴⁸ We again see the Executor's social base—those lodging the denunciations—envisioning, or perhaps demanding, a more active and aggressive role for the court than previous officials have played. Tuscans seem to have kept tabs on

¹⁴⁴ Oderigi Lucarelli, *Memorie e guida storica di Gubbio* (Città di Castello, 1888), 230. Lucarelli describes the Becchi as "appartennero alla fazione guelfa, e dal 1384 al 1391 furono tra i più fervidi patrioti eugibini che si opposero alla signoria del conte Antonio di Montefeltro."

¹⁴⁵ Lucarelli, *Memorie*, 230. The Bargello was another foreign official; the office gave its name to the eponymous building. For the duties of the Bargello, see the entry in *L'Enciclopedia Italiana* and TLIO: <http://tlio.ovl.cnr.it/TLIO/>.

¹⁴⁶ CdP.53, 20r: "due vostri predecesori anno guasto questo vostro offitio intendisi che per voi saraconti si e in tale modo che popolari di Fiorenze no siano cosi fortemente ingiuriati da grandi."

¹⁴⁷ For the idea of social memory, see Chris Wickham and James Fentress, *Social memory: New perspectives on the past* (Oxford, 1992).

¹⁴⁸ See *Elenchi Nominativi*, 14, for these officials.

individual rector's aggressiveness, or lack thereof, in pursuing and prosecuting magnate violence, and this knowledge could be woven into appeals to the Executor for stronger action.

As noted above, some scholars have perceived a lack of interest on the part of the Executor in initiating inquests into crimes reported in the *tamburo* in the post-plague years; others have gone so far as to claim that Tuscan communities had lost interest in policing crime.¹⁴⁹ It does seem to be the case that the number of *tamburagioni* leading to inquests decreases after 1348 relative to the surviving documentation from the pre-plague years (1343-48). While *pro forma* syndications occupied much of the court's time, the Executor did not abandon the business of hearing *tamburagioni* against magnates, and Tuscans certainly did not lose interest in denouncing the crimes of the *grandi*. When *tamburagione*-based inquests do appear in registers from the 1350s and 1360s, they are similar to those from the pre-plague years. Following the first ban on the use of the *tamburo* in magnate cases (1355-60), a trickle of anti-magnate *tamburagioni* begins again, although by the late 1370s, the notaries had replaced a full transcription of *denuncie* with summary notes of the magnates being denounced and the witnesses against them.¹⁵⁰

One of these was lodged against Messer Neri di messer Jacopo da Certaldo, one of the rural magnate lineages.¹⁵¹ The denunciation frames Neri's activities in the established genre of magnate violence against rural people. Sometime before November 20 1367, Neri, armed and on horseback, attacked Giovanni, called "Rubbish" (*vocatur*

¹⁴⁹ For a decline in the reportage of crime, see Manikowska, " 'Acurr'uomo,'" 546-49.

¹⁵⁰ See, for example, EOG.810, for June 1378, for this change in court documentation.

¹⁵¹ *Statuti*, II.290-92, for the 1322-25 list of magnate families, including the da Certaldo. See EOG.514, 20r-20v, for the denunciation against Neri.

ciarpa), whose father was a hired hand (*manovrare*) for the church of San Michele a Mogliana, near Montespertoli.¹⁵² Neri beat Giovanni several times with his sword and threw him to the ground. Neri then used his horse to crush or kick Giovanni, and beat him some more. This vicious assault crippled Giovanni, such that he could no longer work his plot of land (*podere*).¹⁵³ All of this was, the author noted, *publica voce e fama* in the *popolo* of Sant'Andrea di Montespertoli.¹⁵⁴

Like the outrages of the Gherardini, Frescobaldi, and Buondelmonti, the report of the crime embeds it within the categories of popular discourse. From the specific events, the author leads into a broader affirmation and appeal to the values and community embodied in the Ordinances of Justice. This appeal is also a demand for aggressive action on the part of the Executor. The author's exasperation underlines his (her?) appeals to the state's duties towards its subjects:

“All these injuries named above are against our statutes and most especially against the ordinances of justice, those ordinances which you have sworn [to uphold]....”¹⁵⁵

¹⁵² EOG.514, 24r: “Neri...a cavallo armato di tucte arme da offendare assalio a la casa i nela quale abita Giovanni chiamato Ciarpa...” My translation is based on the TLIO entry, citing Sacchetti's fourteenth-century *Rime*: <http://tlio.ovl.cnr.it/TLIO/>, entry for “ciarpa.” See Pirillo, *Forme.I*, 428, for the location of San Michele a Mogliana.

¹⁵³ EOG.514, 24r: “Al quale Giovanni il dicto Misser Neri si diede piu e piu colpi d'una spada senza spargimento di sangue, egittando el quale dicto Giovanni per terra, facendoli scalpitare al cavallo al quale scalpitatura fece spargimento di sangue e ancora diede el dicto Messer Neri al dicto Ciarpa piu e piu pugna per la faccia, evetando allo dicto Giovanni chiamato ciarpa che non dovesse piue lavorare il podere il quale il dicto Ciarpa lavora.” Giovanni is described as one of the church's *laboratores* and was presumably, like his father, a tenant farmer.

¹⁵⁴ EOG.514, 24r: “di questo malefitio comesso e piubicca voce e fama e maximamente i nel popolo di Sancto Andrea a Monte spertolo e i nel popolo di Sancto Michele a Mogliana.”

¹⁵⁵ EOG.514, 24r: “le quagle tucte ignurie di sopra nominate sonno contra li nostri statuti e maximamente contra l'ordini de la giustitia, i quali ordini voi avete giurati....”

While it is tempting to read this as a spontaneous outburst of exasperated rage, it is also a conscious appeal to the popular regime's self-image as protector of the people against the *superbia* of the *grandi*. And the Executor is, again, the enforcer of "our statutes" and the Ordinances which he had sworn to defend. Juridical discretion is entirely absent from this *denuncia*. Before listing the witnesses, the author entreats the Executor to act, again appealing to the venerable image of the *superbia dei grandi*: "you are obliged to rediscover this evil deed, committed by this messer Neri, *grande e possente*, so that he does not remain unpunished through [his] superior power."¹⁵⁶

The sense that the Executor not only was obliged to do his duty, but that his duty was properly defined by the *popolo*, not the commune's *Signoria*, appears again in the author's coda following his witness list. After noting that many of the witnesses were eyewitnesses for Neri's crimes, he again entreats the Executor. In the name of God, the Executor must prosecute the crime "so that the *grandi* do not kill and injure the men [of the *popolo*] as you see they do." If Neri is prosecuted, "there shall be great honor and praise for you [the Executor] and you will be esteemed by the *popolani* of this land of Florence."¹⁵⁷ The stakes here are not only justice for Giovanni, but the public opinion of the Executor and, by implication, the legitimacy of the Florentine courts. Authors of the *denuncie* fashioned the public image of the Executor into something far more proactive and ideologically pointed than the court's actions usually would bear out. The *denuncie*

¹⁵⁶ EOG.514, 24r: "voi debiate ritrovare questo malefitio comesso per questo Misser Neri grande e possente e che per magioranza non rimanga inpuntio ed a questo malefitio provare si sonno questi testimoni [the witnesses follow]." I read "magioranza" as meaning "superior power" or "power", based on the context.

¹⁵⁷ EOG.514, 24v: "Siche [sic][,] per dio ritrovate questo malefitio, siche i grandi huomini non occidano l'uomini e ignurino chome vedete che fanno e questo vi sia grande onore e lodo e donurato da popolani di questa terra di Firenze."

envision a partisan of the *popolani*, not the neutral administrator of law envisioned by the statutes founding the office of the Executor.

Conclusion

I have reviewed here the establishment of the court of the Executor, the official network mediating between state and subject, and the establishment of the *tamburo* system. Denunciations to the Executor demonstrate a familiarity with the Florentine popolo's ideology and rhetorical lexicon, which their authors used to structure accounts of magnate abuses against *popolani*. These denunciations were not spontaneous expressions of popular feeling towards the magnates. Rather, read collectively, they are appeals to the Executor for more aggressive action against the magnates, carefully couched in the language of popular solidarity and official obligation of Florentine popular discourse. In appealing to the Florentine *popolo*'s cohesion and unity against to the magnates, the vivid language of the denunciations in fact constitutes this unity: in reality, popular solidarity was as provisional and negotiable as the distinctions separating elements of the *popolo grasso* from the magnates. The *denuncie* are not simple reports of magnate-*popolo* relations, but rhetorical texts in which the *dramatis personae* have scripted roles. Like all good ideological instruments, the *denuncie* simplified and polarized the world into a basic and fundamental rupture: in this case, that between *magnati e popolani*.

This formal simplicity is, however, balanced by the sophisticated maneuvering for position evident in the same denunciations. The *denuncie* envision a more radical role for the Executor than that envisioned by the statutes. The statutes require the office to be held by a Guelf and *popolano*-fairly unremarkable qualifications, in the climate of the first

decade of the fourteenth century. Yet by the time documentation picks up in 1343, the social reality had changed significantly, with many magnate lineages reduced to poverty, while others had been stricken from the list of magnates.¹⁵⁸ The socio-political climate can partially explain the fierce rhetoric of the *denuncie* from the 1340s: the “magnates’ priorate” had just been deposed and a popular regime reinstated when the documentary trail begins. This does not, however, explain the survival of this ideologically charged rhetoric into the latter part of the century. At work here is the decoupling of ideology from social reality that Roman historian Henrik Mouritsen refers to in his study of the later Roman Republic’s political culture.¹⁵⁹

This decoupling emerges with startling clarity when one shifts from the denunciations to the results of *tamburagione*-based inquests. The general tendency, identified by all previous scholars of the Executor’s court, was for initial denunciations to result either in outright dismissal, or to fizzle out after perfunctory inquests that usually did not result in testimony against the magnates in question.¹⁶⁰ All the denunciations discussed above fit with this conclusion. The inquest against Boccaccio dei Gherardini was forwarded to the Podestà, but I have not found the case in the relevant *atti*: perhaps the case never went to trial, or Boccaccio settled with his victim out of court. The denunciations against the Frescobaldi brothers Sandro and Niccolo, Neri dei Frescobaldi, and Lapo dei Gherardini do not seem to have made it past the initial transcription into the Capitano’s registers, as

¹⁵⁸ For adjustments to the list of magnates during the early fourteenth century, see Klapisch-Zuber, *Retour*, 24-26.

¹⁵⁹ Mouritsen, *Plebs and politics in the late roman republic* (Cambridge, 2001), 15: “Ideologies are not mirrors of reality, but may-and often do-have a life of their own, independent of the political practices of the time.”

¹⁶⁰ On the dismissal of the majority of initial *denuncie*, see Caduff, “Magnati,” 26-27.

inquests for these do not appear in the Executor's *atti*. Giovanni, he of the horse-trampling, did not receive justice, either: all the witnesses cited against Neri da Certaldo claimed that they knew nothing.¹⁶¹

Another salient feature of these denunciations is the veil of silence surrounding motivation: both for the magnates committing a crime, and for whoever wrote the denunciation of this crime. As Caduff argued, all parties concerned would most likely have understood the context and motivation for the crimes, the writing of a denunciation, and, perhaps, who wrote the denunciations.¹⁶² Modern historians are, however, usually left grasping at hypotheses to resolve this problem. The issue of who wrote these denunciations, and why, is even more pressing given that medieval litigation at all stages, from an initial suit to peace pacts ending a piece of litigation, often was part of a pre-existing, extra-judicial continuum of events: this could include disputes or feuds, the origins of which are usually absent from the surviving records.¹⁶³ Likewise, the anonymity of the denunciations' authors usually makes it impossible to know what sectors of Tuscan society produced the most *tamburagioni*, and how these classes may have had different understandings of the role of the Executor and the other foreign *rettori*. More information on the authors of these denunciations would allow us to understand the social base of the Executor's court, those sections of Florentine society most inclined to use it. For these reasons, I turn now to an exception to all these

¹⁶¹ See EOG.514, 21r-21v, for witness testimony.

¹⁶² Caduff, "Magnati," 35.

¹⁶³ Shona Kelly Wray, "Instruments of concord: Making peace and settling disputes through a notary in the city and contado of Bologna," *Journal of Social History* 42:3, 2009, 747.

tendencies: the case of the rural notary Andrea di Ser Ugo and his prolonged dispute with the Pulci lineage.

Appendix 1: Transcriptions of Some Cases Discussed In-Text:

Archivio di Stato di Firenze, Atti dell'Esecutore degli Ordinamenti di Giustizia.21. 82r

Die XXI mensis Februariis

Hec est inquisitio que fit et fieri intenditur per predictos dominum Executorem et iudicis ex eorum et cuiusque ipsorum et curie officio vigore ordinamentum iustitie contra et adversus:

Bocchaccium domini Rinaldi de Gherardinis de Florentie mangnatem [sic] et potentem et de domo magnatum et potentum civitatis Florentie videlicet de domo de Gherardinis. In eo de eo et super eo quod fama publica precedente et clamosa insinuatione referente ad aures et notitiam ipsius domini Executoris iudicis et curie[,] fama pervenit auditu maxime per quadam reperta in tamburo quod residet pro comuni Florentie in palatio residentie ipsius domini Executoris cuiusquidem cedule tenor et talis est:

Dinazi atte che se sostengno del popolo di Fiorenze, misericordia per dio, soccorete i popolani che non siano quanti robari chome sono tucto di per li Gherardini che anno facti piu micidi et malifici che tucte le case di Fiorenze, per dio, soccorrete a queste cose sappiate singnore nostro che Bocchacio di Misser Rinaldo Gherardini grande e possente chon sua compagnia cio' e fu Angnolo di Misser Lapo da Cholle e altri fanti I nomi non so, il decto Bocchaccio assalio e manomese Nuccio di Giovanni Arrighi del popolo di San Quirico da Mortenana del contada di Fiorenze il quale Nuccio 'e popolano e al decto Nuccio si fe diede d'una lancia nel volto si che fece una grade fidita chon effuxione di sangue e dicichatrice anche gli

82v:

diche cholla decta lancia due fedite un'e nel fianco e una nella mano diricta del decto Duccio [sic] de quali fedite se crede chel decto Nuccio muoia. Elle decte chose forono del presente mese di Febraio anni mille CCC XLIII e fuorono nella strada piunicha nella corte e distrecto di Cholle di Valdelsa, il luoco decto Belvedere, che dal 1 l'erede di Nicolo Malavolti, a 2, il commune di Colle la quale fu di Misser Albizzo di Tancredo, a 3 e 4 Messer Nicola di Francesci overo altri piveri confini. Piacevi per dio, per dio, punire i nimici stati sempre del popolo di Fiorenze che sono i Gerardini.

T. [for "Testi"] Corsucio Benicase popolo di San Donato in n'Avena
Y Nicolaio Corssellini da Poibonizo overo della corte
Piero di Chello del contada di Fiorenze
Y Albizo Rigecti da Poiboinzi
Y Bernardo di Guccio da Siena qui moratur a Staggia

Jacopo Buosi di Piano di Francesco

Archivio di Stato di Firenze, Atti del Capitano del Popolo.53, 6r-6v:

Anni Miille CCCXLVII

Notificasi a voi messer la siquitore dil'ordinamenti dela giustitia si chome del mese di Febraio passato, Napolione Sandro fratelli e figliuoli che fuoreno di Lipaccio dela chasa de Freschobaldi grandi e posenti del dicto mese di nocte tenpo gictarono di chasa loro piu e piu sassi e mactoni e sactarono uno quadrello conasta con pene de ramo alle guardie del chomune di Fiorenze che guardavano in su la piazza dei dicti Freschobaldi e questo feccione per levare la terra arromere et

6v:

per guastare il buono e pacceficho e tranquillo stato del popolo e del comune di Fiorenze e di parte Guelfa e aveano in chasa in chasa [sic] loro da cinquanta fanti e aveano mandati lorro messi Actaviano signore di Volterra loro coginato e molte artire in chasa loro e tutte queste chose troverete di vero con testimonii di veduta e di udita i quali io scritto di socto in questa scritta perche vi preghiamo che di questa rea e pericolosa chosa facciate grande giusstitia e vendetta di loro perche tanti mali no si perdoni loro e no sia un'altra volta. E che questa citade no si guasti e questo popolo no sia more e diffacto pe'grandi

Testimonii sono questi d'udita e de veduta:

Tucti del popolo di San Jacopo Oltrarno:

Pagino Choveritii

Meo Vinatiere

Jacomo Brunepi

Arigho Barbieri

Lappino Piczichaiolo

Dominico Pianellaio

Salvino Tani Faisectaio

Micchele Spitale

Jacomo ligniaiolo

Berti du Messer Giovanni Freschobaldi

Piaccino, albergatore [nel] popolo San Friano [San Frediano]

Giovanni di Cante de Sisi, popolo di Sa'Michele a Quarantola

Piero

Del Chanicello

Filippo della lagia popolo de San Friano

Archivio di Stato di Firenze, Atti del Capitano del Popolo.53.14r:

Die Veneris XXIII Martii

Messer la seguitore sapiate chome Niccholo de Messer Stoldo di Freschobaldi e dela casa di grandi prese Niccholo di Piero Inghilberti da Castello Fiorentino per lo pecto et luy schosse piu volte e anche glie diede uno pungno nel volto chon sangue. E le predicte chose fece in dispecto del popolo di Fiorenze dicendo che “popolari di merda sono questi”. E le predicte cose fuoreno chomesse per lo dicto Nicolo nella persona del dicto Michele nella loggia del comune de castello Fiorentino posta nel dicto chasstello dal primo, via; dal secondo, la piazza; dal’rezo [sic; read as “terzo”] casso dell’ano presente et del mese de Dicembre proximo passato, piacciave di farne lo ufutio vostro in proprio che popolari di Fiorenze anno grande isperanza in voi.

Testimoni sono questi:

Tucti di Chastello Fiorentino:

Ser Sanna di Morie

Fiorino Buoni

Polito Dardonino

Jacopo di Ciecho Schyche

Domenicho di Fiorino

Benedicto di Lanzo

Giovanni di Varnuccio, chiamato “Morro”

Ser Donato di Quirino

Filippo di Jacopo

Mayestro Francischo di Nocea

Ser Symone Petri

Archivio di Stato di Firenze, Atti del Capitano del Popolo.53.20r:

Die Veneris XIII Aprilis

Messer la seguitore [sic] sopra gli ordini della Justitia nella cui Singnorìa I popolani di Fiorenze anno grandissima speranza in voi poer piu cosi considerando il nome e la fama del vostro padre et perche due vostri predecesori anno guasto questo vostro officio[,] intendosi che per voi sara conti[,] in tale modo che popolani di Fiorenze non siano cosi forzamente ingiuriati da’grandi[,] sapiate come Locto di Lapo di Gherarducci de’Bondalmonti [sic] de’grandi et sicome dela casa I grandi, irato animo, percosse piu e piu volte Covero Guidini da Castello Fiorentino cholle piungna dandogli nel viso con sangne [sic] et nel pecto et nel reni [sic] in dispecto del popolo di Fiorenze[,] dicendo che [“]popolari di merda sono questi[!”] e minacciandolo [“]Io tutoro la persona[“] E le predicte cose fuorono comese per lo decto Locto nella persona dell decto ~~eela di Michele cardini posta nel chasstello fiorentino dalato~~ Covero dell’ano ~~proximo~~ passato e del mese di Maggio proximo passato nella cella di Michele Cardini posta in Chastello Fiorentino[,] dallato a Borgo Nuovo questoro[,] sanno questo facto[,] i nomi dei quali sono questi:

Moncello di Lato Berti

Ser Jacobo [di] Ser Ricardi

Balito da Tinagnano [Tignano]

Petruccio[,] chiamato ‘Ciecho’ da Pissa [sic] il quale dimora in Castello Fiorentino

Daniello di Ser Ricovero
Petro Charducci
Giovanni Paganelli
Peruccio Lapi
Tingho Ghini
Jacomo[,] chiamato 'Campanella'
Maro di ~~Borgo~~ Vinuccio di Borgo da Lisi
Giovanni d'Alamanno
Gaddo di Canaffo
Giovanni di Ciecho Gherardi
Francischo di Tuccio Ruborni
Maestro Francischo di Nocta
Miechele [sic] di Nucciolino
Cenne di Gherino
Jacopa di Lato Minati
Filippo di Jacopo di
[20r and 20v are blank.]

Ch. 4: “To the damage and injury of the aforesaid. . .”: Judicial procedure and the dynamics of rural social conflict

Abstract: This chapter examines the mechanics of Florentine judicial procedure, how rural people used the Executor’s court, and how the court could turn on its users. The chapter poses three questions: How did judicial procedure shape the strategies of public justice’s users, and the record of these strategies? How did extra-judicial networks and social standing impact disputes in court? Answering these questions requires moving beyond the rhetoric and institutions of the Florentine popolo, and so the chapter draws extensively on notarial material to reconstruct the documented part of a prolonged (1342-1347) dispute between a rural notary and a magnate over land and social status in the Mugello, north of Florence. A sophisticated understanding of Florentine judicial procedure and mastery of the popular rhetoric did not ensure success in court: popular appeals to public justice. Based on a reconstruction of the dispute, the chapter argues that important aspect of popular justice during the fourteenth century was the unpredictability of outcome facing those who activated it: the procedural mechanisms of Florentine public justice could quickly turn on its users. Users also faced opprobrium from their communities for disrupting local social peace by pursuing disputes through the popular courts. These factors—rather than rural peoples’ apathy or active resistance to the Florentine state— explain the disengagement and indifference that previous scholars have ascribed to the Florentine *popolo* by the 1340s.

Introduction

This chapter examines Florentine judicial procedure and the operation of the inquisition *ex officio*.¹ Scrutinizing the *ex officio* trial procedure proceeds directly from chapter three. Whereas the previous chapter analyzed the initial stage of the procedure, denunciation, this chapter analyzes the procedure beyond this stage; chapter five analyzes patterns in witness testimony and communal solidarities when involved in inquisitorial proceedings against magnates. Three questions guide my discussion. How did judicial procedure affect the users of Florentine public justice? Users included those making denunciations, those defending themselves against denunciations, and witnesses cited in denunciations. How did the Florentine courts become involved in rural disputes? What were some possible results of cases that made it beyond the initial denunciation stage? And how did extra-judicial networks and social standing relate to strategies and behavior

¹ I use “*ex officio* trial” as shorthand for the inquisitorial *ex officio* procedure, for cases in which the Executor, Capitano, or Podestà initiated an inquest based on either accusations or denunciations.

in the Executor's court? In answering these questions, my methodology is based broadly on the processual model of legal anthropology. The anthropologist Max Gluckman and his students in the Manchester School first developed the processual model of the trial to analyze dispute settlement in sub-Saharan African societies.² Central to this approach is the assumption that trials are not stand-alone units to be analyzed in a vacuum. Rather, trials are one stage in relationships with histories that precede and follow the trial itself. Trials also may not end a dispute or conflict, which can continue after the judge's decision.

Since the late 1980s, medieval social and legal historians have drawn on this body of work with important results, in particular for understanding the political-judicial logic of the urban communes' public courts.³ This scholarship has modified an earlier, evolutionary and statist interpretation of judicial procedure. It has also changed

² For the processual model, see in particular: Max Gluckman, *Order and rebellion in tribal Africa* (London, 1963), and "Limitations of the case-method in the study of tribal law," *Law and Society Review* 7 (1973): 611-14; Sally Falk Moore, *Law as process: An anthropological approach* (London, 1978); and Simon Roberts, *Order and conflict: An introduction to legal anthropology* (New York, 1979).

³ See in particular: Chris Wickham, *Courts and conflict in twelfth-century Tuscany* (Oxford, 2003) [hereafter "Wickham, courts"]; Thomas J. Kuehn, *Law, family, and women: toward a legal anthropology of renaissance Italy* (Chicago, 1991); Sarah Rubin Blanshei, *Politics and justice in late medieval Bologna* (Leiden, 2010); Massimo Vallerani, *Medieval public justice*, trans. Sara Rubin Blanshei. Washington, D.C., 2012) and Andrea Zorzi, *L'amministrazione della giustizia penale nella repubblica fiorentina. Aspetti e problemi* (Florence, 1988) "Controle social, ordre public et répression judiciaire à Florence à l'époque communale: Eléments et problèmes." *Annales: E.S.C.* 45 (1991): 1169-88; "'Ius erat in armis': Faide e conflitti tra pratiche sociali e pratiche di governo," in *Origini dello Stato: Processi di formazione statale in Italia fra medioevo e età moderna*, ed. Giorgio Chittolini, et. al. (Bologna, 1994): 609-29, and "La cultura della vendetta nel conflitto politico in età comunale," in *Le storie e la memoria: In onore di Arnold Esch*, eds. R. Delle Donne & A. Zorzi (Florence: Florence UP, 2002), 135-65. James B. Given, *Inquisition and medieval society* (Ithaca, NY., 1997), at 169-190, applies convincingly deploys anthropological models of social stress and social strain for fourteenth-century Languedoc.

understandings of feud and disputing in medieval Italian judicial systems. Whereas earlier scholarship assumed that “archaic” practices such as feud and the vendetta were remnants of a stateless past and posed threats to sovereignty, such practices are now seen as integral parts of the communes’ judicial matrix.⁴

Legal historian Massimo Vallerani, working on trial-based inquisitions in Bologna and Perugia, has proposed two parallel paths of research on judicial procedure and urban society in medieval Italy.⁵ One traces litigants’ ability to use the trial: the tribunal’s accessibility, and litigants’ attempts to carry forward a trial once it was initiated.⁶ I pursue this line of inquiry in chapter five, addressing the rate of cases going beyond the initial stage and the behavior of witnesses in cases that did, through a study of case clusters from the period 1347-1350. In this chapter, I pursue Vallerani’s second research ambit: how the trial could be interfered with or distorted by what he calls “collateral acts”.⁷ These included negotiations between the opposing parties before and during the trial and out-of-court settlements, which the early communes’ judges were sworn to uphold.⁸

⁴ On this model, see the cogent remarks of Andrea Zorzi in “Le pratiche infragiudiziarie,” in *La trasformazione di un quadro politico. Ricerche su politica e giustizia a Firenze dal comune allo Stato territoriale* (Florence, 2008) [hereafter “Zorzi, *La trasformazione*”], 163-65. On feuding and vendetta, see Trevor Dean, “Marriage and mutilation. Vendetta in late medieval Italy” *Past & Present* 157 (1997): 3-36.

⁵ Vallerani, *Justice*, 32-34.

⁶ Vallerani, *Justice*, 32-33: “The first [research perspective] examines the diverse typologies of the use of the trial on the part of the litigants, meaning by ‘use’ the capacity of the litigants to carry forward and conclude a confrontation that, as far as it was regulated, was also costly and difficult.”

⁷ Vallerani, *Justice*, 34.

⁸ For public justice and procedural logic in the age of the consuls, see Vallerani, *Justice*, 18-21.

I focus on one dispute between a rural notary, ser Andrea, son of Ugo, and the kinsmen Bartolomeo di Lapo and Giovanni di Guelfo de' Pulci. Their relationship left an unusually long documentary trail in two parts, from 1342-44 and 1346-47. Records of the conflict's judicial portion survive in the form of three separate *ex officio* inquests by the Executor's judges, in 1343-44 and 1347. Documentation of the dispute originated with an inquest against Andrea for lodging a false denunciation, yet did not end there: this makes it possible to track how Andrea's legal strategy changed over time. Since the case eventually proceeded to the presentation of *intentiones* (items to be proven in the course of a trial),⁹ it is also possible to reconstruct how the Pulci family's legal representative (*procurator*) sought to undermine Andrea's case, and the weight of different forms of proof at this stage of the trial. The case illustrates a single conflictual relationship wending its way through Florentine public justice, from initial denunciation to the presentation of witnesses.

While other disputes of the same kind may exist and have yet to be identified in the popular courts' records, I have found none with the same contextual and textual depth, and chronological scope, as this. Thus, the following analysis is a detailed, but episodic, snapshot of how judicial procedure and disputing affected the parties involved, and their neighbors and family members.

The rural *popolo* in which the dispute played itself out, S. Maria and S. Niccolo di Latera, was a small combined parish in the Mugello, in the larger *piviere* of San Giovanni in Petroio. There is a good run of mid-Trecento documentation for Latera. The area produced numerous cases in the courts of the foreign rectors, and notarial documentation

⁹ For *intentiones* in the accusatory procedure, see Vallerani, *Justice*, 93-96.

(*Notarile Antecosimiano*) preserves scattered documents relating to land sales in Latera, and mentions of residents of the parish appearing as witnesses. A processual case study, informed by the work of Vallerani, Wickham, and Kuehn, is possible for this rural community in a way that is difficult, given the state of current research, for most settlements in the Florentine *contado*, especially in the mountainous hinterland north of the city. In future work, I intend to develop a more detailed study of Latera and its residents in conjunction with other rural parishes.

I begin with the development of the trial system in the Italian city-states, and the inquisitorial *ex officio* trial system as it functioned in Florence during the mid-fourteenth century. I then reconstruct the case of Andrea and the Pulci, following the conflict chronologically and procedurally. I focus in particular on the ideological aspects of the Executor's decision-making, the limits of the *ex officio* system, and the forms of proof both parties employed.

Judicial Procedure and the Inquisition ex officio

Compared to its neighbors Pisa and Lucca, Florence developed institutional forms of public justice relatively late, and also lagged behind precocious communes like Milan.¹⁰ There is no trace of public justice in the city between 1122, date of the last old-style public judicial assembly, the *placitum*, held by the Marquises of Tuscany, and 1172,

¹⁰ Wickham, *Courts*, 169. For the development of public judicial institutions at Milan, see Wickham, *Sleepwalking into a new world: The emergence of Italian city communes in the twelfth century* (Princeton, NJ., 2015), 21-37; for Pisa, see *Sleepwalking*, 67-118 and *Courts*, 110-34. For Lucca, see Wickham, *Courts*, 16-67. The basic descriptive survey of Florence's judicial system remains Davidsohn, *Storia di Firenze*, vol. 5, 479-639.

the first mention of a consular judicial official.¹¹ This does not imply an absence of justice and arbitration, however. The most recent scholar of the period, Enrico Faini, has rather characterized twelfth-century Florentine justice as hidden and ubiquitous, once one moves past the constitutional preoccupations of medieval Florence's first great institutional historian, Pietro Santini.¹² Forms of justice included hearings before judges and arbitration by respected men of the city.¹³

Scholars have significantly revised their view of the role of arbitration and the function of the peace accord (*pax; instrumentum pacis*) in medieval Italian justice.¹⁴ The Florentine case, as Faini has demonstrated, fits with Vallerani's argument for the relationship between private settlements and consular justice. Rather than public justice and private arbitration existing in opposition, the early consuls were open to settlement by arbitration.¹⁵ At Pistoia, similar in its twelfth-century developments to Florence, the consuls swore to uphold not only their own decisions but also any private agreements

¹¹ Faini, *Firenze*, 279. For the *placitum* in Tuscany, see Faini, *Firenze*, 280-91; see Wickham, "Justice in the kingdom of Italy in the eleventh century" in *La giustizia nell'alto medioevo (secoli IX-XI)*, (Spoleto: Centro di studi sull'alto medioevo, 1997), 179-250, for *placita* in the *Regnum Italicum* as a whole.

¹² Faini, *Firenze nell'età romanica (1000-1211): l'espansione urbana, lo sviluppo istituzionale, il rapporto con il territorio*. Biblioteca storica Toscana, 62 (Florence: Leo S. Olschki Editore, 2010) [hereafter "Faini, *Firenze*"], 297: "Siamo andati alla ricerca di una giustizia nascosta e, seguendo la traccia lasciata dai giurisperiti nella documentazione, l'abbiamo trovata un po' dovunque, senza fare troppa fatica." See also Faini's "Alle origini della memoria comunale," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 68 (2008): 61-81.

¹³ Faini, *Firenze*, 317.

¹⁴ See in particular Andrea Zorzi, "'Ius erat in armis': Faide e conflitti tra pratiche sociali e pratiche di governo," in *Origini dello Stato: Processi di formazione statale in Italia fra medioevo e età moderna*, ed. Giorgio Chittolini, et. al., 609-29, and his "'Le pratiche infragiudiziarie,'" in *La trasformazione*, 163-79; and Vallerani, "Peace accord and trial in the judicial system: The example of Perugia," 174-227.

¹⁵ Vallerani, *Justice*, 21-22.

made under the protection of the commune.¹⁶ This acceptance of arbitration was, indeed, a sign of the strength of the commune's political-technical personnel.¹⁷ For Florence, the paucity of early consular acts is balanced by evidence for development of a normative infrastructure for doing justice. An 1159 entry in the archbishop's *Bulletone* speaks of *ordinamenta* "made by the commune and people of Florence," an early mention of the commune.¹⁸ A *constitutum* is mentioned in an 1182 agreement with the rural commune of Pogna,¹⁹ and there are fragmentary references to Roman law from 1197.²⁰

The inquisition *ex officio* grew out of the ecclesiastical context of Innocent III's pontificate,²¹ and the Fourth Lateran Council (1215) is traditionally seen as a turning point in the adoption of the inquisition *ex officio* in Latin Christian Europe.²² The

¹⁶ Vallerani, *Justice*, 22, citing Natale Rauty's edition of the Pistoiese statutes. For the early commune at Pistoia, see David Herlihy, *Medieval and Renaissance Pistoia* (New Haven, 1967), 26-33.

¹⁷ Faini, *Firenze*, 318-19: "Come ha notato Massimo Vallerani, l'idea che l'arbitrato in sede cittadina costituisca un *vulnus* alla sovranità del Comune è sbagliata: al contrario è la capacità di permeare anche questi istituti meno formalizzati che dimostra la forza del personale politico e tecnico del Comune."

¹⁸ Faini, "Le tradizioni normative delle città toscane. Le origini (secoli XII-metà XIII)", *Archivio storico italiano* (2013): 438: "il regesto si riferisce a un documento del 1159 e parla di '*ordinamenta facta per comune et populum Florentie*', dizione improbabile a quell'altezza cronologica, soprattutto per la menzione del comune." For the purpose and provenance of the archbishop's *Bulletone* series, see George W. Dameron, *Episcopal Power and Florentine Society, 1000-1320* (Cambridge, MA., 1991), 16-21.

¹⁹ Faini, "Le tradizioni," 438.

²⁰ Wickham, *Courts*, 171.

²¹ See Vallerani, *Justice*, 35, for Innocent III's role in the development of the inquisition *ex officio*.

²² There is a large bibliography on the Council and its importance for the process. See in particular Richard M. Fisher, "IV Lateran's revolution in criminal procedure: The birth of *inquisitio*, the end of ordeals, and Innocent III's vision of ecclesiastical politics, in *Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler*, ed. Rosalio Iosepho card. Castillo Lara (Rome, 1992), 96-111; the council's proceedings are published in *Constitutiones concilii quarti Lateranensis una cum commentariis glossatorum*, ed. Antonio Garcia y Garcia, Monumenta iuris canonici, series A, Corpus Glossatorum, 2 (Vatican City, 1981).

Council's Canon VIII, in particular, was a major point of reference for later juridical commentators.²³ In an effort to maintain order within the Church, Innocent III was instrumental in devising the procedure as an alternative to accusations and episcopal inquests. These inquests had been proven ineffectual in rooting out suspected heretics in Languedoc and the Italian cities, and the inquisition *ex officio* became the standard procedure for ecclesiastical tribunals against heretics.²⁴

The development and spread of the inquisition *ex officio* was an important innovation in Latin Europe's judicial procedure. Despite the contemporaneous spread of Roman law, particularly in Italy, there was a shift in how crime was identified and punished.²⁵ According to the Roman-law *ordo*, without an accuser, there could be no trial, yet the absence of an initial accusation is what distinguishes the procedure *ex officio*.²⁶ The accuser's place was taken, rather, by *publica fama*.²⁷ *Publica fama* is a vexed concept in the history of late medieval law.²⁸ The important point to note here is

²³ Vallerani, *Justice*, 36.

²⁴ There is a large literature on the ecclesiastical inquisition and its use against heretics and other marginal groups. For the repression of heresy in the Italian towns, see Carol Lansing, *Power and purity: Cathar heresy in medieval Italy* (Oxford, 2001 [1998]), 135-51 and *Florentine magnates*, "Umiliana dei Cerchi and disaffection from the lineage," 109-24. For inquisitorial procedures in a wider European context, see R.I. Moore, *The formation of a persecuting society: Power and deviance in Western Europe, 950-1250* (Oxford, 2005 [1987]). For the ecclesiastical inquisition and inquisitorial culture, see Dyan Elliott, *Proving woman: Female spirituality and inquisitorial culture in the later Middle Ages* (Princeton, NJ., 2004), 119-79. For the operation of the early ecclesiastical inquisition in Languedoc, see Mark Gregory Pegg, *The corruption of angels: The great inquisition of 1245-1246* (Princeton and Oxford, 2001).

²⁵ These three modes consisted of accusation, denunciation, and notoriety: Vallerani, *Justice*, 37.

²⁶ Vallerani, *Justice*, 48.

²⁷ Vallerani, *Justice*, 36-38.

²⁸ On *fama*, see the pieces by Chris Wickham and Thomas Kuehn in the volume *Fama. The politics of talk and reputation in medieval Europe*, eds. Thelma Daniel Lord Smail (Ithaca, NY., 2005) [hereafter "*Fama*"], 15-26 and 27-46, respectively, and, for the

the substitution of an in-person accusation, written or oral, with an impersonal concept standing in for the wronged community. This was in fitting with the nominal purpose of the inquisition, to prevent crimes from going unpunished (*ne maleficia remaneant impunita*).²⁹ This formula became the justifying ideological principle of the inquisition *ex officio* when it was added to the theoretical armature of the communes' legal systems. There was a gap between the advent of the *ex officio* trial in the Italian civic courts (1220s-1230s) and Alberto Gandino's inclusion of it among communal trial models in his *Tractatus de Maleficiis* (1287-1301).³⁰ It is possible that the lack of an accuser and the break with classical Roman law explains this hesitation to normalize the inquisition in the normative infrastructure of the civic tribunals.

By the late thirteenth century, the inquisition *ex officio* procedure was widespread throughout the Italian peninsula.³¹ Yet the communes' institutional and statutory innovations were often *ad hoc* and did not clear away pre-existing arrangements: it is a question of sedimentary layers of legislation and normative procedures, not successive renovations of either. As Mario Ascheri has put it, "different communities continued with a statute that was in part obsolete, or not applied: almost through inertia, as if awaiting

concept's development in the high medieval jurists' writings, Francesco Migliorino, *Fama e infamia: Problemi della società medievale nel pensiero giuridico nei secoli XII e XIII* (Catania, 1985).

²⁹ On this formula and the ideology of penological public justice, see Vallerani, *Justice*, 65-69.

³⁰ Vallerani, *Justice*, 44; the standard edition of the *Tractatus* is Hermann U. Kantorowicz, *Albertus Gandinus und das Strafrecht der Scholastik*, vol. 2, *Die Theorie: Kritische Ausgabe des 'Tractatus de maleficiis' nebst textkritischer Einleitung* (Berlin, 1926).

³¹ The Angevins, however, abolished Frederick II's inquisition procedure (Vallerani, *Justice*, 43) and granted significant exceptions to the remit of royal justice, a process not (partially) reversed until the Aragonese period: Eleni Sakellariou, "Royal justice in the Aragonese kingdom of Naples: Theory and the realities of power," *Mediterranean Historical Review* 26:01, 31-50.

better times that often never came.”³² Even with the adoption of a harsher penal regime in the later Duecento, penalties meted out by the communes’ foreign rectors were frequently cancelled or attenuated.³³ Vallerani has argued that this improvisatory, malleable quality did not represent a weakness of the early *ius commune*, but rather constituted its logical basis; this recognition is important to keep in mind when considering criminal records.³⁴

The same applies to procedural models. A single, general procedure for inquisitions *ex officio* never existed; Gandino himself outlined three modes of *ex officio* justice.³⁵ The application of the inquisition varied from city to city, along with the responsible personnel. By the mid-fourteenth century, when Florentine judicial documentation picks up, most trials in the popular courts were initiated by denunciations. These came from anonymous Florentine subjects or from the local officials (*rectores*, *sindici*) discussed in chapter three. The commune’s town criers, *bannitori*, were deputed by the various foreign rectors to solicit reports of any crimes (*maleficia*) in their parishes (*populi*).

Some procedures could accompany, disrupt, or decide the inquisition *ex officio*. *Supplica*, petitions to a city’s *signor*, were not used in Florence because of the survival of the republican commune, although they became common elsewhere in Italy during the

³² Ascheri, *The laws of late medieval Italy (1000-1500): Foundations for a European legal system*, trans. Anabel Thomas and Sara Elin Roberts (Leiden, 2013), 306-07.

³³ On this thirteenth-century shift, see Vallerani, *Justice*, 67-69, and Andrea Zorzi, “Battaglie e giochi d’azzardo a Firenze nel tardo Medioevo: due pratiche tra disciplinamento e repressione,” in *Gioco e giustizia nell’Italia di Comune*, ed. Gherardo Ortalli (Rome and Treviso, 1993), 71-107.

³⁴ Vallerani, *Justice*, 72: “These provisions [for cancelling or attenuating a penalty, and of an exceptional nature] often assumed the authority of statutory rubrics, marking the structural nature of a compositional system that was based by necessity on a continuum of extemporaneous decisions.”

³⁵ Vallerani, *Justice*, 49.

fourteenth century.³⁶ Despite Gandino's strenuous efforts to represent the inquisition *ex officio* as superior to arbitration or the accusatory procedure, and his discomfort with private settlements, these continued as an important element in the judicial order in Bologna and elsewhere.³⁷ The standard form of the peace pact (*instrumentum pacis*) was devised by Gandino's elder contemporary, Rolandino de'Passaggeri.³⁸ As Shona Kelly Wray has demonstrated, Bologna's first "crypto-signor", Taddeo dei Pepoli, used peace agreements as a political tool in the early Trecento.³⁹ Semi-ritualized peacemaking, featuring a scripted reenactment of the original crime, also featured in Trecento Roman conflict settlement.⁴⁰

Peacemaking and arbitration continued to flourish in Florence, as well.

Chroniclers and historians have usually focused on elite practices of peacemaking and its ritual apparatus, and renowned occasions of peace-making such as the 1279 peace that Cardinal Latino imposed on the Florentine Guelfs and Ghibellines. Yet as Andrea Zorzi and Katherine L. Jansen have shown, feuding and instruments of peace (*pax*; *instrumentum pacis*; *charta pacis*, *laudum pro bono pacis*) were widespread among the

³⁶ See Vallerani, "The petition to the *Signore* and the power of mercy," in *Justice*, 306-48, for the early use of *supplica* at Bologna during the 1320s and 1330s. For the French monarchy's use of royal grace for the condemned, see Claude Gauvard, "*De grace especial*": *crime, état, et société à la fin du Moyen Age*, 2 vols. (Paris, 1991).

³⁷ See Vallerani, *Justice*, 51, for an insightful reading of Gandino's treatise in conversation with surviving archival material for his behavior when serving as judge in Bologna, in 1289.

³⁸ Rolandino de'Passaggeri, *Summa totius artis notariae Rolandini Rodulphini Bononiensies*, ed. Consiglio nazionale del notariato (Bologna: Forni, 1977).

³⁹ "Instruments of concord: Making peace and settling disputes through a notary in the city and contado of late medieval Bologna." *Journal of Social History* 42:3 (Spring 2009): 733-60; see pp. 737-45 for Taddeo's use of arbitration and peace-making.

⁴⁰ For Roman uses of peace-making and ritual, see James A. Palmer, "Piety and social distinction in late medieval Roman peacemaking." *Speculum* 89:4 (October 2014): 974-1004, which emphasizes the ritualized, pietistic nature of peace-making accords.

Florentine *popolo*, as well.⁴¹ Peace pacts and arbitration were not extraneous to Florentine public justice and its practices, but important components of these.⁴² The same is true for compromises over less sanguinary affairs than the vendetta. A notarial act from 1323 demonstrates the ongoing use of arbitrators, in this case concerning a debt that a notary, Ser Lippo Benincase, owed to Gino son of Messer Uberto dei Visdomini.⁴³ Rainerio di Villanuova, described as an *arbiter et arbitrator et amicus comuni*, ruled that Lippo was to pay Gino five hundred gold florins and be released from prison, after the initial stages of *compromissum* and *laudum* (the selection of arbitrators and the ruling of the arbitrator, respectively).⁴⁴

⁴¹ Zorzi, “ ‘Ius erat in armis’ ” and “Le pratiche infragiudiziarie”; Katherine L. Jansen, “*Pro bono pacis*. Crime and Dispute Resolution in Late Medieval Florence: the Evidence of Notarial Peace Contracts,” *Speculum* 88.2 (April 2013): 427-56, and “Florentine Peacemaking: the Oltrarno, 1287-1297,” in *Pope, Church and City: Essays in Honor of Brenda Bolton* (Leiden, 2004), 327-344.

⁴² Zorzi, “ ‘Ius erat in armis’ ” and “Le pratiche infragiudiziarie” in *La trasformazione*.

⁴³ The settlement and payment are recorded in the register of the notary Ser Rucco son of Giovanni *de Bondinaia*: Notarile Antecosimiano.18338: 2r-2v.

⁴⁴ NA.18338.2r: 2r: “Certum est quod dominus Raynerius de Villanuova olim arbiter et arbitrator et amicus comuni electus a superscriptiis, a Ghino olim dominum Uberti de Vicedominis ex una parte et a Ser Lippo Benincase notario ex alia parte. Ut de compromisso in dictum dominum Raynerium facto per dictas partes dicitur plenius contineri mano Ser Phylippi Jacobi de Villamagna [sic] laudaverit et arbitratus fuerit inter cetera quod dictus Ser Lippus daret et soluerit dicto Ghino Quingentos florenos aureos inde ad certum terminum prout de predictis laudo et alio in eo contenti continetur publicum instrumentum inde secundum manum Ser Phylippi Conticcini notarii sub dictis annis domini MCCCXXIII indictione septa die sexto mensis Ottubris.” The stipulation that Lippo be released from the Stinche is found in NA.18338.2v: “Insuper etiam dictus Ghinus dedit et concessit licentiam et perabolam micchi Ruccho notario infrascripto recipere pro superstitibus carcerum stincharum comunis Florentie relaxandi dictum Ser Lippum a dictis carceribus....”

One more element in normative Florentine trial practice is worth mentioning: the *consilium sapientis iudiciale*, consultation of a legal expert.⁴⁵ Either the judge or the parties could seek a *consilium iudiciale*; if the judge did so, the ruling of the *sapiens* was final.⁴⁶ The resort to *consilia* when made by one of the parties could also serve as a way to remove the case from the jurisdiction of the communes' foreign rectors, reflecting a broader trend in the late-medieval Italian cities towards curtailing the judge's discretion, as well as trial length.⁴⁷ The presence of a *sapiens* in the family could also, as Giuliano Milani has shown for late Duecento Bologna, function as a way for elite families otherwise banned from politics to exert influence in communal politics.⁴⁸

Inquisitorial procedure and disputing in the Fiorentino

Chapter two analyzed denunciations as a product of popular rhetoric with a wide diffusion among rural people; chapter five will scrutinize in detail how those cited as witnesses behaved in court, and offer some hypotheses to explain this behavior. Here the focus is on the stages of the judicial *iter* following the initial denunciation.

Reconstructing the sequences of a rural dispute and its successive judicial phases indicates the complexity of the popular courts' operation. After introducing the sources

⁴⁵ The standard work on the *consilium* is Guido Rossi, *Consilium sapientis iudiciale: Studi e ricerche per la storia del processo romano-canonico* (Milan: A. Giuffrè, 1958). Massimo Vallerani, "Consilia iudicialia. Sapienza giuridica e processo nelle città comunali italiane," *MEFR: Moyen-Age, Temps modernes* 123-1 (2011): 129-49, is a more recent analysis.

⁴⁶ See Thomas J. Kuehn, "The Renaissance *consilium* as justice," *Renaissance Quarterly* 59:4 (Winter 2006): 1058-88, at 1072.

⁴⁷ The standard reference for this process is now Blanshei, *Politics and justice*; for the widespread use of *supplica* at Bologna to initiate summary justice, see Vallerani, *Justice*, 306.

⁴⁸ Giuliano Milani, "Bologna's two exclusions and the power of law experts." 2002 <http://fermi.univr.it/RM/biblioteca/scaffale/m.htm#Giuliano%20Milani>.

used for reconstructing this dispute and the parties involved, I explore the local society that produced it, the rural parish of S. Maria di Latera.

The 1342-1347 feud between the rural notary ser Andrea and rural members of the magnate lineage of the Pulci demonstrates how the inquisition *ex officio*'s power could shape behavior. Yet it also illuminates the limitations of the very same procedure. Records of the dispute survive because the Executor's court reversed its interpretation of Andrea's initial denunciation, and was acting to correct this error: from there, the case took several strange twists and turns that can be traced with some detail through surviving notarial documentation and the Executor's acts. Simultaneously, in this case, the inquisitorial procedure did not circumscribe the dispute as a legal matter, and neutralize its destabilizing impact on Latera. This paradox is not a judgment on the "strength" or "weakness" of the procedure, still less a sort of evolutionary barometer determining the same qualities of the Florentine state. These limitations contributed to the strong disincentives for rural people to comply with the popular courts beyond initial denunciations, for reasons to be explored in the next chapter.

The dispute between the brothers Bartolomeo and Giovanni di Guelfo de'Pulci and a rural notary, Ser Andrea son of Ugo, is exceptionally well-attested in the Executor's registers. Andrea's own notarial registers do not survive, but he appears in a series of notarial *acta* from the period 1329-1349. It is possible to reconstruct Andrea's social network, as well as the dispute itself: who his associates were, and how he fit into Latera's social world. The fact that the Executor carried out three separate trials in this case, each with different outcomes, makes it possible to explore how the *ex officio* procedure operated in practice.

Some aspects of the case's documentation bear mention. Due to the hazards of documentary survival, the reconstruction of the dispute which follows is necessarily incomplete. The surviving documentation constitutes a series of snapshots, as the quarreling parties meandered in and out of the Florentine judicial system on the eve of the Black Death. Within these limits, the dispute's record is a remarkable source for understanding how and why rural people might utilize the commune's judicial system—the “real” motivations behind the denunciations' rhetoric of the common good —and how trials resonated within the communities whose problems they were supposed to solve.

The lawsuit Andrea initiated in the dispute's second stage is one of the longest continuous trial records surviving from the Executor's court: the surviving portion fills 15 *folii* in the court's *atti*. The record breaks off, however, before reaching the stage of witness testimony, and these witnesses do not appear in the relevant registers of testimony (*libri testium*). Nor is there a sentence from the Executor in this case, or from the other foreign-staffed courts. Thus, it is impossible to know the outcome of the trial. It is possible that the two parties reached an out-of-court settlement, the record of which either does not survive. No mention is made, however, of such a settlement in the *folii* concerning the lawsuit. It is also possible that the Executor dismissed the case at some point following the witnesses' testimony. Yet it is worth studying, again, for the amount of detail it provides concerning how parties framed their narratives, and the forms of proof they deployed. It also reveals the openness of the Executor's court to non-inquisitorial procedures, and the manner in which extended disputes were broken up into legally actionable segments.

A rural community and its inhabitants: Latera in the 1340s

What was the dispute's geographical and social context?⁴⁹ The notary Andrea was a native of the rural parish of S. Michele a Monte Cuccoli.⁵⁰ This rural parish (*popolo*) lies 37 kilometers north of Florence in the Mugello, nestled in the mountainous terrain that divides the narrow Val di Bisenzio from the main route between Bologna and Florence, the medieval *Via Bolognese*.⁵¹ This mountain hamlet, on the edge of the Florentine *contado*, produced scant documentation during the Trecento. This is probably because it was part of the signorial patrimony of the Conti Alberti da Mangona before the urban magnate and banking family of the Bardi purchased the *contea* of Mangona and Vernio from them in the 1330s, a development I discuss in the next chapter.⁵²

By 1343, when documentation for the dispute begins, Andrea and his brothers Piero and ser Guido, a fellow notary, were inhabitants of the fortified settlement

⁴⁹ For the physical landscape and toponyms of Latera and the upper Val di Sieve, I refer the reader to this study's map appendices.

⁵⁰ On the Mugello in the later Middle Ages, see George Dameron, "A world of its own: Economy, society, and religious life in the Tuscan Mugello at the time of Dante" in *Beyond Florence*, eds. Paula Findlen, et. al. (Stanford, 2003), 45-58.

⁵¹ See William R. Day, Jr., "The early development of the Florentine economy, c. 1100-1275", PhD diss., London School of Economics and Political Science, 2000) [hereafter "Day, 'Early economic development'"], 21-24, for maps of the medieval road and bridge network in the Fiorentino. Charles M. De La Roncière, *Firenze e le sue campagne nel Trecento. Mercanti, produzione, traffici*, trans. Isabella Chabot and Paolo Pirillo (Florence, 2005) [hereafter "La Roncière, *Firenze e le sue campagne*, [page #], ch. 3, "Le strade e la circolazione all'inizio del Trecento", is the best recent analysis of the commune's efforts to control the road network.

⁵² Paolo Pirillo, *Forme e strutture del popolamento nel contado fiorentino: I/I***. *Gli insediamenti nell'organizzazione dei populi (prima metà del XIV secolo)* (2 vols.: I, I**) and II. *Gli insediamenti fortificati (1280-1380)* (Florence: Leo S. Olschki, 2005) [hereafter "Pirillo, *Forme.I**/II*"], identifies three mentions of one of S. Michele a Montecuccoli's member *populi* for the entire fourteenth century.

(*castello*) of Latera, also in the Mugello.⁵³ The *castello* was 9 kilometers away from Monte Cuccoli, along another branch of the *Via Bolognese*.⁵⁴ The move from Monte Cuccoli to Latera brought Andrea and his brothers to the Val di Sieve, within walking distance of the larger settlement of Barberino di Mugello. Andrea would claim in the course of his 1340s litigation that he was a resident of the urban Florentine *quartiere* of S. Maria Novella, and hence was an urban *popolano*. Yet in most surviving documentation, he appears firmly rooted in the local society of the Mugello's upper Val di Sieve: his mother was a member of the venerable Magalotti lineage, and his future wife, domina Piera, was a member of the da Barberino, a locally-based lineage of rural magnates. Andrea's move from Monte Cuccoli to Latera may have been a result of a desire for local social mobility. Local rural society could, then, hold the attention of literate professionals such as Andrea and his family, then, in an example of how the Mugello was a world apart from Florence.⁵⁵

In the fourteenth century, Latera was part of the *piviere* of S. Giovanni in Petroio. Today it is a *frazione* of the commune of Barberino di Mugello, lying on the southwestern shore of the artificial Lago di Bilancino, built following the Arno flood of 1966.⁵⁶ The *castello*, the remains of which are still visible near S. Maria di Latera, overlooked the branch of the *Via Bolognese* passing through Barberino di Mugello. The settlement lies in the crook between the *castello*'s hill (1075 feet above sea level) and a

⁵³ On the differences between *castelli* and other types of fortified rural settlements, see Pirillo, *Forme.I*, 1-5.

⁵⁴ See Paolo Pirillo, *Forme e strutture del popolamento nel contado fiorentino II: Gli insediamenti fortificati (1280-1380)* (Florence: Leo S. Olschki, 2005) [hereafter "Pirillo, *Forme.II*"], 102-03, for the location of the *castello*, and map 5 for the topography of the area.

⁵⁵ Dameron, "Life in the Tuscan Mugello," 49.

⁵⁶ See 131-36, for the parish of S. Giovanni in Petroio and its constituent *populi*.

much steeper one, on the right bank of the river Sieve (today drowned by the Lago di Bilancino), near Cavallina.⁵⁷

This area of the Mugello, the upper Val di Sieve, was under the control of lords local and city-based from an early date. The future magnate lineages of the Cattani da Barberino and Lambardi held Latera in the eleventh and twelfth centuries for the Florentine bishops, in addition to the nearby *castello* of Barberino di Mugello.⁵⁸ Latera had a market by 1202, which was shifted to the *strada publica*, perhaps the modern *strada Latera*, in 1345, in order to catch more of the traffic heading to or from Florence through the Barberino di Mugello region.⁵⁹ This route, the *via Bolognese*, also made the area a flashpoint in the increasingly frequent wars between Florence and Visconti-led Milan.⁶⁰ Niccolò da Barberino, castellan of Barberino and Latera, handed the *castello* over to the Milanese army in August 1351, along with the neighboring *castelli* Villanova and Galliano.⁶¹

Most of the people and events discussed below were local to the Latera area. Andrea and his family on both sides were locals, while his enemies, the kinsmen Bartolomeo di Lapo and Giovanni di Guelfo de' Pulci, appear to have lived in Latera as well. The witnesses cited in the relevant registers of the Executor, and most of those mentioned in relevant notarial documentation, also were from Latera or other areas of the Val di Sieve. The disputed rural properties at the heart of the dispute also all lay in S.

⁵⁷ Repetti, 657.

⁵⁸ See Pirillo, *Forme.II: Insediamenti fortificati*, 52, for Barberino's *castello*.

⁵⁹ See La Roncière, *Firenze e le sue campagne*, 138-40, for the relevant documentation and Latera's location on the *via Bolognese*. See appendix map 5 for current street names in Latera, some of which echo medieval toponyms.

⁶⁰ La Roncière, *Firenze e le sue campagne*, 376-77.

⁶¹ Matteo Villani, *Cronica*, ed. Giuseppe Porta (Parma, 1995), 2 vols., at 12.2.189.

Maria or S. Niccolo di Latera. This was a local affair and those involved would likely have known the origins and motivations behind Andrea's actions and those of the Pulci. In what follows, I reconstruct the textually attested segments of the dispute and how judicial procedure shaped it. I would like to remind the reader, however, that the recorded part of the dispute is almost certainly not the whole story. Like the trials that the Executor convened to resolve the dispute, the dispute's documentation, and hence any reconstruction of it, were only part of a constellation of relationships, allegiances, vested interests, and tactics which predated this record.

Stage I: One denunciation, one inquest, and two convictions: 1343-44

The record of Andrea's dispute with members of the magnate lineage of the Pulci begins in the first register of the Executor's surviving *atti*, for the period 12 December 1343-25 April 1344. This register consists of inquests, commissions, summonses, and a miscellany of procedural notes.⁶² The Executor, Pauluccio di Lello dei Riguccii da Perugia, had been in office since 27 November 1343; the criminal *atti* for 27 November-12 December do not survive, along with most of the rest of the archive predating July-December 1343. This is because the commune's archive, the *Camera del Comune*, burned when the Florentines expelled Walter of Brienne, the city's "lord for life," earlier in 1343.⁶³

The *incipit* of each new case before the Executor demonstrates the process of abstraction and formalization that Massimo Vallerani ascribes to the *ordines iudicarii* of

⁶² EOG.1.1r: "Hec est liber sive quatenus in se continens inquisitiones comissiones relationes comparitiones fideiussiones exbannimenta citationes testium iuramenta testium publicationes testium et dicta eorum et alias varias multas et diversas scripturas...."

⁶³ Lorenzo Valgimogli in *Elenchi nominativi degli Esecutori degli Ordinamenti di Giustizia in cara del 1343-1435*, ed. Irene Fabii (Florence, 2004), 4.

the early communes' wise men (*sapientes*). One of the purposes of the trial procedure was to remove a conflict or crime from its potentially explosive context, and recraft it as a legal claim.⁶⁴ The Executor's trials usually originated through written, anonymous denunciations (*cedulae* or *tamburagioni*), but also from the report of the commune's local officials. This action was then inscribed into the procedural formulae of the Executor's court. Typically, the *inquisitio* was noted simply as *ex officio*, that is, originating from the rectors' offices; sometimes the statutory or legislative basis of the inquest was also noted. When Andrea was prosecuted for false denunciation, this was done according to the Ordinances of Justice.⁶⁵ At this point, in late 1343, the Ordinances had only recently been reinstated following the expulsion of the Duke of Athens and the overthrow of the brief magnates' priorate of August 1343.⁶⁶

The Executor's judge, Giovanni da Parma, opened an inquest against Andrea, son of Ser Ugo, on 14 March 1344. After identifying his origins, the notary records the crime for which Andrea is being prosecuted: forging a false denunciation, which the Executor received in February 1344.⁶⁷ The internal mechanisms of the inquisition procedure are stated; here, the procedure closely follows Gandino's outline in the *Tractatus*.⁶⁸ The judge Giovanni initiated the inquest after the crime came to the court's ears and notice (*pervenit ad aures et notitiam*), with the preceding clamor of *publica fama*, acting in

⁶⁴ See Vallerani, *Justice*, 32, for this process of abstraction and segmentation.

⁶⁵ EOG.1.52r: "Die XIII mensis martii. Hec est inquisitio que fit et fieri intenditur per superdictum Executorem et suam curiam secundum Ordinamentum Iustitie..."

⁶⁶ Caduff, "Magnati," 23.

⁶⁷ See EOG.1.52r, for a copy of the initial denunciation.

⁶⁸ See Vallerani, *Justice*, 48-49, for Gandino's discussion in the *Tractus*; he himself was directly adopting the canon law of Pope Gregory IX, the *Liber extra*, the *locus classicus* for the *ex officio* procedure by this point.

place of the accuser here as the report of an event. The report of *publica fama* came not from malevolent people but those worthy of trust (*non quidem a malevolis set a fidedignis personis*), and thus merited *ex officio* action.⁶⁹

A copy of Andrea's initial denunciation follows the statement of mechanisms activating the inquisition. The placement of the copy is noteworthy: the Executor had previously been deceived by the denunciation, thus perverting the course of justice. Yet the judicial apparatus was now reinscribing this bit of falsity into its procedural apparatus, transforming initially successful deception into proof of guilt. The court was thereby acting in accordance with the Roman-law definition of *iustitia*, as stated by Ulpian in the *Digest* and which the Florentine Ordinances of Justice explicitly appealed to: the constant and perpetual will to give to each their due.⁷⁰ Andrea's deceptive narrative, having been recognized as such through the *publica fama clamosa et precedens* reaching the Executor and his court, became a proof-text in the juridically true narrative of his crime and punishment.⁷¹ According to Gandino's typology, this false *cedula* was a document containing proof of the crime (that is, the false denunciation, not Bartolomeo

⁶⁹ Andrea's name is in the accusative case in this clause, which follows the "contra et adversus" of the incipit. See EOG.1.52r: "Ser Andream ser Ugonis de Monte cuccholi et nunc habitorem in castello Latere comitatus Florentine falsarium et falsitatis perpetratoem in eo de eo et super eo quod fama publica precedente et clamosa insinuatione referente non quidem a malivolis set a fidedignis personis ad aures et notitiam dicti domini et sue curie pervenit...."

⁷⁰ *Corpus iuris civilis*, ed. T.H. Mommsen, W. Kroll, P. Krueger, and R. Schoell, 3 vols. (Berlin, 1928-29), 1:24 (1.1.10) [accessed 12 July 2015 via: <https://ia802609.us.archive.org/20/items/corpusjuriscivil00krueuoft/corpusjuriscivil00krueuoft.pdf>] : "Iustitia est constans et perpetua voluntas ius suum cuique tribuere." Compare this with the opening of the Ordinances of Justice (in Zorzi & Diacciati, *La legislazione*, 74): "Quoniam iustitia est constans et perpetua voluntas ius suum unicuique tribuens ideo infrascripta, que merito iustitie ordinamenta appellantur, pro rei publice utilitate edita sunt."

⁷¹ On the difference between the factual reality of an event and the truth of the fact as reconstructed by law (that is, legal reality), see Vallerani, *Justice*, 73.

de’Pulci’s attack). It thus counted as undoubted evidence, ensuring a conviction.⁷² The content of Andrea’s initial denunciation was copied into the record of his prosecution for false denunciation. It is representative of the categories of popular identity and anti-magnate discourse analyzed above. As a notary and the son of a notary, Andrea would most likely have been familiar with the requirements and format of the *cedulae* as a genre, and perhaps also of the Ordinances of Justice.⁷³

Andrea’s initial *cedula*, deemed fraudulent by the judge Giovanni da Parma, told the following story. In November 1343 Bartolomeo di Lapo dei Pulci attacked Andrea and his brothers, Piero and Guido. Bartolomeo beat the brothers with his hands and directed his followers Ugone di Durante, Magnotto di Migalotto dei Guineldi, Machiocchio di Ciollo, Ugolino di Morentano, with many others (*aliis pluribus*), to beat them as well. Machiocchio hit Andrea’s brother, ser Guido, in the eyelid with a rock, with an effusion of blood (*cum sanguinis effusione*). The attack caused a great disturbance (*magnus rumor*) in Latera’s *castello*, and local *popolani* raised the hue and cry with the parish church bells (*campane pulsante fuerunt ad sturmmum*).⁷⁴ Andrea’s denunciation concluded with the location of the attack, in the *piazza* of S. Niccolò,

⁷² See Vallerani, *Justice*, 104-05, for undoubted evidence in Gandino’s *Tractatus*.

⁷³ Unfortunately, Andrea’s notarial registers do not survive in the *Notarile Antecosimiano*, although they are referred to in other notarial acts.

⁷⁴ Ringing the bells *ad sturmmum* signified an emergency and call to arms: <http://ducange.enc.sorbonne.fr/STURMA>. For a discussion of this and a constellation of similar terms for disturbance and disorder in the Italian communes, see Aldo A. Settia, “I luoghi e le tecniche dello scontro,” in *Magnati e popolani nell’Italia comunale*, ed. Vanna Arrighi (Pistoia, 1997), 81-115, at 82-83.

bounded by the church of S. Niccolò, the *castello*, and two properties: the heirs of Guelfo and the heirs of Nuccio respectively.⁷⁵

After the initial denunciation, the mechanics of Andrea's crime are explored. Andrea ordered his servant (*famula*) Brandaglia to deliver the *cedula* to the Executor's dropbox (the *tamburo*), "knowing the same [denunciation] to be false and untrue"; for this Brandaglia received two *soldi*.⁷⁶ Initially, his ploy was successful. The Executor, "on account of the same *cedula*", condemned Bartolomeo according to the Ordinances of Justice.⁷⁷ The charge emphasizes repeatedly Andrea's cognizance of the crime and his offense against justice and the social order:

"and [he was] saying, [and] writing thus, that which is contained in the said *cedula*, on behalf of the truth, although it was not true and he knew it not to be true, [and he was] causing it to be placed in the *tamburo*, against the form of the statutes and ordinances of the commune of Florence and toward the damage and prejudice and blame of the said Bartolomeo, in order that the said Bartolomeo would be punished, against God and against justice."⁷⁸

The statement of charges concludes with a statement of place and purpose. Andrea, cognizant of his own mendacity and the action's injustice, had done all this in the city of Florence, in the house of the Executor, in the court of the same, where justice was handed

⁷⁵ EOG.1.52r-52v. Given the lack of a patronymic, I assume that this is not Guelfo de'Pulci, father of Giovanni and Bartolomeo de'Pulci. See David Herlihy, "Tuscan Names, 1200-1530" in *Renaissance Quarterly* 41:4 (Winter, 1988): 561-82, for late medieval Tuscan naming practices.

⁷⁶ EOG.1.52v: "Et predictam notificationem seu denuntiationem falsam et non veram de dicto Bartholomeo magnate scripsit et fecit dictus Ser Andreas et ipsa scripta poni fecit et mandavit dictus Ser Andreas in tamburo posito in dicta curia dolose et false et scienter, sciens ipsam falsam et non veram...." The compensation of two *soldi* is mentioned in EOG.5.23v, in Andrea's condemnation.

⁷⁷ EOG.1.52v.

⁷⁸ EOG.1.53r: "et sic dicendo scribendo et poni faciendo in tamburo quo in superdicta cedula continetur pro veris cum non esset et sciret vera non esse contra formam statutorum et ad hoc ut dictus Bartholomeus contra deum et iustitiam puniretur."

out.⁷⁹ This can be dismissed as technical verbiage, yet this technical apparatus was central to the inquisitorial procedure and the juridical order of Florence. It is worth stressing the specificity with which the notary concludes the summary of charges. Andrea's crime had offended the commune, in its manifestation as a circumscribed physical and metaphorical space: by depositing a false denunciation in the *tamburo*, his servant had profaned the legal and administrative center of Florence with calumny.⁸⁰ He had offended God and justice by ensuring that Bartolomeo received injustice (*in grave et preiudicium et vituperationem*), in the very place where this distributive justice was meted out by the Executor and the other foreign rectors.

Alberto Gandino would have been pleased with this summary of charges, as it exemplifies his procedural philosophy in action. Massimo Vallerani has argued persuasively that Gandino formalized the link that canon law had already sketched out between truth (*veritas*) and guilt (*culpa*).⁸¹ This *veritas* was to be found, via the inquisition *ex officio* procedure, in the body of a person—and this truth was accompanied by guilt. Andrea, repeatedly described as knowing the falsity of his claims and the truth of the matter (*sciret non esse vera*), had knowingly impugned himself before God. The deception had initially distorted the particular justice of the Florentine courts, yet this

⁷⁹ EOG.1.53r: “Et predicta omnia et singula comissa et perpetrata fuerunt per dictum Ser Andream superdictis anno et mense in civitate Florentie in domo habitationis domini Executoris in curia ipsius *ubi per ipsum iura redduntur* posita in platea dominorum priorum.” The emphasis is mine.

⁸⁰ See Niall Atkinson, “The republic of sound. Listening to Florence at the threshold of the Renaissance,” *I Tatti Studies in the Italian Renaissance* 16:1/2 (2013) 57-84, and Samuel Y. Edgerton, Jr., “Icons of justice,” *Past & Present* 89 (Nov., 1980): 23-38, for the city center's ideological, architectural, and aural meanings.

⁸¹ Vallerani, *justice*, 48.

secret knowledge remained known to God.⁸² By this standard, Andrea's sin and crime (*vituperatio*) had been unjustly meted out to Bartolomeo.⁸³

In prosecuting Andrea, the Executor was correcting this injustice and offense against God. The court would carry out its duty to execute the Ordinances of Justice, reveal the truth, redistribute *ius*, and thus bring Florentine public justice, within its limits, back into line with divine justice. The fact that the court notary did not note the process by which the Executor had decided that Andrea's initial denunciation was false is a salutary reminder that the *atti* were not written for modern scholars, and work according to their own logic. The absence of this explanation also reinforces the ideological claim, implicit throughout the procedure, that truth will eventually be found and that crimes will not go unpunished. The lack of information can be read as an implicit assertion of Florentine public justice's epistemological foundations.

The judge, Giovanni da Parma, dispatched the court's messenger to cite Andrea to appear and give a defense against the charges. Andrea made the 30-kilometer walk from Latera to the Bargello and appeared the next day, 15 March 1344, and the notary read the charges to him, in Tuscan *volgare*. Andrea confessed "freely" (*sponte confessus fuit*) that the entirety of the charges against him were true. He could not produce guarantors (*fideiussores*) to post surety for him, and Andrea was thrown in the commune's prison, *le Stinche*, with ten days to make a defense.⁸⁴

⁸² For the difference between the particular justice of humans and the general justice of God, see Kuehn, "*Consilium*," 1059-60.

⁸³ I here read *vituperatio* according to the medieval Latin definition found in DuCange (<http://ducange.enc.sorbonne.fr/VITUPERATIO>) as a cognate of *vitium* (crime, sin) or *defectus* (failure).

⁸⁴ EOG.1.53v. On the *Stinche*, see Guy Geltner, "'Isola non isolata.' *Le Stinche* in the Middle Ages," *Annali di Storia di Firenze* III (2011): 7-28.

Why did Andrea immediately confess? No explanation is given, although this was common notarial practice, since the notary, as usual, wrote out the trial procedure in summary form. It is likely that Andrea understood the bind he was in, given that the judge had already decided on his guilt and the charges were read to him as a fact awaiting confirmation. As a notary, he would have had familiarity with the inquisition *ex officio* procedure of the public courts. He may have believed he should not bother with a defense. This hypothesis is based on the fact that *publica fama* had reached the court's attention, and the damning nature of the court's proof, that is, the *cedula* itself: undoubted proof, according to the inquisitorial procedure. It is unlikely that Andrea feared torture; mentions of torture (*tormentum*) are in fact extremely rare in the Executor's *atti*.⁸⁵ As Vallerani has argued, this was unexceptional for the public courts of the communes.⁸⁶ Bologna's 1288 statutes explicitly protected members of the *popolo* from torture, as did those of several other Italian communes in the later Duecento.⁸⁷

Andrea's confession may have been a tactical decision to cut his losses and avoid giving a defense. The best evidence for this hypothesis is that he was unable to produce oath-helpers following his confession (*non potuit dare fideiussores*). Either he was bereft

⁸⁵ The only reference I have found to torture (*tormentum*) among the Executor's records is in EOG.51, 16r, when an anonymous denunciation mentions it in the context of witnesses' recalcitrance to give testimony. A similar denunciation from 11 March 1368 against Guido di Barna dei Frescobaldi entreats the Executor to torture the witnesses to force them to talk, EOG.530.46r: "Se voi stregneti i testimoni, dicono la verita, se gia non la ssano [sic] per paura dello ingiurievole huomo Guido." None of the 11 witnesses cited testified when they appeared in court, so the Executor appears not to have heeded the writer's advice.

⁸⁶ Vallerani, *Justice*, 53.

⁸⁷ *Statuti di Bologna dell'anno 1288*, eds. Gina Fasoli and Pietro Sella (Vatican City, 1937-39), rubric 17, 184. On the Bolognese restrictions on torture, see Blanshei, *Medieval Public Justice*, 320-37, and Vallerani, *Justice*, 275-76, for discussion of this exception to the *ex officio* procedure, and 60-62, for other Italian cities.

of friends or made a calculated decision to bide his time in prison. He may also have thought that the commune's prison cells were a safer place for him than Latera was: Bartolomeo de' Pulci would be seeking vengeance.

Andrea was given ten days to craft a defense while in prison, but he did not reappear before Giovanni da Parma and the court until 11 April 1344, almost a month after the initial inquisition.⁸⁸ After recapitulating the malevolent, knowingly false nature of Andrea's actions, the original denunciation was copied out once again, and probably read out in court, reaffirming that his malevolent *falsitas* had violated justice and its physical *habitus*.⁸⁹ Giovanni sentenced him to a fine of one hundred *lire* payable in *fiorini piccioli*, or 1 gold florin, thirty-five minor florins, at the current rate of 65 *fiorini* per one gold florin.⁹⁰ Andrea was still unable to produce a *fideiussor* to post surety, and was returned to *le Stinche* until he could pay. I have found no record of Andrea in fact paying the fine: it does not appear in the Camera's *Entrate* for 1343-44.⁹¹

What does this initial stage of the dispute reveal about the functioning of the Florentine courts, and the inquisition *ex officio*? The charges against Andrea exemplify the mechanisms and ideological nature of the inquisition *ex officio*, first articulated by Gandino at the beginning of the Trecento. The procedure, utilizing the fact that *publica fama....ad aures executoris et sue curie...pervenit*, preceded without accusers or a

⁸⁸ Eog.5.23r-24r.

⁸⁹ EOG.5.23r.

⁹⁰ The *lira* was a unit of account; Peter Spufford, Wendy Wilkinson and Sarah Tolley, *Handbook of medieval exchange* (London, 1986), 5, peg the April 1344 conversion rate for the gold florin to *fiorini piccioli*/*denari piccioli* conversion rate at 1:65.

⁹¹ The relevant treasury records are ASF, Camera del Comune.2-4. These record payments to the commune for the period in question. It is possible that the payment was never made, or that it was reduced through arbitration, documentation of which no longer survives.

denunciation, as far as we know, of the falsity of Andrea's initial denunciation. The only proof cited after the initial *clamor* was Andrea's own *cedula*, the true nature of which had just been revealed. Justice is here equated with Gandino's famous assertion that "he who accuses intends that a *maleficium* be punished, and the judge, who inquires, likewise, and it is common law, in order that crime shall not remain unpunished."⁹² The Executor's court had revealed the unpunished *maleficium*, and Andrea was punished.

The notary's knowing attempt to saddle Bartolomeo dei Pulci with the burden (*in grave*) of the guilt and blame of an attack that did not happen was a result of his desire that Bartolomeo be punished against God and justice (*contra deum et iustitiam*).⁹³ The Executor's court, exercising justice in the distributive sense of giving to each his due, was correcting this miscarriage of justice by revealing that the truth and guilt (*veritas* and *culpa*) of the crime lay not in Bartolomeo and his henchmen, but Andrea himself. This schema has a resolutely physical sense, too: the city of Florence, the Executor's court, and the *piazza della Signoria* collectively were wronged by Andrea, and are being restored to their natural function in the court of the Executor's home, "where rights (laws) are distributed by the very same [Executor]."⁹⁴ This phrasing is not exceptional, but rather is typical. The placement of the crime within a precise setting, with the violation of the Ordinances clearly stated, represents a quotidian manifestation of the ideology of the inquisition and the *popolo*'s sense of *iustitia*.

⁹² Gandino, *Tractatus*, 46, cited in Vallerani, *Justice*, 49: "qui accusat tendit ut maleficium puniatur, et iudex, qui inquirat, similiter, et ius comune est, ne maleficia remaneant impunita."

⁹³ EOG.1.53r.

⁹⁴ EOG.1.53r: "Et predicta omnia et singula comissa et perpetrata fuerunt per dictum Ser Andream superdictis anno et mense in civitate Florentie in domo habitationis domini Executoris in curia ipsius ubi per ipsum iura redduntur, posita in platea dominorum priorum cuius domui."

The case discussed here illustrates the normative functioning of the commune's popular courts, and the way in which the inquisition *ex officio* procedure operated in a manner that can be characterized as relatively autonomous from the political context—in this case, the recent defeat of the “magnates' priorate” and the popular revival of the years 1343-48, after the Florentines expelled the Duke of Athens, Walter of Brienne. Rarely in Florentine history would it have been less likely for a *popolano* like Andrea to be prosecuted for falsely impugning a magnate (and perhaps this was a consideration in his timing of the *tamburagione*) than in the autumn of 1343.⁹⁵ Despite Bartolomeo's initial punishment, the denunciation had the potential to harm or at least harass not only the magnates, but members of the *popolo*: both the one lodging a supposedly false denunciation, and those witnesses who backed up his version of the facts in court.

There is an obvious problem with this inquest, for historians. How did the Executor and his judge, Giovanni da Parma, first determine that Andrea's denunciation was true, and, even more importantly, on what basis did they then reverse their previous decision and procede against him for writing a false denunciation? Given the absence of the first inquest, against Bartolomeo dei Pulci, it is impossible to answer the first question. Only a month or so separated the first, “true” denunciation and whatever sentence Giovanni da Parma may have given Bartolomeo from the surviving inquest against Andrea. This was the average for most cases that I have read from the Executor's office, and concurs with Claudia Caduff's findings for 1345-46.⁹⁶ It is possible that the Executor's court had reversed course in the interim, before Bartolomeo had been

⁹⁵ For the third popular regime and its harsher antimagnate legislation, see Brucker, *Florentine politics*, 114-16.

⁹⁶ Caduff, “Magnati,” 28.

sentenced, which would explain the absence of this inquest in the relevant register for this semester (12 December 1343-25 April 1344), which is the same one Andrea's inquest is in, but this must remain a hypothesis.

One possibility is that the initial procedure against Bartolomeo was interrupted or cancelled after witness testimony turned the inquisition against Andrea, and no record survives of this intervention. This possibility is indirectly supported by the fact that Andrea was unable to produce oath-helpers (*fideiussores*) at any stage in the trial, even though neither of his brothers were implicated in his calumny. Perhaps Andrea's *publica fama* in Latera told against him when he tried to impugn Bartolomeo; it is hard to imagine how the Executor's court would have obtained the detail that Andrea employing his servant Brandaglia to drop off the denunciation otherwise. If Brandaglia did testify, through a male interlocutor, no record of this survives.

It is unclear what forms of proof the Executor relied upon in this case, due to the summary nature of the surviving inquest and the destruction of the Executor's prior material in 1343. The ambiguous role of torture, alluded to above, is related to this indeterminacy of proof. Going by Gandino's *Tractatus*, given the theoretically supreme power of the judge (*arbitrium iudicis*), Giovanni da Parma and the Executor would have been able to utilize circumstantial evidence in place of legal proofs.⁹⁷ The court possessed *publica fama* (in its form as the report of a crime), which created the suspicion of guilt. The most damning piece of evidence against Andrea, however, would have been his initial denunciation, once it was deemed false-again, through a reasoning that is documentarily invisible.

⁹⁷ Vallerani, *Justice*, 59-60.

II: Andrea and the Pulci return to the Executor's court, 12-18 May 1347

a. Andrea's Civil Suit against Bartolomeo de' Pulci

The next phase in Andrea's dispute with Bartolomeo de' Pulci began in the spring of 1347. It began when Andrea filed a civil petition with the Executor, which played out in the Executor's court as a trial on the accusatorial model. The triadic structure of the accusation is a strong feature of this lawsuit. Whereas the Executor's court usually conducted itself *ex officio* through the inquisitorial procedure, here, the Executor and his judge acted as referees, supervising both parties' reconstruction of conflicting versions of the truth through several stages.⁹⁸ Throughout this portion of the dispute, the Pulci were represented by their legal representative, ser Stefano di Gino.

Andrea's initial action was a civil lawsuit for the unjust seizure of land. As Thomas Kuehn has observed, lawsuits were elements in vendettas: they were expensive, especially for the losing party.⁹⁹ It put the Pulci on the defensive and required Bartolomeo di Lapo de' Pulci's legal representative to counter the narrative contained therein, and the specific charge of land usurpation. In response, Stefano simultaneously denied the entirety of Andrea's *actio*, and motioned for a dismissal of the case. This led to Andrea's presentation of his *positiones*, legal claims or propositions that he affirmed. Here, these consisted of 23 separate claims, to which Stefano would have to provide affirmative or negative answers.¹⁰⁰ Following Andrea's presentation of his witnesses to

⁹⁸ For the triadic structure of the accusatorial procedure, and its division of labor in reconstructing an acceptable version of the truth, see Vallerani, *Justice*, 77-78.

⁹⁹ Thomas Kuehn, "Social and legal capital in vendetta: A fifteenth-century Florentine feud in and out of Court," in *Sociability and its discontents*, eds. N.A. Epstein & N. Terpstra (Turnhout, 2009), 51-72, at 58.

¹⁰⁰ For the role of *positiones* in the *ordines iudicarii* and their use in the accusatorial procedure, see Vallerani, *Justice*, 89-92.

be cited, Stefano presented his response to Andrea's *positiones* in twelve separate answers, nine of which he denied.¹⁰¹ The record breaks off following the citation of witnesses by both parties, with the outcome unclear.

What was Andrea doing between 1343 and 1347? There is no way to know what Andrea may have been doing since 1347, as he does not appear in notarial acts during this period from Latera or its environs. It is unclear when Andrea was released from the commune's prison, *le Stinche*, yet he had regained his freedom by 1347, when he returned to the same court that had imprisoned him. On 12 May 1347, he made an in-person deposition to the Executor Ser Landuccio di Ser Lando dei Becchi da Gubbio and his judge Nino dei Baldelli da Gubbio. The procedure survives in the Executor's *acta civilia* for the first semester of 1347.¹⁰²

Andrea does not seem to have incurred *infamia*, in this case *fama* in its manifestation as the ability to do things in law, for his false denunciation and prosecution for it in 1343-1344. His 1347 accusation was not dismissed for this or any other reason that we have record of, nor did the Pulci legal representative, Ser Stefano di Gino, invoke *infamia* in his responses to Andrea's charges. It is also unclear whether his sentence for fraudulent denunciation would have called into question his reputation, and the validity of his *acta* as a notary, although this seems likely. As his registers do not survive, we cannot assess the damage this had on him outside the law courts.¹⁰³ It seems, however, that fraudulent denunciation did not necessarily disbar one from pursuing further cases

¹⁰¹ The entire lawsuit is found in EOG.81, 26v-43v, interspersed with occasional fragments of other procedures the Executor's court was conducting simultaneously.

¹⁰² The case is found in EOG.81.26v-53v.

¹⁰³ On the legally disabling nature of *mala fama*, see Thomas J. Kuehn, "Fama as a legal status in renaissance Florence," in *Fama*, in particular p. 39, on the damage that *mala fama* did to notaries in their professional capacity.

with the foreign-staffed courts. It is possible that this was only because Landuccio and his judge were unfamiliar with the 1344 inquest, but there is no reason they could not have checked the relevant registers in the *Camera del Comune*. In terms of motivation, perhaps Andrea was re-opening the dispute as a legal procedure because he reckoned that a straightforward case of property usurpation would produce more witnesses because it was a public act, or from a lack of better options for seeking restitution or justice.¹⁰⁴

At some point between his stint in prison in 1344 and his 1347 accusation, Andrea seems to have moved to the urban *quartiere* of Santa Maria Novella.¹⁰⁵ Andrea denounced Bartolomeo for having occupied and held, “wrongly and unjustly” (*indebite et iniuste*), his goods and possessions (*possessiones et bona ipsi Ser Andree*).¹⁰⁶ This situation had existed, Andrea claimed, for about four years.¹⁰⁷ The dating is slightly vague (*terminum quattuor annorum vel id circa*), but Bartolomeo’s theft and usurpation of Andrea’s possessions occurred about a year before Andrea’s initial denunciation (February 1344) and consignment to *le Stinche* (April 1344).

It is possible, working against the findings of the Executor’s court, that the attack described in Andrea’s initial *cedula* had in fact taken place, and that it was related to the dispute over Andrea’s possessions (*possessiones et bona*). An alternative reading, with

¹⁰⁴ Sheila Fitzpatrick, “Signals from below: Soviet letters of denunciation of the 1930s,” *The Journal of Modern History* 68:4, “Practices of Denunciation in Modern European History, 1789-1989” (Dec., 1996), 831-66, at 866, concludes that Soviet peasants and workers typically resorted to denunciations since they “had so few options for action”, an argument which I find convincing for users of the Executor’s court, as well.

¹⁰⁵ In the initial accusation (EOG.81.26v), Andrea is described as “Ser Andreas Ser Ugonis de Latera comitatus Florentie qui hodie moratur in populo Santa Maria Novelle de Florentie et de populo civitatis Florentie”.

¹⁰⁶ EOG.81.26v-27r.

¹⁰⁷ EOG.81.27r: “per tempus et terminum quattuor annorum vel id circa.”

less support from the dating, is that Andrea had pre-dated this seizure of his possessions, which Bartolomeo may have done while Andrea was imprisoned. The case does illuminate an important aspect of the conflict. Although Andrea's petition denounced a different crime than his initial (false) denunciation, these two different crimes were almost certainly part of the same extended conflict between the two men.¹⁰⁸

This approach, denouncing crimes individually instead of as part of an ongoing whole, is reflected in Andrea's appeal, in his 1347 civil suit, regarding judicial procedure. Andrea's statement invokes the Executor's duties and appeals to Florence's statutes to demand the restitution of his goods. In the last section of the deposition, he requests a specific procedural modification. Andrea petitioned the Executor for summary justice, "without the procedure and form of judgment", which the Executor could and should carry out "from your good office, according to the statutes of the commune of Florence".¹⁰⁹ He was likely referring to the statutes of the Capitano del Popolo of 1325, which direct the Capitano and Podestà to procede "breviter and summarie," the same language of Andrea's petition.¹¹⁰ The petition was a common procedure by which members of magnate lineages sought to regain membership within the *popolo*, but this is the only petition for summary justice I have found in the records of the Executor's court for the 1340s.¹¹¹ Andrea's petition for summary procedure lacks the rhetoric of poverty

¹⁰⁸ See Vallerani, *Justice*, 130-31, for similar ambiguity in the surviving Bolognese accusatorial procedures for the late thirteenth century.

¹⁰⁹ EOG.81.27r: "et in predictis petit procedi breviter et summarie idem Ser Andreas sine strepitu et figura iudicii et ex vostro bono officio prout per formam statutorum comunis Florentie potestis et debetis, predicta quidem dicit et petit dictus Ser Andreas salvo sibi iuramento ad dandum remittendi et etiam corrigendi si opus fuit."

¹¹⁰ *Statuti II*, rubric I.

¹¹¹ Christiane Klapisch-Zuber, *Retour*, 195-220, is the best account of this phenomenon; see also her "'Nobles or pariahs? The exclusion of Florentine magnates

characteristic of the Bolognese petitions that Massimo Vallerani has analyzed.¹¹² This rhetoric, which appealed to the prince's duty to safeguard the poor (*miserabiles*), was, however, similar to that of the denunciations analyzed in chapter 2, with the Florentine courts in the *de facto* role of *signor*. Andrea's move was, however, based on the same logic as the cases Vallerani discusses. He sought the Executor's intervention to enforce the restitution of Bartolomeo's ill-gotten lands, and likely was impoverished following his imprisonment, fine, and the theft of his lands.¹¹³

The Executor's judge for this semester of 1347, Nino dei Baldelli da Gubbio, then concluded the opening stage of the lawsuit. Bartolomeo de' Pulci's *procurator* ser Stefano was given until 20 May to defend his client against Andrea. The hearing adjourned after Stefano presented a notarial *instrumentum* testifying to his role as legitimate representative of Bartolomeo di Lapo de' Pulci.¹¹⁴ It is unclear whether Bartolomeo and his *procurator* had prior knowledge of the initiation of the lawsuit, but they probably

from the thirteenth to the fifteenth centuries," *Comparative Studies in Society and History* 39:2 (1997): 215-30, "Ruptures de parenté et changements d'indentité chez le magnats florentins du XIVe siècle," *Annales: E.S.C.* 43 (1988): 1205-1240, and "Vrais et faux magnats. L'application des Ordonnances de Justice au XIV siècle" in *Magnati e popolani nell'italia comunale*, 273-93.

¹¹² Massimo Vallerani, *Justice*, "The petition to the *signore* and the power of mercy," 306-47, at 334-37.

¹¹³ Vallerani, *Justice*, 336: "In other instances restitution of a property is sought solely on the basis of the *plenitudo potestatis*: that is to say, the *dominus* ought to intervene directly to force the adversarial party to restore the contested property."

¹¹⁴ EOG.81.27v: "Dictus iudex superdictus assignavit et statuit terminum Ser Stephano Gini procuratori et procurator nomine dicti Bartolomei ad respondendum dictae petitioni quicquid vult ad diem hunc, proxime ventum ante vespas et hic presens Ser Andrea et petens. Qui ser Stephanus ad legitimatem sue presentie produxit coram dictis domino executore et iudici instrumentum sui mandati public scriptum manu publici notarii quid dimisit...."

were not caught wrong-footed, given the history of animosity between Andrea and the Pulci.¹¹⁵

Ser Stefano responded on May 17 1347, with an attack on the entirety of Andrea's petition. His legal tactics reflect a dual strategy: denying the grounds of Andrea's suit and undermining its legality, while simultaneously making specific counter-claims regarding possession of the lands in question. Stefano claimed that the whole lawsuit was false. He then presented a request for peremptory dismissal and postponement, followed by questioning the competence of the personnel and judge of the Executor to hear the case. And anyway, according to Stefano, none of the narrative in the petition was true. Andrea had no rights to the goods mentioned in the petition. Not only that, but Bartolomeo himself possessed rights and title to the lands, and had for five years or more. Stefano concluded with a protest concerning Andrea's legal action.¹¹⁶ He then produced proof of his procuratorship for Bartolomeo, a copy of which was made for Andrea.¹¹⁷

¹¹⁵ There is no evidence here for the elaborate procedure for citing the accused as discussed by Vallerani for thirteenth-century Bolognese accusatorial trials: Vallerani, *Public Justice*, 138-39.

¹¹⁶ EOG.81.29v: "Ser Stephanus Ghini procurator Bartholomei...pro eo ac petitione predicto exhibito contra dictum Bartholomeum per Ser Andream ser Ugonis predictum et contenta in dicto petitione et ante omnia protestat et obbicit [sic] omnes suos et dicti Bartholomei excepta dilacione peremptore et persone et iudicis incompetentei et omnes alii sibi et dicto Bartholomeo salvas fore et respondendum dicte petitioni contra ipsum Bartholomeum exhibiti negavit narratave materia in dicta petitione vera esset et petita et petitione fieri debetum et dictum Ser Andream ius vel haec in dictis bonis in dicta petitione contenta, dixit tamen et confessus fuit quod bona in dicta petitione contenta in ipse Bartholomeus iusta causa et titulo tenet et possidet, et tenuit et possidit iam sunt V anni et ultra et ab ipso tempore citato et per ipsum tempus et hodie tenet et possidit. Et reconveniendum dictum Ser Andream petitionem expressas causae factum et de faciendi protestatur."

¹¹⁷ EOG.81.29v: "Qui Ser Stephanus ad legitimationem sue persone produxit coram dictis dominis Executoris et iudicis instrumentum sue procuratori mandi quod de mandato dictorum dominorum Executoris et iudicis deposuit presenti notarii curie ut Inde copam faciat parti adversi si eam velunt."

These motions were commonplace in late thirteenth- and early fourteenth-century Bolognese accusatorial procedures, as Massimo Vallerani has shown.¹¹⁸ Stefano, as Bartolomeo's *procurator* tasked with defending his client by any possible means, sought not only to delegitimize the narrative and claims of Andrea's case, but to suspend it: form and content were attacked simultaneously.¹¹⁹ The Executor's court, here functioning rather like a public tribunal in cases of arbitration, served as the referee between two conflicting accounts of land possession. Landuccio's behavior and that of his judges was implicitly segmentary, again reflecting the tendency in the procedure *per accusationem* to break down a conflict into its component parts.

The land dispute was handled with no reference to Andrea's previous conviction for false denunciation (1344), and Stefano's response to Andrea consisted of various discrete points addressing different parts of his original petition (these concerned: jurisdiction and competence; possession of the lands in question; proof of this possession; duration of this possession, lasting longer than the period Andrea mentioned in his petition). There is no evidence here for structural hatred of an enduring sort between the two parties-or rather, it has no legal value at this stage. The procedure is also free of the vocabulary of anger and sustained animosity (*ira; inimicitia*), the latter referring to an ongoing status and not an emotional state, which Daniel Lord Smail found for thirteenth- and fourteenth-century Marseilles.¹²⁰ The court addressed itself piecemeal to different crimes despite the fact that they were most likely manifestations of the same dispute; this

¹¹⁸ Vallerani, *Justice*, 151-56, for exceptions and the resort to *consilia*.

¹¹⁹ On the duties of a *procurator*, see Vallerani, *Justice*, 141-43.

¹²⁰ See in particular Smail, "Hatred as a social institution in late-medieval society," *Speculum* 76:1 (Jan., 2001): 90-126, and his *The Consumption of Justice. Emotions, publicity, and legal culture in Marseille, 1264-1423* (Ithaca, 2003), 89-132.

was a logical result of the attempt to defuse an explosive situation by breaking it down into its legally actionable components.¹²¹

On May 17 1347 Ser Stefano di Gino also presented a series of notarial documents (*instrumenta* and *iura*) demonstrating Bartolomeo's right to the disputed lands, "for proof of the right of Bartolomeo and for the defense of the same Bartolomeo".¹²² The first of these was a notarial act (*publicum instrumentum*) containing proof of sale for one of the disputed pieces of land. According to this, Pulce di Guelfo de' Pulci, acting in the name of Bartolomeo, had purchased the first two pieces of land and goods named in Andrea's petition from Alberto di Piero dei Magalotti, Andrea's brother-in-law through his wife.¹²³ Alberto's legal representative had handed over possession of the goods to Bartolomeo; the sale was final.¹²⁴ Stefano submitted two further *instrumenta publica*: the first contained a third purchase by Pulce di Guelfo de' Pulci, again from the de' Magalotti lineage, this time from the brothers Ugo, Guilelmo and Perozzo, sons of Durante.¹²⁵ The second was an *instrumentum* proving his procuratorship for Bartolomeo. Stefano turned these over to ser Domenico di ser Becto, a

¹²¹ On the accusatorial trial's process of abstraction and delimitation of which facts to pursue at law, see Vallerani, *Justice*, 93-97.

¹²² EOG.32r: "Die XVII Maii. Comparuit coram dictis dominis Executore, iudice et curia, Ser Stephanus Ghini procurator et procuratore nomine Bartolomeo olim Lapi predicti et in causa et questione predicta quam habuit cum Ser Andrea ser Ugonis predicto ad probationem iuris dicti Bartholomei et ipsius Bartholome defensionem produxit infrascripta instrumenta et iura."

¹²³ The presentation of the *instrumentum* is in EOG.81.32r.

¹²⁴ EOG.81.32r.

¹²⁵ EOG.81.32r-32v: "Item quoddam alium publicum instrumentum scriptum manu publico notarii in quo inter cetera continenda qualiter Pulce quodam Guelfi de Pulcis nomine dicti Bartholomei emit inter alia bona in ipso scripto contenta tertium petium terre cum domo contenta in petitione dicti Ser Andree ab Ughone [32v] Guilielmo et Peroczto filibus quodam Durantis Pieri de Magalottis de Latera."

notary otherwise unattested in this case but who seemed to be acting as a notary for Andrea at this stage.¹²⁶

The Executor's notary for the 1347 lawsuit, Giovanni di Curto da Gubbio, does not note the dates of these *instrumenta*, nor does he name the notary who drafted them, making their identification in the *Notarile Antecosimiano* virtually impossible, assuming they survived at all; no copies were included with the trial transcripts of the Executor's court. None of the notarial registers containing mentions of the parish of S. Giovanni in Petroio or the suffragan *populi* of Latera and its *castello* contain them.¹²⁷ So the real ownership rights to these pieces of land remains unknown, although two of the three parties in the suit, Andrea and Bartolomeo, would have known the factual reality of the matter.¹²⁸ This factual reality is in specific contrast to the reality of the trial, that is, the legally-actionable elements of reality as reconstructed in the process of the trial by the three parties: the accuser, the impugned, and the court.¹²⁹ Perhaps the Executor's court did not deem the *instrumenta* sufficiently important to transcribe them.

Following Stefano's responses to Andrea's initial charge, the Executor's court and Andrea recognized Stefano as Bartolomeo's *procurator*, concluding the initial stage

¹²⁶ EOG.81.32v: "Que instrumenta et iura deposuit penes Ser Domenichum Ser Becti notarii ut inde copiam faciat parti averse si eam voluit. Et hinc in terminis sibi per dictum iudicem assignato porrecto presente dicto Ser Andrea."

¹²⁷ Pirillo, *Forme.I***, 131-36, provides archival references for the parish of S. Giovanni in Petroio and its constituent *populi* for the period 1300-1350; for the *castello* of Latera, see Pirillo, *Forme.II*, 102-03.

¹²⁸ EOG.81.27v.

¹²⁹ Vallerani, *Justice*, "How procedures think," 73: "[...]the facts that 'really' happened and the facts judged in the trial are not exactly identical. Even today we ask ourselves what actually happens in a trial and to what degree procedural reality conforms to or reflects a reality external to the trial."

of the suit.¹³⁰ The judge then gave Andrea or his legal representative until next Thursday, 20 May 1347, to submit an *actio* with modes of proof for “whatsoever he wished”, with both parties present and consenting to this next stage of the procedure.¹³¹

To now, I have focused largely on the sequences of the civil lawsuit, both parties’ claims and maneuvers, and the actions of the court. What was at stake in this dispute? Andrea’s initial request for summary justice was followed by a list of the possessions Bartolomeo had stolen from Andrea. Read with notarial evidence for the area, these can be used to reconstruct the politics of land and family that lay behind the dispute. Between his move to Latera from Monte Cuccoli and the depredations of the Pulci, Andrea had built up a small patchwork of land holdings in the area around Latera’s *castello*. The properties he named in his 1347 suit included two pieces (*petiae*) of land in the *popolo* of S. Maria di Latera, bounded on three sides by a road and on the fourth by the *rivus Cassichus*, probably a tributary of the river Sieve and now drowned by the Lago di Bilancino.

Andrea also initially sought the return of two more pieces of land, one in S. Maria di Latera and the other in S. Niccolò di Latera, on the slopes of the *castello*.¹³² Apparently one piece of arable land remained in his possession: one of the stolen properties abutted with another property described as belonging formerly to the “heirs of

¹³⁰ EOG.81.30r: “Die XIII Maii. Dictus iudex ut supra sedens vis in scripto procuratoris dicti Ser Stephani Ghini, procurator dicti Bartholomei, presente dicto Ser Andrea et consentiente, pronuptiavit dictum Ser Stephanum esse et fuisse legitime procuratorem dicti Bartholomei in dicta causa.”

¹³¹ EOG.81.30r: “Et deinde statuit et prefixit terminum dicto Ser Andree agenti et dicto Ser Stephano procuratoris et procuratore nomine dicti Bartholomei presente et intelligente, ad probandum per actionem genus probationis hinc ad diem Ivosi proxime ventum et peremptorem quicquid voluit in dicta causa. Et hii presentis et consentientibus dictis partibus.”

¹³² See EOG.81.27r-27v for the locations of the properties in question.

Parigi and Malvicino, or the lady Ciaberotta, and today to the said ser Andrea.”¹³³ This was a small community: one of the stolen properties abutted that of a follower of Bartolomeo de’Pulci, Ugo di Durante dei Magalotti.¹³⁴

Some families reappear again and again in the course of the dispute between Andrea and the Pulci. The Magalotti family appears in the lawsuit and other archival references to Latera: what can be reconstructed of their relationship with the two parties? The Magalotti were an old Tuscan family, perhaps from Fiesole but with a branch living in Florence by 1020; this branch of the family’s first entrance to the priorate was in 1283, a year after the institution’s establishment.¹³⁵ Those Magalotti appearing in the lawsuit were all related to Piero de’Magalotti da Latera, who seems to have been the head of this branch of the family in the 1340s (see the reconstruction of this branch at the end of the chapter).¹³⁶ This was a rural branch of the family, which may have been related to the rural magnate clan of the da Latera.¹³⁷ Another member of the Magalotti, Magnotto de’ Magalotti, is described in Andrea’s initial denunciation as “Magnotto dei Migalotti of the

¹³³ EOG.81.27v: “a IIII, olim heredes Parigi et Malvini sive domina Cieberote et hodie dicti Ser Andree.”

¹³⁴ See EOG.81.27v for the location of this property; Ugo di Durante is listed as one of Bartolomeo’s *fanti* in Andrea’s initial denunciation (EOG.1.52r). Even if this denunciation was false, there is no necessary reason to suppose that this Ugo was not part of Bartolomeo’s retinue.

¹³⁵ See the Archivio di Stato di Firenze’s Sistema Informatico for a discussion of the Magalotti family and their surviving (much later) documentation: http://www.archiviodistato.firenze.it/siasfi/cgi-bin/RSOLSearchSiasfi.pl?_op=getspod&id=FIDD000141&_coobj=yes&_language=ita&_selectbycompilationdate=SI&curwin=secondwindow

¹³⁶ No archival references that I have found refer to the generation before Piero dei Magalotti, nor are they described as magnates, despite Repetti’s characterization of them as “la famiglia magnatizia dei Magalotti”: Repetti, 657.

¹³⁷ Repetti, 657: “Dai documenti citati dal Brocchi nella sua descrizione del Mugello rilevasi, che da Latera trasse la sua prima origine la famiglia magnatizia dei Magalotti, la quale tanti uomini esimii fornì alle lettere, alla spada e alla toga.” The urban branch of the Magalotti family, later distinguished in the arts, died out in 1712.

house of the Guineldi.”¹³⁸ In Neri Strinati’s list of rural magnate lineages included in his *Cronica*, one of the families from the *sesto* Porta del Duomo was given as “figliuoli di Guinaldo da Barberino, e da Latera, e da Rezzano, ovvero Mortoiano.”¹³⁹ These lineages remained on the list of rural magnates in 1325: the statutes of the Podestà include them under the rubric for the *sesto* Porta Duomo.¹⁴⁰ The other rural magnate lineage associated with Latera was the Cattani-Lambardi, who originally held the *castello* of Latera.¹⁴¹ These families appeared on the list of rural magnates in the 1325 Podestà’s statutes, but by 1342, the da Latera had become *popolani*.¹⁴²

In his initial 1343 denunciation, Andrea had named Ugo di Durante as one of Bartolomeo’s followers who assisted in the assault on him and his brothers.¹⁴³ Ugo was the son of Durante, himself son of Piero dei Magalotti. Magnotto is described as “de

¹³⁸ EOG.1.52r: “[the clause is in the dative] Durantis Magnoti de Migalottis de domo de Ghuineldis de Latera....” I read “Migalottis” as a variant of “Magalotti.” This rather clumsy naming system [*fili* X, *de* X] was characteristic of the rural magnates, as Christian Klapisch-Zuber, *Retour*, 25, has observed: “...les nobles ruraux n’ont pas encore franchi les étapes du processus qui ont porté dès le XIIIe siècle les ligages urbains à fixer un nom collectif à partir d’un ancêtre...La plupart des autres nobles ruraux se définissent par leur appartenance à une lignée (*fili* X) et par leur implantation géographique....”

¹³⁹ Neri Strinati’s list is reproduced in Lansing, *Florentine magnates*, appendix I, 240-42; see 242 for the da Latera and their kin.

¹⁴⁰ *Statuti.II*, 292: “De Sextu Porte domus comitatus:....filii Guineldi videlicet de Barberino et de Latera et de Reczano vel de Merociano, exceptis Filigno et fratribus filiis Pagnii de Latera et eorum filiis.”

¹⁴¹ *Statuti.II*, 292, for these lineages. Originally a unitary lineage, by 1325 they had splintered into the “Cattani et Lambardi de Sommaia” (whose magnate status was cancelled by the Duke of Athens in 1342), and the “Cattani sive Lambardi de la Querciola.”

¹⁴² See the table in Klapisch-Zuber, *Retour*, 458.

¹⁴³ EOG.1.52r: “[Bartolomeo] mandavit Ughoni Durantis Magnoti de Migalottis de domo de Ghuineldis de Latera, Macchiocchio Ciolli et Ugholino Morentani et aliis pluribus [52v] pluribus de Latera quatenus percutent dictum Ser Andream Pierum et Guidonem ex qua mandato dictus Ugho menavit cum quadam lancia quam habebat suis manibus contra dictum ser Andream Pierum et Guidonem.”

domo de Guineldis”, which may indicate membership in the lineage noted in Strinati’s *Cronaca*, as well as the Magalotti. While Andrea’s denunciation was deemed false, this does not necessarily negate the veracity of some aspects of his narrative. As Chris Wickham has said of contemporaneous Pyrenean villagers’ narratives before an ecclesiastical inquisition, Andrea believed this was a version of his world that seemed credible to an outsider.¹⁴⁴ Ugo may have been a member of Bartolomeo’s retinue (*fanteria; brigata*) of young magnates, noblemen, and henchmen of the sort analyzed by Carol Lansing for a slightly earlier period in Florentine history, and similar in ethos to Jean-Claude Maire Vigueur’s earlier *milites pro comuni*.¹⁴⁵

Other members of this rural branch of the Magalotti appear in documentation as land-holders in the upper Val di Sieve. Their holdings were concentrated in the twin *populi* of S. Maria and S. Niccolò di Latera, with some properties abutting those of Andrea.¹⁴⁶ Based on their association with the old signorial families of the area, the Magalotti may have been allies of the Pulci, who also possessed lands in the area.¹⁴⁷ There is no evidence for this beyond one of the Magalotti’s association with Bartolomeo. Some of the Magalotti may, however, have colluded at some point with Bartolomeo or his legal representative to influence the outcome of Andrea’s initial trial, or the lawsuit that followed, especially since Andrea had impugned Ugo dei Magalotti along with

¹⁴⁴ Wickham, “Gossip and resistance among the medieval peasantry,” *Past & Present* 160 (1998) [hereafter “Wickham, ‘Gossip,’”], 3-24, at 8.

¹⁴⁵ Lansing, *Florentine magnates*, 184-91; Maire-Vigueur, *Cavaliers et citoyens* (Paris, 2004), in particular 23-90.

¹⁴⁶ Pirillo, *Forme.I***, 133, notes the tendency to conflate the two *populi* in the sources. Latera’s *castello* was in the *pieve* of S. Maria di Latera: Pirillo, *Forme.II*, 102-03.

¹⁴⁷ For references to Pulci landholdings in the area, see NA.195, 110v-111r; 113r; 141r; and 170v. These references are all locative clauses to Pulci lands for acts unrelated to the Pulci themselves.

Bartolomeo de'Pulci in his denunciation of 1344. Yet the Magalotti also had connections to Andrea of a more civil sort, which I discuss below. These pre-existing relationships, of which there are usually only traces in the documentation of the courts, need to be kept in mind in understanding the battle of proofs that ensued between Andrea and Bartolomeo de'Pulci's *procurator*.

Andrea responded immediately to Stefano's flat denial of his charges with a series of 24 *positiones* of his own. Andrea presented these to the court on the same day as Stefano's evidence (May 17, 1347), indicating a degree of preparation. The initial claim of Andrea's lawsuit was that Bartolomeo had usurped Andrea's legally-sanctioned property. This claim divides here into 24 separate facts which together reconstitute the original fact, now demonstrated through legal proofs, as well as Bartolomeo's usurpation of this property. Most of Andrea's *positiones* were based on notarial documents (*instrumenta publica*) that together demonstrated the process by which the lands in question passed into his hands. The others were collateral acts establishing the dating of this and grounding it in *publica vox et fama*. I will first review the transactional history of Andrea's land in summary, then address the probative value of *positiones* in relation to the procedural stage the parties were at, before examining Stefano's responses.

Andrea's *positiones*: Family and Property in Latera

Andrea's first *positio* was a *publicum instrumentum* containing two land sales for properties in S. Maria di Latera.¹⁴⁸ The first was Albizzo degli Albizzi's sale of one

¹⁴⁸ EOG.81.33v: "Quodam publicum instrumentum manu publico notarii scriptum inter cetera continentem qualiter Albiczus domini Albiczi de Latera vendidit Tanino filio Gerini petiam unam terre partem aratoriem et partem vineatam cum domo capanna resedio et habituro positam in populo Sancte Marie de Latera in pendicibus castri Latere

piece of land to Tanino, son of Geri. Given the identical locative clauses, it was one of the pieces of land Andrea had claimed, in the opening of the 1347 lawsuit, that Bartolomeo had usurped from him.¹⁴⁹ The second piece of land was in the same area, near the *castello*'s moat.¹⁵⁰ Andrea's second *positio* confirmed Albizzo's transfer of ownership to Tanino and his brothers.¹⁵¹

Andrea's subsequent *positiones* trace the transfer of this land and other pieces of land (*petiae*) from the family of Tanino and Gerino to him. The third item was a proof of sale for another piece of land, with Piero de' Magalotti selling the land to Tanino's brother, Piero.¹⁵² His next *instrumentum* recorded that Piero and Tanino's father, Gerino, and Sinibaldo (their relationship is unclear) had received a dowry to the amount of 140 *fiorini piccioli* from Alberto di Sassone di Dante for Sinibaldo's marriage to Alberto's daughter, Chiarissima. They were now agreeing to return this dowry to Alberto on behalf of Chiarissima, although the reason for the dowry's return is not given, as it was

loco dicto Fracta quibus a I, via publica; a II, heredes Parigii et heredes Malvicini et via; a III, ecclesia Sancte Marie predicte; a IIII, dominio Loterii olim domini Odaldi.”

¹⁴⁹ EOG.81.33v: “Albicus domini Albiczi de Latera vendidit Tanino filio Gerii petiam unam terre partem aratoriem et partem vineatam cum domo capanno resedio et habituro posita in populo Sante Marie de Latera in pendicibus castri Latere loco dicto Fracta quibus a I, via publica, a II, heredibus Parigii et heredibus Malvicini et via, a III, ecclesia Sante Marie predicte, a IIII, domino Loterii olim domino Odaldi.” Compare this with EOG.81.27v: “Item alia petia terrae parti <aratoie> in parte vineata cum domo capanna et habituro posita in dicto populo loco dicto Fracta cui a 1 via a 2 olim heredes Viniani et hodie Ugonis Durantis a 3 ecclesia Sancte Marie a IIII, olim heredes Parigii et Malvicini sive domina Cieberote et hodie dicti Ser Andree.”

¹⁵⁰ EOG.81.33v: “Item petiam unam terre aratorie positam in dicto populo Sancte Marie loco dicto colto cui a I et II, via; a III, fossatum et dictos emptores; a IIII, dictorum emptorum pro partio in dicto instrumento venditionis contentam.”

¹⁵¹ EOG.81.33v.

¹⁵² EOG.35r: “Item quoddam aliud publicum instrumentum mano publico notarii scripto intercetera continentem qualiter Bectus et Cherichus fratres et filii Pierii de Latera fecerunt cartam venditionis Piero filio Gerini de Latera [brother of Tanino] de quadam petia terre et vineata posita in pendicibus castri Latere cui a 1, vi; a 2, Uberti et Scholaii, a 3, Becti Gerini, a 4, dicti emptoris pro partio in ipso instrumento venditionis contento.”

irrelevant to Andrea's lawsuit; perhaps Sinibaldo had died. This position was followed by an *instrumentum matrimonii*, denoting that Sinibaldo and Chiarissima, Alberto's daughter, had wedded.¹⁵³ Chiarissima then ceded the rights of this dowry to Compiuta, the daughter of Piero de' Magalotti.¹⁵⁴ Compiuta, in turn, "because of the donation and concession," gave these rights to her son, none other than Andrea.

This familial connection emerges from a separate notarial act done in her name on 6 April 1347.¹⁵⁵ This act (*mundium*) granted Andrea legal guardianship (the office of *mundualdus*) over his mother, Compiuta and his own wife Piera, daughter of Michele di Dinaccio da Barberino di Mugello.¹⁵⁶ Ser Francesco drew up the *mundium* in S. Maria di Latera a little over a month before Andrea's lawsuit began, by Ser Francesco, exercising his ability as a notary to appoint a *mundualdus*.¹⁵⁷ This guardianship was enacted so that

¹⁵³ EOG.81.34r: "Item quoddam aliud publicum instrumentum dotis manu publico scriptum... qualiter Gerinus qd Rinucetti sive Venuti et Sinibaldus vocatur Favaglius confessi fuerunt se habuisse in dotem ab Alberto Sassonis Dante quod domina Chiarissima filia sua et uxore dicti Sinibaldi LBR centum quadraginta FP quam dotem ipsi et quibus ipsorum in solidum ob promisserunt eidem Alberto rec[] pro dicta dominia Chiarissima reddere et restituere eidem in omnibus et singulis causibus restituende dotis. Et quod dictis observandis obligaverunt se ipsos et eorum heredeum et bona." The *instrumentum matrimonii* follows: "Item quoddam alium publicum instrumentum matrimonii manu publico notarii scripto inter cetera continentem qualiter dictus Sinibaldus et dicta domina Chiarissima per verba de presbiterii matrimonii inter se ad invicem contraxerunt."

¹⁵⁴ EOG.81.34r: "Item quoddam alium publicum instrumentum cessionis manu publico notarii scriptum inter cetera continentem qualiter dicta domina Chiarissima consensu sui mundi cessit iura dicte dotis domine Compiute filie quondam Pieri de Latera in quo instrumento continentem instrumentum mundi ipsae domine Chiarissime."

¹⁵⁵ See NA.195, the first volume of imbreviatures by the notary ser Francesco di Zanobio di Albizello, at 141r.

¹⁵⁶ On the Florentine institution of the *mundualdus*, see in particular Thomas Kuehn, "Cum consensu mundualdi": Legal guardianship of women in Quattrocento Florence," *Viator* 13 (1982), 309-333, in particular 310-12 (reprinted in Kuehn, *Law, family, and women: toward a legal anthropology of renaissance Italy* (Chicago, 1999)).

¹⁵⁷ See Kuehn, "Cum consensu," 311, for notaries' and judges' ability to appoint guardians. NA.195.141r: "Item eodem anno [1347] et die sexto mensis Aprilis. Actum in

Compiuta, working through Andrea, could sell a piece of land (*petium terre*) to Barone di Barone, a Florentine residing in the *quartiere* of S. Maria Novella—the only urban landowner attested as active in this part of the Mugello during the 1340s. Compiuta is described in the act of *mundium* as “once daughter of Piero Magalotti and formerly the wife of ser Ugo di Ser Guido”. That Compiuta’s deceased husband, Ugo, was Andrea’s father, is confirmed in the next line, where Piera is described as “once the daughter of Michele di Dinaccio da Barberino and wife of ser Andrea, son of the said deceased Ser Ugo of S. Maria di Latera.”¹⁵⁸ This would explain Andrea’s appointment as her guardian. This *instrumentum mundii* also proves that Andrea had not incurred *mala fama* with legal standing from his conviction for the false denunciation of 1344, since he could still serve as a guardian.

The next entry in the same notarial register is the land sale to Barone di Barone, supervised by Andrea for Piera and Compiuta, with his brother ser Guido acting as *procurator*.¹⁵⁹ Barone, an urban *popolano* from Santa Maria Maggiore, appears frequently in ser Francesco’s *atti* between 1345-48, usually buying lands in the parish of S. Giovanni in Petroio and leasing them out via sharecropping contracts (*mezzadrie*) to

popolo Sancte Marie de Latera, presentibus testis Laterino Betti et Francischo Ciali dicti populi Sancte Marie de Latera ad hunc vocatur et rogatur secundum domina Compiuta, videlicet filia quondam Pieri Magalotti et uxor quondam Ser Ugonis Ser Guidonis.”

¹⁵⁸ NA.195.141r: “domina Compiuta videlicet filia quondam Pieri Magalotti et uxor quondam Ser Ugonis Ser Guidonis et domina Piera, filia quondam Michaelis Dinaccii de Barberino et uxor Ser Andree filius quondam dicti Ser ugonis ambe populi Sancte Marie de Latera.” On the hazards of accurately identifying individuals from medieval evidence, especially when dealing with those lacking surnames, see the classic piece by Zvi Razi, “The Toronto School’s reconstruction of medieval peasant society: A critical view,” *Past & Present* 141 (1979): 141-57, at 142-43.

¹⁵⁹ The entirety of this sale is found in NA.195.141r-143r; for Guido as *procurator* for Compiuta, Piera, and Andrea, see NA.195.142v.

locally-based tenants.¹⁶⁰ The land being sold was not involved in Andrea's dispute with Bartolomeo de' Pulci, although its locative clauses indicate their proximity.¹⁶¹ Perhaps Andrea was consolidating his holdings, or needed cash to cover expenses before initiating his lawsuit against Bartolomeo in May 1347.

This dense network reveals the complex familial and associative ties behind Andrea's lawsuit, and his dispute with the Pulci. Andrea had an ongoing involvement with Barone di Barone during the mid-1340s. Barone, who appears in the sources as "Barone, son of the deceased Barone/of the other Barone, of the deceased Cappello", is a notable example of an urban landowner with extensive properties in the Mugello. In May 1347, as his lawsuit with Bartolomeo continued, Andrea took out a loan from Barone of 25 gold florins, perhaps to support legal expenses; evidently his previous land sale had not produced enough cash for his current needs.¹⁶² Evidently Barone managed to remain above the dispute between Andrea and the Pulci. He does not appear in the *instrumenta*, nor is any of his land mentioned, even though he must have been aware of the dispute between his associate and the Pulci. On September 26 1347, Andrea received a six-month lease for a house in the urban *quartiere* of S. Maria Novella from one ser Francesco di Bencivenne; Piero di Feo di Chiaro, who appears in land sales as Barone's *procurator*, brokered the deal.¹⁶³ Perhaps Barone or his legal representative deliberately assisted Andrea. Barone, who lived in the urban *populus* of S. Maria Maggiore, may have found it useful, as a patron and creditor, to have one of his clients and debtors in the nearby

¹⁶⁰ See NA.195.141r-153r, and 202v, for Barone's land transactions.

¹⁶¹ NA.195.141v: "Unum petia terre laborata posita in populo Sancte Marie de Latera loco dicto Acchengi, cui a I, via, a II, heredes Nardi, a III, fossatum, a IIII, Laterini Betti et heredes Guidi...."

¹⁶² NA.195.153r-153v for the loan, with Andrea as the debtor.

¹⁶³ NA.195.178v.

quartiere of S. Maria Novella; Andrea had moved there at some point before beginning his lawsuit.¹⁶⁴

At an unknown point before 1347, Barone and his unnamed heirs had become patrons of the church of S. Maria di Cassi, a church in the parish of S. Giovanni in Petroio near Latera. Andrea's uncle-in-law, Arrigo di Dinaccio da Barberino di Mugello, appears as a witness in a census of Barone's patronage rights drawn up on 14 August 1347.¹⁶⁵ Ugo di Durante dei Magalotti also appeared as a witness for this census.¹⁶⁶ Ugo, as noted above, was one of the Pulci followers denounced by Andrea in 1344. Given that Compiuta di Piero dei Magalotti was Andrea's mother, and Ugo was the son of Durante, Compiuta's brother, in denouncing Ugo Andrea had denounced his own cousin, who was now serving as a witness for his creditor Barone. Late medieval Tuscany's "excessive community" is in full evidence here.¹⁶⁷

This Arrigo was Andrea's uncle-in-law and he was also a co-recipient with him of the rented property in the *quartiere* S. Maria Novella overseen by Barone's *procurator*. Arrigo and his family, the da Barberino, were no *popolani*: in 1346, the year before Andrea's civil suit against Bartolomeo began, Arrigo was denounced as a "magnate of the Florentine *contado*" (*comitatum florentie magnas*) by Tello di Guerro, a resident of the *populo* of S. Margherita dei Cerchi in Florence. Tello described himself as a "weak

¹⁶⁴ For the logic of of lending and debt in maintaining social networks in Quattrocento Florence, see Ronald F.E. Weissman, "The importance of being ambiguous: Social relations, individualism, and identity in Renaissance Florence," in *Urban life in the Renaissance*, eds. S. Zimmerman and R. Weissman (Newark, 1989), 269-80.

¹⁶⁵ NA.195.169r-169v. Arrigo was the son of Dinaccio da Barberino; Arrigo's brother, Michele, was the father of domina Piera, Andrea di ser Ugo's wife.

¹⁶⁶ NA.195.169r for Ugo as one of the witnesses.

¹⁶⁷ Stephen J. Milner, "Partial readings," 98. Milner was speaking of the excessive community discussed by Weissman in the piece cited above.

and poor person” (*impotens et miserabilis persona*) in the denunciation.¹⁶⁸ Together with Paolo Giunte, a “nobleman of the Florentine *contado*,” Arrigo had taken Tello’s land in S. Niccolò di Latera, and it was currently in the possession of Paolo Giunte.¹⁶⁹ Piero di ser Ugo, Andrea’s brother, was listed as a witness for this crime, and was contumacious.¹⁷⁰ Arrigo appeared before the Executor and claimed that he had not seized or occupied the lands in question, although there is no further record of the outcome of the case.¹⁷¹ Paolo Giunte eventually appeared before the Executor and confessed that he had worked the lands in question-but he had done this at the behest of Arrigo’s nephew, Andrea’s brother-in-law, Ser Dinaccio di Michele di Dinaccio, and that no seizure or usurpation had occurred.¹⁷²

Arrigo and ser Dinaccio were members of the rural magnate lineage of the da Barberino, who in turn were related to the da Cattani, the original castellans of the *rocca*

¹⁶⁸This appears to have been an in-person denunciation before the Executor. See EOG.68, 7r: “Exponit Tellus quondam Gueri olim popolo S. Remigii et hodie populi S. Margarine de Florentie popularis de popolo civitatis Florentie et impotens et miserabilis persona quod Arrighus Dinacci de Barberino de Mugello comitatus florentie magnas de domo de Captanis de Barberino de Mugello”.

¹⁶⁹EOG.68.7r: “Arrighus Dinacci de Barberino de Mugello comitatus florentie magnas de domo de Captanis de Barberino de Mugello invasit per se ipsum et per Paulum Iunte de popolo S Nicholai de Latera nobilem comitatum florentie et hominem male conditionis et fame contra formam iustitie et statutorum per vim et violentiam contra voluntatem dicti Telli infrascripto bono idem et possessionem dicti Telli”.

¹⁷⁰EOG.68.7r. Although a “y”, signifying the appearance of a witness, is next to “Pierus ser Ugonis,” he is not listed among the witnesses who appeared to testify: EOG.69.17r-18r.

¹⁷¹EOG.68.7v: “Arrighus citatus...responsit quod se non invasisse dicta bona nec occupasse nec invasse contenta in dicta inquisitione.”

¹⁷²EOG.68.8v: “Die XIX mensis Iunii. Paulus Iunte dixit et sponte confessus fuit se superscripta bona et possessiones in dicta querela seu notificatione contra eum, laborasse de licentia et voluntate domini Dinacci Michelis de Barberino et pro ipso Dinaccii et ut laborator ipsius alia vero in dicta notificatio et querela negavit vera esse.”

di Barberino and the *castello di Latera*.¹⁷³ The da Barberino were episcopal vassals, and appear in listed in the list of archepiscopal goods known as the *Bulletone*.¹⁷⁴ They remained castellans under the commune; Niccolò da Barberino handed the *castello* over to the Milanese army in August 1351, along with those of Villanova, Galliano, and Latera.¹⁷⁵ In marrying Piera di Michele, Andrea had married into a branch of an old magnate family, and was associated through them with the da Cattani, da Barberino, and de' Magalotti. Perhaps he is best seen as a member of the sub-regional elite of the Val di Sieve, with the evident ambition to expand or safeguard his landholdings against the Pulci.

How did these complex interconnections between Andrea's family and other residents of the Mugello, relate to Andrea's effort to prove ownership of the disputed lands? That is, how did social interconnectivity translate into proving one's claims in court? It is significant that in the *publica instrumenta* displayed before the Executor's court in his series of *positiones*, only one of them refers to his mother, Compiuta; his family and friends are otherwise absent from the lawsuit, and must be reconstructed from notarial evidence. Nor are Barone, Arrigo, or any of the other associates discussed above cited as witnesses to prove Andrea's claims; indeed, none of these witnesses are attested

¹⁷³ These roots were quite old by 1347. A 1072 parchment preserved among the *Diplomatico* of the monastery of Passignano contains an investment for a hospital stewardship, made by Uberto and Teuderigo figli di Ugo dei Cattani in their *castello* at Latera: Repetti, 657. For the Cattani and da Barberino, see also Francesco Niccolai, *Mugello e Val di Sieve. Guida topografica, storico-artistica illustrata* (Rome: Multigrafica Editrice, 1974 [1914], 310-11.

¹⁷⁴ Enrico Faini, "Il gruppo dirigente fiorentino dell'età consolare," *Archivio storico italiano* CLXII (2004), 199-231, at 12 in online version, at nt. 88.

¹⁷⁵ M. Villani, *Cronica*, 12.2.

except from Andrea's *positio* naming them.¹⁷⁶ Because the lawsuit breaks off shortly after this stage, we do not know if Andrea called forth his kinsmen as *fideiussores* at a later point in the lawsuit. Here, however, he seems to have deliberately excluded them from the list of witnesses proving the veracity of his claims.

It is possible that Andrea was employing a similar strategy to that of fourteenth-century Marseillais, as analyzed by Daniel Lord Smail: selecting distant acquaintances or strangers emphasized their reliability, and was supposed to assure that the plaintiff had not suborned the witnesses.¹⁷⁷ Or perhaps Andrea did not draw on his local elite connections in court for the simple fact that magnates like Arrigo di Dinaccio da Barberino were hardly the best witnesses to produce against fellow magnates like Bartolomeo de' Pulci. It is just as likely that his magnate kin chose to stay out of the dispute.

Following proof of his reception of Chiarissima's dowry from his mother Compiuta, Andrea displayed another marital document. This was a dotal act (*instrumentum dotis*) recording the dowry of 195 *fiorini piccioli* that Gerino, Tanino, Germia and Sinibaldo di Gierino received from Aglio son of Mompuccio for his daughter, Lapa. Lapa had married Germia, as shown by another *instrumentum matrimonii*, so the dowry was legitimate, but the brothers had then promised to restore it

¹⁷⁶ The witnesses are listed in EOG.81.36r: "Testes autem quos idem ser Andrea producit ad predicta probandum et ipsorum nomina sunt ista: omnes comunis de Latera. Iuntinus Vindi, Cinus Gianius, Borghus ser Telli, Puciante Simonis et Salinbene Giannini."

¹⁷⁷ Daniel Lord Smail, "Witness programs in late medieval Marseilles," in *Voices from the bench* 227-50, at 240-41.

to Lapa.¹⁷⁸ Lapa in turn ceded the dowry, with the consent of her guardian (*mundualdus*), to Andrea, following Germia's death.

Andrea did not immediately take possession of the dowry, however: Germia and his brothers held Lapa's goods until the time of their deaths.¹⁷⁹ Andrea took care throughout his *positiones* to carefully specify the dating of each successive sequence. Germia and Sinibaldo had died 24 years ago. Here Andrea appealed for the first time in his *positiones* to *publica vox et fama* to prove this assertion, and Stefano did not deny it, only slightly back-dating their deaths to 30 years ago.¹⁸⁰ At some point after Lapa formally turned her dowry goods over to Andrea but before the death of her brothers,

¹⁷⁸ EOG.81.34v: "Item quoddam aliud publicum instrumentum dotis manu publico notarii inter cetera continentem qualiter dictus Gerinus Taninus Germia et Sinibaldus fratres et filii dicti Gierini in solidum se ob fuerunt confessi et contenti se habuisse et recepisse in dotem ab Angelio quondam Mompipi populi Sancti Nicholay de Spugnole dantem et soluentem pro domina Lapa filia sua et uxore dicti Germe stipulante libros centum nonagintaquinque FP quam dotem ipsi et quilibet ipsorum in totum et in solidum ob reddere promisserunt ipsi Aglio recte et stipulati pro dicta domina Lapa in actionem causam eventumque reddendi et restituendi dotis et pro dictis obligaverunt Item quoddam aliud publicum matrimonii manu publico notarii scripto inter centera continentem qualiter dictus Germia et dicta domina Lapa per verba de praesenti matrimonii contraxerunt." I read "Mompipi" as shorthand for "Mompuccio"; the other, literal translation would render his name as "Mompo." On the subject of dowries in late medieval and Renaissance Florence, see the classic study by Christiane Klapisch-Zuber, "The Griselda complex: Dowry and marriage gifts in the Quattrocento," in her *Women, family, and ritual in Renaissance Italy*, trans. Lydia G. Cochrane (Chicago and London, 1985), 213-40.

¹⁷⁹ EOG.81.35r: "In super idem ser Andreas ad probationem dicte petitionis porrectam contra dictum Bartholomeum per dictum Ser Andream exhibitam et porrectam et probationem iurium ipsius Ser Andree ponit et si negatur probatio, intendit capitula ita videlicet, quod Gerinus quondam Rinucetti Sinibaldus vocatur 'Favaglius' Taninus et Germia fratres et filii dicti Gerini tenuerunt et possiderunt dicta bona super nominata usque ad tempus mortis eorum."

¹⁸⁰ EOG.81.35v: "Item quod dictus Sinibaldus et Germia mortui sunt et decesserunt iam sunt XXIIIor anni et ultra et de predictis fuit et est publica vox et fama." Stefano's response is in EOG.81.27v: "Item quintem positionem quod incipit 'Item quod dicti Sinibaldus etc.', dixit quod credit quod decesserunt iam sunt XXX anni et ultra."

Bartolomeo relinquished all rights to the goods Andrea received from Lapa's dowry.¹⁸¹ Maddeningly, the registers of the notary whom Andrea entrusted to copy these out for the court, ser Piero Banchino di Firenze, do not survive.¹⁸² Andrea had possessed the goods and *petiae terrae* he had acquired through the two dowry acquisitions until 1342, "for himself and his laborers," implying he leased out his land to others, perhaps to sharecroppers via *mezzadria* contracts.¹⁸³

Up to this point in the suit, Andrea mainly relied on written documents to prove his case. It is remarkable how many separate *instrumenta* he preserved-perhaps in his notarial registers, which do not survive, or in a private archive. When the fact he was trying to prove shifted from his possession of the lands in question to the fact of Bartolomeo's usurpation, his forms of proof shifted as well. Andrea appeals to *publica vox et fama* to prove Bartolomeo's occupation and usurpation of Andrea's goods; Bartolomeo's magnate status; and that Andrea himself was a member of the urban *popolo di Firenze*, and had been for "thirty years and more."¹⁸⁴

¹⁸¹ EOG.81.35r: "Item quoddam aliud publicum instrumentum manu publico notarii scriptum inter cetera continentem qualiter dictus Bartholomeus renuptiavit omnia iura quod sibi competebat in ipsis bonis ratione emptionis facte de ipsis bonis que instrumenta et iura deponit penes Ser Pierum Banchini notarium ad copiendam aliteri parti si voluit."

¹⁸² Piero's son, Antonio del fu ser Piero di Banchino di Firenze, is however attested in the ASF's *Diplomatico* series as early as 1359:
<http://www.archiviodistato.firenze.it/pergasfi/?op=fetch&type=pergamena&id=953421>

¹⁸³ EOG.81.36r: "Item quod in Millio CCC XLII dictus Ser Andreas dicta bona et petias terrarum suis confinatis habuit, tenuit, et possedit per se et suos laboratores."

¹⁸⁴ EOG.81.36r: "Item quod dictus Bartholomeus de Pulcis occupavit et exurpavit et invexit dicta bona et petias terrarum dicto Ser Andree et de predictis fuit et est publica vox et fama. Item quod dictus Ser Andreas fuit et est popularis et de populo civitatis Florentie et ita tenetur et habitatur et tractatur et reputatur et habitatus et reputatus et tractatus fuit iam sunt triginta anni et ultra. Item quod dictus Bartholomeus fuit et est magnas et potens et de domo mangnatum et potentum dicte civitatis Florentie videlicet de domo de Pulcis de Florentia."

This was untrue. The first definite attestation of Andrea in the archival material, a notarial act of 19 September 1329, refers to a November 1328 *instrumentum* written by Andrea and describes him as “ser Andrea son of Ugo di Guido, of Latera.”¹⁸⁵ In the *incipit* of the Executor’s 1344 inquest against him, he was described as “of Montecuccoli and now an inhabitant of the *castello* of Latera, of the Florentine *contado*.”¹⁸⁶ Stefano, Bartolomeo de’ Pulci’s *procurator*, fastened on this in his tenth *positio*: Andrea was not a city-dweller but a *comitatus popularus*, a non-elite resident of Florence’s countryside.¹⁸⁷ There was not necessarily a problem here—*contadini popolani* were not barred from law—but Andrea’s (deliberate?) mistake is significant. We do not know if Stefano exploited it to greater effect later in the trial, given that the record breaks off before the witnesses’ testimony.¹⁸⁸ Nevertheless, it would have been an obvious point for Stefano to focus on. A common form of defense for the accused’s *procurator* was to question the accuser’s *publica fama*. This consisted in large part of the person’s integration into his community: his labor, his family, and work.¹⁸⁹ If Andrea claimed he was an urban *popolano*, how could the witnesses he cited, all from Latera, vouch for his *publica fama* and the *fama* of the events he described? And if he was from Latera, why was he claiming to be a resident of Florence?

¹⁸⁵ NA.10899, 101v: “publico instrumento scripto per Ser Andream ser Ugonis Guidi de Latera notario in Millio Trecento Vigint otto indictione duodecima die duodecimo mensis Novembris.”

¹⁸⁶ EOG.1.52r: “Ser Andream ser Ugonis de Monte Cuccholi et nunc habitatorem in castello Latere comitatus Florentie....”

¹⁸⁷ EOG.81.38r: “Item decime positio quod incipit ‘Item quod dictus Ser Andreas etc.’ dixit quod credit eum esse comitatum popularem.”

¹⁸⁸ This was a commonplace in the trials of the late medieval communes: Vallerani, *Justice*, 33. For figures on the number of trials featuring witnesses for Perugia and Bologna for 1298-1319, see Vallerani, *Justice*, 165.

¹⁸⁹ Vallerani, *Justice*, 149.

These sorts of ambiguities regarding Andrea's personal status could be exploited by Stefano, and he in fact denied most of the 12 *positiones* taken up in his response to Andrea. Those he did not deny, he modified: Sinibaldo and Germia had died-but around thirty years ago, not 24, as Andrea gave it; the only *positio* he accepted, and thus which would not be raised again if the trial proceeded to witness testimony, was that Bartolomeo was a magnate.¹⁹⁰ Stefano promised to elaborate upon his denials and responses once the Executor's judge had fixed a date for this.¹⁹¹ The last surviving records from the trial consist of the judge assigning the two parties six days before the next stage of the trial, in order for Stefano to cross examine the witnesses.¹⁹² The surviving record of the trial breaks off here. It would not be surprising if Andrea and Bartolomeo reached some sort of out-of-court settlement, perhaps through a peace pact (*instrumentum pacis*) before the trial entered the stage of witness testimony.

One of the most significant aspects of the lawsuit is the emphasis on written documents' probative value, the manipulation of them in constructing a narrative, and Andrea's ultimate reliance upon *publica fama* for proving the fact of Bartolomeo's usurpation. It is unexceptionable that Stefano and Andrea deployed so many *instrumenta publica*; they were after all legal professionals steeped in the culture of the courts.

¹⁹⁰ Eog.81.38r: "Item XI positio: qua incipit 'Item quod dictus Bartholomeus etc.' dixit quod credit."

¹⁹¹ EOG.81.38r: "Item super ultima positio, respondit quod de confessis confitetur et de negatis negat ut superscriptus est, quod responsionem feceret in termino sibi assignato in presente dicti iudicis apud dictum bancum dicto Ser Andrea presente."

¹⁹² EOG.81.43r-43v: "Quibus partibus [Andrea and Stefano] presentibus et consentientibus dictus Iudex statuit terminum ad reprobandum dictos testes secundum formam statutum seii dierum utlium et peremptorem. Et ego Johannes Curti de Eugubio imperiali auctoritate notarius et iudicarii ordine et nunc notarius et officialis dicti domini Executoris et comunis Florentie predictis ominibus et singulis in dicto quateno contentis inter fui et ea de mandato dicti domini Executoris rogati scripsi et publice et meum singnum apposui."

More revealing is the narrative that these *instrumenta* collectively constitute. Stefano produced the first notarial act of sale, showing Pulce di Guelfo de' Pulci purchasing two pieces of land for Bartolomeo from Alberto di Piero dei Magalotti, Andrea's brother-in-law. The third showed another purchase made by Pulce, this time from Alberto's nephews, Perozzo, Ugho, and Guilielmo. These *instrumenta* seemed to trump Andrea's version of the claim as given in the initial *actio*: The lands in question were rightfully Bartolomeo's, and Andrea had no legal title to them.

These were immediately countered by Andrea's *positiones*, which laid out more notarial acts and reconstructed the history of the claim in much more detail than Stefano had. In his various *instrumenta*, Andrea traced the history of the pieces of land in question back about twenty-five years, to the period preceding the deaths of Sinibaldo and Germia. Taken together, the *positiones* provide a more detailed and deeper reconstruction of Andrea's claim, with substantive proof of his history of association with the lands, via his kin and the dowries of Lapa and Compiuta. None of the *instrumenta* are dated, but Andrea's claim to have possessed the lands "for himself and his laborers"¹⁹³ established his ownership prior to Bartolomeo's *instrumenta* presented by Stefano di Gino. The question remains of how to reconcile the apparent proof of purchase by Pulce di Guelfo de' Pulci with Andrea's *a priori* possession of the lands in question. Given the lack of dates for any of the *instrumenta* cited by either side, this cannot be answered with certainty. There is no reason to discount Bartolomeo's previous ownership of some or all of the disputed lands: Andrea provided a *positio* claiming that Bartolomeo had relinquished all his rights from the purchase made for him, presumably that made by

¹⁹³ EOG.81.36r: "Item quod in Millio CCC XLII dictus Ser Andreas dicta bona et petias terrarum suis confinatis habuit, tenuit, et possedit per se et suos laboratores."

Pulce di Guelfo de' Pulci and cited by Stefano.¹⁹⁴ Stefano, of course, vigorously denied this.

This ambiguity was probably the central point of the dispute, and the lawsuit. Given the overlapping contacts between Andrea and Bartolomeo, it is not impossible that the origin of their dispute lay in different interpretations of what rights each party possessed to the three pieces of land. This is especially the case given the intermediary situation of the Magalotti family: Magnotto and Ugo di Durante de' Magalotti may have been associates of Bartolomeo (according to Andrea's false *cedula*), and Andrea's mother, Compiuta, was the sister of the men from whom Pulce di Guelfo de' Pulci purchased land. Although not related by blood, Andrea and Bartolomeo may have possessed rights simultaneously to some or all of the *petiae terrae*. Andrea held another piece of land, abutting the third piece of land he claimed in his initial petition, in common with the heirs of Lotterio. One of these heirs is identifiable from a notarial act of 26 July 1329: Odaldo, son of Lotterio, who himself was the son of the deceased Filippo da Barberino.¹⁹⁵ Andrea was tied to the da Barberino through his wife, Piera. This sort of joint-property ownership was a hallmark of the magnate class that we can see Andrea associating himself with in the notarial documents.¹⁹⁶ Andrea was not a member of the Pulci, but was associated with the lineage's magnate milieu.

¹⁹⁴ See EOG.81.35r for this *positio*.

¹⁹⁵ See NA.10899.97v; the *instrumentum* was done on 26 July 1329 "in castro de Latera de Mugello, in the names of "Lotterius quondam domini Phylippi de Barberino et Odaldus eius filius".

¹⁹⁶ For this, see in particular Lansing, *Florentine magnates*, 46-84, and Klapisch-Zuber, *Retour*, 79-108. Both of these scholars focused primarily on the urban magnate lineages, but I see no reason to not ascribe this tendency to the rural magnate lineages such as the da Latera and da Barberino, especially given the episcopal associations of both.

It seems reasonable to posit that the original dispute between Andrea and Bartolomeo was caused by doubts or confusion regarding what exactly Bartolomeo had relinquished when he gave up his rights to the properties in question. An oddity of the case concerns the dating of Andrea's initial acquisition of the land in question: in medieval Italy, uncontested possession of land for 30 years was proof of ownership, in and of itself.¹⁹⁷ Neither of the parties appealed to this custom to support their case or damage their enemy's, at least in the portion of the trial record which survives. Perhaps the 30-year limit was an element in the feud: Andrea could have been contesting Bartolomeo's claims towards the end of thirty years of confused or uncontested ownership; conversely, perhaps Bartolomeo's usurpation of the lands was intended to publicly demonstrate his claim to the land.¹⁹⁸

Publica fama played an important role in the lawsuit. Although he relied upon written documents to prove his ownership of disputed land, Andrea's claim that Bartolomeo had usurped and occupied his lands, and the social status of Bartolomeo and himself, depended wholly on *publica fama*, which his witnesses were, presumably, willing to verify.¹⁹⁹ *Publica fama* in the form of the public knowledge of a fact confirmed that Bartolomeo had usurped his lands, and *fama publica* as a legal status, based on one's personal reputation, confirmed Bartolomeo's magnate status and Andrea's own status as a *popolano*, of the city (according to him) or of the *contado* (according to Stefano, and

¹⁹⁷ Wickham, "Gossip," 4. For a similar dispute over urban property, featuring the 30-year limit on uncontested ownership, that ended with the *consilium sapientis* of Giovanni di Bernardo Bovachiesi da Prato, see Thomas Kuehn, "The Renaissance *consilium*," 1077-80.

¹⁹⁸ For similar public acts and their probative value in the twelfth century, see Wickham, "*Fama* and the law in twelfth-century Tuscany," 22-24.

¹⁹⁹ EOG.81.36r.

the surviving documentation). *Fama publica* as the report of a crime has already been discussed, in its role as the stand-in accuser in *ex officio* inquisitions such as the one Giovanni da Parma carried out against Andrea in 1344. *Publica fama* as common opinion regarding one's status or reputation also had legal standing: It was one of the original ways of determining magnate status, in Florence and at Bologna.²⁰⁰ It had an ambiguous relationship to *publica vox et fama* in its extra-judicial, social sense: the common knowledge of a given place, of a person or event.²⁰¹ Stefano was careful to deny that *publica fama* supported Andrea's claim regarding Bartolomeo's theft; if the lawsuit had continued, Andrea would probably have sought the confirmation of *publica fama* from the witnesses, who were all from Latera.

The initial inquest against Andrea is one example among many in Florence's foreign-staffed courts of *publica fama* in its Gandino-esque guise, as an accuser and sufficient proof. The lawsuit, however, demonstrates that, even in cases where both parties could produce substantive documentation to back their claims and were themselves legal experts or notaries, *publica fama*-the common opinion or local knowledge of an event or fact-retained probative value, at least regarding events (land usurpation) and peoples' status (was Bartolomeo a magnate? Was Andrea a rural or urban *popolano*?). On the other hand, the legally-actionable elements of *mala fama* do not seem to have damaged Andrea's ability to serve as his female kin's guardian, nor did Stefano pursue this avenue of attack, at least as far as I know. Despite its clear legal status at Florence and elsewhere as a mechanism for identifying magnates, and its celebration by

²⁰⁰ Klapisch, *Retour*, 17.

²⁰¹ For this, see Wickham, "Fama and the law in twelfth-century Tuscany," in *Fama*, and "Gossip".

Alberto Gandino as a stand-in for an accuser and a certain proof, it retained its other aspect, common talk or repute. In this form it was a crucial element in the Executor's criminal inquisitions.

Andrea and Bartolomeo do not appear in the courts' records after May 1347. Their dispute does not seem to have involved their associates. One of the locative clauses of another of Barone di Barone's many land purchases implies that Bartolomeo de' Pulci shared ownership of a piece of land in Latera with the heirs of the magnate Lotterio da Barberino, almost certainly including the Odaldo da Barberino who appears as Lotterio's son in an *actum* of 1329.²⁰² Bartolomeo was apparently capable of living in peace with this branch of the da Barberino lineage, who were closely tied to Andrea through marriage.²⁰³ The last mentions of Andrea in the *notarile* date from later in 1347. One records the loan he received from Barone di Barone of 25 florins (25 May 1347); his role as a witness for a transaction by one Bernardo di Ceccho da Gangalandi; the other is the lease to him on 26 September 1347 of a property in the urban *quartiere* of S. Maria Novella; Andrea disappears from the historical record after this.

Two notarial acts from February 1350 provide information in passing about Latera in the immediate wake of the plague, and tantalizing information on the current ownership of one of Andrea's properties in Latera. The first was done in the *castello* of the da Barberino family and involved members of the da Barberino family, including Andrea's brother-in-law, Dinaccio. He is now described as "dominus Dinaccius filius

²⁰² NA.10899.97v.

²⁰³ For the locative clauses, see NA.195, 173v: "Item alium petium terre partem boscatam et partem laboratam positam in Latera, loco dicto Selva Piana, cui a I, via; a II, Bartolomei de Pulcis et heredes Lottieri de Barberino; a III, dicti Baronis; a IIII fossatum in predictos confines."

quondam Michaelis de Barberino”: he may have become the head of the family following his father’s death, perhaps of the plague. The second records a sale of property by Dinaccio on behalf of his daughter, Lapa, to one Gualtiero di Olivero dei Carboni da Firenze. The property’s locative clauses are roughly identical to those of one Andrea described in a 1347 *positio*. It abutted on one side the land of the heirs of Bartolomeo de’Pulci; next to this was another piece of land described as “once that of Ser Andrea de Latera, and today property of the Florentine commune.”²⁰⁴

This tantalizing reference does not explain how the commune had come into possession of the land. Perhaps Andrea forfeited it to the commune at some point in his protracted dispute with Bartolomeo. It is also unclear whether Andrea was dead at the time of the 1350 transaction. The reference to Bartolomeo de’Pulci’s heirs is equally vague, as is a reference to two more pieces of land owned by these same heirs. Were these unnamed heirs in possession of the land in 1350 due to Bartolomeo’s death, perhaps of the plague? Or was Bartolomeo still alive? I have found no further mentions of the dispute, or the two disputants, in the notarial and judicial evidence. This does not mean it ended in 1347; the next portion simply was not recorded.

²⁰⁴ NA.1010.11r-11v. See NA.1010.11v for Dinaccio: “Eodem anno et indictione [1350, third indiction] dicto loco [Barberino’s *castello*] et coram dictis testibus, dictus dominus Dinaccius filius quondam Michelis de Barberino iure proprio et in proprio dedit vedidit tradidit et concessit supradicto Gualterio quondam Oliverii Carbonis de Florentia ibidem emendationem reptum et stipulantem pro supradicta domina Lapa filia sua et uxore dicti Stefani et pro eiusdem domine Lape heredibus et pro quibus iure sua concessit unam domum cum una petia terre aratorie cum arboribus posita in populo Sancte Marie de Latere loco dicto ‘alla Fratta’, quibus a I, via; a II, heredes Bartholomeii Lapi Fiorenzani de Pulcis; a III, via; a IIII, olim ser Andrea et hodie comunis Florentie.”

Conclusions

Violent emotion, or emotive language of any sort, is largely absent from the record of the dispute. There is no evidence in Andrea and Bartolomeo's relationship for the sort of ongoing, structural malaise Daniel Lord Smail made famous for Marseilles. Andrea and Bartolomeo do not seem to have had a history of enmity, given that Bartolomeo and his kin seem to have acquiesced in Andrea's (co-)possession of the lands in question until 1342-43. Despite the Executor's ruling that Andrea's initial denunciation was false, the attack it described could have taken place: it is the sort of raid (*cavalcata*) characteristic of the Tuscan nobility.²⁰⁵ Violent direct action would have served to emphasize Bartolomeo's claims against Andrea.²⁰⁶ Conversely, if the denunciation was false, lodging a denunciation against someone was in itself a hostile act, and recognized as such in fourteenth-century Tuscany, as in contemporary Italy.²⁰⁷

Why did Andrea denounce Bartolomeo? The affair can be read as a dispute that got out of hand, probably as a pressure tactic to force an out-of-court settlement on his foe. Andrea was probably confident that he could game the Executor's court in his favor. This supposition is based on his legal knowledge as a notary, the magnate status of his foe, and the uniquely auspicious moment for anti-magnate activity in late 1343 and 1344. These were the early days of the third popular regime which had come to power following a popular revolt against the "magnates' priorate" of 1343. But Andrea's legal and discursive strategem backfired badly for him, reflecting the semi-detachment of the

²⁰⁵ On this, see Maire-Vigueuer, *Cavaliers et citoyennes* and Caduff, "Magnati."

²⁰⁶ For an analogous situation in the twelfth-century Fiorentino, see Wickham, *Courts and conflict*, 216-22.

²⁰⁷ On denunciation and sociability in modern Italy, see the valuable discussion of Michael Herzfeld in *Evicted from eternity. The restructuring of modern Rome* (Chicago, 2009), 219-52.

Executor's court from the Florentine state's ruling elites: the Executor's court, whatever else its shortcomings, did not go in for vindictive class justice.²⁰⁸

Inquisitorial procedure mattered here: in the prosecution of Andrea we can clearly see many aspects of the *ex officio* procedure as valorized by Gandino. Andrea's punishment does not seem to have been very drastic: imprisonment and a fine, as opposed to losing a hand or his tongue, the statutory penalty for false testimony or denunciations.²⁰⁹ Yet what Vallerani has called the "ideology of the penalty" is identifiable in the procedure against Andrea: in lodging a false denunciation, he shamed and besmirched justice, by doing so in the same place where justice was allotted, the Palazzo del Podestà.

Why did the Executor's court reverse course in 1344 on its initial ruling against Bartolomeo de' Pulci, and prosecute Andrea? The inquest provides no information on this matter, beyond the note that *publica fama* had notified the court of the falsity of Andrea's denunciation.²¹⁰ This was a formality, yet given the frustrating ambivalence of *publica fama*, a well-defined legal category and a more fuzzy aspect of the wider social *habitus*, it may contain clues. The inquest was opened against Andrea on March 14, 1344; the inquest based on his denunciation had happened last month, in February. This space of a few weeks would have been crucial in the development of the dispute, and its impact on the community of Latera. As Thomas Kuehn has argued regarding a later

²⁰⁸ On the question of ruling elites and state autonomy in preindustrial societies, see above all John Haldon's discussion, drawing on Ottoman and Middle Byzantine case studies, in *The state and the tributary mode of production* (London, 1993), at 140-202.

²⁰⁹ Klapisch-Zuber, *Retour*, 139, fnt. 177.

²¹⁰ EOG.1.52r: "quod fama publica precedente et clamosa insinuatione referente non quidem a malivolis set a fidedignis personis ad aures et notitiam dicti domini Executoris et sue curie...."

Florentine feud, the prospect of violence in a feud widened the audience for each party's story, and opened a dialogue about peace and public order.²¹¹ Based on the dense connectivity between Andrea and the Pulci, and their respective social networks in Latera, the dispute must have echoed in local society. In future work, I intend to reconstruct in detail how this community handled disputes like this. Further research into the region's notarial documentation is required.

For the moment, I would propose that *publica fama* was crucial in the court reversing its decision, and prosecuting Andrea for false testimony. The charges against Andrea note that his denunciation initially resulted in the Executor condemning Bartolomeo for his assault on Andrea. This would imply that some of the 12 witnesses named in Andrea's denunciation testified against Bartolomeo: enough to secure initial condemnation by the Executor.²¹² At some point, however, either these witnesses recanted their testimony, or Latera's *publica fama* turned against Andrea and his narrative of the dispute. Another possibility is that Bartolomeo and his kinsmen mobilized their own social network against Andrea. Magnates were, as I will explore in the next chapter, ready and eager to enforce silence and non-complicity with urban courts on rural people: the threat of (further) violence may have forced some locals to denounce Andrea, or otherwise impugn his narrative before the Executor. Again, these are working hypotheses I will pursue in further research.

Given the conflicting claims about the land in dispute (Andrea possessed it in 1342, according to him; Bartolomeo de'Pulci had possessed the land for five years or

²¹¹ Thomas J. Kuehn, "Social and legal capital in vendetta: A fifteenth-century Florentine feud in and out of court," in *Social capital and its discontents*, eds. N. Terpstra and N.A. Eckstein (Turnhout, 2009), 51-72, at 72.

²¹² See EOG.1.52v for the witnesses.

more, according to his lawyer's claims in 1347), it is possible that Bartolomeo took the opportunity of Andrea's 1344 imprisonment to snatch the land from him as revenge. Socially, Andrea and Bartolomeo de' Pulci moved in overlapping circles: his wife was a scion of the locally significant rural magnate clan of the da Barberino, and less clear connections with the da Cattani-da Latera lineages. Such a man may not have moved his *popolano* neighbors to much sympathy when he began quarreling with Bartolomeo de' Pulci. Bartolomeo was denounced to the Executor two other times at least, and absolved in both cases.²¹³ Nor did Andrea's social capital, through his association with an urban landowner such as Barone, or old magnate families such as the da Barberino, help him in court; nor did his legal and notarial expertise. I will try to understand why this was the case in future research.

What does the case reveal about procedure in Florentine public justice?

Procedure—the elements of factual reality that were legally actionable or relevant—shapes and determines, in a primary not incidental way, the surviving documentation. The judicial material of the Executor, revealing as it can be in certain ways, was intended to create a record of individual proceedings and certify their legitimacy, and are not guides to factual reality in any direct way.²¹⁴ The most obvious example of this concerns how Giovanni da Parma deemed that Andrea's denunciation was false: the summary copy of the procedure reveals nothing about this, despite how important this part of the procedure would appear to researchers.

²¹³ These cases are found in EOG.6.18r-18v and EOG.71.1r, 21 June 1346.

²¹⁴ Gene A. Brucker drew on material from the Executor and Capitano's courts in such a manner in his *Florentine politics and society*; see, for example, his reading of denunciations at 63 and 200.

The inquest and lawsuit underline the appeal of urban institutions of public justice for rural people. Enrico Faini has traced the gradual process by which the early Florentine communal courts attracted a magnetic pull on the countryside from the late twelfth century, absorbing, not suppressing, private settlements through arbitration; by the fourteenth century, this process was far along.²¹⁵ The notary Andrea was nothing if not stubborn, and in his quarrel with Bartolomeo he consistently turned to the urban courts, despite the distance between Latera and Florence, and the attractiveness of local social elites to him. No one doubted that the commune's jurisdiction applied to Latera and Barberino di Mugello, not even members of the da Barberino clan and their associates when they appeared in the Florentine courts.²¹⁶ Massimo Vallerani has demonstrated the same phenomenon for Bologna's courts: by the thirteenth century, the public courts were swamped with cases, many coming from the countryside.²¹⁷

This was due in part to the many forms that judicial procedure could take in Florence. The inquests and suits appearing in the Executor's court should be understood as elements within broader wholes that were primarily non-judicial in nature. Few of the denunciations to the Executor made it to the witness stage, and still fewer resulted in sentences or convictions.²¹⁸ In this, denunciation-based inquisitions were typical of communal justice in general. Vallerani has shown that between 80-90% of cases initiated in Perugia and Bologna during the late Duecento and early Trecento resulted in acquittals.²¹⁹ This was not a system that systematically sought punishment, despite

²¹⁵ See Faini, *Firenze*, in particular 318-20.

²¹⁶ EOG.68.

²¹⁷ Vallerani, *Justice*, 137.

²¹⁸ See the figures cited by Caduff, "Magnati", 28.

²¹⁹ Vallerani, *Justice*, 33; see also 156-57.

Gandino's lucidly articulated "ideology of the penalty." Indeed, Vallerani has argued that "generalized acquittal seems to be a structural datum of communal judicial systems."²²⁰ Even with a court as ideologically grounded as that of the Executor, the sharp edge of a denunciation did not necessarily produce more convictions or a substantial enhancement of the commune's power, in contrast to the in-person accusations by local officials. This fuzziness was a source of danger to those using the court, but also made denunciations potentially of great value on a tactical level in out-of-court conflicts.

As a result of its close relationship with the popular commune's concept of *iustitia*, the inquisitorial procedure acted as a brake on the ideological demands of some rural *popolani* for a harsher, activist public justice closer to the thirteenth-century Bolognese model reconstructed by Vallerani and Blanshei.²²¹ Rural Tuscan *popolani* were not protected from the logic of impartial, distributive justice. Despite ongoing demands in denunciations to the Executor that he rein in the *grandi*, Andrea-himself a notary and *popolano*-was prosecuted, imprisoned and fined for the perversion of justice. Chapter two focused on the urban *popolo*'s brief success at usurping the commune's normative infrastructure, institutions, and ideology, and creating what Vallerani, speaking of Bologna, has described as "the presumption of guilt for every violent action attributed to magnates."²²² Yet *popolani* were not protected from prosecution in the very courts they had created and continued to appeal to for justice.

²²⁰ Vallerani, *Justice*, 156.

²²¹ Vallerani, "The inquisitorial trial in the political struggles in Bologna between the *Duecento* and *Trecento*," in *Justice*, 272-305, and Blanshei, "The politicization of criminal justice" in *Medieval Public Justice*, 313-484.

²²² Vallerani, *Justice*, 68.

This did not deter people from using the courts. Initiating suits such as that of Andrea allowed disputants to put enemies such as Bartolomeo de' Pulci on the defensive, without immediately compromising their strategic flexibility in a dispute. In court, litigants utilized a variety of tactics to defend themselves and impugn their enemies. These included undermining the opponent's public reputation and social standing (*publica fama*); sowing doubts about particular elements in his version of a claim; and seeking arbitration-in the lawsuit against Bartolomeo de' Pulci, the Executor and his judge acted as arbitrator for the two sides. Peace pacts, petitions for summary justice, and *consilia sapientium* were also part of disputants' legal toolkit.

In this chapter, I have focused on procedures, legal tactics, and in-court behavior. This has been supplemented with a reconstruction of what is known of the two parties' connections outside of court. Magnates, at least rural magnates such as the da Barberino, possessed some influence in their communities, and intermarried with *popolani* such as Andrea; they furthermore accepted communal justice, to the degree that they appeared in court (Arrigo di Dinaccio da Barberino; Paolo Giunte) or hired *procuratores* to represent them. Public justice and popular institutions mattered to rural people. Yet their significance contained important negative elements for communities as well as individuals like Andrea, as the next chapter will explore.

Appendix 1: Andrea di Ser Ugo's Family Network

These family clusters are reconstructed from notarial and judicial sources cited in-text. Where a patronymic or lineage name is lacking, notarial documents typically denoted a person by parish of origin (ex.: Piero da Latera), a practice I follow here.

Key:

---- : denotes marriage

[?] : spouse unknown

A. The Magalotti da Latera:

Piero di Latera----[?]

Attested children:

Sons: Durante and Alberto

Daughter: Compiuta----Ser Ugo di Guido da Monte Cuccoli

Durante----[?]

Durante's attested children:

Pieroczo, Guilielmo, and Ugo (a follower of Bartolomeo de' Pulci, according to the denunciation of ser Andrea di Ugo, his maternal cousin)

Attested children of domina Compiuta di Piero di Latera dei Magalotti and Ser Ugo di Guido, da Monte Cuccoli:

Ser Piero

Guido

ser Andrea

B. The figli di Dinaccio da Barberino

Note: The *figli di Dinaccio* refers to the branch of the Da Barberino, a rural magnate lineage, that was descended from Dinaccio Da Barberino, living in the first part of the fourteenth century, and his children via an unknown spouse. The term does not appear in the documents; I use it here for shorthand.

This branch of the Da Barberino lineage's relationship with the *fili Guineldi, videlicet de Barberino et de Latera et de Recano*, who were included in the 1325 Statutes of the Podestà's list of rural magnate lineages, is unclear.

Dinaccio da Barberino----[?]

Attested children:

Michele and Arrigo

Arrigo (accused in the Executor's court of seizing a rural *popolano*'s land at the behest of his nephew, ser Dinaccio, son of his brother, Michele)

Michele----[?]

Michele di Dinaccio da Barberino's attested offspring with this unknown spouse:

Ser Dinaccio, a landowner in Latera

Piera, wife of Ser Andrea di Ser Ugo

Chapter 5: Ambiguous Engagement: Distance, silence, and elite violence in Florentine Tuscany

Abstract: This chapter analyzes communal responses to magnate violence, focusing on the testimony stage of anti-magnate inquests for the years 1347-1349. These years were selected because the relevant documents are complete and relatively undamaged, and because they straddle the onset of the Black Death (1348). The records for these years are also continuous with those discussed in previous chapters. Reconstructing the behavior of witness communities in the Executor's court demonstrates two patterns: a general tendency to deny all knowledge of magnate depredations, and appealing to common knowledge with probative value (*publica fama*) when people did claim to know of a crime. I argue that the habitual silence of witnesses was a response to elite violence outside the courtroom, and the procedural snares discussed in the previous chapter. Rural disinclination to cooperate with the Florentine courts resulted neither from communal institutions' decadence, as some scholars have claimed, nor from rural communities' refusal to carry out judicial responsibilities. Rural people regularly appeared to testify, but local power relations and communal solidarity conditioned their responses. The chapter thus emphasizes the ways in which the Florentine popular commune's courts were constrained by, and compromised with, the power relations of Tuscan society.

“Most of the boys around here knew to get stony stupid when the police came down. No matter what the knockos did to you, whatever they called you, all you had to do was weather it out, because the knockos couldn't do shit if they couldn't find nothing, so anybody who understood survival out here just hung tight and took the abuse until the knockos went away.”-Strike, *Clockers*

Introduction: Questions and structure

This chapter's theme is how rural communities responded to the demands of Florentine public justice in the later Middle Ages. By the mid-fourteenth century, Florence was the dominant power in northeastern Tuscany, and its territorial expansion would dramatically increase later in the century.¹ Expanded territorial control was not synonymous with pacification: Florence's rural territories and their residents remained targets of magnate violence, who often acted with impunity. This is in contrast to the city of Florence. Although factionalism long remained a favored elite Florentine pasttime, decades of popular agitation and institutional wrangling had largely pacified the city by

¹ On Florence's fourteenth-century expansion, see, out of a vast literature, *Lo stato territoriale fiorentino (secoli XIV-XV)*, eds. William Connell and Andrea Zorzi (San Miniato, 2002); *Florence et la Toscane. XIVe-XIXe siècles. Les dynamiques d'un État italien*, eds. Jean Boutier, Sandro Landi, Olivier Rouchon (Rennes, 2004), and Giorgio Chittolini, *La formazione dello Stato regionale e le istituzioni del contado* (Turin, 2005 [1979]).

the mid-fourteenth century.² One of the primary goals of the thirteenth-century *popolo* commerce and civic life could proceed in peace, and the consular-era military elite's hold on the commune had been broken, in part through the creation of judicial institutions like the Executor of the Ordinances of Justice. When the old elite tried to violently reassert its control over the urban commune, such as in the Bardi family's attempted coup of 1340 or the short-lived "magnates' priorate" of 1343, they were quickly and vigorously suppressed.

What, then, of the countryside? This chapter explores the myriad factors conditioning rural peoples' engagement with the Florentine state, in the form of public justice and its demands. How did rural people interact with an expanded state presence? What were their calculations in dealing with Florentine justice, and the power of rural lords?

The first half of the fourteenth century is usually seen as one of crisis for the urban Italian communes.³ During this period, city-states across north-central Italy became lordships (*signorie*), as the institutions and regimes thrown up by the thirteenth-century popular revolution gradually shed their ideological charge. Scholarship on the decline of the communes typically focuses, however, on public life exclusively through the lens of formal political participation, particularly election to the commune's councils and office-holding. In what follows, I use the more mundane civic activity of witness testimony as a frame through which to understand rural (dis)engagement with the Florentine commune. Providing testimony in formal judicial proceedings was a requirement of every Florentine

² On Florentine factionalism, see Patrick Lantschner, *The logic of political conflict: Cities in Italy and the southern Low Countries, c. 1370-1440* (Oxford, 2015) [hereafter "Lantschner, *Logic*"], 138-46.

³ See Alma Poloni, "Il comune di popolo e le sue istituzioni tra Due e Trecento," *Reti Medievali Rivista* 13, 1 (2012): 3-27, for a review of recent work on the period.

who was not infamous at law-that is, whose personal *infamia* disbarred them from citizenship rights and responsibilities. Thus, studying witness behavior in the court of the Executor of the Ordinances of Justice provides a lens for understanding how citizenship worked on a mundane level. What people did or did not say when cited to testify against magnates could have dire consequences: despite its mundane nature, testifying was a loaded action.

Despite decades of popular agitation and the survival of the popular courts, the Florentine commune was unwilling and unable to protect rural people from elite violence. The magnates and their targets, rural communities, were aware of this. As a result, rural people generally did not cooperate with the Florentine state. Providing minimal compliance to the courts' demand to denounce crime, they rarely followed through with testimony against malefactors. I argue that Tuscans regularly resorted to claims of ignorance for three reasons. Rural people sought to avoid retribution at the hands of Florentine magnates. Fear of the nobles, and the persistent inability of the Florentine commune to protect its subjects (or the commune's indifference to the problem) appears in denunciations to the Executor of the Ordinances of Justice, and in witness testimony. Denying all knowledge of a crime furthermore protected Tuscans summoned to court from prosecution for contumacy or perjury, since it was virtually impossible for the Executor's court to impose punishments on an entire community for obfuscating the course of justice, when the court bothered to initiate prosecution at all.

Arguing for rural non-cooperation with the Executor's courts may seem perverse. Initial denunciations-the legal actions leading to witness testimony-continued to stream into the court across the fourteenth century, and the court continued to initiate, if not fully

prosecute, anti-magnate inquests. Yet these denunciations rarely led to the conviction and punishment of the offending magnates, in large part because of rural peoples' silence when cited as witnesses. In previous chapters, I explored the motivations behind these apparently futile denunciations. Here, I do the same with testimony.

At the center of this analysis is the triadic relationship between the popular courts, magnates, and rural communities. I use the term ambiguous engagement to describe how rural people and magnates approached the popular courts and, by extension, the Florentine state during the 1340s. It encapsulates all three parties in this relationship. Despite a *de facto* indifference to rural oppression, the Florentine commune remained at mid-century statutorily committed to the defense of its rural subjects from the violence and arrogance of the *grandi*. This statutory commitment had real consequences for non-elites. By 1343, the Florentines' theoretical commitment to the *popolo*'s rhetoric of *pax et iustitia* had resulted in several courts hearing cases against magnates, and created an important channel linking rural subjects to the city-state's institutions, which featured in local disputes and strategies for social mobility. Behind these institutions stood a long history of collective struggle against the city's old military elite. By the mid-fourteenth century, these struggles and their textual products had themselves become a structural element in social and public life. Yet the malleability of popular rhetoric and institutions indicates the ambiguous relationship between the *popolo*'s legitimizing rhetoric and its social function.

By mid-century, I argue, Florentine institutions such as the Executor's court had become unmoored from the ideological charge that initially produced them in the crucible of the 1290s. The narrowly technical strain that Claudia Caduff has identified among

rectors of the 1340s reflects that, by this time, the Executor's court was one among many, its officials simple technicians of power.⁴ The continued existence of these courts was not superfluous, however. The survival of the popular courts reflects the inability of the thirteenth century's early popular regimes to discard early communal offices like the consulate. Doing so would have provoked a violent reaction from the urban *milites*, and flew against the *popolo*'s self-perception as conservative revolutionaries.⁵ Likewise, Florence's fourteenth-century regimes could not simply abolish products of popular struggle such as the Executor's court: doing so would have antagonized non-elites in city and countryside.⁶ The popular courts may seem at best ramshackle and at worst actively malicious towards non-elites, yet they served a purpose, on both sides of the exchange between denouncers and public officials. The court continued, year after year, to draw hundreds of denunciations from rural Tuscans. These people were no one's fools, as I have tried to show in previous chapters: they utilized the denunciation system for a variety of reasons. Despite all its limitations, appealing to the Executor's court remained a tactical option for rural non-elites confronting elite terrorism, safer than active self-defense, and perhaps less shameful for some rural people than joining a magnate's entourage (*brigata; fanteria*).

The continued operation of the Executor's court, in however narrow and ineffectual a manner, maintained a link between rulers and ruled, urban center and rural communities. Its inquests performed legitimacy for the popular commune, justifying

⁴ See Claudia Caduff, "Magnati e popolani nel contado fiorentino: dinamiche sociali e rapporti di potere nel Trecento." *Rivista di storia dell'agricoltura* 33:2 (December, 1993): 15-63, at 28-29, for fourteenth-century rector's technical approach to their case-loads.

⁶ See William Caferro, *Mercenary companies and the decline of Siena* (Baltimore, 1998), 27, for exiled Ciompi joining the mercenary Company of St. George and recruiting Sienese comrades in 1379.

Florentine authority over its communities. Outright abolition of the popular courts was something no fourteenth-century regime was strong enough to do, however oligarchically-minded it was-and few Florentine regimes were as self-consciously oligarchic as the Albizzi-led regime of the late fourteenth century. Only Cosimo di Medici, in the 1430s, would be able to obliterate this institutional ghost of the medieval *popolo*, abolishing the office of the Executor in 1435.

I begin by analyzing the reasons for rural peoples' compliance with the commune's demand that they denounce, and their disinclination to testify when cited as witnesses. This ambiguity indicates the liminal position of rural people in popular ideology. Rural peoples' engagement with the commune's courts remained ambiguous: an inclination to denounce magnate depredations clashed with a disinclination to support prosecution of these depredations with testimony. In the following section of the chapter, The cases of magnate violence against rural communities discussed below link these local crimes directly back to the ideology and language of the Ordinances of Justice. Rural people, residents of Florence's *contado* and district, were subject to the commune, and officially protected by its judicial system. Yet they were also, going by the evidence of the popular courts, marginal to the *popolo*. The (relative) peace the popular movement had imposed on the city proved impossible in the countryside, and the *popolo* could not or would not protect rural communities from magnate terrorism. Rural *popolani* were in, but not of, the Florentine *popolo*.

The final section of this chapter scrutinizes the logic and broader context for elite violence against rural people, using attacks by members of the illustrious Bardi lineage in the Upper Valdarno as case studies in how elite terrorism in the countryside could serve

as part of wider-ranging familial responses to the crisis period of the 1340s. Ambiguous engagement here denotes the tormented relationship between magnate lineages like the Bardi or Pulci and the Florentine popular commune's institutions.⁷ As Christiane Klapisch-Zuber has shown, by the 1340s many magnate families were debilitated shadows of their former selves.⁸ Successive series of anti-magnate legislation and decades of popular opprobrium had made their mark. For magnate families engaged in commerce or finance, such as the Bardi, Frescobaldi, and Cerchi, these local problems were accompanied by the onset of the fourteenth-century crisis. Rural magnate violence should be understood in this broader context, as I try to do below. The chapter closes with a consideration of the many afflictions-plague, famine, marauding mercenary bands, and escalating fiscal demands-facing the Florentine commune and rural Tuscans in the middle decades of the fourteenth century. A consideration of these manifold crises helps avoid moralizing evaluations regarding the "success" or "failure" of the popular communes. Just as the crisis surrounding the Kingdom of Italy's early twelfth-century collapse birthed the communes, the fourteenth-century economic and demographic crisis would undermine the economic, demographic, and social underpinnings of those city-states which were still independent by mid-century.

⁷ The phrase "popular commune" is used here as shorthand to denote not a specific popular regime (like that of the third popular regime, 1343-1348), but rather the totality of the commune following the mid-thirteenth century rise of the *popolo* as a political force. It is used in contrast to the more aristocratic consular-era commune, dominated by the urban *milites*.

⁸ See the statistics on the magnate lineages' numbers and wealth in Christiane Klapisch-Zuber, *Retour à la cité: Les magnates de Florence, 1340-1440*. Paris, 2006), 453-464.

There is a large literature on transformations in the structure and staffing of the Florentine state in the fourteenth century, as the medieval commune transformed into the Renaissance-era territorial state.⁹ This scholarship has primarily focused on a narrow range of themes: relations between Florence’s ruling class and provincial elites, changes in the administration and staffing of the territorial state, and its physical manifestations, such as the commune’s “new towns” (*terre nuove*).¹⁰ These are important topics, and I draw widely on this literature below. It largely ignores, however, how rural non-elites, Florence’s putative subjects, perceived and responded to Florentine expansion and consolidation in its territory.¹¹ Exceptions to this have focused primarily on the peasantry’s active rejection of the Florentine state.¹² Furthermore, scholars of the relationship between the Florentine state and its subjects have rarely used the acts of the commune’s criminal courts as a source for understanding how rural non-elites dealt with the state. Scholars who have used these records have done so largely to answer quantitative questions regarding conviction rates and types of crime.

⁹ See in general Marvin B. Becker, *Florence in transition*.II; the conference collection *Lo stato territoriale fiorentino (secoli XIV-XV)*, eds. Andrea Zorzi and William J. Connell (Pisa, 2001); Paolo Pirillo, *Costruzione di un contado* (Florence, 2001); Zorzi, “Il dominio territoriale: formazione e pratiche di governo,” in *La trasformazione di un quadro politico* (Florence, 2008) [hereafter “Zorzi, *La trasformazione*”], 257-79. For a comparative view of Sienese policy, which seems to have been relatively benign, toward its *contado*, see William Caferro, “City and countryside in Siena in the second half of the fourteenth century,” *The Journal of Economic History* 54:1 (1994), 85-103.

¹⁰ See the range of pieces in *Lo stato territoriale*, and Pirillo, *Costruzione*.

¹¹ The most notable exception is C.M. De La Roncière. See in particular his “L’influence des franciscains dans la campagne de Florence au XIVe siècle (1280-1360),” in *Mélanges de l’Ecole française de Rome. Moyen-Age, temps modernes* T.87.1 (1975), 27-103; “De la ville à l’État régional: la constitution du territoire (XIVe-XVe siècle).” In *Florence et la Toscane*, eds. J. Boutier, S. Landi, O. Rouchon (Rennes, 2004):15-38; and *Firenze e le sue campagne nel Trecento*, trans. Isabella Chabot and Paolo Pirillo (Florence, 2005).

¹² Samuel Cohn, Jr., *Creating the Florentine state* (Cambridge, 1999).

This is in spite of the importance of witness testimony for recent medievalist scholarship.¹³ I contribute to scholarship on the late medieval territorial state by using the testimony stage of anti-magnate inquests as a lens through which to understand the factors shaping rural peoples' interactions with state institutions. How did rural people act when the commune's messengers cited them to give testimony in anti-magnate inquests? I do not attempt a comprehensive answer to this question. Several scholars have subjected the Executor's material to wide-ranging, sample-based statistical analysis, and I happily refer the reader to these for a quantitative breakdown of the court's operations in the later fourteenth century.¹⁴ I restrict my focus here to the later 1340s, specifically the period 1348-1350, just before and in the wake of the Black Death.¹⁵ Reading registers of denunciation-based, anti-magnate inquests for rural crimes, I reconstruct patterns in witness behavior, and contrasts between rural and urban peoples' actions at the testimony stage.

There are several reasons for focusing on a fairly short period. One of the most frustrating problems with the foreign-staffed courts' records is the manner in which different scribes recorded different amounts of information. The notaries of the 1340s and early 1350s consistently copied out entire denunciations and witness lists, with copious

¹³ See Enrico Faini's discussion in "Le memorie del territorio nella dei secoli XII-XII: strategie di condizionamento nei *dicta testium*," *MEFR* 123/2 (2011): 487-97, at 487-88, with references in the copious footnotes.

¹⁴ For quantitative analyses of the popular courts, see: Samuel Cohn, Jr., "Criminality and the State in Renaissance Florence, 1344-1466," *Journal of Social History* 14:2 (1980): 211-233 and *The laboring classes of renaissance Florence* (New York, 1980), in particular appendices H.I-H.3, at 275-80, for statistical breakdowns of crime patterns; A. Zorzi, *L'amministrazione della giustizia penale nella repubblica fiorentina* (Florence, 1988) and, by the same author, "the judicial system in Florence in the fourteenth and fifteenth centuries" in Dean & Lowe, 40-48; and Christiane Klapisch-Zuber, *Retour*, table 2, 460-61.

¹⁵ The registers are: EOG.96, EOG.119, a book of inquests and denunciations (*liber continens tamburationes et investigationes super eisdem*), EOG.122, a book of magnate inquests (*liber inquisitionum magnatum*) and EOG.124, a book of testimony (*liber continens testium attestaciones*), respectively.

procedural information. They typically annotated inquests with notices regarding the outcome, and where the relevant witness testimony could be located in the commune's other archival series. Thus, the earliest material is also the easiest to read systematically. This begins to change in the 1360s, however, following the reinstatement of the *tamburo* system against magnates after a freeze in the 1350s. I have not yet identified a satisfactory explanation for this, but the notaries of the 1360s and 1370s consistently provide truncated summaries of each inquest, brief procedural notes, and no annotations regarding witness testimony. By the late 1370s, the notaries copied out only the bare facts of each denunciation: its date, the magnate lineage denounced, and the crime. Virtually no other information is included, such as case outcome. This documentary shift was probably due to several factors, such as understaffing in the Executor's court or changes in notarial protocols.¹⁶

Thus, the Executor's registers of the 1340s provide the most information within the archival series on rural peoples' responses to rural crime, and crucial procedural information surrounding each inquest: this enables reconstruction of the logistics and considerations governing witness behavior. In turn, the notaries for 1348-1349 usually grouped anti-magnate inquests together, with most prosecutions of non-elite Florentines and communal officials in separate registers. The notaries' separation of magnate inquests from other kinds for 1348-1349 allows me to focus on rural crimes situated in asymmetrical power relationships. In cases where violence was involved, magnates

¹⁶ The best study of the Florentine chancellery and the commune's archives is Francesca Klein, *Scritture e governo dello stato a Firenze nel Rinascimento* (Florence, 2013).

almost always attacked, robbed, and terrorized their social inferiors.¹⁷ Furthermore, the registers for 1348-1349 are mostly complete: the catastrophic flood of the Arno river in 1966 did not damage them as severely as other sections of the Executor's registers, and the years have not subtracted *folii* from them. This gives some measure of certainty that the surviving denunciations for this period represent the absolute number of denunciations leading to inquests by the Executor's court. This is impossible with the fragmentary, patchwork registers for the 1350s and 1360s and becomes impossible with the truncated summaries recorded from the 1370s. A further empirical caveat regards the content of denunciations leading to inquests by the Executor's court. Although non-lethal assaults made up a majority of the crimes triggering an inquest, this does not mean that assaults were the most common form of magnate crime against rural people. It means only that denouncers calculated that denunciations for assault stood a better chance of producing an inquest than other crimes, such as theft or rape.

Judicial caseload and logistical constraints on witnesses

The table below shows patterns in the crimes denounced to the Executor's court, and patterns in the court's handling of these crimes.

Figure 5: Table 1: Some patterns in criminal inquests by the court of the Executor of the Ordinances of Justice for first semester of 1348 and second semester of 1349

	<u>1.16.1348-5.12.1348</u> ¹⁸	<u>7.24.-1349-1.14.1350</u> ¹⁹
<u>Total criminal inquests:</u>	52	63
<u>Anti-magnate denunciations:</u>	48 (92.3%)	61 (98.3%)
<u>Ex officio corruption cases:</u>	4	2

¹⁷ There is one denunciation of intra-elite violence for this period, however, in which members of the Pulci lineage ransacked the house of a widow from another branch of the lineage: EOG.122.120r-122r.

¹⁸ EOG.96. Testimony for this semester is in register EOG.95.

¹⁹ EOG.122.

<u>Rural (contado & distretto)</u> ²⁰ :	35 (67.3%)	42 (66.67%)
<u>Denunciations of magnate crimes in the countryside:</u>	31 ²¹	42
<u>Urban (w/in the last wall circuit):</u>	17	18
<u>Non processum/non probatum:</u>	36 (69%)	47 ²² (77%)
<u>Probatum/remissum potestati:</u>	11 ²³ (21%)	5 (8%) ²⁴
<u>Cases where all witnesses “se nichil scire dixerunt”:</u>	22 (42% of total)	33 (54% of total)
<u>Rural</u>	17 (77% of total)	25 (75.7% of these)
<u>Urban “”:</u>	5 (22.7% of total)	8 (13% of these)

The first semester sample comes from the first part of 1348, the second semester sample covers July 1349 to early January 1350. The second half of 1348 was dominated by the plague: Florence’s courts and other institutions ground to a halt during this period. The plague arrived in Florence in March 1348 and exploded in April. During the summer months, it ravaged the city; the chronicler Marchionne Coppo di Stefani claimed that 96,000 of the city’s 180,000 inhabitants perished in these months of horror.²⁵

²⁰ This includes cases of official wrong-doing as well as anti-magnate denunciations.

²¹ The other four inquests were cases of wrongdoing in the countryside by communal officials.

²² 47 cases contained explicit notes that they were “non probatum” or “non processum.” This number is probably closer to 54 (or 88.5% of the 61 total anti-magnate denunciations) if one includes cases with no specific “Non probatum”/“non processum” notice which also do not mention that the case was forwarded to the other foreign rector. The Executor’s notaries for the 1340s always noted this act of the process when cases moved beyond witness testimony.

²³ Case 46 (EOG.125r-127r, against Ottaviano di Testo dei Tornaquinci) contains no information on the outcome of the case in the register of inquests (EOG.96) or witness testimony (EOG.95).

²⁴ See above for the seven ambiguous cases for this semester.

²⁵ Stefani, *Cronache*, rubr. 635.

Government and civic life largely came to a halt during August and September.²⁶

Although the judicial acts do not mention the plague, it undoubtedly affected magnate activities in the *contado*-but in conjunction with other structural factors and individual initiatives.

The Executor's court carried out a comparable number of inquests during both semesters. The majority, over 90% in both cases, of these inquests were against magnates. The majority of inquests were in response to complaints coming from the countryside, 67% and 66% of the respective totals. The majority of inquests for both semesters were dismissed after the judge had heard witness testimony. Of the fifty-two inquests from January-May 1348, thirty-six, or 69%, went unproven (*non probatum*). This is matched by the figures for 1349: 47 cases, seventy-seven percent of the total, went unproven (*non probatum*).²⁷ A further seven cases lack the *non probatum* notice, but we can assume that they were also dismissed, as they were not forwarded to the other competent courts, those of Florence's Podestà or Capitano del Popolo.²⁸ In one case from 1349, the magnate defendant, Simone di Gottifredo dei Tosinghi, successfully petitioned the Executor to prove that he had *popolano* status, and thus was not subject to the Executor's jurisdiction: he successfully evaded prosecution.²⁹

It was quite rare for an initial inquest lead to further action by the Podestà. Between January and May 1348, just eleven inquests, twenty-one percent of the total,

²⁶ Piero Gualtieri, "La Peste Nera a Firenze," in *Portale Storia di Firenze* Marzo 2014 (<http://www.storiadifirenze.org/?temademese=la-peste-nera-a-firenze>).

²⁷ These inquests are: EOG.122.2r, 5r, 8r, 14r, 17r, 19r, 22r, 25r, 28r, 31r, 35r, 37r, 39r, 41r, 47r, 51r, 56r, 58r, 60r, 62r, 64r, 66r, 68r, 70r, 74r, 78r, 80r, 84r, 86r, 35r, 99r, 101r, 103r, 105r, 109r, 111r, 113r, 114r, 116r, 117r, 118r, 123r, 125r, 127r, 128r, 138r, and 139r.

²⁸ EOG.11r, 95r, 107r, 129r, 131r, 133r, and 136r.

²⁹ The initial denunciation is EOG.122.33r; testimony regarding his status as a *popolano* is found in EOG.122.92r. The Executor's ruling in favor of Simone's status is found in EOG.122.94r-94v.

moved beyond the testimony stage.³⁰ The numbers are worse for 1349: a bare eight percent, five inquests, were deemed actionable after hearing witness testimony.³¹ Four out of these five cases concerned crimes committed within Florence's wall circuit. 42 of the inquests from 1349 concerned crimes committed outside the city of Florence, in its *contado* or *distretto*.³² 18 concerned crimes from within the city walls, while one denunciation failed to note where the crime had occurred, and was dismissed.³³

These numbers fit the pattern Claudia Caduff and Carol Lansing have identified for the pre-plague period. Three-fourths of the 302 cases Caduff reviewed for the period 1345-46 originated in the *contado*.³⁴ Similarly, Lansing noted that the most serious crimes usually originated in the countryside. All but one of the homicide cases she studied were rural, and 17 of the cases she studied concerned armed raids by magnates and their followers (*fanti*) on rural farms or mills.³⁵ Magnates did not possess a monopoly on violence, however. In 1351, one Alberto di Jacopo da Brescia was prosecuted for leading a raid (*cavalcata*) with his henchmen against the rural *castello* of Sant'Andrea di Monte Giovi.³⁶

³⁰ These inquests are found in EOG.96, 4r, 10r, 24r, 34r, 43r, 52r, 65r, 68r, 83r, 85r, 109r.

³¹ EOG.122.76r, 82r, 90r, 97r, and 120r.

³² EOG.122.2r, 8r, 11r, 14r, 17r, 19r, 22r, 25r, 28r, 31r, 41r, 47r, 56r, 62r, 64r, 66r, 68r, 70r, 74r, 76r, 80r, 84r, 86r, 88r, 90r, 95r, 99r, 103r, 105r, 109r, 111r, 113r, 114r, 118r, 125r, 127r, 128r, 129r, 131r, 133r, 136r, 138r.

³³ EOG.122.5r, 33r, 35r, 37r, 39r, 51r, 53r, 58r, 60r, 78r, 82r, 97r, 101r, 116r, 117r, 120r, 123r, 139r. The unclear case is EOG.122.107r-108r. Since it was a case of a nobleman, Bartolomeo olim Consilio dei Cerchi, beating a member of his *famiglia*, it most likely occurred on a Cerchi estate or in a house belonging to the lineage.

³⁴ Caduff, "Magnati," 16.

³⁵ Lansing, "Magnate violence," 41.

³⁶ See EOG.157, 67r-68v, for the inquest and Alberto's confession. In this case, the court succeeded in prosecuting a foreigner for a crime that Florentine magnates usually committed with impunity.

All but eight crimes from 1349 occurred in the same calendar year as the denunciation and inquest they produced.³⁷ Inquests that the Executor forwarded to the Podestà could take one or two months for a final decision, and a week or two often separated the transcription of an initial denunciation and witness testimony.³⁸ For example, the court copied out a denunciation against Domenico di Jacopo dei Tornaquinci on 24 July 1349.³⁹ According to the denunciation, Domenico had stolen a pig from a merchant (*mercator*), Mozzone, in the Mugello parish of Latera, discussed in the previous chapter in relation to Andrea di Ugo's dispute with the Pulci lineage. The theft took place in April 1349; Domenico beat Mozzone when he protested. The Executor's messenger, Francesco di Lapo, was commissioned to cite the witnesses ten days later, on August 2, and reported back the next day. The witnesses were given until August 13 before being cited for contumacy, however. The initial stage of the inquest, from denunciation to testimony, thus took the better part of a month. All this was for an inquest that was dismissed as unproven. A week typically separated a denunciation's transcription and the citation of witnesses, and another week between this citation and the announcement that contumacious witnesses were to be treated as such. There was a time-lapse between the commission of a crime, its denunciation, and the beginning of any criminal investigation into the crime.

This institutional crawl gave potential witnesses time to plan their strategies when in court. People who the Executor's messengers cited would have been aware of what the

³⁷ The eight exceptions all report crimes committed in 1348: EOG.122.5r, 22r, 35r, 41r, 88r, 103r, 111r, and 123r.

³⁸ Caduff, "Magnati," 28, for the average duration of processes based on the *tamburagioni*, and the relevant statutes governing criminal processes.

³⁹ EOG.122.8r-8v. Domenico's full name is given as "Dominichum Iacobi domini Roggeri de Tornaquincis."

statutes demanded of them, and the punishments facing those who were contumacious.⁴⁰

The 1295 Ordinances of Justice obliged *popolani* to report magnate crimes: sons of the victims were to report the incident if over the age of 14; if not, their guardians.⁴¹ The report was to be made within three days of the crime if it happened in the city, and within ten days if in the *contado*. If the victim survived, he was to make a denunciation himself or be fined 50 *lire*.⁴²

The 1325 and 1355 statutes required residents of a parish in which a homicide or serious assault had been committed to raise the *grida*, a semi-formalized hue and cry, against the malefactor. Residents were also obliged to sound the bells of the local church, and to pursue and capture the malefactors, if possible.⁴³ Denunciations frequently mention this process, particularly in cases of attempted rape and abduction, in which the *grida* denoted lack of consent on the victim's part. When Guido di Geramonte dei

⁴⁰ For the commune's official information network, see *Statuti della repubblica fiorentina*, vol. II, *Statuto del Podestà dell'anno 1325*, ed. Romolo Caggese, rev. ed. eds. Giuliano Pinto, Francesco Salvestrini, Andrea Zorzi, 2 vols. (Florence, 1999 [1921])[hereafter "*Statuti*, [volume #], [book number], [rubric number]], 2.I.rubr. XI, *de bannitoribus communis Florentie et eorum officio*.

⁴¹ *Ordinamenti*, in Zorzi and Diacciati, 28-29: "Item provisum et ordinatum est quod, in omnibus et singulis supradictis casibus [of magnate-inflicted injuries], quilibet qui offenderetur, teneatur et debeat denunciare domino potestati ea que ad ipsius offitium spectant, et domino defensori ea que ad suum offitium pertinent; videlicet, filius vel filii mortui seu occisi, si maior vel maiores fuerint XIII annis; vel si minores essent, eorum tutores, et si tutores non haberent, eorum fratres, et si fratres non haberent, eorum propinqui, infra tertiam diem post co(m)missum maleficium in civitate Florentie; si vero co(m)missum fuerit in comitatu, infra decem diem dies, sub pena librarum centum florenorum parvorum, per dominum potestatem vel capitaneum auferenda ei qui contra fecerit."

⁴² *Ordinamenti*, in Zorzi and Diacciati, 29: "Et si viveret vulneratus vel offensus in persona, teneatur denunciare seu denunciari facere Potestati iniuriam sibi factam infra tertiam diem, si offensus vel vulneratus fuerit in civitate, burgis vel subburgis civitatis Florentie, si vero in comitatu infra decem dies, sub pena librarum quinquaginta f.p. eidem per dominum Potestatem auferenda et quotiens."

⁴³ Manikowska, "*Acorr'uomo*", 526, citing the *volgare* version of the 1355 statutes.

Frescobaldi assaulted one Tura in January 1348/49 and attempted to rape her, she shouted “many, many times ‘acurr’uomo! Acurr’uomo!”, the standard *grida*.⁴⁴

Given these statutory obligations, what factors shaped the decision to appear in court and once there, to testify? Appearing before the Executor’s court would have been inconvenient and time-consuming. The witnesses cited in a 1349 denunciation against two men of the Cavalcanti lineage, denounced for ordering a homicide, would have had to walk about 27 kilometers from the Valdipesa and back, most likely staying the night in Florence. The distance was even further for those living on the periphery of Florence’s *contado*. For example, 10 of 32 witnesses cited in an inquest against Gero di Gero di Guglielmo dei Rossi were from Monte Castelli, deep in the hillcountry of the Florentine Chianti.⁴⁵ These witnesses faced a 41-kilometer, eight-hour walk to Florence and back. This would also have meant one or two days of lost labor for rural people.

More directly, witnesses who testified were exposed to violent retribution at the hands of magnates. Denunciations sometimes report magnate threats or boasts, speaking of the Executor’s inability to protect *popolani* and their own immunity to public justice. As the cousins Geri and Niccolo dei Frescobaldi beat the notary Francesco Guiducci da Signa outside Prato in the summer of 1349, they taunted him: “we’re not at Florence, we’re at Prato, for that reason do we act here, and we’re not scared of the Executor and his court.” After they finished beating him, the brothers reminded Francesco that he

⁴⁴ EOG.122.22r-22v: “E ella [Tura] gridanno piu e piu volte ‘acurr’omo! Acurr’omo!” Apparently this succeeded in driving off Guido, since “il detto Guido la detta Tura per forza carnalmente non cognoscesse....” See EOG.157.72r-74v, for an inquest into a similar case in which the victim raised the *grida*.

⁴⁵ See EOG.122, 131r, for the denunciation and witness list. Pirillo, *Forme.II*, 594, for the location of Monte Castelli.

should “know never to do anything against us, [or] we’ll kill you by the sword.”⁴⁶ The short arm of Florentine justice is graphically illustrated by cases like these. Physical distance, lost productivity, and the threat of violent retribution all worked as disincentives for Tuscans to testify.

There were further statutory penalties, however, for failure to actively alert one’s compatriots to a crime in progress, or to denounce a crime. If a criminal was allowed to escape from the scene of the crime, inhabitants of the parish were fined on a sliding scale determined by age: those over fifteen were fined 20 *soldi*.⁴⁷ Failure to appear when cited to give testimony incurred a penalty of 25 *lire*.⁴⁸ The commune’s *bannitori*, the public criers, cited witnesses and announced the names of those who had been fined for contumacy. These rounds are occasionally mentioned in the Executor’s *libri bannimentorum*, registers containing statutory material the Executor’s *bannitori* were to announce in public.⁴⁹ Those cited to give testimony would likely have heard these *bannitori*, and were familiar with the penalties they would incur for contumacy. There is no good evidence in the commune’s treasury records that contumacious witnesses paid the stipulated fines, but the latent threat of punishment inherent in the status of contumacy may explain why rural Tuscans would bother to appear before the judge, instead of simply ignoring the summonses.

⁴⁶ EOG.122.60v: “Noi non siamo a Firenze, anzi siamo a Prato, che faremo la nostra ragione qua, e non abbiamo paura del’executor e la corta...sai fare mai nulla contra noi, noi te occideremo a gladio.” The full names of the Frescobaldi cousins are given as “Gerium Johannis domini Freschi” and “Nicholaum Bartholli domini Freschi.”

⁴⁷ Manikowska, “‘Acorr’uomo”, 526-27.

⁴⁸ Lansing, “Magnate violence,” 43. The *lira* was a unit of account, equivalent to 20 *soldi*. Florence’s gold currency, the florin, was equivalent to 64 *soldi*: Caferro, “Petraich’s War,” 155, “note on money.”

⁴⁹ See, for example, EOG.82.2v-5v for the items that these *bannitori* were to announce.

There was a further structural constraint on witnesses' willingness to provide information when they did appear in court. The act of testifying carried dangers bound up in out-of-court considerations: providing too much information to the Executor's court could expose one to retribution at the hands of fellow witnesses, as well as magnates. Witnesses who verified the claims of a denunciation that was later deemed fraudulent exposed themselves to fines and imprisonment for perjury. The same applied to witnesses whose testimony was itself deemed fraudulent by other witnesses. An inquest from January 21, 1345 graphically illustrates this danger. Someone denounced the magnate Giovanni di Guelfo de' Pulci for assaulting Grasso di Guccio in the rural parish of Latera, scene of the dispute between the notary Andrea and the Pulci lineage discussed in chapter four.⁵⁰ The assault had happened over a year ago, in October 1343, and took place in the parish's *piazza*, outside the church of S. Maria di Latera.⁵¹ According to the *denuncia*, the *popolo* of Latera responded swiftly. The church's bells were rung to raise the hue and cry, and Grasso raised the *grida*, shouting, "Acurr'uomo! Acurr'uomo! Viva el popolo!"⁵² Nisto di Barbero, Tico di Bindo, and Ciato di Neri gave detailed testimony confirming the assault.⁵³ Nisto and Tico claimed they had witnessed Giovanni assault Grasso, while Ciato said that he saw Grasso with a face smeared with blood, and further claimed that the events of the inquest were public knowledge (*publica vox et fama*),

⁵⁰ EOG.21.37r

⁵¹ EOG.37r-37v: "et queste cose furono comesse per lo dictio Giovanni nel mille trecento XLIII nel mese d'ottobre nella piazza di Santa Maria da Latera dal I e dal II la decta chiesa, al terzo via al III l'erede de Spagnuolo." For the location of Santa Maria di Latera, see the map appendix. See also Pirillo, *Forme.I*, 133-34.

⁵² EOG.21.37r: "El dictio Grasso cade in terra per la quale cosa fo gran romore nello castello de Latera e sonarono le capane a stormo el dictio Grasso gridando 'acurr'humo viva el popolo

⁵³ See EOG.21.38r-38v for their testimony.

confirming the denouncer's claim that the assault created a great disturbance (*gran romore*) in the parish of Latera.⁵⁴

Yet the nine other witnesses cited in this case thought otherwise. At this point, the inquisitorial machinery turned on the three hapless men in much the same way it turned against Ser Andrea di Ugo in the previous chapter. In the summary of their testimony the notary transcribed, the witnesses claimed that the denunciation and the three witnesses' testimony had been made malevolently against Giovanni dei Pulci, and specifically "to the damage and injury of the witnesses themselves."⁵⁵ The alleged victim, Grasso, himself testified that none of the events described in the denunciation had occurred.⁵⁶ Three days later, Tico, Nisto, and Ciato were prosecuted for giving false testimony. They eventually confessed spontaneously (*sponte*) that the other witnesses were telling the truth and that they had knowingly perjured themselves.⁵⁷ The three hapless men were fined one hundred *lire*, about one and one half florins, and thrown in the commune's prison (*Le Stinche*) until they could pay up.⁵⁸ It is impossible at present to determine whether the original denunciation was indeed false, or whether the other witnesses acted from fear of the Pulci or animosity towards those who spoke, but the case starkly depicts the hazards witnesses faced before the bench. An eagerness to talk could be a self-

⁵⁴ EOG.21.38r: "Nistus Barberi testes predictus dixit quod loco et tempore in dicta inquisitione contentis vidit in persone et fuit qui Johannes Guelfi inquisitus magnas predictus percuxit dictum Grassum...cum spada in facie....Tichus di Bindi testes predictus dixit quod ipse testes fuit presens et vidit quod dictus Johannes....percuxit dictum Grassum popularem predictum in facie cum spada unde cum pomo ipsius spadae....Ciatus Neri testes iuratus et interrogatus dixit se tamen scire de contentis in dicta inquisitione quod loco et tempore in dicto inquisitione contentus vidit dictum Grassum Gucci popularem predictum cum facie sanguis volenta et dixit quod est publica vox et fama de contentis in dicta inquisitione contra dictum Johannem magnatem inquisitione predictum." See EOG.21.37r for the *gran romore*.

⁵⁵ EOG.21.38v: "ad dampnum et iniuriam ipsorum testium."

⁵⁶ See EOG.21.38v for his testimony.

⁵⁷ See EOG.21.40r-43v for the process against the three.

⁵⁸ EOG.27.15r. The conversion is based on Caferro's figures: Caferro, "Petraich's War," 155, "note on currency."

imposed prison sentence if a witness did not consult his fellow villagers first on what he should (or should not) say in court.

Thus, there were many good reasons for witnesses to deny all knowledge of a crime. Distance, lost productivity, and inconvenience combined with the very real threat of retaliation from impugned magnates. Witnesses ran the risk of being imprisoned for false testimony if they said the wrong thing. Yet there were also dangers in contumacy. Statutory law contained numerous monetary fines for those failing to carry out their duties surrounding a crime. Previous chapters demonstrated the appeal of the denunciation system, and the ways in which its users could manipulate it tactically. Yet an important part of successfully using the inquisitorial system was knowing when to disengage with it, or when to avoid it altogether. This ambiguous engagement-in which some residents of a parish were willing to denounce magnate crimes, while those residents cited as witnesses stayed silent-emerges in more concrete terms through examining some cases in detail.

Those witnesses to a crime who appeared before the Executor took an oath on the Gospels. They swore that their testimony would be truthful and free of any influence from love, fear, or hatred.⁵⁹ It is unclear whether this oath was collective, or appears as such because the Executor's notaries grouped the witnesses' names together in the oath formula. The same problem applies to the testimony itself. The Executor's notaries transcribed testimony by individual, but it is unclear whether other witnesses were in the Executor's chambers while waiting their turn. The notaries translated the witnesses'

⁵⁹ A typical example of the formula for the oath is from EOG.122.110r: "Die octa mensis novembris. Constituti personaliter in iudicio coram superdicto iudice ut super sedente ad solitum banchum et quilibet ipsorum testes in superdicta inquisitione nominati iuraverunt ad sancta dei evangelia corporaliter tacenti scripta dicere et perhibere testimonium veritatis superdicti inquisitione et contentis in ea remoti odio amore timore etc."

Tuscan into Latin while transcribing their testimony; the length of an individual's transcribed testimony depended on what he or she said. In cases where the individual denied all knowledge, the notary noted that the witness "knows nothing concerning the contents of the said inquest."⁶⁰

How frequently did witnesses profess total ignorance of a crime? Did this proclivity towards denial correlate to living in the city or in the countryside? Based on the evidence from the late 1340s, witness groups collectively claimed ignorance fairly often, and this correlated to rural residency. In 22 of the 52 inquests from January-May 1348 (42%), all of the witnesses said they knew nothing (*se nichil scire dixerunt*). Seventeen of these twenty-two cases were rural. In thirty-three of the sixty-three cases from the second semester of 1349, all of the witnesses cited denied all knowledge of the crime in question.⁶¹ Of the 33 cases in which all cited knew nothing, eight were from the city; 25 concerned crimes committed in the *contado* or *distretto*.⁶² This may reflect the diminishing power of the commune as one moved away from Florence, with a heightened danger of magnate retaliation.⁶³

The rural communities that these witnesses came from were small, and witnesses from a given *piviere* would have known each other personally. Occasionally witnesses are noted as being hired hands (*laboratori*) of magnates, or other witnesses.⁶⁴ Family

⁶⁰ "dixit se nichil scire de contentis in dicta inquisitione."

⁶¹ These are: EOG.122.17r, 19r, 22r, 28r, 37r, 39r, 51r, 58r, 60r, 64r, 68r, 70r, 74r, 78r, 80r, 86r, 88r, 95r, 105r, 109r, 111r, 113r, 114r, 116r, 117r, 125r, 127r, 128r, 129r, 131r, 138r, 139r, and EOG.124.22r.

⁶² Cases concerning the city are: EOG.122.37r, 39r, 51r, 58r, 60r, 78r, 116r, 139r.

⁶³ Caduff, "Magnati," 34.

⁶⁴ For laborers in the witness lists, see: EOG.122.80r; 95r-95v; and 97r-98v.

members appear together in witness lists.⁶⁵ Reliable demographic information for the communities concerned does not survive for 1349, but the figures Samuel Cohn, Jr., provides for other settlements in the *contado* can be used to create a comparative picture. He has estimated that the commune of Mangona, high in the Florentine Alps, contained around two hundred and fifty households in 1356, falling to two hundred or so following the second plague cycle of 1363.⁶⁶ A small parish in the Arno plain such as S. Giusto contained as few as seventy-five households in 1356.⁶⁷ Villagers would have known the names and motivations of those making denunciations and their motivations.

Intimate enemies: The local dynamics of elite violence and popular self-defense

This local dynamic becomes clearer through analysis of some cases in greater detail. At stake in a witness's decision to speak or remain silent were a variety of interests: statutory threats and pragmatic limitations, the threat of magnate vengeance, the dilatory nature of state activity, and one's own standing in a community. The Florentine courts were a factor in a haphazard and unpredictable sort of way: unable, probably unwilling, to effectively defend rural people juridically or otherwise from elite violence, the courts were still able and willing to prosecute rural people for legal infractions great and small, from contumacy to perjury and false denunciation; and at least some of the

⁶⁵ For family members cited together, see: EOG.122.109v: Barthollo di Fede Bonamichi and his wife, mona Bartolla, *sua moglie*; Lorenzo, Angnolo and Donino, "fratelli e figliolli di Lotto" and EOG.122.114r: Gino and Pagollo di Feo; Porreto di Venturello and Jacopo, "suo figliolo."

⁶⁶ Cohn, *Creating the florentine state: peasants and rebellion, 1348-1434* (Cambridge, 1999), 86.

⁶⁷ Cohn, *Creating*, 88. For more information on rural demography and society see Charles Marie de La Roncière, "L'influence des franciscains dans la campagne de Florence au XIV^e siècle (1280-1360)," in *Mélanges de l'École française de Rome. Moyen-Age, temps modernes* T.87.1 (1975), 27-103; La Roncière *Tra preghiera e rivolta. Le folle toscane nel XIV secolo* (Rome: Jouvence, 1993); La Roncière, *Firenze e le sue campagne nel Trecento* (Florence, 2005).

time, the documentation shows these sanctions working, as in the case of the three witnesses prosecuted for perjury discussed above. Magnates prosecuted by the commune could evade or temporize with Florentine justice in variety of ways. Their rural neighbors and victims were not so fortunate: men like Ciato and Tico would have lacked the resources to evade the Executor's officials or bribe them to go away. They also lacked the resources effectively defend themselves once hauled into court.

This produced a situation in which rural people were policed but not protected by the Florentine state. The statutory demands that rural people cooperate with the courts, and the ideological claims of the Executor's court in particular, did not translate into security for non-elites who testified in court. This absence of protection was of a dual nature. Despite Florentine garrisons in rural towns like Figline Valdarno or Scarperia, the Florentine state could not hinder magnate crimes against rural people. More profoundly, the Executor's court was failing on its own terms: its purpose had always been to protect *popolani*, rural and urban, from the depredations and arrogance of the great.⁶⁸ Yet engagement with this court could mean fines and imprisonment for rural people, in addition to the myriad dangers they faced at the hands of magnates.

This dual failure meant that members of the magnate families could be fairly sure that they could evade punishment for crimes against rural non-elites. This made rural communities and individuals easy targets for predatory elite families, who themselves were under pressure in the 1340s from all sides. The fourteenth-century crisis was under way in Tuscany well before the 1348 arrival of the Black Death. A deepening crisis of the commune's finances and those of its major banking companies contributed to revived social conflict between magnates and Florence's urban *popolo* (the third popular regime

⁶⁸ See chapter 3, below.

of 1343-1348).⁶⁹ Florentines of all classes also faced such demographic catastrophes as Tuscan famine of 1346 and the Black Death of 1348. This concatenation of maladies facilitated, as well as some of the violence reported in cases before the Executor: Extorting and despoiling rural people was one way that the Florentine magnates responded to the deteriorating socio-economic situation of the 1340s, and the structural constraints on Florentine justice made these actions easier.

The first inquest I will explore in depth began on 2 November 1349. It concerned an assault that happened the previous January or February.⁷⁰ The cousins Lotto and Bernardo degli Agli were denounced for assaulting one Viero di Vanno, from the rural *popolo* of Sant'Agata a Mucciano, in the Mugello northeast of Florence.⁷¹ Lotto and Bernardo attacked Viero with knives, beat him, threw him to the ground, and demanded that he “proclaim your life to us, or we'll kill you!”⁷² The Agli were likely demanding that Viero become one of their tenants, or perhaps henchmen (*fanti*). This interpretation is borne out by evidence for this branch of the Agli family's longstanding presence in the parish of Sant'Agata a Mucciano. Lotto and Bernardo's fathers, Bindo and Aglio respectively, appear in 1328 as property owners leasing pieces of land (*petii terrae*) in

⁶⁹ The best references for this period in Florentine history are Marvin Becker, *Florence in transition* (Baltimore, 1968), vol. 1, and Gene Brucker, *Florentine politics and society, 1343-1378* (Princeton, NJ., 1962).

⁷⁰ See EOG.122, 105r, for the denunciation. Lotto and Bernardo are named in full as “Lotthum Bindi et Bernardum Agli de Aglis.”

⁷¹ Pirillo, *Forme.I*, 160. See George W. Dameron, “Life in the Tuscan Mugello at the time of Dante.” In *Beyond Florence*, eds. Paula Findlen, Michelle M. Fontaine, and Duane J. Osheim (Stanford, 2003), 44-58, for more information on the Mugello.

⁷² EOG.122, 105r: “et eidem dixerunt ‘O tu confessa la vita per noi o noi t’uccideremo[!]” My translation of confessare is based on references in TLIO: <http://tlio.ovi.cnr.it/TLIO/>

Sant'Agata.⁷³ In 1342, the Florentine commune authorized Angelo, Lotto and Bernardo's uncle, and Bindo, Bernardo's father, to fortify another farm (*podium*) in Mucciano. They were explicitly forbidden to include the church of Sant'Agata or other properties in this fortification: perhaps the *Signoria* feared the implications this would have for Agli lordship in the area.⁷⁴

Members of the lineage had previously been denounced to the Executor's court. Leonino, Bernardo's brother, was denounced to the Executor Piergiovanni di Montefalco on November 21, 1344.⁷⁵ According to the denunciation, Leonino beat one Diana and scattered her chestnuts in a field near the church of Sant'Agata.⁷⁶ The Executor Piergiovanni's judge forwarded the inquest to the court of the Podestà, but no records of the inquest survive. Since the Executor's notaries usually made a marginal note of "proven" (*probatum*) when a case was successfully prosecuted, it appears that no condemnation resulted. Another denunciation from 1344 against two other sons of Aglio, Lapo and Bonifacio, was deemed false. The two men whom the judge identified as the denunciation's authors, Tone di Marcuto and Baldesino, were prosecuted for fraud and imprisoned, like the witnesses discussed above.⁷⁷

The Agli were an established presence in this part of Florence's *contado*, the Mugello. They owned land, much of which they rented out to tenant-cultivators. Their hegemony in the area was sanctioned by Florence in the fortification decree of 1342.

⁷³ Members of this branch of the Agli, which I have traced back to a grandfather named Caro, appear in Notarile Antecosimiano.10899 [hereafter NA.10899].26v (20 September 1328) and 36v-37r (10 October 1328).

⁷⁴ *Missive*.7.7v (March 10, 1342).

⁷⁵ EOG.21.57r-57v for the denunciation and witness list.

⁷⁶ EOG.57v.

⁷⁷ See EOG.21.153r-156r for the inquest, a copy of the original denunciation, and the prison sentence.

When they were denounced to the criminal courts, the case either fizzled out at the testimony stage or the inquest turned on the denouncers themselves. It is hardly surprising that the case against Lotto and Bernardo went unproven. Seven witnesses were cited for evidence concerning the assault on Viero, five from Sant'Agata, and one each from neighboring *populi*, also part of the parish of San Giovanni Maggiore di Mugello.⁷⁸ Piero Lorenzo, from San Michele, was contumacious; the rest claimed that they knew nothing.⁷⁹

For the people of Sant'Agata a Mucciano, testifying against the Agli was at best a waste of time; at worst, it could lead to prison. There is no evidence for the fate of Viero di Vanno, the man Lotto and Bernardo degli Agli targeted in 13448, but his wretched story highlights the dangers, even the sheer pointlessness, of testifying against the elite for rural Tuscans. The Agli not only were *de facto* impervious to Florentine public justice; their status as a semi-permanent prop to Florentine suzerainty over the area is reflected in their official sanction to fortify their property in 1342. In such a situation, it is hard to know where the magnate class ended, and Florentine public power began: to what extent was the Florentine state, or elements of it, coterminous to rural people with locally entrenched magnate families that this very same state claimed to be protecting them against?

This paradoxical situation is underlined by detailed consideration of how the commune handled the rural predations of members of the Bardi family. How did rural violence relate to magnate families' political life, and what options were available to rural

⁷⁸ See Pirillo, *Forme.I*, 157-61, for the location of S. Jacopo de Pianezzo and S. Michele di Ronta. The witnesses from Sant'Agata were Bonaiuto Benciveni; Urbano Ginozzi; Sarto Simone; Giovanni di Pighe; and Baldo Chaleffi. Francesco di Ser Ugolino di Docco was from San Iacopo, and Piero di Lorenzo was from San Michele de Ronta: AdE.122.105r-105v.

⁷⁹ See EOG.124.68v for witness testimony. Piero di Lorenzo was contumacious.

people against magnate attacks? Future work will focus on the deeper history of Bardi involvement in the countryside, violent or otherwise. Here, I will focus the family's activity in the northeastern part of the Florentine *contado*, the lower Val di Sieve and upper Valdarno. The response of rural victims to Bardi attacks reveals the capacity of rural people for collective self-defense, however circumscribed and enervated in the absence of support from the Florentine commune. It also indicates how attacks on rural people could fit into broader family strategies in the 1340s, a period of serious crisis for Florence, its rural territories, and Europe as a whole.

The Bardi lineage was one of Florence's wealthiest and most distinguished families. The 1340 collapse of the family's farflung and overextended banking empire did not destroy this prosperity.⁸⁰ One of the only popular families to gain admission to the *milites* in the thirteenth century, they were branded magnates by their erstwhile popular peers in 1293.⁸¹ I will return to their relationship with the commune following analysis of inquests against them for violence against rural people in 1347-1349.

The first inquest concerned a crime that took place in August 1349 in the parish of S. Cristoforo in Perticaia.⁸² S. Cristoforo lies in the hills southwest of Rignano Sull'Arno, upriver from Florence in the upper Valdarno.⁸³ The denunciation was lodged against three members of the Bardi: Gianni, his nephew Bardo, and their kinsman Sandro. They attacked Biagio di Cogniano, described as Giano and Bardo's hired laborer (*lavoratore*).

⁸⁰ Armando Saporì, *La crisi delle compagnie mercantili dei Bardi e dei Peruzzi* (Florence, 1926), is still the Bardi and Peruzzi companies.

⁸¹ Bardi popular status before the Ordinances: Poloni, *Potere al popolo*, 78.

⁸² See EOG.122.70r-73r for the denunciation, witness list, and processual information; AdE.124.49r-50v for the witnesses' testimony.

⁸³ Pirillo, *Forme.II*, 535. On the Valdarno di Sopra, see in particular *Lontano dalle città. Il Valdarno di Sopra nei secoli XII-XIII*, eds. Giuliano Pinto and Paolo Pirillo (Rome: Viella, 2005).

The attack took place in a public road (*strada publica*) near a house belonging to Giano and Bardo, in which Biagio was living at the time.⁸⁴ As the Bardi beat him with their sheathed swords, Biagio raised the hue and cry (*grida*). They then choked him until he could no longer shout.⁸⁵ The closing lines of the denunciation reveal what must have been a common feeling among witnesses:

“If you [the Executor] yourself want, make an inquest, [for] you can learn of it from *publica vox et fama* and from certain men such as those who heard [Biagio] shout ‘acurr’uomo!’, and you yourself may find them [the witnesses] near us, [do so] as secretly as possible so that they [the Bardi] may not first blandish you or threaten you, so that they may not deny the truth of the crime.”⁸⁶

Given the verb form (*lasinghati* and *minacciati*), the denouncer assumed that the influence of the Bardi extended to the Executor and his *famiglia*. By threats or bribes, they would be able to influence the outcome of the case. For the people of this area, the arbitrary power and coercion of the Bardi was more real than the authority of an urban court, and this conditioned rural peoples’ perception of the court itself. Fear of the Bardi resulted in a veil of silence surrounding this crime.

In a similar case from 1 February 1348, Viero di Filippo dei Bardi murdered another resident of S. Cristoforo, Tingo di Geri.⁸⁷ The denouncer noted that the witnesses listed would not speak, “unless they are forced and compelled by your office, and this [is]

⁸⁴ EOG.122.70v: “Biagio di Chogniano del popolo de San Cristofano in Perticaia ed el lavoratore del dicto Giani e del dicto Bardo asalirlo e percossolo insula strada publica a lato a lato a casa del dicto Giani e Bardo nella quale il dicto Biagio di Cogniano istava e sta luogho chiamato a la felice[.]”

⁸⁵ EOG.122.70r-71v: “E lo dicto Biagio gridando piu e piu e piu volte ‘acurre homo, acurre homo[.] Il sopradicto Bardo el dicto Sandro de la casa di Bardi si chome grande e possenti si lo pigliaro e misogli le mani amendu nella golla e tencho i strettamente per tale guisa che non potea piu gridare....”

⁸⁶ EOG.122.71r-71v: “se viiu vorite, farne inquisitione il potrite sapere di piubicha vocie e fama[,] e da certi chome audire gridare acure homo, e quisti homeni vi coniarebe avere a po noi il piu secretamente chi se potesse si che no fosseno prima lasinghati o minacciati, onde gli no vene di negassono la verita di questo maleficio.”

⁸⁷ The inquest is EOG.96.61r-64v.

for fear of the power and greatness of the abovesaid Bardi.”⁸⁸ Unsurprisingly, none of the sixteen witnesses in this inquest knew anything and the case went unproven (*non probatum*).⁸⁹

Knowledge of magnate crimes quickly circulated in the vicinity. Whoever denounced the 1349 attack on Biagio explained that “this crime is public knowledge (*publica fama*) throughout the parish,” and that people in neighboring parishes heard Biagio’s cries for help.⁹⁰ According to the denunciation’s author, there were several eyewitnesses to the attack and Biagio’s shouting. Three men of nearby S. Quirico Valli “saw him [Biagio] shouting.”⁹¹ Two men from S. Cristoforo heard the shouting (*audillo gridare*).⁹² The magnates’ victims were typically members of the communities in which the attacks took place. Biagio lived in S. Cristoforo. Viero, attacked by the Agli in 1349, lived in Sant’Agata a Mucciano, where the crime took place. Francesco di Riccucio, a witness cited in the 1349 case against the Bardi, is described like Biagio, as one of Giano dei Bardi’s laborers, a *lavoratore*. He lived “side by side, less than one hundred fifty *braccie* from where the crime happened.”⁹³ Biagio himself lived in a Bardi-owned house (*casa*).⁹⁴ Most of the other witnesses were also locals, from the same parish as Biagio

⁸⁸ EOG.96.62r: “E sia manifesto ad voi che gli ‘infrascripti testimoni non dicono il predicto maleficio se non sono per lo vostro officio stretti e ifforzati e gravati, e questo sì per paura della potenza e maggioranza de’ sopradetti Bardi.”

⁸⁹ See EOG.96.62r for the witnesses, and EOG.9663r for the notice that they all claimed to know nothing.

⁹⁰ EOG.122.71r: “de questo maleficio e publica voce e fama per lo paese e da aliquanti vicini fo sentito gridare ‘accure homo.’”

⁹¹ EOG.122.71v: “Francio duzzo di Bachirelli: vidillo gridare; Latino di Maffeo o del piaciete: vidillo gridare; Francesco di Riccucio...: vidillo gridare.”

⁹² EOG.122.71v: “Bertho dela Manato: audillo gridare; Ciecho de Latino: udillo gridare.”

⁹³ A *braccio* was 58.36 centimeters or roughly two feet. See C.M. De La Roncière, *Prix et salaires à Florence au XIVe siècle (1280-1380)* (Rome, 1982), 30-32.

⁹⁴ EOG.122.71v: “Franciescho di Riccucio lavoratore del dicto Giani ista a lato a lato a meno de cento cinquanta braccia ove si fu il maleficio e del popolo di Santo Andrea a anticha[,] vidillo gridare.”

(San Leolino a Rignano), or within ten kilometers of San Cristoforo.⁹⁵ Only four were from outside the upper Valdarno.⁹⁶ All of them also claimed that they knew nothing.⁹⁷

S. Cristoforo in Perticaia was a favorite target for the Bardi: their deep roots in the area is a subject I will pursue in depth in future work. In July 1348, as the Black Death raged in Florence, members of the lineage, Andrea, Francesco, Totto, Bindo, and Ceo, attacked the church of S. Cristoforo itself. This prompted an inquest on February 61349.⁹⁸ The Bardi occupied the church, driving out the local men who had been defending it. As they smashed down the doors of the cloister, they boasted:

“Many times already have we smashed the *popolo* of Florence, and we can safely break the *popolo* of San Cristoforo in Perticaia. And yet another time, if the *tamburo* is in Florence-for [this] reason we’re here in the *contado*, and in our wisdom we act here. We will hang you like robbers over these oak trees, you and whoever disobeys.”⁹⁹

The Bardi then began beating one of the church’s defenders, Francesco del Farsata.¹⁰⁰ As they beat him, they made the same demand that Bernardo and Lotto degli Agli made of

⁹⁵EOG.122.71v-72r: “Ugato di Feo Althoviti del popolo de Santo Apostole di Firenze, Palmieri del Charo Altoviti del dicto popolo, Bandino di Rinieri Valori and Stefano di Rinieri Valori: sono del popolo di Santo Stefano a Ponte di Firenze.”

⁹⁶ San Niccolo da Olmeto, San Cristoforo in Perticaia, and San Quirico Valli are all in the *piviere* of San Leolino a Rignano (Pirillo, *Forme.II*, 535, for the list); San Lorenzo Cappiano, in the parish of San Vito a Incisa, in about ten kilometers up river on foot from San Cristoforo; San Donato in Collina (Pirillo, *Forme.II*, 571); San Donato Collina (parish of Santa Maria all’ Antella: Pirillo, *Forme.I*, 351) is about 5.4 km. downriver from San Cristoforo. I have not been able to locate Santa Lucia a Besticcio. Santi Apostoli and Santo Stefano a Ponte are both in the city of Florence.

⁹⁷ See EOG.124.49v-50v for their testimony.

⁹⁸EOG.119.27r-28v for the denunciation and witness list; the case is copied in CdP.103.3v-4v.

⁹⁹ EOG.119.27r: “Noy abbiamo gia piu volte rotto il popolo di Firenze, ben possiamo rompere sicuramente quello di S. Christophano in Perticaia[.] E ancora a una per una altra volta, e se il tanburo e a Firenze, a la ragione e noi siamo in contado e farella a nostro senno e impiccharevi commo ladri super queste querce, voi e quique a dissobidira....”

¹⁰⁰ EOG.119.28r: “i predicti Andrea Francesco Totto Bindo e Ceii colloro raunata e congiura di sbanditi e d’altri per forza di balestra e d’altre arme da spezare uscia persono per forza il decto Francesscho del Farsata e gittarlo in terra e catuno di loro il percosse piu e piu volte dandoli pugni e calci....”

Viero: “Acknowledge your life is ours, filthy thief and traitor that you are!”¹⁰¹ When Francesco refused, Francesco dei Bardi beat him to death.¹⁰² The Bardi occupied the church and were still in control of it at the time of the inquest.¹⁰³ This case did move beyond the Executor’s court: the Podestà sentenced two of the Bardi to death by decapitation and two more were fined 3,800 *lire*. Andrea’s son, Giovanni, was also fined for their contumacy. All four were, however, absolved in an amnesty of 1352.¹⁰⁴

This was not an isolated case of Bardi immunity from Florentine justice. Although Totto and his brothers had participated in an attempted 1340 coup in Florence and were exiled, they continued drawing shares from the Bardi bank until its 1343 collapse, and were still in the area.¹⁰⁵ Totto would enjoy a long and presumably prosperous line of business in usurping other peoples’ goods. In 1374, Marcionne Coppo di Stefani would force him to surrender properties that Totto had quietly stolen from the commune, when the chronicler served on a commission appointed for the task.¹⁰⁶

As they attacked the church’s defenders, the Bardi boasted that they had already broken (*rotto*) the Florentine *popolo* many times-although in fact their attempted coup of 1340, which Totto and his kinsmen had been banned for, was swiftly crushed by the popular militia.¹⁰⁷ They saw the countryside as beyond the reach of the *tamburo*, beyond

¹⁰¹ EOG.119.28r: “dandoli pugni e calci, dicendo ‘riconosci la vita per noi, zozo ladro [e] traditore che tu sei!’”

¹⁰² EOG.119.28r: “E allora il decto Francescho di Filippozzo negendo che costui no riconosciana per loro la vita tosto come volemo percosse il decto Francescho del Farsata nella decta chiesa con una spada in sula testa con efuzione di sangue[,] della quale fede e percosse predicta il decto Francesco del Farsata e morto e mori.”

¹⁰³ EOG.119.28r.

¹⁰⁴ See Atti del Podestà [hereafter “AdP”], 404.81r-81v for the condemnations and commutations. See AdP.404.90r, for the sentence of Giovanni, son of Andrea.

¹⁰⁵ Saporì, *La crisi*, 129.

¹⁰⁶ Stefani, *Cronica Fiorentina*, 740.

¹⁰⁷ Brucker, *Florentine politics and society* (Princeton, NJ., 1962), 6.

the city and its institutions. The Bardi were a law unto themselves in the area, and flaunted that fact. Revealing in this regard is the dramatically physical language the Bardi used. They threaten to hang the disobedient as brigands (*ladri*) over oak trees. These oak trees would have been a constant reminder of this attack and the Bardi menace.

Francesco del Farsata was a filthy brigand and traitor (*zozo ladro [e] traditore*) for refusing to acknowledge their authority. Why would Francesco be a traitor? The scene is one of domineering lords disciplining wayward subjects tempted by the promise of protection from the popular criminal courts. The Bardi saw the land, its tenants, and the church as theirs by right. To paraphrase historian Gadi Algazi, they were pruning their tenants.¹⁰⁸ Magnate violence did not target strangers: victims were their neighbors, tenants, and residents of parishes that the magnates themselves sometimes lived in. Armed raids by magnates and their followers (*fanti*) sometimes targeted people and places neighboring their own properties, as Claudia Caduff has also found.¹⁰⁹ These attacks were the calculated use of force to extort rights, payments, or perhaps less precisely defined, and hence potentially worse, gifts or customs.

Most of the witnesses cited to testify regarding the attack on S. Cristoforo came from its wider parish of S. Leolino a Rignano, or close to it.¹¹⁰ Like the Agli in Mucciano, the Bardi owned properties in the area. The 1348 denunciation notes that the Bardi assembled their henchmen on a farm (*podere*) at S. Silvestro Marciano, in S.

¹⁰⁸ Gadi Algazi, "Pruning peasants: private war and maintaining the lords' peace in late medieval Germany," in *Medieval Transformations: texts, power and gifts in context*, eds. Esther Cohen & Mayke de Jong (Leiden, 2000), 245-274.

¹⁰⁹ See Caduff, "Magnati," 35-37, for magnate seizures of land belonging to *popolani*.

¹¹⁰ EOG.119.28v. Of the twenty-two witnesses listed, ten were from San Cristoforo in Perticaia. Six were from the city of Florence. Three were from neighboring parishes, San Donato in Collina and Santa Maria di Castiglionchio (see Pirillo, *Forme*.I.354 for San Donato and Pirillo, *Forme*.II.530 for Santa Maria di Castiglionchio).

Leolino a Rignano.¹¹¹ Andrea, Francesco and Totto, or their brother, Messer Vieri di Fillippo, owned this estate.¹¹² It was this same Vieri who had murdered Tingo di Geri, another *popolano* of S. Cristoforo, in February 1348. Biagio, the 1349 victim of Giano, Bardo, and Sandro dei Bardi, had also lived in a house owned by this branch of the family.¹¹³

Like the land that Andrea and the Pulci disputed, it is possible that the Bardi were attempting to clarify their rights over the area through brazen public action. Occupation was the most direct assertion of these rights possible, and the defenders of S. Cristoforo were contesting this claim. The Bardi would eventually succeed at establishing patronal rights over the area: in addition to mentions in the *Notarile Antecosimiano*, S. Cristoforo Perticaia appears in the Archivio di Stato's Diplomatico, in the *Pio Istituto dei Bardi* series.¹¹⁴

What does the church attack reveal about popular organization in the face of elite violence? The attack happened in July 1348, as the plague was devastating Florence and its countryside. Rignano lies in the Valdarno just downstream from Figline Valdarno, an important sub-regional market town, and an easy walk from Florence. This area would likely have been devastated by the plague, more so than the Chianti hillcountry or the mountainous northern *contado*. The denunciation states that the church of S. Cristoforo was empty and lacked a rector when the Bardi attacked it: perhaps he had died of plague, or fled from it. This would have provided Totto and his brothers with an excellent opportunity to (re)assert patronage rights over the church and the area. Based on the

¹¹¹ EOG.119.27v; see Pirillo, *Forme*.II.536-37, for the location of San Silvestro.

¹¹² EOG.119.27v.

¹¹³ EOG.122.70v.

¹¹⁴ Time constraints did not allow me to consult this source for this study.

denunciation's language, this is what the locals were expecting, and they were ready for it.

The *popolani* gathered in the church were an *ad hoc* defense group gathered specifically to prevent wrongful occupation during the vacancy.¹¹⁵ The church would have been the symbolic as well as spiritual center of the vicinity; desecrating it with homicidal violence, the Bardi vividly demonstrated their power and arrogance to local people. It is impossible to identify the man the Bardi murdered, Francesco del Farsata. It seems likely, however, that he was the leader of the church's defenders. According to the denunciation, the attackers singled out Francesco, demanding he acknowledge their power over him and calling him a filthy brigand and traitor. When he refused, Francesco di Filippo dei Bardi "at once" despatched him with a swordstroke to the head.¹¹⁶ The Bardi then drove the other defenders from the church, which they continued to occupy at the time of the inquest (February 1349).

This episode reveals that rural people were just as capable of self-defense, and spontaneous organization, as their urban brethren. The Florentines expelled the Duke of Athens, Walter of Brienne, in 1343 after a brief stint as their "lord for life." Following his expulsion from Florence, a committee of fourteen created by bishop Agnolo degli Acciaiuoli abolished the Ordinances of Justice and the office of Standardbearer of Justice; the priorate he created was also opened to the magnates for the first time in

¹¹⁵ EOG.119.26v: "la decta chiesa la quale alora vacava e non n'avea rectore e nella quale chiesa erano certi huomini del popolo della decta chiesa di Santo Cristofano [sic] in Perticaia a guardia et a difesa della decta chiesa, acio che non fosse per alcuna persona indebitamente occupata...."

¹¹⁶ EOG.119.27r: "...il decto Franesscho di Filippo dei Bardi negendo che costui [Francesco del Farsata] no riconsceua per loro la vita tosto come volemo percosse il decto Francescho del Farsata nella decta chiesa con una spada in sula testa con effusione di sangue della quale fede et percosse predicta il decto Franesscho del farsata e morto e mori il decto Francescho del farsata

decades.¹¹⁷ The response from Florence's guilds, laborers, and working poor was immediate, and decisive: the *popolo* deposed the "magnates' priorate" on September 22 1343. The magnates responded by barricading their urban enclaves, and fighting broke out on the September 25 1343 between the magnates' followers and armed companies of the *popolo*. These companies organized spontaneously, as there was a power vacuum following the deposition of the magnates' priorate.

The Florentine *popolo* was more successful in this clash than the men of S. Cristoforo, but in both cases the *popolo* can be seen acting on its own initiative, in a moment of emergency when the authority of communal institutions had temporarily evaporated: the *popolo* is visible here as a social group in itself and for itself, Occasionally, at least, rural *popolani* were capable of the sort of collective self-defense that lay at the base of popular politics throughout communal Italy, even in the midst of a social and demographic catastrophe like the Black Death.

Rural terrorism and elite family strategy

"Behind every great fortune lies a great crime."-Balzac

What was the logic of rural crime from the magnates' point of view? How might organized raids in the countryside (*cavalcate*) relate to the magnate lineages' other activities? I explore these questions in the last section of this chapter, maintaining focus on the Bardi and their activities in the Valdarno. While further research is needed, cases of Bardi violence can be understood as the sharp edge of the family's efforts to expand and consolidate its rural landholding. These efforts should be understood in terms of an elite magnate family of the highest rank reacting to its political marginalization at the

¹¹⁷ For these events, see G. Villani, *Nuova Cronica*, 13.17-19.

hands of the *popolo*, and a deteriorating economic situation as the fourteenth-century crisis descended upon Europe.

The Bardi were one of the wealthiest and most illustrious Florentine families. Along with the Cerchi, Mozzi, and Spini, they were one of the few popular families who were admitted to the urban militia (*milites pro comuni*) in the first half of the thirteenth century.¹¹⁸ At its height in the early fourteenth century, the family's banking company was one of the wonders of the European economy, with agents scattered from London to Naples. With the Peruzzi, the Bardi were the main Florentine creditors of the English crown before Edward III's "default" of 1339 and the Bardi collapse of 1346. They had been involved in papal banking since the 1260s, and were stalwarts of Florence's Guelf Party.¹¹⁹

The Bardi were also key players in the south Italian grain trade, profiting from the longstanding alliance between Florence and the Angevin Regno.¹²⁰ This dazzling range of international connections allowed them to accomplish impressive logistical feats. One of them demonstrates the level at which the Bardi moved internationally. On April 3 1336, pope Benedict XII earmarked 10,000 florins for the purchase of Pugliese grain and its delivery to Cilician Armenia, whose king the papacy was attempting to win over to the papal obedience.¹²¹ The papacy turned to the Bardi company, which rapidly procured the requisite grain through their southern factors in Naples, Bari, and Manfredonia, the main

¹¹⁸ Poloni, *Potere al popolo*, 78.

¹¹⁹ On Florence's late thirteenth-century Guelf elite, see Massimo Tarassi, "Il regime guelfo," in Raveggi et. al., 73-164.

¹²⁰ On Tuscan mercantile activity in the Italian south, see Giuseppe Petralia, "I Toscani nel Mezzogiorno medievale: note sulla genesi e l'evoluzione trecentesca di una relazione di lungo periodo," in *La Toscana nel secolo XIV*, ed. S. Gensini (Pisa, 1988), at 287-336.

¹²¹ Yves Renouard, "Una spedizione di cereali dalla Puglia in Armenia sequita dai Bardi per conto di Benedetto XII" *Studi Salentini* 18 (Dec., 1964): 242-78, at 245.

center for the Adriatic grain trade; the grain was on its way to Lusignan Cyprus by the end of April.¹²²

The lineage's size and wealth enabled them to weather the vicissitudes of magnate status and economic catastrophe better than many of their elite peers. Even after the family's banking company defaulted, they remained one of the city's richest and most numerous families. Counting 138 male members in 1343 and 150 on the eve of the plague in 1348, the Bardi were also among the magnate lineages most often denounced to the Executor in the 1340s.¹²³ They were denounced 14 times in the biennial 1345-46 alone.¹²⁴ Claudia Caduff noted that, whereas only a few members of each magnate lineage typically appeared in *denuncie*, 11 different members of the Bardi are denounced in 1345-46. This indicates that more than individual irascibility was at stake in rural Bardi violence.

Perhaps some of the violence against rural people should be understood in the context of elite family responses to the dual crises of political marginalization due to magnate status, and a deteriorating economic situation. The Bardi were behaving much like their Sieneese peers were. Sieneese families such as the Malavolti had preceded the Bardi and other Florentine Guelfs as papal bankers of choice in the thirteenth century. These families then invested their banking profits in land and accompanying feudal

¹²² Renouard, 267. On Tuscan activity in the Mediterranean, see the paired pieces of Laura Balletto and Sandra Origone, "I Toscani nel Mediterraneo: l'Occidente, l'Africa, Cipro" and "I Toscani nel Mediterraneo: l'area bizantina, il Mar Nero," in *La Toscana nel secolo XIV*, ed. (Pisa, 1988), at 251-270 and 271-286, respectively.

¹²³ See Klapisch-Zuber, *Retour*, 464, for the number of magnates taking oaths before the podestà. Although reduced to 59 males by 1434, this still made the Bardi the most numerous of the magnate lineages when Cosimo de' Medici abolished the status. See Caduff, "magnati," 34, for the Bardi and other frequently-denounced families.

¹²⁴ Caduff, "magnati," 52.

rights, as they eagerly climbed into the ranks of Tuscany's feudal nobility.¹²⁵ As Andrea Giorgi has shown, an important theme of the conflict between Siena's magnates and popular regimes was these families' establishment of rural lordships (*neo-signorie*), in imitation of Tuscany's old feudal elite, and founded on landed estates and their privileges.¹²⁶ Between the late thirteenth and early fourteenth centuries, families that had formed part of Siena's twelfth-century, consular-era urban elite (Giuseppi, Malavolti, Rossi) and prosperous urban mercantile lineages such as the Piccolomini began investing in small castles and signorial powers in Sienese territory, particularly in the Val di Chiana and Val d'Orcia.¹²⁷ Paradoxically, this occurred just as the region's first-level elite was being incorporated into the Sienese commune's jurisdiction. Old feudal families like the Berardenghi and Ardengheschi, which had never participated in the commune's affairs, were the Sienese equivalent of the Conti Guidi or Conti Alberti.

Bardi activity in the Florentine *contado* parallels the behavior of Siena's magnate families. Even before the banking company's collapse, the family pursued investments in rural territories and their associated rights in part as a response to political-economic problems in the city.¹²⁸ The Bardi family purchased the strategically located fortified settlements (*castelli*) of Mangona, Vernio, and Pozzo in the 1330s, with their associated

¹²⁵ Richard Goldthwaite, *The Economy of Renaissance Florence* (Baltimore, 2009), 29, observes that this became a classic pattern in Europe: a three-generational cycle of social mobility from merchant to noble.

¹²⁶ See Andrea Giorgi, "Il conflitto magnati/popolani nelle campagne: il caso senese," in *Magnati e popolani nell'Italia comunale* (Pistoia, 1997): 137-411, with a valuable map of feudal holdings in the Senese between 1316-20, at 141. See also Giorgio Chittolini, "Signorie rurali e feudi alla fine del Medioevo" in *Storia d'Italia*, ed. G. Galasso, vol. IV (Turin, 1981), 589-676.

¹²⁷ Giorgi, "Il conflitto," 154; see in particular the revealing map of fourteenth-century signorial possessions at p. 141.

¹²⁸ See Najemy, *A history of Florence*, at 139-144, for the Bardi banking company's collapse and the complex chain reaction this started in communal government and the city's economy.

rights of lordship. The complicated status of Mangona and Vernio in the mid-fourteenth century reveals the area's importance to the Florentines, rural lords, and the Bardi. Mangona was originally a major seat of the chief branch of the Conti Alberti; its county included Vernio as well, before the Bardi purchase.¹²⁹ Mangona's lord, Conte Napoleone degli Conti Alberti, had pledged Vernio and Mangona to the Florentines following a 1273 siege. In April 1328, however, Duke Charles of Calabria, currently serving as lord (*signor*), forced the Florentines to yield it to the Siense magnate Benuccio de' Salimbeni, following his marriage to Contessa Margherita degli Conti Alberti da Vernio.¹³⁰ In 1332, Contessa Margherita sold the *signoria di Vernio* for 1200 gold florins to Palla di Jacopo Strozzi and Chiavello di Boninsegna Machiavelli, acting as middlemen for Andrea di Gualtiero dei Bardi, perhaps to avoid the interference of the Florentine priorate in this high-stakes transaction between two lineages with a long and fractious history of dealings with the commune. Andrea di Gualtiero dei Bardi received the *signoria* from Palla and Chiavello in 1335.¹³¹ Around the same time, the Bardi purchased the fortified settlement (*castello*) and lordship (*contea*) of Pozzo from the Conti da Porciano, a branch of the Conti Guidi.¹³²

These rural activities evidently caused the Florentines some anxiety. In a decree of March 14 1337, the commune banned all citizens from purchasing *castelli* on the borders of the Florentine *distretto*.¹³³ The commune did this, the chronicler Giovanni Villani says, in direct response to the Bardi purchases. The *popolo* had cause for alarm.

¹²⁹ On Mangona and the Conti Alberti, see M. Abantantuono, Michelangelo & L. Righetti, *I conti Alberti, secoli XI-XIV* (Bologna, 2000), with a profile of the *rocca di Vernio* at 363-71.

¹³⁰ G. Villani, *Cronica*, 11.84.

¹³¹ G. Villani, *Cronica*, 12.74.

¹³² G. Villani, *Cronica*, 12.74.

¹³³ G. Villani, *Cronica*, 12.74.

These settlements' old owners had waged intermittent warfare against the Florentine commune since the twelfth century. This process would not be completed until 1440, when the last Guidi stronghold in Tuscany, at Poppi, final refuge of the Conti Guidi da Modigliana, fell to a Florentine army.¹³⁴

The settlements the Bardi were accumulating in the 1330s were situated strategically. Vernio lies in the Val di Bisenzio, along one of the routes connecting Prato to Bologna. Mangona lies six kilometers away on the opposite slope of the spur separating the upper Val di Sieve from the Val di Bisenzio. Together, these strongholds could interdict traffic and communications between Florence and the Romagna. The *castello* of Pozzo, an old holding of the da Porciano branch of the Conti Guidi, lay in present-day Dicomano, at the opposite end of the Val di Sieve. Dicomano lies 17 kilometers upstream from the meeting point of the Sieve and Arno rivers, Pontassieve, and 10 kilometers downstream from the Guidi strongholds of S. Godenzo and S. Bavello.

Taken together, these three strategic holdings allowed the Bardi to close off important sectors of the *contado* to Florence, while providing steady incomes to the family through feudal dues and levies on merchants. Such behavior would have been entirely in line with the signorial identity the Bardi embraced with such alacrity. Rural lords such as the Ubaldini and Guidi had long used their hilltop *rocche* to intercept traffic, especially grain shipments bound for Florence. Strategic rural strongholds also provided shelters for elite families in times of danger.

¹³⁴ On the history of Poppi and the region during the early modern period, see Giovanna Benadusi, *A provincial elite in early modern Tuscany. Family and power in the creation of the state* (Baltimore and London, 1996).

Further evidence of the Bardi family's move towards becoming a major signorial presence in the countryside comes from Giovanni Villani's account of the Bardi family's 1340 conspiracy against the commune. The destruction of the commune's records before 1343 makes it impossible to confirm his version of the story, but there is no reason to discount it. Villani says that the Bardi organized a conspiracy against the priorate following Piero de' Bardi's conviction and fine of six thousand *lire* by the commune's *capitano della guardia*, Iacopo di Gabrielle da Gubbio, and the commune's confiscation of the property of Mangona.¹³⁵ What was Piero de' Bardi convicted for? Beating a vassal (*fedele*) on his estate of Vernio. Villani notes that, because he was a vassal and not a resident of the Florentine *distretto (distrettuale)*, the man was tortured.¹³⁶ This sort of violence against rural people is comparable to how the Agli treated their would-be vassal Vieri, and the Bardi the men of S. Cristoforo in Perticaia. Disciplining disobedient vassals was simply what lords did.

The Bardi response to these judicial and financial sanctions reveals the strength and influence of the family on the eve of the banking firm's collapse. It also reveals the dense network of allies the family could activate among the rural lords of Tuscany, as well as fellow urban magnate lineages such as the Frescobaldi and Rossi. According to Villani, the Frescobaldi joined the conspiracy out of anger at the condemnation of Messer Bardo by the same official, the *capitano della guerra* Jacopo di Gabrielle, who condemned Piero de' Bardi. The list of Bardi allies from the countryside is a veritable who's who of northeastern Tuscany's rural lords: Count Marcovaldo dei Guidi, the

¹³⁵ G. Villani, *Nuova Cronica*, 12.118.

¹³⁶ G. Villani, 12.118: "In que' tempi fu condannato per lo detto mesere Iacopo messere Piero de' Bardi in libre VI mille, perch'avea offeso un suo fedele da Vernia, non istrettuale di Firenze, onde gli parve ricevere torto."

powerful Tarlati family of Arezzo, the Pazzi del Valdarno, the Ubertini, Ubaldini, the Guazalotti da Prato, and the *signor* of Volterra, Ottaviano dei Belforti.¹³⁷ Despite their centrality to the Florentine economy and their status, even as magnates, among the city's greatest families, the Bardi were willing to gamble everything on an old-fashioned attempt to, in Villani's words, *levare il romore e correre la città* and "remake the city anew, that is to destroy the *popolo*."¹³⁸

This conspiracy might have succeeded, but for Iacopo degli Alberti del Giudice's warning to the priorate. The Bardi were acting here again very much like their Sieneese magnate counterparts. The Tolomei attempted a coup in 1346, and would go to war with the Sieneese commune in 1372 and 1385.¹³⁹ They even sided with the Florentines in 1390, and Bertoccio dei Tolomei would lead destructive raids in the Senese as a captain in the Florentine army.¹⁴⁰ Just as the Conti Guidi sided with the Bardi in their planned coup of 1340, the Conti Aldobrandeschi da Santa Fiore, Siena's equivalents, went to war with Siena in 1369 following the Emperor Charles IV's Roman expedition. Exclusion from political power was hardly a deathknell to the wealthiest magnates' power; it could function as a spur to active war with the popular communes.

Numerous Bardi men were exiled and faced confiscations following the suppression of the 1340 conspiracy. Among these were some who would occupy S. Cristoforo in 1349: Andrea and Gualtierotto ("Totto") di Filippozzo, their cousin Francesco, and Bindo di Andrea. Totto's branch of the Bardi appears to have held Pozzo

¹³⁷ Villani, 12.118.

¹³⁸ Villani, 12.118: "ella mattina vegnente, come le genti fossero allo esequio de' morti, levare il romore e correre la città, e uccidere mesere Iacopo Gabrielli e' caporali de' reggenti, e abattere l'ufficio di priori e rifare in Firenze nuovo stato, ecchi disse disfare il popolo."

¹³⁹ Caferro, *Mercenary companies*, 25.

¹⁴⁰ Caferro, *Mercenary companies*, 25.

and its privileges. When the commune purchased Pozzo from the family in 1375, the Bardi men party to the deal included Totto's sons Bartolomeo and Lorenzo, and one of the *castello di Pozzo*'s towers was known as the "torre Brestaglie de Mugello olim Totti FilippoZZi" even after the Florentines took control of it.¹⁴¹ It was Bindo's father, Andrea, who had purchased the county of Mangona from the Conti Alberti. He would be forced to buy it back from the commune of Florence in 1341, along with the county of Vernio, for the sum of 7750 gold florins. The commune had confiscated these properties from the family for Andrea's role in the 1340 conspiracy. This was 6550 florins more than what Andrea had paid to Contessa Margherita degli Alberti. It is unclear whether the Bardi actually paid this massive sum, but the price demanded reflects the value of the holding to both parties. If Andrea did pay, this is evidence for the lineage's continued prosperity despite the failed coup, popular rage against the magnates, and looming troubles with the banking firm.

In addition to organized raids (*cavalcate*) like that on S. Cristoforo, individual members of the Bardi were often denounced for assaults on *popolani* in the stretch of the Valdarno between Rosano and Figline-Incisa Valdarno.¹⁴² The family originated in the area around Bagno a Ripoli, just upstream from Florence. As noted above, the Bardi were able to call on leading feudal families of the area for aid in the 1340 conspiracy, lineages like the Pazzi, Conti Guidi, and Ubertini. The Bardi were also an established presence around the market towns of Figline-Incisa Valdarno and Rignano sull'Arno. The Florentine commander of Incisa Valdarno's garrison expelled Bardi men and other magnate families from the settlement on October 2 1340, in response to the family's

¹⁴¹ Pirillo, *Insedimenti*, II, 58.

¹⁴² EOG.21.54r; EOG.51.5r; EOG.96.10r; 21r; 52r; 61r; EOG.22.70r.

abortive coup; they were probably seen as a security risk.¹⁴³ The Bardi were entwined with Tuscany's feudal elite in punishment as in conspiracy. Following the Florentine army's seizure of Mangona in 1340, it turned on the Conti Guidi da Porciano, enemies of Florence and supporters of the 1340 coup.¹⁴⁴ The Florentine army took Count Guido Alberto's *rocca* of San Bavello, in the Florentine Alps east of Florence and upstream from the Bardi holding of Dicomano.¹⁴⁵ Bardi power overlapped with that of their rural allies in the area around which Bardi attacks on rural people clustered.

I have emphasized how the Bardi grew closer to first-level elite families such as the Conti Guidi and Conti Alberti as they established a signorial presence in the *contado*. It is possible to overstate this, however: the Bardi differed from these older lineages in important ways. Most obviously, the Bardi had made their wealth in banking and international finance; these activities led to land- and castle-holding, whereas a family such as the Conti Guidi never went into commerce. More significantly, the Bardi maintained a capacity for united action across family branches that the comital families conspicuously lacked. Dante immortalized the fratricidal nature of the Conti Alberti; likewise, from the thirteenth century on a major cause of the collapse of Guidi power in Tuscany was the incessant squabbling between the lineage's branches.

Perhaps the most important difference between the Bardi and their paragons, however, is in relations with the Florentine commune. The Bardi, even as magnates and even as they feudalized, remained important supporters of the commune. The banking company would play an important role in propping up Florentine finances in the late 1330s and early 1340s. Bardi men also continued to serve the commune as emissaries and

¹⁴³ ASF.*Responsive*.1.15.

¹⁴⁴ Villani, *Cronica*, 12.125.

¹⁴⁵ Villani, *Cronica*, 12.125.

castellans, in a clear example of Christiane Klapisch-Zuber's *retour à la cité*. This was true even in the wake of memorable clashes between the family and the *popolo*. In the fall of 1342, the Duke of Athens, at that point still Florence's *signor* for life, sent Geronzio "Gozzo" dei Bardi as his emissary to the Bolognese mercenary and exile Ettore da Panico, besieged in the small *castello* of Laterino, on the borders of the Aretino.¹⁴⁶ In 1359, Bindo dei Bardi, lord of the *contea di Pozzo*, headed local Florentine troops in the upper Valdarno, and was charged with improving Incisa Valdarno's fortifications.¹⁴⁷ Even in the crisis period of the 1340s and after decades of exclusion from the priorate, the family remained deeply entwined with Florentine state power in the countryside. The nature of these ties are important: low-level offices such as castellan may have had less prestige than the commune's councils and priorate. Yet their quotidian nature ensured that Bardi men holding these offices were embedded in communities like Incisa in an official capacity. This was so even as their cousins and kinsmen were attacking locals.

Despite the tormented relationship between the Bardi and the Florentine *popolo*, the lineage still, in an example of ambiguous engagement, was happy to serve the commune when it was convenient. Viewed through the prism of family politics, serving as a Florentine castellan was a tactic, just as trying to seize control of the commune through a coup was: either way, the goal would have been the continued survival and prosperity of the lineage, and the Bardi achieved both. The family would enjoy a long tenure in the Mugello and upper Valdarno. The county of Vernio would not be formally incorporated into the Grand Duchy of Tuscany until the 1815 Congress of Vienna definitively abolished feudalism. The family archive of the Bardi di Vernio contains a run

¹⁴⁶ Ciucciovino, *Cronica Italiana Trecentesca*, 816, citing the *Chronicon Estense*.

¹⁴⁷ ASF. *Missive*.12.97v.

of documents pertaining to the church of San Cristoforo in Perticaia from 1883 to 1905.¹⁴⁸ It seems that in the medieval Valdarno as in Risorgimento-era Sicily, things had to change a lot in order to remain the same.

Some provisional conclusions

More research is needed on the efforts of magnate families like the Bardi to shift resources and activity to the *contado* in the face of economic difficulties. It is currently difficult to know whether the sort of violence the Bardi deployed in the Valdarno increased as the century wore on. Nevertheless, a few noteworthy points emerge from a focus on the Bardi and rural communities.

In scholarship on Florence's medieval expansion, there is a major emphasis on military conquest. Besieging and taking rural *castelli*, fighting off the occasional aggressive adventurer such as Mastino della Scala or the Visconti of Milan, or establishing fortified settlements (*terre nuove*) were undoubtedly important activities of the commune, and chroniclers devoted much space to these events. Yet the duration and intensity of these conquests seems doubtful. High medievalists generally see the early thirteenth century as the turning point in Florence's "conquest of the *contado*", while those working on the Trecento and later see the post-1348 period in similar terms, as the commune expanded beyond its old *contado*.

What was the value of this conquest? Reading Giovanni Villani's chronicles, one is struck by the frequency with which the Florentines had to besiege and destroy the same rural strongholds. Ubaldini *castelli* in the Mugello (Montegufoni; Montegufoni), Guidi possessions such as Stia or S. Godenzo, Mangona and Vernio: the Florentines could take

¹⁴⁸ See *Gli archivi Bardi di Vernio: Inventario del fondo Bardi Serzelli*, ed. Ilaria Marcelli (Vernio: Centro Bardi, 2006), 62, for a list of the relevant documents.

these places, but apparently could not hold them. Rural feudal families sometimes did not even need to retake their *castelli*-as with Mangona, the commune was not above selling these places back to the same families it had won them from. It is unquestionable that, over the broad period between the twelfth and fourteenth centuries, the balance of power in Tuscany swung gradually but irrevocably to Florence, and away from rival communes and rural lords. Less clear is the importance of warfare and fortifications in this process, especially when Florence entrusted magnate families such as the Da Barberino and Bardi with these fortifications.

It is important also to remember that magnate violence such as I have discussed here was not isolated brutality in an otherwise peaceful countryside. It existed, rather, on a spectrum of violence that accompanied famine, recurrent disease cycles, and ongoing political instability to make the 1340s a remarkably catastrophic decade for Florence and much of Europe. This spectrum of violence included imperial expeditions such as Henry VII's descent in 1312 or Charles IV's in 1368; warfare between the Florentines and external foes like Castruccio Castracani; elite brigandage such as the Ubaldini practiced on merchants and travelers in the Florentine Alps; raids like that of the Bardi; and the depredations of foreign mercenary companies such as that of Walter von Urslingen, self-described enemy of God, pity, and mercy.

Rural Tuscans, especially in isolated mountain settlements like Mangona, were regularly exposed to the threat of extreme physical violence in this period. This threat came from their lords, mercantile, feudal, or otherwise; mercenaries and foreign troops; and from the Florentine commune itself, for giving "false" testimony. This universe of violence did offer opportunities of a certain sort for rural people willing to join a passing

mercenary company, a nobleman's entourage, or go brigand.¹⁴⁹ Elite-imposed violence, whether in the form of magnate raids or at the hands of mercenaries employed by Florence, was a significant force shaping the lives of residents of Florence's rural territories in the later Middle Ages.

This leads to a second point regarding the nature of Florentine power in the countryside. Even in places where Florentine sovereignty was unquestioned, as in Rignano sull'Arno, the commune was unable and probably uninterested in keeping the social peace there. Rural people faced magnate raids and the imposition of signorial powers alone. This could lead to some interesting expedients, such as the self-defense group of S. Cristoforo, which demonstrate the resiliency and resourcefulness of rural communities threatened with elite thugs and killers like Totto dei Bardi. This was not enough, however, to hold off determined magnate encroachments on rural properties and their dues, especially in a crisis period such as 1348-1349. This failure made a mockery of the Florentine *popolo*'s claims to serve as guardians of residents of the *contado* and *distretto*, and the countryside's ecclesiastical entities there.¹⁵⁰ Indeed, in its continued use of local magnates as castellans and local representatives, the commune was effectively providing a cover for these families to consolidate and legitimize their power in places such as Mucciano and Incisa, legally or otherwise.¹⁵¹

¹⁴⁹ On brigandage, see: Claudia Caduff, "I *publici latrones* nella città e nel contado di Firenze a metà Trecento," in *Istituzioni giudiziarie e aspetti della criminalità nella Firenze tardomedievale*, ed. Andrea Zorzi, monograph number of *Ricerche Storiche* XVIII (1988): 497-521; Giovanni Cherubini, "Appunti sul brigantaggio in Italia alla fine del Medioevo," in *Signori, contadini, borghesi* (Florence, 1974), 103-33.

¹⁵⁰ See, for example, EOG.96.10r, for an inquest against Andrea di Barduccio dei Bardi for assaulting Domenico di Duccio, abbot of the unidentified abbey of "Tagliafine", probably near Dicomano.

¹⁵¹ See ASF.Missive.7.7v for the commune's decree of March 10 1342 authorizing Angelo and Bindo di Caro degli Agli to fortify Mucciano, in Sant'Agata in the Mugello.

Magnate violence played a key role in asserting elite claims over rural lands and people, whether or not the Florentine courts were involved. Like purchasing castles and fighting the commune, abusing one's (would-be) vassals was part of what made Tuscan lords such. Less prosaically, the violence Totto and his kinsmen deployed against the men of S. Cristoforo needs to be understood on several levels. Most broadly, it was one incident in an ongoing effort by the Bardi to expand their access to rural properties and signorial rights. The power vacuum left by the Black Death provided the family with an opportunity to do so with functional impunity.

This sort of magnate entrepreneurialism was functionally supported by the operation of Florence's public courts. These Florentine courts could demand compliance from rural people, but rarely secured convictions against violent members of the elite. When they did, the convictions and sentences were later overturned. Threatened with violence for defying nobles for other reasons (such as refusing to become a tenant), witnesses also faced the danger of violent retribution for testifying. Elite families could usually make life more miserable for rural Tuscans than the Florentine state. This resulted in a veil of knowing silence surrounding elite crimes in the countryside.

I have focused here on those who did not provide information, but many Tuscans did testify. These people were, perversely, exposed to fines or imprisonment as well. The courts fined those whose testimony or denunciations were deemed false. The institutional logic of the Executor's court produced a situation in which the potential for harm far outweighed any potential benefits from giving testimony. This was a major disincentive for rural Tuscans to comply with the law and testify in court. Every time the Executor dismissed a denunciation for lack of proof, every time a magnate was allowed to murder

a tenant and intimidate witnesses, Florence's criminal courts were colluding in magnate oppression of the rural *popolo*.¹⁵² From the perspective of rural people the Ordinances of Justice, the foundational text for the Executor's court and the authority of the Florentine court system, must have been a mockery of the very idea of justice.

Places such as Mucciano and San Cristoforo were unquestionably in Florentine territory; the only reason we know about the attacks I have discussed is because the Florentine courts exercised jurisdiction over them. This jurisdiction was not theoretical, either: despite everything, people continued to write denunciations and walk to Florence to lodge them. The Executor's court continued to initiate inquests into these denunciations, however desultorily. Elite families such as the Agli and Bardi were deeply enmeshed in communal politics, even when Francesco dei Bardi and his kinsmen boasted of having broken the Florentine *popolo*. Even cases of open rebellion such as 1340 and 1343 can be interpreted as evidence for the fundamental stability of the communal regime. The Bardi goal in 1340 was hijacking the institutions of the commune in order to secure their economic resources, not to destroy them.¹⁵³

Yet the commune's rural presence was distinctly ghostly, and its power to coerce rural elites was often as frail as that of a specter. The Executor could fine and ban magnates when it bothered to prosecute an inquest. It could summon witnesses. It could ensnare the unfortunate and unwary in what Thomas Kuehn has described as the law's

¹⁵² I echo here Chris Wickham, *Courts and conflict in twelfth-century Tuscany*, 216-217: "When weaker third parties were the principal victims of violence...its neutral reception by arbiters meant then-as it does now-collusion in oppression."

¹⁵³ See Chris Wickham's remarks about the nature of noble coups in the early medieval Lombard *Regnum Italicum*; he in turn was echoing Max Gluckman's arguments for the 19th-century Zulu kingdom: Wickham, *Early medieval Italy: Central power and local society* (Ann Arbor, 1981), 37-38.

“labyrinthine and mystical ways.”¹⁵⁴ It could fine and ban contumacious witnesses. It could amass a staggering amount of documentation, much of it numbingly repetitive, almost ritualistic. Yet it rarely did much of anything with this documentation. The commune was unable to protect its subjects from rural lords, and this impotence extended to those subjects who complied with what the statutes demanded. This undermines previous work emphasizing the significance of the system of anonymous denunciations as a technology of power: technologies of power, like all technologies, are embedded in specific socio-economic and legal contexts which shape and can sometimes blunt their effectiveness.

Fourteenth-century Tuscans were faced with a phantasmic state that produced much documentation but little protection, or anything identifiable as justice. This was despite decades of popular government and the progressive expansion of Florentine military control over the *contado* and *distretto*. For most rural people, the state mostly meant itinerant court messengers, grasping taxmen, and officials who were quite happy to shakedown peasants for a few *soldi*, but who were never around when serious violence happened.¹⁵⁵ They also had to contend with a local nobility who possessed solid power bases in the countryside, numerous armed followers, and the willingness to exert public, humiliating violence that reinforced their claims to property and obedience.¹⁵⁶ Inflicting this sort of violence was an important part of elite Tuscan culture, despite the commune’s

¹⁵⁴ Thomas Kuehn, *Law, family & Women. Towards a legal anthropology of renaissance Italy* (Chicago, 1991), 80.

¹⁵⁵ See, for example, EOG.122.133r-135r, for an extended inquest against Filippo di Lapo dei Cuffarelli, a Florentine serving as captain of the League of Chianti, charged with extortion and dereliction of duty.

¹⁵⁶ Lansing, “Magnate violence,” 40.

ongoing attempts to tame what our documents vividly describe as the *potentes*.¹⁵⁷ This situation explains the paradox between the mass of initial denunciations, and the frequency with which rural witnesses claimed ignorance: studied evasion was the only option available to many people. This was a performance, in the thespian sense, of the legal duties Florence required of its subjects.¹⁵⁸ The act of denunciation, risky though it was, was far less risky than the act of giving testimony as a witness.

In his provocative study of pre-colonial Southeast Asia, the anthropologist James C. Scott remarks that “the job of peasants, you might say, is to stay out of the archives.”¹⁵⁹ Tuscans were adept at this, hiding in plain sight, so to speak. Rural communities such as Rignano sull’Arno faced numerous, overlapping threats in the fourteenth century, from plague and famine to a ramshackle criminal court system and elite predation. Their coping mechanisms were typically silence and evasion, and very rarely, acts of desperate courage like those of Francesco del Farsata and his comrades in 1349. Calculation and cunning were needed to survive in this world, dominated by men like Totto dei Bardi: in the words of a Calabrian proverb, “he who behaves honestly, dies miserably” (*chi ara diritto, muoia disperato*).

¹⁵⁷ For the culture of the *milites* see Jean-Claude Maire Vigueur, *Cavaliers et citoyens: Guerre, conflits et société dans l’Italie communale XIIe-XIIIe siècles* (Paris, 2004) and Lansing, *The Florentine Magnates*, 164-91.

¹⁵⁸ See Luke Roberts’s comments on Tokugawa-era Japan, *Performing the great peace*, 3.

¹⁵⁹ Scott, *The art of not being governed. An anarchist history of upland southeast Asia* (New Haven, 2009), 34.

Conclusion: A *popolo rotto*?: The eclipse of the Florentine popular commune and the dual crisis of the fourteenth century

This study ends in 1350, with Tuscany still reeling in the fallout of the Black Death, which arrived in Florence in March 1348.¹ There is a large and ever-expanding literature on the plague, its pathogenic identity, and its impact on western Eurasia's population. This is a vast topic, regarding which I happily refer the reader to other studies.² In terms of sheer loss of life, the plague was an absolute catastrophe. This was especially true for Tuscany, one of the most densely urbanized areas in Europe in 1347. Around half the population of Florence is estimated to have died in the first plague summer. Public institutions, including the popular courts, ceased operation during June-August 1348, crippled by the fact and trauma of mass death. The city would never fully recover its pre-plague prosperity, economically or demographically. Not until the eighteenth century would Florence's population overspill its final medieval wall circuit, completed just before the plague.

The medium-term significance of the plague on the Florentine state's expansion is unquestioned.³ Scholars such as Andrea Zorzi have convincingly argued that recurrent plague cycles were an important factor in Florence's late-medieval emergence as

¹ Piero Gualtieri, "La Peste Nera a Firenze," in *Portale Storia di Firenze*, Marzo 2014 (<http://www.storiadifirenze.org/?temademese=la-pesto-nera-a-firenze>).

² See in particular Ole J. Benedictow, *The Black Death 1346-1353: The complete history* (London: Boydell Press, 2012); George Huppert, *After the Black Death* (Bloomington, IN., 1998); David Herlihy, *The Black Death and the Transformation of the West*. Cambridge, MA., 1998); Boris V. Schmid, Ulf Büntgen, W. Ryan Easterday, Christian Ginzler, Lars Walløe, Barbara Bramanti, and Nils Chr. Stenseth "Climate-driven introduction of the Black Death and successive plague reintroductions into Europe," *PNAS* 112 (2005): 3020-3025; Elina Gertsman, "Visualizing Death: Medieval Plagues and the Macabre," in *Piety and Plague: From Byzantium to the Baroque*, ed. Franco Mormando and Thomas Worcester (Kirksville, MO., 2007), 64-89.

³ On this, see Andrea Zorzi, "L'organizzazione del contado e del distretto," in *La trasformazione di un quadro politico* (Florence, 2008) [hereafter "Zorzi, *La trasformazione*"], 209-256 and "Il dominio territoriale: formazione e pratiche di governo," 257-279.

Tuscany's dominant power.⁴ Already more populous than local competitors before the Black Death, Florence would weather subsequent revisitations of plague better than Siena, Pistoia, or Lucca.⁵ This combined with ongoing warfare, periodic famines, and terminal political instability steadily reduced Florence's competitors in the jungle warfare of Tuscan city-state rivalry. After miraculously surviving the final and most dangerous of its wars with Visconti-ruled Milan in 1402, Florence was the dominant power in Florence; its brutal siege and subjugation of Pisa in 1406 can be taken as the culmination of a process with roots in the consular age.

It is important to remember, however, that the Black Death struck a society that was already in crisis. Europe by the 1340s was already in the grip of the Little Ice Age, and had been subject to periodic waves of famine since the famous one of 1315.⁶ Tuscany was the scene of frequent warfare between Florence and all its neighbors. Wars with strongmen like Mastino della Scala of Verona or Castruccio Castracani of Lucca were only larger-scale examples of ongoing strife. Giovanni Villani, himself a victim of the 1348 plague, famously depicted 1338 as a capstone for Florentine power and prosperity. Following him, Florence's first great modern historian, Robert Davidsohn, ended his exhaustive history of medieval Florence in that year. The political strife discussed in chapter 5 should, then, be understood as a process in which the general, structural crisis

⁴ See Zorzi, "il dominio territoriale," in *La trasformazione di un quadro politico* (Florence, 2008), at 257-260, for Tuscan population at mid-century.

⁵ On Lucca and its rural territory during this period, see Franca Leverotti, "La crisi demografica nella Toscana del Trecento: l'esempio delle Sei Miglia lucchesi," in *La Toscana nel Trecento*, S. Gensini, ed. (Pisa, 1988), at 67-150.

⁶ See William Chester Jordan, *The Great Famine* (Princeton, NJ., 1998), for the history of the Great Famine of 1315-1322.

of later medieval Europe worked its way through the particular social relations and institutions of Florence and its rural territories.

The *anno caldo* of 1343 demonstrates how strained Florentine society had become under the pressure of incessant warfare, falling indirect tax (*gabelle*) receipts, periodic famines, and above all, the collapse of the city's great banking companies, above all the Bardi and Peruzzi.⁷ As historians since Marvin Becker have shown, the crippling costs of warfare, the public debt, and the collapse of the banking companies played a fundamental role in transforming the medieval commune into a harsher, more authoritarian and more narrowly oligarchic "work of art", Jacob Burckhardt's famous Renaissance state. The critical months of late 1343 surrounding the expulsion of the Duke of Athens demonstrate how high the stakes had become for all parties in Florentine politics.

Faced with a post-expulsion priorate composed by the bishop and a coalition of magnate and non-magnate elite families, the urban *popolo* reacted swiftly. The magnates barricaded their urban enclaves on September 22 1343, and fighting began three days later. In urban warfare not seen the civil war between Black and White Guelfs of the first decade of the century, the *popolo*'s self-organized militia overwhelmed the magnates. The Oltrarno was the magnates' stronghold in this last old-style war with the *popolo*. Villani claims that the *grandi* had solicited the aid of a rogue's gallery of popular enemies: "the counts [Guidi and Alberti], the Ubaldini, the Pisans, and some of the tyrants of Lombardy and the Romagna".⁸ Following their victorious descent on the Bardi

⁷ On the events of 1343, see G. Villani, *Cronica*, 13.16-28.

⁸ G. Villani, *Cronica*, 13.21: "Stando tutta la città inn arme e gelosia, i grandi del popolo e 'l popolo de' grandi, comè detto, dicendosi molte e varie novelle per la terra, e

Oltrarno enclaves from the hill of S. Giorgio, the Florentine *popolo* destroyed 22 of the family's palaces and homes, and reinforced the Ordinances of Justice.

This was only one of many crises the commune faced in the 1340s. The Peruzzi had defaulted in 1343, and the Bardi would in 1346, the same year as a major famine; the plague arrived in 1348. The third popular regime, which had seized power following the September fighting of 1343, would be undermined by this sequence of catastrophes. It was the tragedy of Italy's popular regimes that they were the product of the economic boom period lasting from the later eleventh to the early fourteenth century.⁹ When the economy lurched into crisis, as it did throughout Eurasia following the disintegration of the *pax Mongolica*, the social relations and political institutions thrown up by the boom period could not weather the challenge.

Thus, it seems fitting to end this study in 1350. The 1350s and 1360s were difficult times for Florence, as for most places in Europe. The War of the Eight Saints (1375-1378) would precipitate the next great political-institutional crisis in the commune's history. Any study of the state and social conflict in late medieval Florence must address the Ciompi Revolt (1378), and this study does so by deliberately avoiding it. The event of the Ciompi occupies a special place in Florentine history, and is

come i grandi arebbono grande aiuto da' conti e Ubaldini e Pisani e d'altri tiranni di Lombardia e di Romagna, e che dovieno afforzarsi Oltrarno, ch'avieno la signoria di tutti i ponti, e di qua fare cominciare l'assalto giovedì XXV di settembre.....”

⁹ On the Italian late medieval crisis, see above all the works of Giorgio Cherubini: *Una comunità dell'Appennino dal XIII al XV secolo* (Florence, 1972); *Signori, contadini, borghesi*. (Florence, 1974). On Cherubini's work on the late medieval crisis, see Franco Franceschi, “Giovanni Cherubini e la crisis tardo-medievale,” in *Uomini, Paesaggi, Storie*, eds. D. Balestracci, et. al. (Florence, 2012), 1131-1149.

consequently the subject of a large body of scholarship.¹⁰ Yet the bright light of 1378 should not obscure the longer-term developments that lay behind the group and event of the Ciompi. Throughout this study, I have tried to keep in mind historian Alma Poloni's argument that the medieval *popolo* saw itself as conservatives, not revolutionaries: even as it challenged the *milites* for political power in the thirteenth century and drastically reconfigured the communes, the *popolo* saw itself as defending the traditions of the early communes, not subverting them.¹¹ I would argue that, in the same way, the language, symbols, and actions of the 1378 rebels hearkened back to those of the radicals of the 1290s, as much as they evoked any future themes of class struggle.

This study began with the late eleventh-century crisis and collapse of the Kingdom of Italy, following the civil wars between emperor Henry IV and pope Gregory VII. In the first chapter, I sketched the geographical and political background to the emergence of Florence as a commune, and its sense of civic identity. The multifaceted eleventh-century crisis of the Kingdom was balanced by an underlying economic dynamism in many of its constituent parts, especially the seaports (Genoa, Pisa) and the traditional mercantile and royal centers (Milan; Pavia; Lucca). When the structure of the state buckled and collapsed in the early twelfth century, the urban society which had always undergirded it in north-central Italy were buoyed along in their *ad hoc* improvisations by a baseline prosperity that would last until the late thirteenth and early

¹⁰ See most recently: Ernesto Screpanti, *L'angelo della liberazione nel tumulto dei Ciompi* (Siena, 2008) and "La politica dei Ciompi: petizioni, riforme e progetti dei rivoluzionari fiorentini del 1378," *ASI XLCV* (2007): 3-56; Patrick Lantschner, "The 'Ciompi Revolution' constructed: Modern historians and the nineteenth-century paradigm of revolution," *Annali di Storia di Firenze* 4 (2009): 277-97; and A. Stella, *La Révolte des Ciompi: Les hommes, les lieux, le travail* (Paris, 1993)

¹¹ See Alma Poloni, *Potere al poplo*, 31-36, for the *popolo's* self-perception as restorationists.

fourteenth centuries. Florence's first popular regime (1250-1260) exemplifies this: led by the city's popular elite, it embarked on an ambitious program of urban public works and aggressive expansion in Tuscany.

In my analysis of the Ordinances of Justice and their social context, I argued that their various redactions expressed, and were shaped by, the balance of power between magnates and *popolo*, but also between the *popolo minuto* and the *popolo grasso*, particularly its leading group of judicial experts and elite merchants. This ruling group initially drafted the Ordinances as a defensive reaction to the violence and arrogance of the *grandi*. Yet the *grassi* quickly lost control of the situation. In the period 1293-1295, Giano Della Bella's faction of the *popolo* attempted to reconfigure the commune into a tool of class struggle against the magnates. Their goal was to permanently eliminate the *grandi* from civic life. They were frustrated in this for numerous reasons. I have emphasized the structural limitations on popular action, compared to the tactical and strategic position of the *popolo grasso* and the magnates.

Remigio dei Girolami's sermons to the priorate encapsulate the tension in the city during the 1290s, and the popular elite's desire for social peace at any price. These sermons legitimized the *ceto dirigente*'s deposition and exile of Giano Della Bella, and Remigio would later play a role in protecting the magnates from popular vengeance following their abortive revolt of July 5 1295. This intervention led directly to the renewed factional strife of the first decade of the 1300s. Defeated and humiliated, but not destroyed, by the popular coalition of the 1290s, Florence's elite would launch the city on one more bout of pyrrhic civil war, which would end in 1308. Such destructive, outright warfare would not explode again in medieval Florence, with the exception of 1343.

In the third chapter, my focus shifted from the development of popular politics and social developments to the functioning of popular institutions. Although Florence's popular courts regularly heard cases from the *contado*, and rural complaints in fact dominated the Executor's caseload, little work has been done on the mechanics of how knowledge of these institutions percolated among rural people. Evidence from the commune's statutes and rural denunciations indicates that the lowest strata of communal officials, the locally-appointed *rettori*, as well as the courts' messengers, were the crucial middlemen standing between the urban courts and rural people.

Knowledge of the denunciation and inquisitorial systems was widespread in the Florentine *contado*. Denunciations to the Executor's court followed a fairly sophisticated rhetorical and lexical format, situating particular crimes within a broader popular discourse based on popular solidarity against the magnates, and the value of social peace. This popular discourse had its roots in the sociopolitical struggles of the thirteenth century, and had become a fundamental part of Florentine political culture by the 1340s. This legal knowledge was essential for users of the inquisitorial system, such as the rural notary Andrea di Ugo profiled in chapter 4. Following a discussion of the inquisitorial procedure in a Florentine context, I explored there the intersections of judicial procedure, social networks, popular discourse, and the politics of land through a case study of the dispute between the notary Andrea and members of the magnate Pulci lineage. This revealed the tactics available to rural people when pursuing disputes through the popular courts, and the manner in which the inquisitorial process could turn on its users. The case study also indicates how individual *popolani* could try to use the courts to pursue their own goals, and the importance of social networks for their success or failure.

The final chapter of this study focused on the limitations of Florentine justice for rural people. These were manifold: overloaded and technically-minded public courts were rarely aggressive in pursuing magnate criminals, and the commune's power to enforce its verdicts was limited in the countryside. These limitations, and the violence rural people were exposed to, served as a brake on rural peoples' willingness to cooperate in anti-magnate inquests. This is in spite of an ongoing stream of denunciations. This apparent paradox can be explained in two ways. Denunciations were not lodged simply to end magnate oppression of rural people. As the case of Ser Andrea shows, they could also serve as tactical tools for those knowledgeable and daring enough to use the courts against their enemies. Thus, successful condemnation of those being denounced was not necessarily the goal of denouncers. Furthermore, those cited as witnesses often had little incentive to cooperate, for the same reasons. The chapter concluded with a discussion of the logic of magnate violence, from the perspective of familial strategies for surviving a period of economic recession and political uncertainty.

Closing remarks

The *popolo* as an organized entity for political action originated as a defensive reaction, to the military elite's monopolization of political power and offices in the thirteenth-century communes. During the thirteenth century, this popular movement-itself never homogeneous- succeeded in dramatically expanding the number of citizens involved in public affairs, and curtailing the violence and urban power bases of the *grandi*. Buoyed by the thirteenth-century economic boom, which stimulated Florence's unprecedented economic growth and political expansion, the Florentine *popolo* was occasionally strong enough to tame, if not entirely defeat, the military elite. At Florence,

popular initiatives lay behind important aspects of state formation. These included the popular militia, publicly-funded building programs, numerous public institutions, and the Ordinances of Justice. These initiatives played an important role in the emergence of Florence as a major Italian power, and helped to reshape Florentine society and political culture.

The late medieval *popolo*, as a political group which sometimes succeeded in occupying and reconfiguring the machinery of government (above all at Bologna, Florence, Perugia, and Siena), faced a problem that had undermined the podestarial and consular-era communal regimes, and many other states in European history. How to prevent the usurpation and patrimonialization of public offices, finances, and resources? And how to govern or at least pacify and develop a prosperous urban core capable of protecting Florentine merchants and surpluses in the *contado*, in the face of competition from aggressive neighbors and unruly feudal lords?

It is notorious that popular government in Italy was often followed by the sort of private lordship (*signoria*) that the popular movements of the thirteenth century organized to prevent.¹² At Milan, aristocratic reaction to the *popolo* produced the Visconti *signoria*, and Ottone Visconti would later mobilize the *popolo* to neutralize his enemies among the nobles. At Florence, the last and most dramatic outburst of popular politics, the Ciompi revolt and its aftermath, played a major part in forming the medium-term conjuncture that resulted in the Medici coup of 1434.

¹² The best recent studies of the late medieval *signorie* are Andrea Zorzi, *Le signorie cittadine in Italia (secoli XIII-XV)* (Milan, 2010), and Riccardo Rao, *Signori di Popolo. Signoria cittadina e società comunale nell'Italia nord-occidentale, 1275-1350*. (Milan, 2012).

I would like to stress here that it seems facile to evaluate the “success” or “failure” of the Florentine *popolo*, much as historian William Caferro argued regarding its Sienese peers. Evaluating the popular regimes of medieval Italy as successes or failures implies some sort of privileged position of judgment that historians today are ill-equipped to take. Moving beyond this requires trying to get a sense of what dilemmas the Italian cities shared with other premodern polities, north of the Alps and in the Mediterranean world they helped shape. I hope that this study has contributed towards putting the fascinating, idiosyncratic, but not entirely unique, experience of late medieval Italians into dialogue with that of their rough contemporaries in western Eurasia.¹³

There is a paradox at the heart of this study, and it derives from the sources I have relied upon. On an empirical level, one of the most typical documents of a regime and institution intended to protect non-elites from elite violence, and secure the countryside against this, are the volumes of denunciations, largely from rural people, against the violence and abuses of the elite, against which Florence’s popular offices remained helpless, or indifferent (probably both). One result of this development was the creation of a careful, diligent record by state officials of the limitations, self-imposed or otherwise, on their own power, despite over a century of Florentine public power’s expansion in everything from monumental building (the Palazzo del Podestà; the Palazzo della Signoria) to judicial techniques and practices (adoption of a mixed inquisitorial procedure; the use of anonymous denunciation). One of the most ambitious goals of Florence’s second popular regime, the protection of the poor and powerless from the

¹³ See Patrick Lantschner, “Fragmented cities in the later Middle Ages: Italy and the Near East compared,” *English Historical Review* 130: 544 (2015): 547-582, for an interesting essay in this direction.

arrogance and violence of the great, allows scholars to uncover something of the gap between intention and result in a society that, even at Florence's early fourteenth-century height, was severely constrained by every aspect of its world, from epidemic disease to debt default in a capital-short economy.

In my analysis of Florence's popular regimes and the horizons of rural people, I have emphasized their contemporary social context and the immediate past. Surely these emphases are as valid as uncovering what the communes share with us moderns, whether this is, as one wishes, civic humanism, participatory politics, cultural achievements, or the economic activities of their greatest families.¹⁴ Philip Jones famously said that the thirteenth-century popular governments raised, but failed to solve, the question of government. The implication was that the early modern principalities, such as the Medici, Visconti, Sforza, or post-Avignon papacy, successfully solved the problem of government for the Italian cities. I would respond by repeating Lenin's question, who/whom: Solved by whom, for whom, at whose expense, and as a result of whose defeats?

¹⁴ On civic humanism see above all Hans Baron, *The crisis of the early Italian renaissance* (Princeton, NJ, 1966 [1955]), and James Hankins, "The 'Baron Thesis' after forty years and some recent studies of Leonardo Bruni," *Journal of the History of Ideas* 56 (1995): 309-38; Ronald G. Witt, *In the footsteps of the ancients. The origins of humanism from Lovato to Bruni* (Boston, 2000). On republicanism and the Renaissance, see: Frederick C. Lane, "At the roots of republicanism," *AHR* 71 (1966): 403-274; Anthony Molho, "The Italian renaissance, made in the U.S.A.," in *Imagined histories*, eds. A. Molho & G. Wood (Princeton, NJ, 1998), 263-94; Edward Muir, "Was there republicanism in the renaissance republics? Venice after Agnadello," in *Venice reconsidered*, eds. J. Martin & D. Romano (Baltimore, 2000), 137-67.



Figure 6: *Via dei martiri del popolo*, Florence. Photograph by the author, March 2015.

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Map Appendices: Medieval Florence and its Environs

All maps by the author, using ©GoogleEarth imaging

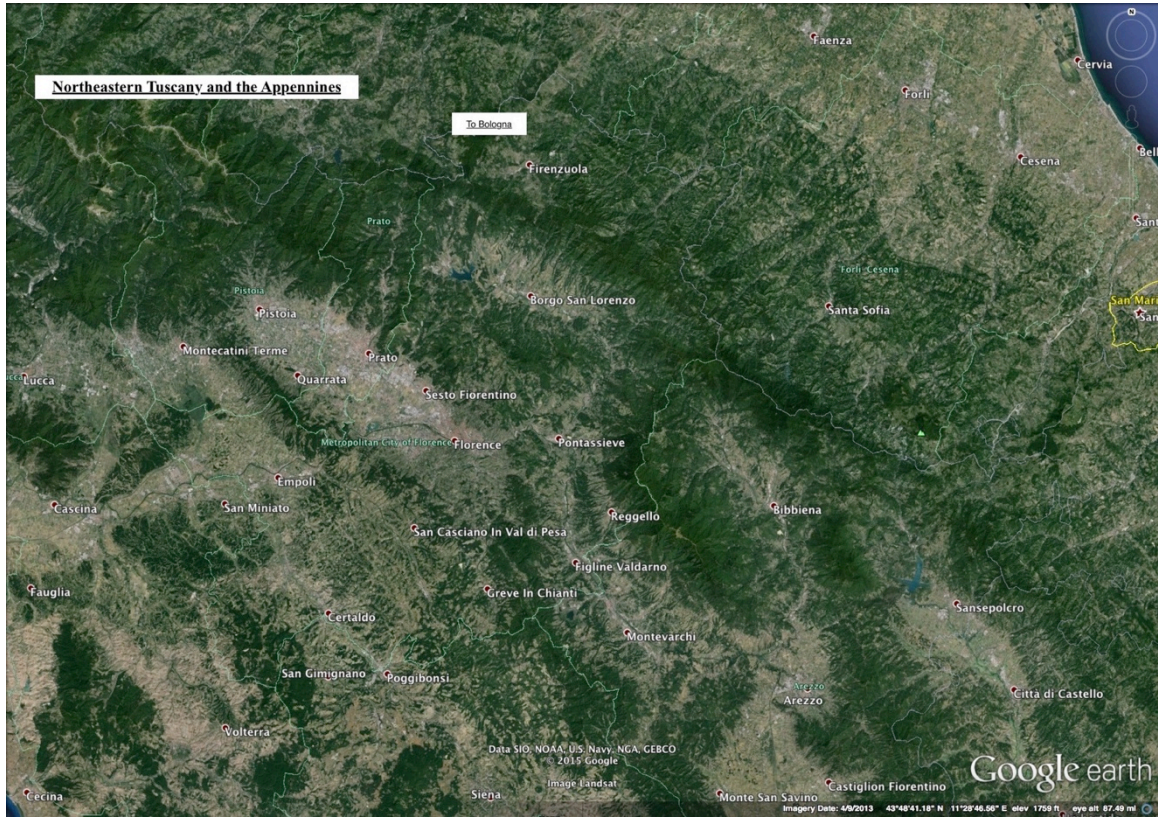
- 1. The Contemporary Province of Florence and Central Italy**
- 2. Central Florence as it appears today, with some significant medieval buildings marked**
- 3. Northeastern Tuscany and the Tuscan-Romagnole Appennines**
- 4. The North-Central Florentino**
- 5. The Mugello and the Upper Val di Sieve: The Modern Landscape**
- 6. The Upper Arno Valley (Valdarno di Sopra)**
- 7. The Upper Val di Sieve: Barberino di Mugello and Latera**
- 8. Latera and its environs, with contemporary toponyms**
- 9. The Val di Sieve with Bardi holdings, ca. 1343**



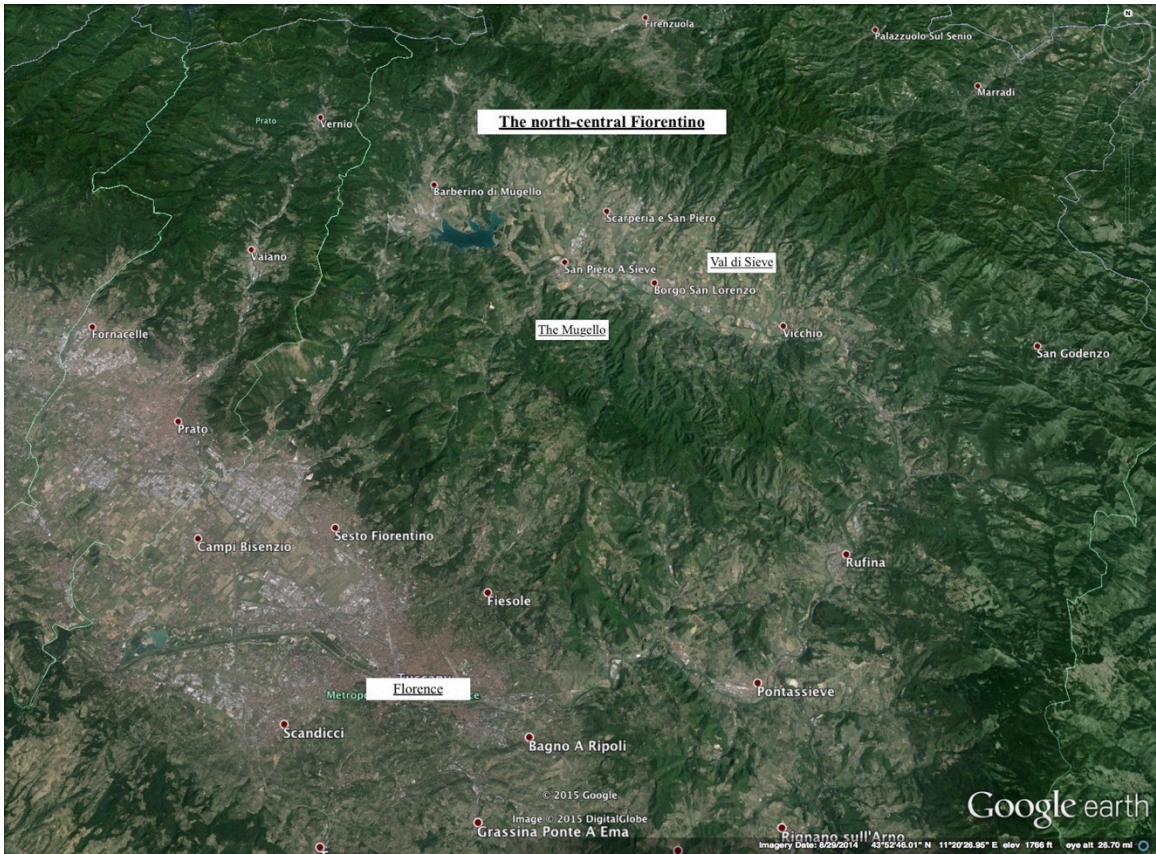
Map Figure 1: The Modern Province of Florence within the *regione* of Tuscany, and the Apennine core of north-central Italy



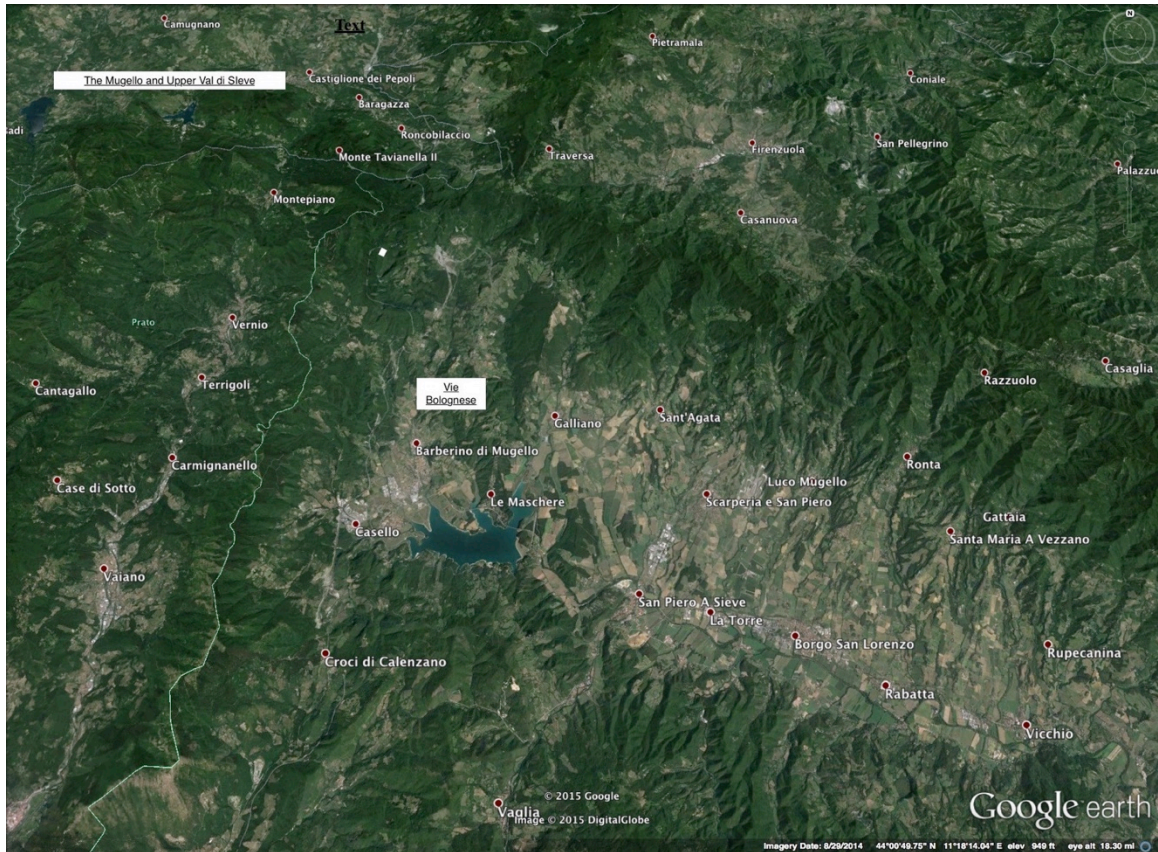
Map Figure 2: Central Florence as it appears today. Ognissanti was founded in 1251, S. Maria Novella in 1279



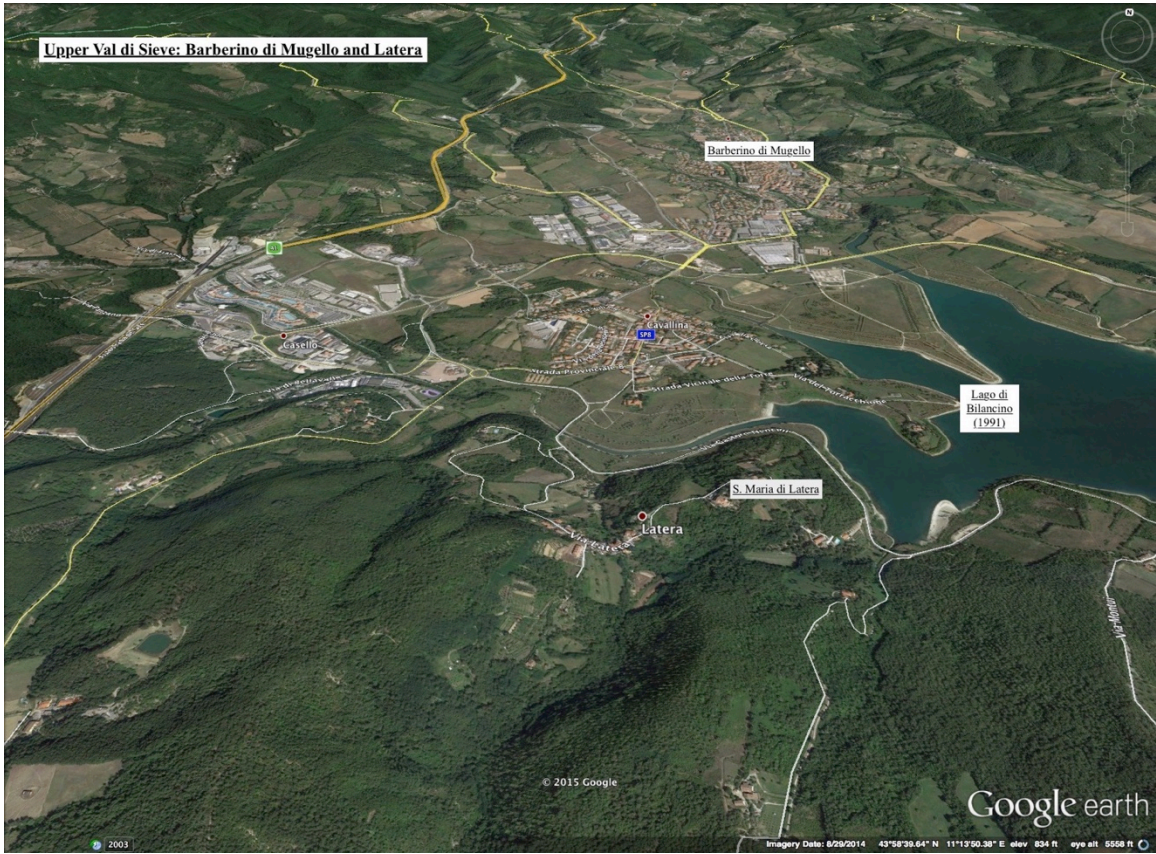
Map Figure 3: Northeastern Tuscany and the Tuscan-Romagnole Appennines



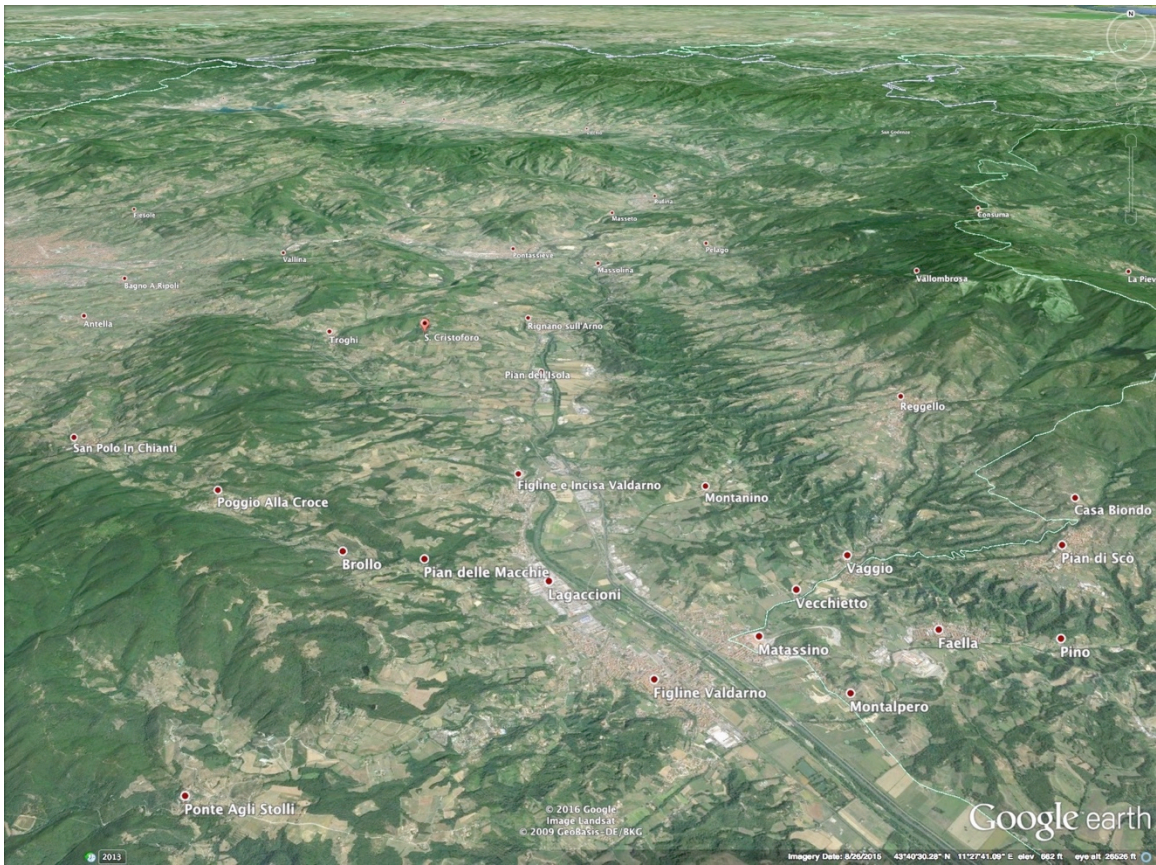
Map Figure 4: The North-Central Florentino



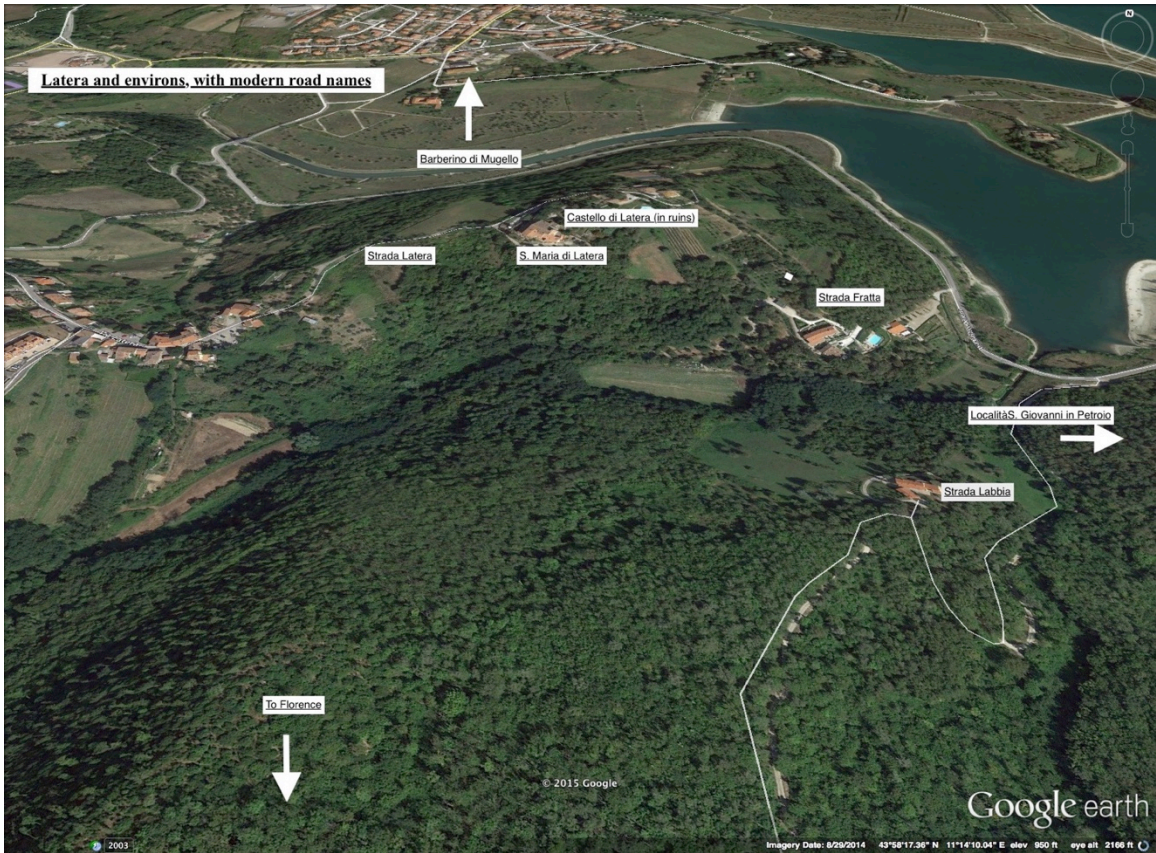
Map Figure 5: The Mugello and the Upper Val di Sieve: The Modern Landscape (Lago di Bilancino is a twentieth-century creation)



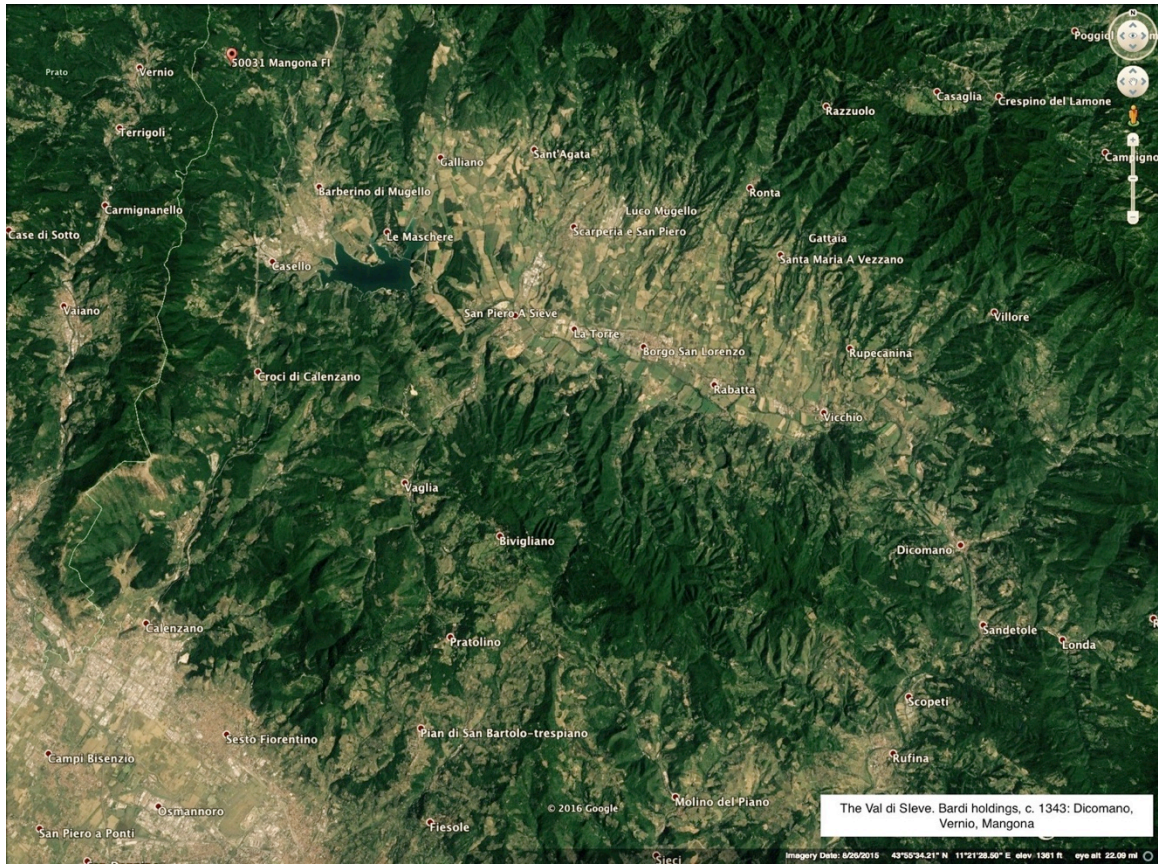
Map Figure 6: Detail of the modern Val di Sieve, with Barberino di Mugello and Latera and the modern road network



Map Figure 7: The Upper Arno Valley (Valdarno di Sopra)



Map Figure 8: Ladera and its environs with local toponyms



Map Figure 9: Bardi holdings in the area of the Val di Sieve and the area of Pontassieve: Vernio, Mangona, Dicomano (Pozzo), and the Rignano Sull'Arno area

